HOUSE OF REPRESENTATIVES—*Thursday, October 21, 1971*

The House met at 12 o'clock noon.

Daniel C. Kechel, senior minister, First Christian Church, Portland, Oreg., offered the following prayer:

O Thou who shepherds persons of good will through life's green pastures and its dark valleys, we implore Thy presence in these deliberations. May these captains of our Nation's destinies feel the unspoken praise of multitudes grateful for the patient way they hammer out alternatives to despair in today's unprecedented problems.

For the sense of wonder, of friendship, and sense of humor which save us from moods that erode our humanity, we give Thee thanks.

On the eve of this holiday, we remember those who valiantly lived and died for America's experiment in human dignity—the frozen ghosts at Valley Forge and the dear and glorious men and women since whose memories forever mix within the mortar from which we form a more perfect union. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 923. Joint resolution to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act.

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

H. Con. Res. 429. Concurrent resolution providing for an adjournment of the two Houses from Thursday, October 21, 1971, to Tuesday, October 26, 1971.

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

S. 749. An act to authorize U.S. contributions to the Special Funds of the Asian Development Bank; and

S. 2010. An act to provide for increased participation by the United States in the International Development Association.

PERMISSION FOR THE COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON MILITARY CONSTRUCTION APPROPRIATIONS, 1972

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

Mr. GROSS reserved all points of order on the bill.

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

There was no objection.

PROPOSED PRAYER AMENDMENT

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

Mr. PASSMAN. Mr. Speaker, I am sure that without exception the proponents of the prayer amendment are well-meaning Members and I shall not say anything that could be interpreted otherwise.

I am thoroughly convinced that even good people with good intentions can misinterpret a good opinion.

At the time the Supreme Court handed down the so-called prayer opinion, I supported the Court, and a story on my position was carried in almost all of the newspapers in my State. I want to reiterate that position at this time.

Of course, I signed the petition now on the Speaker's table but I signed it for clarification and not modification of the opinion.

The way I read the opinion, the Supreme Court was very careful to point out that it was only ruling against governmentally required recitation of an officially composed prayer.

Mr. Speaker, I ask unanimous consent to place in the Extensions of Remarks of the RECORD three specific explanations of the Supreme Court's opinion to be inserted separately.

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

There was no objection.

GRAIN IMPORTS INTO THE COMMON MARKET

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

Mr. MAHON. Mr. Speaker, this week, representatives of the Common Market are meeting in Washington with Secretary of Agriculture Hardin and other officials to discuss a number of trade matters.

It would be my hope that such bilateral talks would include a thorough inspection of the grain imports into the Common Market. I have been deeply concerned that the present Common Market threshold price of grain sorghum in relation to corn has in fact amounted to an embargo because it puts grain sorghum out of effective competition pricewise with corn. I hope that during the talks with our European friends attention will be given to allowing grain sorghum to assume its traditional and proportionate share of the grain market.

It is imperative that representatives of the United States work diligently to secure modification of Common Market procedures which impose undue burdens upon American agriculture.

IF YOU'VE GOT IT, A TRUCK BROUGHT IT

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

Mr. LANDGREBE. Mr. Speaker, this week, some 3,000 members of the American Trucking Association held their annual convention at the Washington Hilton Hotel. It is a good time for each of us to reflect on the trucking industry's great contribution to our national economy.

The most obvious contribution is found, of course, in the slogan "If you've got it, a truck brought it." The American trucker represents both the first and final phases of all modes of transportation. Even items which travel by air, water, or rail depend on trucks to reach their final destination.

But trucking contributes much more to our national economy than transportation. In 1969, over 8 million people were employed by the trucking industry, which means that trucking is the second largest employer of any business in America. Only agriculture employs more people. In fact, one out of every 10 paychecks in America comes from trucking. At an average wage of over $9,800 a year, this is a lot of consumer buying power injected into the economy.

Also, the trucking industry buys more than 2 million new trucks and trailers every year. In 1968, truckers bought 21 million tires, 1.4 billion quarts of oil and 21 billion gallons of fuel.

Taxes? Truckers pay more than their share. Although trucks make up only 16 percent of all vehicular traffic, trucking pays 40 percent of the taxes that support the highway trust fund. Unlike other modes of transportation that are depending on governmental subsidy, the trucking industry is paying its own way.

Finally, we must pay a special tribute to the gentlemen of the road—the American truckdrivers. The courtesy and Good Samaritan tradition of the American truckdriver is well known to every motorist. According to the National Safety Council, the trucker's safety record is admirable. While trucks make up 16 percent of the Nation's vehicle fleet, only 8.8 percent of all vehicles involved in traffic accidents were trucks.

America has more of everything than any other country in the world. In short, America's got it. And a truck brought it.

MILITARY SURVIVOR BENEFIT PLAN

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

Mr. FISH. Mr. Speaker, later today the House of Representatives will be voting on legislation to establish a military sur-

vivor benefit plan—H.R. 10670. The purpose of this overdue measure is to establish a universally applicable program to protect the rights of survivors—widows and children—of retired military personnel.

Right now, if a military man dies on active duty or a retired serviceman dies from a service-connected cause, we have provided for his survivors. However, in most cases, if a retired serviceman dies from a non-service-connected cause his survivors do not receive any of his retirement benefits. This lack of assured survivor protection is one of the few gaps in an otherwise outstanding program of benefits available to military personnel.

This bill permits career members of the Armed Forces an opportunity to leave a portion—up to 55 percent—of their retired pay to their survivors at a reasonable cost. The bill would also provide a minimum income guarantee for all military widows to assure an income of at least $2,000 per year. Further, all those now on the retired rolls would have 1 year in which to enroll in the new program with no back payment required.

These elements, Mr. Speaker, compromise a plan that will meet our moral obligations to insure that a man can commit himself to serving his country without subjecting his wife and children to undue economic hardship.

Therefore, I strongly urge the House to approve H.R. 10570.

COMMENDATION BY THE NATIONAL ASSOCIATION OF RETARDED CHILDREN OF THE HONORABLE ROBERT N. GIAIMO OF CONNECTICUT

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

Mr. MONAGAN. Mr. Speaker, it is a pleasure to note that the work of our colleague, Hon. ROBERT N. GIAIMO, of Connecticut, on behalf of retarded children, has been commended by the National Association of Retarded Children at that association's 22d annual convention in Denver, Colo.

I think all Members will recall the leadership displayed by Mr. GIAMIO during debate this past summer on the Labor, HEW appropriations bill for fiscal year 1972.

His accurate and forceful demonstration of the wisdom of increased Federal support for the Developmental Disabilities Act was instrumental in increasing appropriations to help the retarded and others born handicapped or disabled.

I was proud to have been part of the substantial majority of Members voting with BOB GIAIMO on that appropriations measure. I know that his work on that measure was a reflection of interest in the retarded and the handicapped first developed during his service on the Education and Labor Committee, and I know also that his interest in this field will continue.

The moral and historical obligations of the Federal Government to the handicapped are great, and programs run by the volunteers and professionals in the National Association for Retarded Children and other well-known associations in this field have proven an effective and economical way to discharge and meet those obligations.

The complete resolution of the NARC is below:

NATIONAL ASSOCIATION FOR RETARDED CHILDREN NO. 2, 22D ANNUAL CONVENTION, DENVER, COLO.

Whereas, Representative Robert Giaimo of Connecticut has a record of dedicated service and concern for the handicapped of the nation, and

Whereas, he has demonstrated particular understanding of the needs of retarded children and adults, and

Whereas, as a result of his enlightened leadership and parliamentary skill, he obtained overwhelming support in the House of Representatives to increase substantially the appropriation for the Developmental Disabilities Act;

Now therefore be it resolved that the 22nd Annual Convention of the National Association for Retarded Children unanimously commends Congressman Giaimo and expresses its sincere appreciation to him.

ADJOURNMENT OF THE HOUSE FROM OCTOBER 21 TO OCTOBER 26, 1971

The SPEAKER laid before the House the concurrent resolution (H. Con. Res. 429), providing for an adjournment of the two Houses from Thursday, October 21, 1971, to Tuesday, October 26, 1971, together with the Senate amendments thereto.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

(1) Page 1, line 3, strike out "they" and insert: "the House".

(2) Page 1, line 4, strike out "1971." and insert: "1971, and the Senate until 11 antemeridian on the same day."

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR THE COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 10670, ARMED SERVICES SURVIVOR BENEFIT PLAN

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 617 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 617

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. 10670 to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, I yield myself such time as I may require, and following my remarks I shall yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN).

The SPEAKER. The gentleman is recognized.

Mr. O'NEILL. Mr. Speaker, House Resolution 617 provides an open rule with 2 hours of general debate for consideration of H.R. 10670 to establish a survivor benefit plan for members of the Armed Forces in retirement, and for other purposes.

The principal purpose of H.R. 10670 is to establish a survivor benefit program for military personnel in retirement which would supplement social security survivor benefits. All career members of the Armed Forces would be provided an opportunity for coverage at a reasonable cost.

The survivor annuity is 55 percent of the member's retirement pay. A monthly deduction would be made from the retiree's pay of 2½ percent for the first $300 and 10 percent for all over that. His income during his active-duty years would not be affected. The deductions would pay, on the average, approximately 60 percent of the annuity.

All retirees who are married and/or have dependent children would be covered unless they elect not to be covered. The annuity would be 55 percent unless a retiree elects a reduced base on which to provide an annuity.

The legislation authorizes the attachment of up to 50 percent of military retired or retainer pay to comply with the order of a court of competent jurisdiction in favor of a spouse, former spouse, or children.

A retiree who is unmarried and has no dependent children at the time of his retirement but who marries later may elect to participate within 1 year after the marriage. A retiree who is unmarried and has no dependent children may elect to provide an annuity to a person with an insurable interest in him; however, the cost-sharing formula would provide for a 10-percent reduction in retired pay, plus an additional 5 percent for each 5 years the named annuitant is younger than the retiree, up to a maximum of 40 percent in reductions.

The annuity would be paid to a widow or widower until remarriage if the marriage occurs before age 60. If the survivor remarries before age 60 and the marriage terminates, the annuity would be resumed.

Dependent children would be covered until reaching the age of 18 or until

reaching the age of 22 if going to school full time.

All present retirees could join the program regardless of age.

The present retired serviceman's family protection plan would be phased out.

Dependents of retirees who die of a service-connected cause are and would continue to be eligible for dependency and indemnity compensation payments. If such retiree is covered under this program also, the annuity would be the higher of the two.

Military retirees who waive a portion of their retired pay and receive in lieu thereof service-connected disability pay, would be eligible for the program on the same basis as other retirees, provided the same deductions were made from the retired pay.

At age 62 or after her children are no longer eligible for social security benefits, the annuity a widow receives would be reduced by the amount she receives from social security attributable to her husband's active military service.

The bill provides a special program to assure present widows an income of approximately $2,000 a year.

The cost of the legislation concerning current widows is estimated at $47 million annually for the first 5 years, with the cost decreasing gradually thereafter.

The supplement to survivors of active-duty personnel who are eligible for retirement but die while on active duty would cost approximately $725,000 the first year, increasing each year by a like amount.

However, for the major new Survivor Benefit Plan, the deductions from retired pay will exceed the cost of benefits for many years—at least until the year 2000.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

I yield to the gentleman from Tennessee.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purposes of the bill are to create a survivor benefit program for retired military personnel and their families, and to further create a minimum income guarantee for current military widows who cannot qualify for benefits of the survivors benefit program.

At the present time the military retiree has no universal program to protect his family in case of his death. Of course, dependents of men who die on active duty are always protected for life under existing law. For dependents of military retirees present survivor protection includes social security annuities if the widow is eligible, and the retired serviceman's family protection plan, which is very expensive, particularly for retirees with smaller annuities.

In creating a survivors benefit program for dependents of military retirees the committee used as its guide the civil service retirement system, adapting as necessary to meet peculiar factors of the military.

Under the bill military personnel may elect to protect their surviving dependents, widow and minor children, at a level of 55 percent of their retirement annuity—the same percentage in the civil service system. The retiree would share in the cost of the program by a deduction of 2½ percent in the first $300 of his monthly annuity, and of 10 percent for any amount over that total.

All retirees, as they leave active duty, would be automatically covered if they have wives or minor children unless they elect not to participate. A single person may elect to participate and to provide a survivors benefit to any person who has an insurable interest in him. If a retiree who is single later marries, he may, within a year of the marriage, elect to enter the program.

Upon the death of a participating military retiree the survivors benefit of 55 percent of the retiree's annuity, vests in his widow for her life. If she is not living it goes in equal shares to the minor children, those under age 18, or if in school, under age 22. Adopted children are included, as are foster children.

Present retirees are also eligible to participate. No lump sum payment is necessary; they may elect to enter the program and begin their deductions when the program is initiated. Their survivors will receive full benefits.

Social security benefits payable to the retiree are not affected by this legislation, except for those benefits payable to a widow which are based on her husbands social security earned while he was on active duty in the military service. Even in such cases there will be no reduction in a widow's benefits before age 62, when full social security benefits are available. She will in any event receive 55 percent of her husbands full annuity for her life.

The bill also creates a program of assistance for current military widows, who, of course, cannot receive benefits under the new program. It provides an income guarantee to ensure that widows will have at least $2,000 in annual income. Those below that figure will receive supplemental payments.

Finally, the bill provides assistance for divorced wives and dependent children of military retirees. In many cases where courts have decreed alimony and/or support payments the retirees can effectively negate this by moving to another jurisdiction. Government payments cannot be attached or garnished, courts have held, without agreement by the Government. The bill gives this permission, allowing up to 50 percent of a retirees annuity to be attached to pay such alimony and/or support payments ordered by a court.

The committee estimates that the legislation will not require additional costs because if the projected 85 percent of all retirees enter the program deductions from retirement annuity payments in the form of pay-ins will more than offset survivor benefit payments. The benefits for widows who cannot receive benefits under the new program will total about $47,000,000 for the next decade and then gradually decrease to zero in about 35 years. These estimates assume an annual pay increase of 5 percent and an annual 1½-percent increase in the Consumer Price Index, both factors which act to increase retirement annuities.

The bill is supported by the Department of Defense. It was reported unanimously, 35 to 0. An open rule with 2 hours of debate has been requested.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Speaker, I thank the gentleman from Tennessee for yielding to me.

Mr. Speaker, I take this time during consideration of the rule solely for the purpose of pointing out that there is one highly unusual provision in this bill; namely, section 4. At page 38 of the report I have filed additional views regarding this particular provision which for the first time in the long history of the Federal Government would allow the attachment of a Federal paycheck to satisfy a local court order.

Let me say at the outset I am philosophically in favor of that provision. I do not believe that it is right for a man to evade his responsibilities as ordered by a court. I come from a community property State where that is accepted as an obligation which should be met. All States which are influenced by the Spanish law do, as opposed to the British common law, employ that sort of provision. But I think it should be pointed out to the membership that the step we are taking here today is very, very far reaching and in effect it gives blanket consent on the part of the sovereign U.S. Government to be sued for the satisfaction of a local court order.

As I have pointed out in my additional views, I foresee trouble because suppose a divorced spouse could get a judgment in one State and her husband could get a contrary judgment in another State. That happens all the time. Which one of those judgments is the Federal Government going to honor?

Let us know what we are doing here. We are for the first time allowing the attachment of Federal pay. Strangely enough, only retired pay is to be attachable, but active duty pay cannot be attached, just as civil service pay cannot be attached.

Mr. Speaker, I asked the Library of Congress to do a legal rundown on this matter, and they have prepared a résumé of cases pertinent to this subject. The sum and substance of those cases is that if Congress wants to give consent for such attachment, it can do so. That is what this bill does and the membership should realize it. But these cases which are cited by the Library of Congress and have been upheld as late as 1967, *hold* that an individual does not have the right to attach salary or pay which is within the jurisdiction of a Federal paymaster. That is the situation today, and we are going to be changing it.

Mr. Speaker, at this point I include the analysis by the Library of Congress:

THE LIBRARY OF CONGRESS CONGRESSIONAL RESEARCH SERVICE,
October 28, 1971.

To: Hon. CHARLES GUBSER.
From: American Law Division.
Subject: Re. Attachment of Military Retirement Pay.

Reference is made to your inquiry of above date for information on the aforementioned

subject. Specifically, you ask us to examine the precedents for any light they may throw on the general assertion that allowing attachment of military retirement pay is such a radical departure from established practice as to signal caution rather than haste in connection with the current proposal.

The precedents which relate to federal monies in varying context are uniform in sustaining the proposition that Congress has never waived the sovereign immunity of the United States and permitted attachment or garnishee proceedings against the United States or its disbursing officers. As the District Court for the Eastern District of Virginia noted in *Applegate* v. *Applegate*, 39 F. Supp. 887 (1941), "[t]his is not a question of any right of personal exemption on the part of the defendant . . . but of the sovereign immunity of the United States from suits to which it has not consented. This immunity from suit cannot be evaded by making an officer of the United States in his official capacity defendant instead of making the Government itself defendant. An officer acting in his official capacity and within his legal rights is acting for the United States. A suit against him in his official capacity is a suit against the Government, and cannot be maintained without legislative consent . . . Until the Congress sees fit to grant such consent, the Courts are powerless to entertain such actions." Id., at page 890. The *Applegate* case involved garnishment proceedings instituted by the divorced wife of a retired naval officer against naval paymaster to collect unpaid alimony.

The ruling in *Applegate* had its genesis in *Buchanan* v. *Alexander*, 4 How. (45 U.S.) 20 (1846) wherein the Supreme Court held that money due seamen in the hands of a purser could not be attached in order to satisfy the claims of various boarding house keepers. Mr. Justice McLean, writing for the Court, said that the purser in question was indistinguishable from any other federal disbursing official. The attachment of federal monies in those or any other similar circumstance could effectively defeat the purposes for which the Congress had appropriated such monies. Moreover, monies in their hands are for all practical purposes U.S. receipts as yet undrawn from the treasury. The fact that government agents may on occasion have cooperated with creditors did not settle the question of legal liability to submit to legal process.

In *Hill* v. *United States*, 9 How. (50 U.S.) 385 (1850), the Court, on grounds of sovereign immunity, dismissed an injunction against the United States which effectively stayed a suit to recover the proceeds of a promissory note by the government, indorsee on such note.

In *McGrew* v. *McGrew*, 38 F. 2d 541 (C.A. D.C. 1930), the court reversed *inter alia*, a lower court order directing defendant government employee to pay judgment creditor all amounts of his monthly salary that exceeded $100. The court, citing *Buchanan* v. *Alexander*, *supra*, said that the reason for the rule against attachment of federal salaries "applies with equal force to a court order compelling a public officer or employee under the penalties of the law to pay over his salary, or part thereof, as and when received by him, to be credited to a judgment theretofore recovered at law against him. The result of such proceeding, if sustained, would indirectly subject the public service to equal embarrassment with that resulting from the service of an attachment or garnishment at law, and the creditor would accomplish indirectly what he is forbidden to do directly."

In *United States* v. *Sherwood*, 312 U.S. 584, 61 S. Ct. 767 (1941), the Court held that a judgment creditor could not sue under the Tucker Act to recover damages from the United States for breach of its contract with the judgment debtor. In denying jurisdiction to try such suits, the Court alluded to the "embarrassments" attending such suits. Thus, "[t]he Government to protect its interests must not only litigate the claim upon which it has consented to be sued, but must make certain that respondent's right, as against the judgment debtor, to maintain the suit is properly adjudicated."

In *In Re Berman & Co.*, 378 F. 2d 252 (6th Cir. 1967), the court held that a referee in bankruptcy was powerless to permit a creditor's dividend to be attached in a state court action by a person who claimed to be a creditor of the bankrupt's creditor. Quoting with approval various early decisions, the court, in part, stated that "[m]oney in the hands of a disbursing officer of the United States, due to a private person, cannot be attached on process against such person out of a state court, because the money will not be his, but will remain the property of the United States until it is paid to him."

In *United States* v. *Krakover*, 377 F. 2d 104 (10th Cir. 1967), the court held that the United States cannot be ordered to pay to a trustee in bankruptcy part of the wages of one of its employees in connection with wage earners' plan. Bankruptcy Act provision allowing issuance of the order to effectuate such a plan directed at "any employer" did not include the United States as an employer since it had not waived its sovereign immunity. The Court in part, said: "The trustee's argument that the order does not violate the principle of sovereign immunity is unconvincing. Although compliance with the order may require only another hole in a punch card and the issuance of two checks rather than one, the controlling factor is the fact of impact on the government rather than the extent of the impact. The referee has ordered the government to pay to the trustee money in the hands of its disbursing agent. This runs contrary to *Buchanan* v. *Alexander* . . . where the Court denied the right to attach money which was in the hands of a government disbursing agency and was due for wages earned."

See and compare *United States* v. *Biggs*, 46 F. Supp. 8 (E.D. Ill. 1942); *United States* v. *Waylyn Corporation*, 130 F. Supp. 783 (D.C.P.R. 1955); *Arenas* v. *United States*, 140 F. Supp. 606 (S.D. Cal. 1956); *Waylyn Corporation* v. *United States*, 231, F. 2d 544 (1st Cir. 1956); *National State Bank of Newark* v. *United States*, 357 F. 2d 704 (Ct. Cl. 1966).

RAYMOND J. CELADA,
Legislative Attorney.

Furthermore, Mr. Speaker, I wrote to the Honorable THADDEUS J. DULSKI, chairman of the Committee on Post Office and Civil Service, and informed him of this far-reaching action, and he wrote back to me—I quote in part:

However, I would estimate that adoption of the same philosophy—

That is, the attachment philosophy—

under the Civil Service System would have little prospect, unless it was demonstrated that a significant number of civilian retirees were evading the orders of courts of competent jurisdiction.

Mr. Speaker, I include the exchange of correspondence with Mr. DULSKI in the RECORD at this point.

The correspondence is as follows:

SEPTEMBER 16, 1971.

HON. THADDEUS J. DULSKI,
Chairman, House Post Office and Civil Service Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed please find a draft of a section of a report to accompany a bill from the Armed Services Committee to provide a survivors annuity for military retirees. This section would allow military retired pay to be attached in order to satisfy a local or state court order. Your attention is invited to the highlighted language in the report on page 3.

Also enclosed is a copy of the additional views which I filed and which accompanies the report.

I am sending this to you knowing it is a matter for your personal interest and if enacted would certainly augur the pressure for the same principle to be applied to Civil Service people.

Yours sincerely,

CHARLES S. GUBSER,
Member of Congress.

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C. September 22, 1971.

HON. CHARLES S. GUBSER,
House of Representatives,
Washington, D.C.

DEAR COLLEAGUE: Receipt is acknowledged of your letter of September 16, 1971, with enclosures, relative to that provision of H.R. 10670 which would authorize court-ordered attachment of military retired pay.

As you are aware, the Civil Service retirement law (5 USC 8346(a)) specifically exempts monies payable thereunder from any legal process. I take note of the comment in the draft report suggesting, in essence, extension of a similar proposal to Federal civilian retirees and, thus, share your concern over its implications. However, I would estimate that adoption of the same philosophy under the Civil Service system would have little prospect, unless it was demonstrated that a significant number of civilian retirees were evading the orders of courts of competent jurisdiction.

I am making your correspondence a part of the official records of our Subcommittee on Retirement, Insurance, and Health Benefits, so that all of the Members might be aware of the subject provision and your views thereon.

With kind regards,

Sincerely,

THADDEUS J. DULSKI,
Chairman.

So, Mr. Speaker, here is what we are doing, and I believe we should understand it: We are picking out one class of Federal payees, the military retirees, and we are saying to them, "Your salary can be attached," while we are not doing it for the civil service or for active duty military personnel. Judging from this letter from the chairman of the Committee on Post Office and Civil Service there is little likelihood it will be done for them.

So my argument, made in the additional views, that this is discriminatory, is certainly fortified.

I point out that this is a great bill, one we have worked long and hard for. It is important to the military. I do not intend to jeopardize its chances for passage by offering an amendment to strike section 4, but I do want the House to know what it is doing and to be prepared probably for some opposition to this section in the other body.

Mr. O'NEILL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Speaker, I should like to congratulate the committee on bringing forth a bill with the provision that the pension of a military employee can be attached for the support of his wife and children. I should like to point out that this particular group of employees is receiving pensions at younger ages than other groups, and they are abandoning wives and young

children who are then being picked up on aid to dependent children.

If the Members want to cut the welfare rolls of this country, the way to begin to do it is to make it possible to attach those pensions so that the children can be supported. It is unconscionable that men in their forties go as far as leaving the country to evade the responsibility of supporting their wives and children, and that the Federal Government has set the pensions to take care of the wives and children.

I congratulate the committee, and I hope the Members will stand firm.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. 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. 314]

Abourezk	Edwards, La.	Mills, Ark.
Alexander	Findley	Mink
Anderson, Ill.	Fisher	Mollohan
Anderson, Tenn.	Flynt	Nichols
	Ford, William D.	Obey
Ashley	Gallagher	Pelly
Baring	Gray	Pettis
Belcher	Halpern	Pryor, Ark.
Blanton	Harvey	Rees
Byrnes, Wis.	Hawkins	Reid, N.Y.
Caffery	Hays	Rooney, Pa.
Carey, N.Y.	Hicks, Mass.	Rostenkowski
Celler	Hutchinson	Scheuer
Chisholm	Karth	Shipley
Clark	Kee	Snyder
Clay	Lent	Springer
Conyers	Long, La.	Stephens
Corman	McCloskey	Teague, Calif.
Culver	McCormack	Thompson, Ga.
Davis, Ga.	McDonald, Mich.	Thompson, N.J.
Dellums	Macdonald, Mass.	Ullman
Derwinski	Mathias, Calif.	Van Deerlin
Diggs	Meeds	Wilson, Bob
Dingell		Wilson, Charles H.
Dorn		Yates
Eckhardt		

The SPEAKER. On this rollcall 356 Members have answered to their names, a quorum.

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

APPOINTMENT OF CONFEREES ON H.R. 7072, AMENDING AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7072) to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request for a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, DINGELL, MURPHY of New York, ADAMS, SPRINGER, DEVINE, HARVEY, and KUYKENDALL.

AUTHORIZING ADDITIONAL INVESTIGATIVE AUTHORITY TO THE COMMITTEE ON PUBLIC WORKS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 649 and ask for its immediate consideration

The Clerk read the resolution as follows:

H. RES. 649

Resolved, That, not withstanding the provisions of H. Res. 142, Ninety-second Congress, the Committee on Public Works is authorized to send not more than three members of such committee, not more than one majority staff assistant, and not more than one minority staff assistant to Stuttgart, Germany, Thatcham, England, and Buckingham, England, to attend the Second International Experimental Safety Vehicle Conference from October 25, 1971, to October 31, 1971, inclusive, for travel within Germany and England.

Notwithstanding the provisions of H. Res. 142 of the Ninety-second Congress, first session, local currencies owned by the United States shall be made available to the members of the Committee on Public Works of the House of Representatives and employees engaged in carrying out their official duties for the purpose of carrying out the authority as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(5) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

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

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, the resolution is a supplemental investigative resolution which grants authority to the Committee on Public Works to send not more than three members, one majority staff assistant, and one minority staff assistant to Stuttgart, Germany, Thatcham, and Buckingham, England, to attend the Second International Experimental Safety Vehicle Conference. They would be traveling from October 25 to October 31 of this month, inclusive.

The resolution is in the usual form granting authority to use counterpart funds and includes the Hall amendment.

Motor vehicle safety is a subject of great interest to the Public Works Committee and I urge the adoption of the resolution.

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

Mr. MADDEN. Yes. I yield to the gentleman.

Mr. HALL. Mr. Speaker, I would ask my distinguished colleague from Indiana if this International Experimental Safety Vehicle Conference was originated in part or in toto by our director of the Department of Transportation in the United States?

Mr. MADDEN. I imagine that it was, because the request for this trip to be made by three members of the Committee on Public Works and one staff member from the majority and one from the minority was made by Secretary of Transportation Volpe.

Mr. HALL. I thank the gentleman.

Will he please explain the exemption of House Resolution 142? I fail to recall what House Resolution 142 specified and why it is necessary to exempt it in this resolution. Perhaps, I will say, in help to the gentleman, that was the original authorizing or travel resolution for the Committee on Public Works, but I would just like to verify that.

Mr. MADDEN. I will be happy to yield to the chairman of the committee on that question.

Mr. BLATNIK. I thank the gentleman for yielding.

I believe, if my memory is correct and the gentleman will give me an opportunity to double check the record, House Resolution 142 is a resolution which restricts travel for the House Committee on Public Works to the North American continent. It requires bringing out a resolution in order for us to leave the territorial United States, which must be approved by this body.

Mr. HALL. But this is a conference of an annual nature established by the Secretary of the Department of Transportation?

Mr. BLATNIK. That is correct.

Mr. HALL. In which the Committee on Public Works has a vital and consuming interest and it is necessary that they attend this convention in the pursuit of their work. Is that correct?

Mr. BLATNIK. Mr. Speaker, an important conference will be held in Stuttgart, Germany, next week whose purpose is to help cut down the tragic toll of death and injury that is recorded year

after year on the highways of this and other nations around the world.

This conference is sponsored by the U.S. Department of Transportation, and will be joined by safety experts from West Germany, France, Italy, the United Kingdom, and Japan.

I believe the information to be gathered from the conference discussions and demonstrations will be of invaluable help to the House Committee on Public Works and to the entire House in the framing of highway safety legislation for the future.

I ask approval of House Resolution 649 which would authorize the Public Works Committee to be represented at this conference.

We consider this to be a very important demonstration. It is an international program including consideration of experimental vehicles and their safety aspects. This is a pilot study which our country, the United States, is conducting, and we are joined in it with five other nations; namely, West Germany, England, Japan, Italy, and France.

Mr. HALL. I thank the gentleman and I appreciate his yielding to me.

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

Mr. MADDEN. Certainly.

Mr. GROSS. I cannot find a copy of the resolution at the desk. Are there no copies available? Where is it planned to go on this junket?

Mr. MADDEN. The resolution states that the committee will go to Stuttgart, Germany, and Buckingham, England, where this conference is being held.

Mr. GROSS. Is it being held in two different places?

Mr. BLATNIK. If the gentleman will yield to me, the big demonstration is in Stuttgart, Germany. It will last 3 days during the period of the 26th, 27th, and 28th. On the 29th, 30th, and 31st there is another demonstration or exhibition going on at a research station on the outskirts of London, in Buckingham, England. That is the Second International Experimental Safety Vehicle Conference. All you do is, on your way back from Germany, stop for another 2 days in England in order to catch the tail end of the Conference.

Mr. GROSS. This is not, by any chance, a protest demonstration of any kind, is it?

Mr. BLATNIK. No.

Mr. GROSS. Then, I imagine that the Government of Germany and the British have something to sell us by way of an experimental vehicle, some kind of new vehicle such as a Volkswagen or a Rolls-Royce that is particularly safe?

Mr. BLATNIK. Mr. Speaker, if the gentleman from Indiana will yield further, I cannot predict specifically what they may have. However, indications are that there will be demonstrations in the nature of advanced safety technology—advanced vehicles development with reference to road safety—advancements which will contribute toward the safety-on-the-highway goal of all these participating nations. We believe this information and these demonstrations will be of substantive value to our Representatives from the United States.

Mr. GROSS. And, the distinguished gentleman from Minnesota and the distinguished gentleman from Indiana believe that this will serve to cut down on the accident rate in this country, that we will get some real benefit and that this will not be just another safari of congressional junketeers and staffers going over to live high on the hog in some foreign country for a week or two?

Mr. BLATNIK. Mr. Speaker, if the gentleman will yield further, I assure the gentleman that this is not just another junket. We are working toward a goal which we hope to achieve in the field of safety and there will be a limited group who will go over with one expert from the State Department staff at the most. The expenses will be met from foreign currencies. We expect very little, if any, cost in U.S. dollars. However, we do expect to gain information from this international conference.

We have for years pursued every research and development study on safety. We have a repository in the House Public Works Committee which has been accumulated over the years and which we consider to be one of the finest collections of hearings with reference to safety and highway design. We believe that the entire country will benefit from this effort. We think, and we honestly believe, that in increasing measure our investments will be returned in a substantial manner—in American lives saved. Last year, for the first time in our history, actual numerical kills in 1 year decreased by about 8,000. We do hope that this conference will prove to be very helpful.

Mr. GROSS. I want to thank my friend from Indiana for being so generous in yielding on this subject and say to both gentlemen that I hope the Public Works Committee has in mind the fact that both the Germans and the British have more American dollars than they know what to do with and that this will probably augment the outflow of dollars from this country and compound their problems in dealing with so-called Eurodollars.

I would hope that the Rules Committee would be circumspect in the future in view of the international monetary crisis in writing tickets for these committee members and staffers to travel around over the world on questionable junkets.

Again I thank the gentleman for yielding.

Mr. MADDEN. Mr. Speaker, I might say in answer to the gentleman from Iowa that the Rules Committee passed on this resolution unanimously.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the able gentleman from Indiana has explained the provisions of this resolution in which I concur.

This is a subject of especial interest to the House Committee on Public Works, which has conducted extensive investigative hearings on highway safety for the purpose of reducing the appalling rate of casualties on our Nation's highways.

Cooperating with the United States in this international conference are the Federal Republic of Germany, which is hosting the conference; France, Italy, the United Kingdom and Japan. Representatives of these nations will report on the progress they are making in developing safer motor vehicles and discussions will be held on ways of using the information gained in their experimental programs to develop new and more effective safety standards.

Following the Stuttgart conference, safety demonstrations have been scheduled for October 29 and 30 at United Kingdom research and testing centers in Thatcham and Buckingham, England.

Mr. Speaker, I have no requests for time.

I urge the passage of the resolution.

Mr. MADDEN. 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.

ARMED SERVICES SURVIVOR BENEFIT PLAN

Mr. PIKE. 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. 10670) to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. PIKE).

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. 10670, with Mr. HENDERSON 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 New York (Mr. PIKE) will be recognized for one hour, and the gentleman from California (Mr. GUBSER) will be recognized for one hour.

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

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

Mr. PIKE. Mr. Chairman, the principal purpose of H.R. 10670 is to create a new program to allow career military personnel an opportunity to leave a portion of their retired pay to their survivors at a reasonable cost. The program would supplement the survivor benefits of social security which are available to military personnel.

H.R. 10670 does two other things:

First. It provides a program to guarantee a minimum annual income of at least $2,000 for present military widows for whom the new program comes too late.

Second. It provides for the attachment of up to 50 percent of military retired pay to comply with an order of a court of competent jurisdiction in favor of a spouse, former spouse or children.

The bill comes to you on the unanimous vote of the Committee on Armed Services, 35 to 0.

I will describe the various features of

the bill in a moment. I would first like to discuss the generals of this legislation.

EVOLUTION OF THE BILL

Work toward this legislation actually began in the 90th Congress when our distinguished colleague, Mr. GUBSER of California, who is certainly one of the greatest friends retired military personnel ever had, introduced legislation on the subject. His legislation was modeled on a proposal first put forth by the Fleet Reserve Association, which is an organization representing career enlisted personnel, active and retired, in the Navy and Marine Corps.

Last year a special subcommittee, which I had the honor to chair, conducted an extensive survey of survivor benefit requirements in the Armed Forces. That subcommittee put its recommendations in the form of a bill which, with further improvements following legislative hearings this year, is before you today as H.R. 10670. Mr. GUBSER served as ranking minority member of the subcommittee last year and this year, and without his outstanding knowledge of the subject we could not have achieved the fine piece of legislation which we bring before the House today.

I also want to mention the early support given to this legislation by our distinguished colleague, Mr. FISHER of Texas, who introduced legislation early in the 91st Congress and who was the first person who asked to testify in last year's extensive hearings.

The Department of Defense took no position on this legislation last year. In May of this year the Department announced itself as in support of the legislation with some suggested modifications.

It could be said, therefore, that the enlisted men knew what they wanted in 1968; the committee determined what it wanted in 1970; and the Department of Defense got on the bandwagon this year.

Essentially, Mr. Chairman, the basic legislative design work was done on this bill in the committee; and we feel some pride in saying the bill is a product of congressional initiative.

PRESENT BENEFITS

In our investigation last year we found that the dependents of active-duty personnel always get survivor benefits. These benefits are made up of a combination of dependency and indemnity compensation—DIC—payments from the Veterans' Administration and social security benefits.

It will be noted that legislation regarding these benefits is under the jurisdiction of the Committees on Ways and Means and Veterans' Affairs.

This active-duty survivor benefit program, incidentally, was first set up by a special House subcommittee in 1956–57 under the chairmanship of our distinguished former colleague, Porter Hardy of Virginia.

We found these benefits for survivors of active-duty personnel to be generous in relation to pay and grade for the majority of people on active duty and particularly so for low-ranked personnel and those with short years of service.

We were surprised to find, however, that for dependents of retired personnel there are sometimes quite adequate survivor benefits; there are sometimes very inadequate survivor benefits; and there are sometimes no benefits available at all. We also found that benefits were most likely to be unavailable to those who need them most—that is, the widows of career enlisted personnel of the lower grades.

The benefits presently available to survivors of retired personnel are as follows:

First. Social security benefits, if there are children under 18—22 if in school—or if the widow is age 62, or age 60 on an actuarially reduced basis.

But for the widow under age 62 without minor children there is no inherent right to benefits, and these can be years of extraordinary hardship for the military widow.

Second. Dependency and indemnity compensation for the survivors of a retiree who dies as a result of a service-connected cause.

However, even though a man retired for service-connected disability, if he dies from a non-service-connected cause, his survivors are ineligible for any DIC benefits.

Third. The retired serviceman's family protection plan (RSFPP), initially called the Contingency Option Act, a self-financing program available since 1953 to permit a member of the uniformed services to provide a percentage of his retired pay as an annuity for his survivors. The reduction in retired pay is computed under an actuarial equivalent method so that on the average a participant pays an amount equal to the payments his survivors are expected to receive.

Despite seven revisions by the Congress over the years to make it more attractive, RSFPP has proved a failure in providing general survivor protection. Only about 15 percent of eligible military retirees have participated.

Because it is actuarially sound, RSFPP is relatively expensive for the individual and this discourages participation by those who need it most: the lower-income retirees. RSFPP requires an election to participate before completing the 19th year of service, or 2 years prior to retirement, whichever is later. The cost depends on the member's age, his dependents' ages and his pay at the time of retirement. So the cost varies for each individual and is difficult to explain to prospective retirees.

On page 8 of the committee's report, which is available to all Members of the House, will be found a table showing examples of the cost to members of the Armed Forces for providing benefits to their survivors under H.R. 10670 as compared to RSFPP. It will be seen, for example, that an enlisted man who retires in the grade of E–6—that is, a staff sergeant in the Army or a first-class petty officer in the Navy—now experiences a reduction in his retired pay of over $21 a month under RSFPP in order to leave his survivors a monthly annuity of $143—50 percent of his retired pay.

Under the bill that E–6 will have a monthly reduction of just $7.18 to leave his survivor an annuity of $158 a month, 55 percent of his retired pay. The retired pay deduction and the survivor benefit under H.R. 10670 is exactly the same as that now provided in the case of a retired civil servant with equal retired pay.

In addition, the RSFPP has no mechanism for providing increases in line with the cost of living; therefore, the buying power of the annuity diminishes steadily. This is another matter that we correct in the new program.

BASIS FOR THE COMMITTEE'S PROGRAM

I would now like to describe the new permanent program established by H.R. 10670.

Let me first point out two fundamental considerations the committee kept in mind in drafting the legislation.

Military personnel have been under social security since 1957; and when social security benefits are available, they can be substantial. This is particularly true of lower income personnel because, as we all know, social security is weighted in favor of the lower income employee. The committee concluded that it did not wish to see the considerable advantages of social security lost to military personnel.

The committee, therefore, determined to build this program on the foundation of survivor benefits provided by social security, providing benefits where social security is not available and enhancing the Social Security where appropriate. We thus provided for an integration of benefits, as I will explain in a moment.

I might point out, incidentally, that the Government's contribution to social security as an employer is considerable. In 1970 it was over $600 million.

The second fundamental point the committee kept in mind was the successful operation of the civil service survivor annuity system, which has a participation rate of more than 85 percent. The committee was singularly impressed, for example, with the fact that many of the military organizations which testified in favor of a new survivor benefit program recommended a program modeled after the civil service system.

The committee, therefore, has followed the principle of paralleling its program with the civil service program wherever appropriate, recognizing that the different career patterns would, at times, make the provisions of the civil service program inappropriate to miltary personnel.

I would now like to briefly summarize the major provisions of the program created by H.R. 10670.

BENEFIT LEVEL AND RETIRED PAY DEDUCTION

The bill provides that a military retiree could leave his survivors an annuity of up to 55 percent of his retired or retainer pay and share in the cost by deductions from his retired pay equal to 2½ percent of the first $3,600 of the amount on which the annuity is based and 10 percent of any portion above that. This is the same percentage of annuity and the same cost-sharing formula as in the civil service system.

For those who will retire in the future, coverage would be automatic on the date of retirement unless they elect out of the program. If they elect out, or elect coverage at less than the maximum

level, the bill requires that the spouse be notified of the decision.

The committee believes the program will receive overwhelming acceptance, such as has been experienced by the civil service survivor annuity system. However, the committee is concerned that in a relatively few cases families may unknowingly be left in a situation of great hardship because a retiree, for one reason or another, did not join the program or otherwise provide an adequate annuity for his dependents.

The committee, therefore, has made clear in its report its intent that counseling be provided, with the spouse present, for those about to retire who elect not to take full advantage of the program.

INTEGRATION WITH SOCIAL SECURITY

At age 62, or after her children are no longer eligible for social security benefits, whichever occurs later, the annuity a widow receives under the program would be reduced by an amount equal to the payment she receives from social security attributable to her husband's active military service. It should be emphasized that the only social security payments which are taken into account are those earned by the husband while on active duty in military service. There is no reduction in social security benefits that may have been earned as a result of his postretirement employment.

It will thus be seen that the bill assures 55 percent of the deceased member's military retired pay during the years before age 62—when a widow now often receives nothing—and assures, after age 62, a combination of military annuity and social security benefits which will at least equal 55 percent of the deceased member's military retired pay.

In the years prior to age 62 there will be no reduction if the widow has more than one child under 18—under 22 if attending school—and is receiving survivorship insurance payments from social security. In this situation there is an adding-on of benefits. The committee believed this is justified in these high-expense years when the burdens of rearing a family are thrown wholly on a widow.

In almost all cases the widow's income will actually increase at age 62 because her income from social security is not taxable and because she may have additional social security based on her husband's postretirement career.

In the case where there is a widow and one child, under the social security program the family benefits consist of separate payments for the mother and the child. The mother's payment under social security is normally 75 percent of the primary insurance amount—PIA—and the payment due to the child is also 75 percent of the PIA. The bill provides that in such cases the military survivor annuity will be reduced by an amount equivalent to the mother's payment from social security based solely upon her husband's active military service. There would be no reduction in the payment for the child, and thus the minimum family income in such cases would be 55 percent of the retired member's base amount plus the 75 percent of social security PIA for the child.

This integration of benefits in the case of a widow and one child is made in conformance with the principles outlined earlier, to build on the social security foundation and to seek comparability with the civil service system wherever feasible.

Civil service personnel are not covered by social security. However, the civil service program provides a special children's benefit. By providing the offset described here, we would make the payments for dependents of a military widow with children comparable, in all cases, to those for a civil service widow with children. This change was made at the suggestion of the Department of Defense.

The committee believes that this program provides a level of income replacement which is liberal by standards in our society, is reasonable in its demands on the Government and meets the test of equity towards survivors of retired career personnel.

TRANSITIONAL PERIOD

As I indicated, all future retirees would be automatically covered under the new program. However, at the suggestion of the Department of Defense, we provided a 1-year transitional period which stipulates that those who are retiring within 6 months of the date the bill passes would have 6 months in which to elect to join or opt out.

We did this simply to assure that those who are retiring at the time the bill passes would not be forced to make an irrevocable election on short notice.

PRESENT RETIREES

One of the important aspects of the program is that all present military retirees—and there are over 800,000—would be eligible to join the program. They would have 1 year in which to join following the date of enactment, and there would be no payback or penalty for them. In joining they would merely commence paying the same deduction as all other new entries into the program.

This is a significant addition to the value of their retired pay and should be recognized as such by present retirees.

I might point out that in certain cases this might lead to what the actuaries would call adverse election—that is, retirees of advanced age might join the program and only pay in for a short period and then leave the full annuity to their survivors when they die. We recognize that in some instances this might take place. However, on the average, the present retirees are in their middle to late fifties and their life expectancy is such that the average retiree will still pay into the program for quite a few years before the commencement of benefits to his survivors. So while this is a tremendous bonanza to the individual retiree, it does not represent a financial danger to the program.

RSFPP

The inadequate retired serviceman's family protection plan—RSFPP—which I referred to earlier, will be phased out. Those presently participating would be allowed to continue in the program; or drop RSFPP and join the new program; or continue RSFPP and join the new program subject to a limitation on total annuity of 100 percent of the member's retired pay.

Mr. Chairman, I will not go into all of the details of the bill at this time. I know other Members will want to be heard. The bill is thoroughly explained in the committee's report, which is available to all Members of the House.

ACTIVE-DUTY PERSONNEL ELIGIBLE FOR RETIREMENT

I just want to briefly mention some additional points in the bill.

A special section of the bill provides that in the case of personnel still on active duty who are eligible for retirement on length of service whose potential survivor annuity would be more than the dependency and indemnity compensation paid to survivors of active-duty personnel of like grade and years of service, a supplemental annuity payment sufficient to make up the difference would be paid to the survivors by the Department of Defense. We added this section because we did not want a situation to occur where one who remains on active duty earns less survivor benefits than somebody who retired at the same grade and with the same years of service.

ELIGIBILITY

Eligibility for benefits under the bill extends to the widow or widower and to the surviving children. Dependent children will be covered until 18 years of age or until age 22 if pursuing a full-time course of training in a school, college, or vocational institution.

An unmarried retiree without dependent children may elect, under the bill, to provide an annuity to a natural person with an insurable interest in him. However, the cost-sharing formula would be different in such cases and calls for a reduction in retired pay of 10 percent plus an additional reduction of 5 percent for each full 5 years the individual named as survivor is younger than the retiree. The total deductions may not exceed 40 percent. This follows the same cost-sharing formula provided in the civil service retirement annuity system for unmarried retirees. The formula is designed to be actuarially sound, that is, the retiree's contribution would be designed to pay the full cost of the annuity.

MARRIAGE AFTER RETIREMENT

An important provision in the bill, however, allows a military man who marries subsequent to retirement to participate in the program. He would have 1 year after the marriage to make such an election; and his spouse would be entitled to an annuity if, at the time of death of the retiree, she had been married to him at least 2 years or there had been issue resulting from the marriage.

ATTACHMENT OF RETIRED PAY

Section 4 of the bill provides for the attachment of military retired or retainer pay in favor of a spouse, former spouse or children. This is a departure from present practice since attachment of retired pay of military or civil service personnel is not now permitted. The majority of our committee would prefer that retired pay of all Federal employees be

subject to the same rules, but that fact did not lessen our obligation to correct a wrong within our area of jurisdiction.

Understandably, this section of the bill creates some controversy; however, an amendment to delete this section was defeated in the committee by a vote of 29 to 6.

I hope all Members will keep in mind that this section simply affects that relatively small number of retirees who fail to meet their legal obligations to a spouse or children. When a man is on active duty, there is some compunction to require him to live up to his commitments. We know where he is, and his commanding officer can use a lot of persuasion to get him to carry out his legal responsibilities. Failure to comply with the orders of the court can affect his career and his promotion opportunities and could even result in dismissal from the service.

However, once a man retires, the services have no control over him. Even his address is privileged information. We believe it is wrong for the Government to be in a position of providing protection for somebody who is ignoring the orders of a duly constituted court of law.

I think it should be clearly understood that this section is not part of the major annuity program provided by the bill. This section applies to the retired pay of the military retiree, not to the annuity that is left to his survivors after he dies.

PRESENT WIDOWS

Another separate section of the bill provides a minimum income guarantee for present military widows. In our hearings we heard some moving testimony from widows of career men of many years of service who were living in conditions of dire poverty.

We have, therefore, provided in section 5 of the bill a special program to assure these widows a minimum income of approximately $2,000 per year, which is the same level as the minimum dependency and indemnity compensation. If, under the means test of the Veterans' Administration non-service-connected death pension program, the widow's income is less than $1,400 a year, the bill provides that the Department of Defense will make a supplemental payment sufficient to bring her income up to $1,400. At that level, the death pension she is then eligible for from the Veterans' Administration will bring her total income to approximately $2,000 per year. I want to make it clear to Members of the House that this program in no way interferes with the programs administered by the Veterans' Administration and has been cleared with the distinguished chairman of the Committee on Veterans' Affairs.

DEFENSE DEPARTMENT PROPOSALS

As I indicated earlier, the Department of Defense joined in supporting the program following the initiative of the Committee on Armed Services but suggested some amendments to better carry out the objectives of the committee. Many of these are technical changes in language and I will not take the time of the House now to go into them in detail; however, I will point out that they are summarized in the committee's report beginning on page 25. And as you will see, the committee adopted the majority of the Defense Department's recommendations.

I would stress also that the Defense Department's senior personnel officials vigorously favor this legislation and believe that it fills a major gap in the military benefits program.

COST

Because the deductions from retired pay will exceed the cost of benefits for many years, there will be no increase in budgetary requirements under the bill until, in all likelihood, the year 2000.

On the average, the military retiree will pay 60 percent of the cost of benefits provided to his survivors—which is exactly the same percentage paid for, on the average, by civil service retirees. To the extent that deductions from retired pay are made, therefore, future obligations of a greater magnitude are built up for the Government.

However, the actual paying out of benefits will not exceed retired pay deductions until such time as the bulk of retirees age and begin to die. Sometime after the year 2000 the cost will rise to several hundred million dollars a year.

The long-range cost depends on a number of factors—the rise in basic pay, the rise in retired pay, the rise in social security benefits—all of which, in turn, are related to the increase in the cost of living. In the report you will find cost projections assuming regular increases in the cost of living and projections using static assumptions—that is, based on present pay and social security rates. But our best estimate is that it will be many years before disbursements under the program exceed income from retired pay deductions.

Two sections of the bill impact separately on cost.

Section 5, concerning current widows, is estimated to cost a maximum $47 million a year for the first 5 years, with the cost decreasing gradually thereafter.

The supplement to survivors of active-duty personnel who are eligible for retirement but die while on active duty would cost approximately $725,000 the first year, increasing each year by a like amount.

However, the impact of these two programs is so small in relation to the major survivor benefit plan that the net effect is no net increase in budget disbursements for many years.

CONCLUSION

This legislation is extraordinarily complex. Certainly it is the most complicated legislation that I myself have ever had to deal with. It has taken an extraordinary amount of time for members of our committee over two sessions of Congress, and I do not believe we would have been able to achieve the fine piece of legislation which is before you today without really dedicated work by members of the committee.

I consider it a matter of great good fortune that in my service as chairman of the subcommittee which handled this bill over a 2-year period I was supported by a subcommittee of such outstanding membership. I have already mentioned the great service provided by the gentleman from California (Mr. GUBSER), who was the ranking minority member. Serving on the subcommittee from my side of the aisle were the gentleman from California (Mr. LEGGETT), the gentleman from Washington (Mr. HICKS), the gentleman from Texas (Mr. WHITE), the gentleman from Georgia (Mr. BRINKLEY), and the gentleman from Virginia (Mr. DANIEL).

Serving with Mr. GUBSER from the minority side were Mr. WHITEHURST of Virginia, Mr. YOUNG of Florida, and Mr. SPENCE of South Carolina.

As a matter of fact, Mr. Chairman, our work was of such caliber that in the course of our study two members of our committee have been promoted, if that is the right word, or removed, if you prefer that, to the other body—Mr. BEALL of Maryland and, recently, Mr. STAFFORD of Vermont.

I would like to express to each of these members, in particular, my sincere gratitude for their diligent attendance, for their cooperative spirit and for the incisive quality of their work.

H.R. 10670 is an important bill which adds significantly to the value of the estate of each career military man. We have shown due regard for the financial demands on the Government while providing a substantial benefit at a fair and reasonable cost to the individual. It is a permanent program which provides a new benefit for all career members of the Armed Forces and their families. Over the years millions of people will have a financial security which they never had before because of this bill.

I urge all Members of the House to support H.R. 10670.

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

Mr. PIKE. I am delighted to yield to the distinguished chairman of our committee.

Mr. HÉBERT. Mr. Chairman, I rise at this time to pay particular tribute to the chairman of this subcommittee. The gentleman from New York was first appointed on this subcommittee by our late colleague, the gentleman from South Carolina, Mr. Rivers, last year. The time and effort he has devoted to bringing out this piece of legislation which is most complex and most difficult is due to his leadership as chairman of that subcommittee. This year, when I became chairman of the committee, I immediately reappointed the gentleman from New York as chairman, along with his colleagues from last year's subcommittee.

Mr. Chairman, I do not know of any chairman of any committee in the House who is blessed more than the chairman of the Armed Services Committee with the services of such able committee members as I am. It is evidenced in this particular piece of legislation that the gentleman from New York can be recognized as perhaps one of the more intelligent individuals in the House. He has never refused to turn to when he has been asked to do a job by the chairman.

I am sure he will share the same feeling and the same sentiments I feel that his subcommittee members have done a magnificent job. The gentleman from New York has already named them, but

I want to rename them. The members of the subcommittee include Mr. PIKE as chairman, and also Mr. LEGGETT, Mr. HICKS, Mr. WHITE, Mr. BRINKLEY, and Mr. DANIEL of Virginia, Mr. GUBSER as ranking minority member, and Mr. WHITEHURST, Mr. YOUNG, and Mr. SPENCE, and, of course, also now Senator STAFFORD in the earlier days.

I think the gentleman would also agree with me and say that no chairman is any stronger than the staff that backs him up. We are all prone, as I have described perhaps many times on the floor of the House and on other occasions, as chairmen of the committees on the floor of the House, to wave the baton and take the bows, but the real individuals responsible for the success are the individuals who have made the arrangements. In this particular case we have three of our most able counsel who have assisted from the very beginning, including Mr. Ford, Mr. Cook, and Mr. Cantus.

So, Mr. Chairman, I want to pay a public compliment and do homage to the gentleman from New York for the splendid work he has done which reflects on the entire committee. The bill from its very inception was in good hands. The bill that comes to the House today comes as a piece of legislative contribution that certainly this Congress will not soon see the like of, and one that is long overdue.

It is legislation which is going to be welcomed by a group of people who long have been overlooked. It will be welcomed by people who deserve recognition the committee has given them.

I subscribe in toto to the conclusions of the committee. Whatever high compliment I pay now is less than I should like to pay if I had the adequacy, the eloquence, and the words to pay that tribute.

I particularly salute the gentleman from New York, my very dear friend.

Mr. PIKE. I should like to say, in response and thanks to the gentleman, the day he lacks the words to express any of his positions or opinions I am going to announce my retirement. That is the sort of magnificent, sweet-smelling oil which has indeed made the Armed Services Committee a glorious place to work in the last couple of years.

I was remiss, however, and the chairman properly and subtly called it to my attention, in not having said anything about the work of our staff. This was, as I said earlier, a tremendously complex piece of legislation. It was sort of like writing a new civil service retirement system. There were actuarial studies to be made. There were costs studies to be made. The mathematics which went into this bill are fantastic. So to Mr. Cook and to Mr. Ford and to Mr. Cantus, the loyal and very hard-working members of our staff, we all owe a great debt of gratitude.

Mr. Chairman, I hope all Members will support H.R. 10670.

Mr. HICKS of Washington. Mr Chairman, will the gentleman yield?

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

Mr. HICKS of Washington. Mr. Chairman, I wish to reiterate some of the remarks heard here today on the necessity for a greatly improved survivor's benefits program.

As is true for most Members of Congress, since my election I have had countless letters and many conversations with retired military personnel, their widows, or ex-spouses regarding the hardships they face as a consequence of our current inadequate program. Some of the most tragic situations concern women left, by death or divorce, with children to raise.

To quote from one letter:

> My husband's retired benefits stopped immediately upon his death, and I am left with a 13-year-old daughter to raise. Ironically, he worked for Civil Service for approximately 18 months and was covered by their program. From that coverage I will receive about $43 monthly for myself and $1,000 a year for my daughter until she is 18, or 23 if in college. We are grateful for this, of course, but the irony is that Civil Service workers who do not risk their lives nor live with long separations from their families have such protection, while the men who fought in World War II and Korea do not.

This is a very important point. Families of Civil Service employees are presently protected by a survivor annuity program while most families of retired military men are not. At present 85 percent of military retirees eligible for the self-financed retirement program did not elect to be covered. This is understandable because, first, the coverage is considered too costly by most individuals, and second, the program is unduly complex.

Two features of this bill I considered to be especially crucial:

First, it is highly commendable that the bill provides for automatic coverage for all active-duty personnel on the date of retirement for the maximum coverage—55 percent—unless they elect not to participate, or elect a reduced base on which to provide their annuity. In the latter cases, the spouse would be notified and the couple would receive counseling to be sure that both the retiree and his wife completely understand the plan. This feature promotes participation in a very positive way.

Second, of great significance is the fact that retired pay can be attached in compliance with a court order on behalf of a spouse, former spouse or children, not to exceed 50 percent of the retired pay. This feature promotes responsibility. As a practicing attorney for many years, and then as a judge, I know how important this legal authority is to counter those who do not meet their court-ordered obligations.

Mr. Chairman, I believe this bill to be fair and equitable—from both the standpoint of the participant and the taxpayer. In my opinion, the Government should foster a cost-sharing annuity retirement program by its military personnel so that they and their survivors can be assured adequate future benefits.

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

Mr. Chairman, the gentleman from New York has provided in his usual fashion a very, very thorough and lucid explanation of this very important and very complex piece of legislation to establish a survivor benefits program for military personnel in retirement.

I look upon this as landmark legislation for the military. It gives to the military retiree an opportunity to provide for his surviving spouse and to enjoy the same privilege which is today enjoyed by civil service workers and Members of Congress. I believe it could well be one of the greatest incentives for an all-volunteer military service that we have ever enacted in this House.

I am not going to repeat the details of the bill as covered by Chairman PIKE, because his brilliant presentation is typical of the outstanding leadership he gave to our subcommittee during its very long study of this very difficult and involved subject matter. He was fair and completely impartial in chairing the subcommittee. He conducted our hearings in such a way that all members of the subcommittee were drawn into the work, and each had an opportunity to make a very real and meaningful contribution.

I want also to join the gentleman from New York (Mr. PIKE) in complimenting the members of the subcommittee, for whom this task was so time consuming. I am particularly proud of the diligence of the Members on my side of the aisle, and the same certainly can be said of the majority Members on the side of the gentleman from New York (Mr. PIKE).

I, too, would like to echo my praise for the brilliant and diligent work done by our staff in this very complicated matter.

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

Mr. GUBSER. I am happy to yield to the chairman.

Mr. HÉBERT. I thank the gentleman for yielding, because he has just touched a very sensitive spot on our committee, as he well knows, when he paid high and just compliment to the majority.

When I was paying compliment to the committee I was paying compliment to the minority and the gentleman's friends on that committee as well, because, as you well know, our pride and our boast has been on our committee there are no Democrats or Republicans but only Americans.

Mr. GUBSER. I thank the chairman for his very generous statement.

I think the development of this bill is a classic example of the legislative process as the framers of the Constitution intended it to work. The Congress showed the initiative, with the executive branch providing assistance and support, and with the interested citizens having a vital part in the process. The legislation really began with the Fleet Reserve Association which, as has been pointed out, is an organization of career enlisted men in the Navy and Marine Corps and which really speaks for enlisted career personnel of all services.

The FRA published a study in 1968, which they called "Widows Equity," which first highlighted for us in Congress the real problems encountered by widows of service personnel. It was the FRA which helped draft the legislation I first introduced 3½ years ago. I said at that time the bill was a vehicle to get action started, and I was sure that in

the course of hearings we could improve the bill and could devise a program to get Defense Department support.

Among the things I am particularly pleased about, as we bring this bill to the floor today, is that virtually all the organizations representing military personnel, officers and enlisted, active and retired, support the general approach of the bill and that the spokesman for the FRA, Mr. Robert Nolan, in appearing at our hearings this year, stated that the benefits provided by the bill in its final version far exceed what his organization first proposed.

I think it is particularly significant that all of the military groups who testified supported the principle of the military retiree making some contribution to the survivor annuity. Most of them supported the principle of modeling the benefits after the successful civil service program.

This is a very complex end many-faceted piece of legislation; and, naturally, we cannot expect everybody to agree with every part of it. But there is broad general consensus on the fundamental philosophy of the bill, the establishment of a permanent survivor benefits plan.

There is one provision in the bill, entirely independent of the survivor benefits plan, with which I am in philosophical agreement, but which does not belong in this bill. I refer to section 4. I shall address myself to this further in a few moments. First, I would like to simply point out what I think are some of the principal advantages of this legislation.

ADVANTAGES OF THE COMMITTEE BILL

The bill provides equality of survivor benefits between career military and career civil service personnel.

Coverage will be virtually universal. The old RSFPP only covered about 15 percent of personnel and was too expensive for the lower income retiree who needed it most. Under this program, personnel will be automatically covered at the time they retire unless they specifically request out. We have made clear—by language in the bill requiring notification to a spouse of an election to participate at less than the maximum level, and by language in the report directing that counseling be provided to such personnel—that we want all career families to have full opportunity to take part in this new program and we want no loss of benefits because of neglect or confusion.

The bill is structured to allow each military retiree to assure his widow of an income of at least 55 percent of his retired pay for the remainder of her life. This is a substantial addition to a man's estate. It relieves the conscientious retiree of having to make very expensive insurance provisions for his widow. It is, frankly, something that should have been available a long time ago. Most people do not realize that retired career personnel, no matter how high their rank, do not have an inherent right to leave part of their retired pay to their survivors and often have left them nothing. I urge the Members of the House to read the testimony of individual widows who appeared before our committee last year. It will touch your heart. We heard from a widow of a colonel of more than 30 years' service who managed to subsist by gradually selling off some valuable antiques she owned. We heard from women whose total income was under $75 a month. Our bill aims to assure that that kind of situation does not happen in the future.

A special section provides a minimum income guarantee of $2,000 a year for present widows. This is necessary because the new program established by the bill comes too late for present widows. As was explained, the $2,000 will be made up of a payment, if necessary, by the Defense Department to bring the widow's income up to $1,400. At that point the additional payment she is eligible for from the Veterans' Administration will bring her annual income up to approximately $2,000. There is ample precedence for setting the $2,000 minimum figure. This is the minimum level for DIC compensation and is consistent with the minimums provided by social security and by the President's family assistance program.

The program is fair in its treatment of those who now have RSFPP. They can join the new program or not, they can keep RSFPP, or they can both keep RSFPP and join the new program subject to a limitation on survivor annuity of 100 percent of retired pay. We do not want to penalize in any way those who in the past have made a special effort to protect their survivors; and we have, therefore, given RSFPP participants the most equitable treatment possible.

The program provides for future increases to take care of increases in the cost of living. This is one of the great weaknesses of RSFPP, that the amount was fixed as of the time the military man retired. Therefore, the value of the annuity steadily decreased in a rising economy.

All present retirees are eligible to immediately join the program at no added cost regardless of age. This is of great value to retirees particularly those of advanced age. Quite frankly, I think in some measure it makes up to some of the older retirees in part for what they lost because of changes in the method of computing retired pay. By making them eligible for this benefit, we have extended the value of retirement and we have freed them from the cost of providing basic income protection for their survivors which is particularly expensive for an older retiree. I know some retirees feel that some benefits which were promised to them were taken away. I hope they will appreciate that a substantial benefit which was never promised to them is now being made available.

ATTACHMENT

Section 4 of the bill is an extraneous provision which allows the attachment of up to 50 percent of retired or retainer pay to comply with the order of a court of competent jurisdiction in favor of a spouse, former spouse, or children.

I opposed putting this section in the bill for a number of reasons. I know defending attachment in behalf of some unfortunate widow or children is as easy as defending motherhood; and I know that I am taking an unpopular position in opposing the provision.

But let us look at some of the reasons.

Incidentally, the original language referred to a wife, former wife, or children and was changed in the committee to spouse, former spouse, or children as a kind of gesture of tokenism for women's liberation. Of course, we all know that this is window dressing. You just do not get many court orders in divorce cases directing that the wife and children provide alimony and support to the husband.

I think the House should also know this is one section of the bill that was not subject to hearings. It was added to the bill by the members of the subcommittee on a tie vote after the major public hearings were complete. At the time the organizational witnesses and Members of Congress testified on the bill, the subject of attachment was never raised and they were never aware that it would even be considered. To my knowledge, most, if not all of the military organizations opposed the attachment provision, and the department strenuously opposes it.

I know that the proponents say attachment has to begin somewhere. They never have explained why it has to begin with the military retiree. Please notice that this attachment provision applies to the retired pay of a living retiree. It does not apply to survivor annuity. The bill specifically exempts survivor annuity from attachment. Attachment of retired pay is no more related to survivor annuity than it is related to the farm program. There is no attachment allowed for the retired pay of civil servants, or for the pay of active duty military personnel, or for working civil servants, or for Members of Congress, or for employees of the Federal Judiciary, or for members of the Foreign Service, or for civilian employees of the National Guard, or for any other type of Federal personnel. The proponents say they think attachment should apply across the Federal spectrum but they do not have authority over Civil Service legislation. However, they do have authority over active duty military personnel but they have not applied attachment to active duty people. In effect, they are saying to military retirees, "we don't trust any Federal personnel to meet their legal obligations, but we distrust you more than the others."

No thought was given in drafting this provision to the very serious legal problems that might ensue. It is for this reason that I particularly think legislation of this kind should be subject to extensive hearings, if not in our committee, in the Judiciary Committee, or perhaps in a special subcommittee composed of Civil Service and Armed Services Committee members.

For example, what happens when there is an order of a court of competent jurisdiction from one State in behalf of a wife and an order from a court of competent jurisdiction in another State in behalf of the husband. There are many possible ways in which courts of different States could be in conflict and section 4 of the

bill, without any hearing record or any record of legislative intent, could put an impossible burden on Government disbursing officers.

It should also be pointed out that no thought is being given to the precedent that is being set for allowing attachment of Federal moneys as a result of an order from a State court. Federal money in the hands of a paymaster is Federal property. By allowing a State or local court to direct the manner in which Federal property could be distributed, serious constitutional questions arise. The majority, in the committee report, state that section 4 constitutes governmental consent to a suit against the Government. It establishes a precedent of far-reaching implications involving the immunity of the United States to suits to which it has not consented. Again, this very serious constitutional question has not been subject to any study whatsoever. A chaotic legal situation could arise.

In summary, even if you believe in the principle of attachment, or even if you believe in it solely for a widow and children, this is simply too complicated a matter to be passed as a piggyback amendment to a bill designed for a wholly different purpose.

Providing for the attachment of Federal pay should be the subject of separate legislation, because it is a very, very serious precedent which we are setting which deserves long and earnest committee consideration. I submit, it did not receive such consideration in our hearings. There was not one line of testimony on this complicated matter. In fact, a motion to delete section 4, which provides for attachment, lost on a 5 to 5 tie vote. Unfortunately, one member of the committee who was opposed to the provision was unavoidably absent.

So, the subcommittee of 11 members stood 6 to 5 against this provision.

Mr. Chairman, the administration opposes it, and I would like to read one paragraph of a letter from the Honorable Clark MacGregor, our former colleague who is counsel to the President. He says, and I quote:

> The position of the Administration on section 4 of H.R. 10670 is as stated in the enclosed extract of the Department of Defense report on H.R. 984.
>
> Without going into the merits of the issue raised by that section, retired military personnel should not be singled out from among all Federal personnel by having their retired pay subject to attachment for support of dependents. If consideration of such legislation is warranted, it should be considered for application to all categories of Federal personnel, active as well as retired, civilians as well as military.

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

Mr. GUBSER. Before I yield to the gentleman from North Carolina let me say that I have an amendment prepared which would apply this attachment provision which I agree with philosophically to all people in the Federal service, including the Civil Service, but I know full well that that amendment is subject to a point of order. So at the proper time I shall ask that it be printed in the RECORD, but I will not offer it.

However, I am going to offer an amendment which will make this attachment provision applicable to active duty military personnel as well as military retired personnel.

If we are going to take this far-reaching step, I think it is incumbent upon us to be very, very sure that everything within our jurisdiction is covered and that we do not discriminate against retired military personnel. Let us apply the same principle to all military pay, including active duty. At the proper time I shall offer such an amendment.

However, it is not my intention, I will say to the gentleman from North Carolina, to offer an amendment to delete section 4 for the simple reason that I recognize the fact that the necessary groundwork to acquaint the membership with the very complex issue involved here has not been done. I am so much in favor of this bill that I do not want to jeopardize its passage by attempting to delete section 4 with which I agree philosophically but which I believe should be brought up in another bill.

Now I yield to the gentleman from North Carolina.

Mr. LENNON. I thank the gentleman for his generosity in yielding to me at this time.

First of all, I want to commend the members of this subcommittee for this landmark legislation. The gentleman has indicated to the Members on the floor who are not members of the Committee on Armed Services what the vote was in the subcommittee. The question is, Is it not a fact that a motion was offered to delete section 4, to which the gentleman just referred, in the full committee and that motion was defeated by a rollcall vote of 29 to 6?

Mr. GUBSER. I wish the gentleman had not asked that question for the reason that I am going to have to give an honest answer to it, and that answer is going to be embarrassing to a lot of people.

Mr. LENNON. I would be glad to hear it.

Mr GUBSER. There was not 5 minutes discussion of this matter in the full committee. The tendency was to support the report of the subcommittee, support the chairman of the subcommittee, and that is an honorable course of action to follow. Most on one side supported the chairman of the subcommittee. That is good and I respect that. Unfortunately, though, the minority voted 100 percent against it in the subcommittee. There was a breakdown in liaison between the ranking minority member and he voted 5 proxies against his own ranking member. So, I am saying that that vote, overwhelming though it may have been, certainly should not be compared to the 6-to-5 vote in the subcommittee which did all of the work and thoroughly considered the matter.

Mr. LENNON. Mr. Chairman, if the gentleman will yield further, the gentleman indicated that there was a discussion of only 5 minutes in the full committee with reference to efforts to take out section 4. The gentleman will recall that I was accorded 5 minutes myself to address myself to the support of this provision.

The gentleman from New York addressed himself at least 7 minutes to this subject, 5 minutes at one time and 2 minutes at another. The gentleman in the well addressed himself to it, and the gentleman from California (Mr. LEGGETT) addressed himself to it for 5 minutes, and all in all it was for a total of 36 minutes, according to my recollection and calculation.

Mr. GUBSER. I will accept the gentleman's amendment to my remarks, but I point out that it is 36 minutes of consideration without one word of testimony from outside the committee, one request for the administration's views, and this is not sufficient justification to upset a precedent of 175 years and a myriad of court cases that range from 1840 down to 1967.

I want the gentleman to understand thoroughly that I am not attempting to knock this section out nor will I offer such an amendment nor do I oppose the philosophy involved. I merely say that we should not discriminate; we should make it apply to all persons whether on active duty or retired, and we should also make it apply to Members of Congress and civil service workers. Are we sacred cows that we should not have to live up to our obligations just as we are asking the military retirees to live up to theirs?

Mr. Chairman, I know that there are a great many of the Members who have other plans and wish to leave, so I would like to conclude my remarks by simply quoting the committee report. It sums up this principle in these words:

> The committee believes that this program provides a level of income replacement which is liberal by standards in our society, is reasonable in its demands on the Government, and meets the test of equity toward survivors of retired career personnel.

I think these words adequately sum up the achievement of H.R. 10670. We have dealt fairly with the military retiree, but at the same time we have not forgotten our obligation to the taxpayer. Today's action represents the end of a long road for me, for, as the gentleman from New York noted, I first introduced this legislation back in the 90th Congress. We have come up with a bill which is far superior to the one I introduced over three years ago, and it is much better, quite frankly, than what I expected to achieve at that time.

I think, in the long run, this bill may prove as important to the average serviceman and may make as much of a contribution to the ideal of a volunteer armed force as the tremendous pay raises that we passed earlier this year. It is a great bill and I urge each and every one of you to support it.

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

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

Mr. PIRNIE. Mr. Chairman, I thank the gentleman for yielding.

First I would like to join with our distinguished chairman of the Committee

on Armed Services in expressing commendation to the gentleman in the well and the chairman of the subcommittee for the formulation of this very significant piece of legislation. It is equitable and very timely.

Mr. Chairman, I rise to strongly support H.R. 10670.

The able chairman of the Special Subcommittee on Survivor Benefits, Mr. PIKE, has, in my opinion, adequately explained the provisions of this most complex piece of legislation—so I will not attempt to cover the same ground. I would add, however, that today is the culmination of the greatest team effort I have ever seen in my days in this Congress in bringing to the floor of the House of Representatives a major and complex bill conceived and written by the Members of this body.

Let me cite the history of this legislation. For years we have known that the major gap in personnel benefits for the career military family was an inadequate program of survivor benefits. I recall that in 1953 an attempt was made to correct this deficiency by the creation of a selfamortizing insurance program known as the Retired Serviceman's Family Protection Plan—RSFPP—initially called the Contingency Option Act. Yet, despite seven revisions by the Congress over the past 17 years, RSFPP has proved a failure in providing general survivor protection as only 15 percent of eligible military personnel have participated. This means that survivors of 85 percent of deceased eligible retirees have no claim to any part of the member's military retired pay.

RSFPP was just too expensive and too complex to be accepted generally by the military retiree.

Recognizing that another major overhaul of RSFPP was not the answer, the Fleet Reserve Association established as its major legislative objective a new survivor benefits program. Their efforts resulted in a draft of legislation which was introduced by the ranking minority member of the subcommittee, Mr. GUBSER. Others in the Congress have introduced similar legislation.

Last year, after the completion of the major annual bills for the military, Mr. Gubser circulated a petition among the members of the Armed Services Committee, urging the late chairman of the committee to appoint a special subcommittee to study the problem of survivor benefits. The chairman did appoint such a subcommittee with the Honorable OTIS PIKE as chairman and the Honorable CHARLES GUBSER as ranking minority member.

An extensive study was conducted by that subcommittee in the 91st Congress when testimony was heard from Members of Congress, representatives of the Defense Department, the Social Security Administration, the Veterans' Administration, and numerous spokesmen for military and veterans' organizations. In addition, the subcommittee heard testimony from widows of officers and enlisted men from various parts of the country. There was a consensus that the present programs are wholly inadequate and that some form of a new survivor benefit program should be made available to military personnel in retirement.

The Department of Defense, however, was not in the position to suggest the form that such a new program should take; so the members of the subcommittee devised such a program, which was introduced in the last Congress as H.R. 19528.

The subcommittee bill was again introduced on the opening day of this Congress as H.R. 984. On May 24 of this year, in response to a request from this Committee, the Department of Defense stated its formal position on H.R. 984 and supported the need for such legislation and the principal features of the committee bill but recommended some modifications. Many of the modifications recommended are incorporated in the bill.

We have created a new program of survivor benefits for military personnel in retirement that will provide a fair level of income replacement for survivors, that will call for some cost sharing at a reasonable level by the retiree, that is generally applicable to all retirees of the uniformed services, and that can be readily understood by members of the retired community and their dependents, while at the same time will meet the Government's obligation to survivors and still be acceptable in terms of its financial demands on the Government.

We have been guided by two broad, general concepts:

First, to build on the foundation provided by social security; and

Second, to parallel to the extent feasible the successful survivor benefits program of the civil service retirement system.

This legislation is a proper response to our obligation to personnel within the uniformed services. It deserves our full support.

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

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

Mr. DON H. CLAUSEN. Mr. Chairman, like the others, I want to express my appreciation for the leadership of the gentleman from California, my colleague (Mr. GUBSER) who is now in the well, and also to the committee for advancing this legislation that has great interest to the families of the people who serve our country.

Mr. Chairman, as a cosponsor of this legislation to establish a survivor's benefit plan for retired military personnel, I wish to take this opportunity to urge, as strongly as I can, favorable action on H.R. 10670.

It is indeed unfortunate that this legislation has not already been enacted and that so much time has elapsed in recognizing the need for it. Certainly, the survivors of a military retiree should rightfully share in the retirement pay due him, but, unless this measure is adopted, this will not be possible.

As we all know, there is universal recognition of the fact that a military career imposes unusual and diverse problems for the families of servicemen. It is a great tribute to the wives and children of our career men in the armed services that they are able to accept these tremendous challenges and responsibilities.

They should not, however, be penalized for their sacrifices by being excluded from coverage under a survivor's benefits program. The bill before us, which embodies the main substantive features of H.R. 984, will remove existing inequities and provide for the creation of a fair and just program of benefits.

In addition, this measure will close the gap of comparability between retirement programs for civil service retirees and military career personnel. Because of circumstances and the life style dictated by their careers, military retirees are often denied the same opportunity to build a sufficient estate to provide for their families after death.

I would also like to take the opportunity provided by this debate to point out, Mr. Chairman, that the Congress must also address itself to the question of the recomputation of military retirement pay.

It has been 13 years since the Congress shortsightedly abandoned the principle of reflecting basic pay changes in the service retirement program. In my judgment, it is now time to reinstate the recomputation principle.

Mr. GUBSER. Mr. Chairman, the gentleman from California (Mr. DON H. CLAUSEN), has been in constant contact with the members of the subcommittee on this bill and has expressed an extraordinary interest in it. I want to compliment the gentleman for his consistent support.

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

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

Mr. WHITEHURST. Mr. Chairman, I am pleased to rise in support of H.R. 10670.

This is a vitally needed bill which will equalize the survivor benefits program for career military personnel to that already accorded to survivors of career civil service employees.

I will address my brief remarks to the fiscal aspects of the bill. As stated so well on pages 29 through 33 of the report, it is impossible to provide accurate and detailed cost estimates. However, there will be no additional costs to the Government for the next 5 years, and in all likelihood, there will be no governmental costs until the year 2005.

Three provisions in the bill contribute to the costs: First, the program of the minimum income guarantee for present widows; second, the supplemental payment to survivors of retirement-eligible members who die while on active duty and; three, the new, permanent survivor benefit plan created by the bill.

The annual costs of providing benefits to present widows under section 5 of the bill will be no more than $47 million a year for the first 5 years of the program. After approximately 5 years, the costs will decrease annually as eligible widows die, and the cost will eventually reach

zero sometime after the year 2000 when the last participating widow dies.

The second element of cost involves the provision in the bill to pay the difference between 55 percent of a member's retired pay and DIC benefits to survivors of retirement-eligible members who die while on active duty. It is estimated that approximately 650 members who are eligible to retire die while still on active duty. The cost of this portion of the program is estimated to be $725,000 the first year and to increase by a like amount each succeeding year.

The new survivor benefits plan will not result in a net increase in budgetary requirements for some years. The reason is that for many years the reductions from retired pay will exceed the cost of benefits paid to survivors. Accentuating this development is the fact that all present retirees are eligible for the program and when they join, will immediately experience retired pay deductions. As of June 30, 1971, there were an estimated 823,261 military retirees.

Thus, it should be understood, that the cost figures which I will outline are speculative at best and dependent upon a number of factors that are not now known.

The most likely cost estimates indicate the permanent survivor benefits plan will, until the year 2005, actually take in more money than it will pay out. But to the extent that retired-pay deductions are made, further obligations are generated for the program.

We have assumed that the participation rate will be 85 percent, the same as experienced in the civil service survivor benefits program.

We have assumed a 5-percent annual increase in basic pay and a 1½-percent annual increase in the Consumer Price Index. We also assumed 1½ percent annual increase in the Social Security Benefit level. We further assumed that 50 percent of the children continue in school after age 18, that 9 percent of retirees electing surviving benefits will have orphaned children and that we continue to maintain an active-duty force of 2.6 million. We believe each of these assumptions is realistic even though the cost and pay projections are high. But they are in line with the experience of the last 7 years. However, to the extent inflation is controlled, the point at which the payout of annuities exceed retired-pay deductions will come prior to the year 2005. Using these assumptions, the cost of the program—by the year 2020—could be over $500 million annually. If, on the other hand, we use static assumptions, that is with no basic or retired pay increases calculated and no increases in social security assumed, the program could begin costing the Government approximately $4.4 million as early as 1986 and rising to approximately $375 million by the year 2000.

I cite this data to the House to make you aware of the magnitude of the program we are considering today—and I want you to have the full story on its fiscal implications. But in so doing, I also call your attention to the fact that in adopting this program, you are only equalizing the benefits of career service personnel to that you have already provided to career civil service employees and to the Members of Congress and their employees. It is only fair and right that all Federal employees be similarly treated.

Mr. Chairman, the bill we are passing today is truly a milestone. The widows of our military retirees have been the forgotten women for all too long. Now we have legislation which will permit them to live out their lives in dignity.

I know of no more diligent work done by a subcommittee in my brief period of service. Long hours were put in listening to witnesses and shaping up a bill which would be satisfactory and equitable. While all of the subcommittee members contributed to the substance of the bill, I believe that particular credit should be given to our Chairman, OTIS PIKE, and the ranking minority member, CHARLES GUBSER. Congressman PIKE always provides excellent leadership, and I have been privileged to serve on two other subcommittees which he has chaired, one investigating the seizure of the U.S.S. *Pueblo* and more recently the Manpower Utilization Subcommittee. For Congressman GUBSER this bill represents the fulfillment of an objective which he has had for a number of years. It was he who introduced a bill which would adequately provide for the survivors of our military retirees. What we do here today is the consummation of a long effort on his part. I count it a signal honor to be identified with both of these men and my other esteemed colleagues on the subcommittee and full committee who endorse this bill.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. YOUNG of Florida. Mr. Chairman, H.R. 10670, the military survivors' benefits bill, which we are considering here today, and which I am proud to have cosponsored, will be a major stride toward correcting an inequity that has existed for far too many years. When this legislation is finally enacted into law, our service personnel will have a new measure of contentment in knowing that even in retirement their widows will be provided for.

Because I am privileged to represent a district that is home for 87,000 veterans and military retirees, I am acutely aware of the present inequities experienced by many of our retired military and their spouses. Survivor protection presently available for military families is incomplete; often inadequate; and frequently nonexistent.

Many current widows of career military retirees, including widows of officers and enlisted men of long and outstanding service, are living in conditions of great economic deprivation because of the lack of adequate survivor benefits coverage. Often, they are forced to exist on grossly inadequate incomes. Let me relate the case of a widow in my district whose husband devoted 35 years of his life to the military and, 1 year after retirement, passed away. This woman, for the past 18 years, has had to exist on a monthly pension of $50.40. It is distressing to think how many other cases, similar to this, there are in our country today.

Like their husbands, these women have made many sacrifices in the service of our country. They have done their part maintaining a stable home for the family no matter where they were stationed; serving as good will ambassadors across the world; spending weeks, months, and even years alone, bearing the full responsibility of both parents while the husband was away in service to our Nation. It is only fair and right for women like this to receive a realistic amount which their husbands have provided and which will enable them to live decently and with dignity. They deserve better treatment from the country which they, too, have served so well.

Details of this legislation have been adequately explained. Let me just say that the provisions of H.R. 10670 make it possible for us to remedy this grave injustice. This bill brings an equity to the survivors of military personnel which has been enjoyed all along by civil service employees. H.R. 10670 offers us a great opportunity to show our appreciation of the service rendered by these people in our behalf. One can take pride in supporting this monumental legislation, and I urge each Member to do so. Also, let us not forget the gentleman from California (Mr. GUBSER) and the gentleman from New York (Mr. PIKE) who initiated this legislation. Congressman GUBSER was the first to seek an equitable solution to this problem, and I am proud to have had the opportunity to join him in the development of this legislation.

Despite his myriad duties and the tremendous daily workload in serving his constituents, he found the time to research and document the problem, and what is even more important, to draft the needed legislation.

As a member of the Select Subcommittee on Survivors' Benefits, I am grateful for the knowledge and experience he gave freely to assure that the most beneficial and practical survivor benefits program could be devised and to have this meritorious legislation brought out of committee.

Mr. GUBSER has earned the grateful thanks and admiration of our military community. Their appreciation is fully justified, and I join them in applauding the gentleman from California.

Mr. GUBSER. Mr. Chairman, I thank the gentleman for his contribution.

Mr. PIKE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman and gentlemen of the House, I think we are correct in passing compliments out here today both for the gentleman from New York (Mr. PIKE), the majority member of the subcommittee on which I have been privileged to serve, and also the gentleman from California (Mr. GUBSER), the ranking minority member on bringing to creation this important legislation we are considering here today in H.R. 10670.

I think there are two miracles that we have worked with this legislation.

First. It is a rare circumstance when we are privileged to do anything in the House of Representatives other than to polish up something that is generated downtown in the executive branch.

Many times the executive department is way ahead of us in the legislative drafting field—they send the bills up and we make our amendments and by and large it is an executive department idea.

In this particular case, this survivor benefit legislation germinated, I believe, with the gentleman from California, my colleague (Mr. GUBSER). With a number of us as coauthors we drafted this general legislation. We have considered it, synthesized it and amended it—and as opposed to the usual situation where the House polishes up executive ideas, in the case before us today the executive department polished up our ideas and so really this is in truth and fact an Armed Services Committee generated and created piece of legislation.

I believe that the executive department chose to approve this legislation in spite of the fact that this year we have a $34½ billion deficit in our administrative and trust fund accounts and the true miracle is the fact that this legislation will not cost any money. We have created a new form of trust fund which is going to convert the situation where only 15 percent of our military retired have been able to afford a retirement annuity for their wife or children survivors to a situation where 85 percent to 90 percent of the military retired will be unable to refuse to accept the opportunity to create this new and rather liberal type of annuity. As a result there is going to be so much money coming into this program in the next 20 years, that it is not going to cost the Federal Government a single dime until fairly close to the turn of the century.

Mr. Chairman, I want particularly to compliment our professional staff and our counsel, Mr. Cook, and the professional staff members, Mr. Ford and Mr. Cantus, for the way they presented this very complicated legislation over a long period of time to the members of the subcommittee in a fashion, a piecemeal fashion, such that we could understand the multitude of issues and make a reasonable, considered and deliberative decision of the vast array of decisions and issues that had to be made on this legislation to arrive in its present form.

The dedication and effort involved have been tremendous and it is justified by the results.

Mr. Chairman, I want to compliment the gentleman from New York, OTIS PIKE, and colleague CHARLES GUBSER for the fine work they have done on this bill, the military survivor benefit plan. The dedication and the effort involved have been tremendous, but they are justified by the result. H.R. 10670 represents a tremendous improvement over the present retired servicemen's family protection plan, or RSFFP, and it is a fine program by any relative or absolute standard.

I will briefly run through the merits of the bill.

To begin with, it provides for those survivors for whom the plan itself comes too late: that is, those who are already widowed. In effect, it places a floor of $2,000 per year under all military survivors. This certainly will not permit luxurious living, but it will at least ameliorate the shocking poverty which is now the lot of a number of military widows due to inadequate survivor benefit programs of the past.

The plan itself provides that military retirees can leave their survivors an annuity of up to 55 percent of their retired pay. This will be financed by deductions from retired pay of 2.5 percent of the first $3,600 of the base amount and 10 percent of the remainder of the member's retired pay. According to our best estimates, these deductions will more than pay for plan benefits and for present widow benefits at least until 1987. The deductions will be more than sufficient to pay for the plan benefits proper for another 3 or 4 years. After that time, as the number of plan beneficiaries continues to increase, the Government will have to put out more than it takes in, until the year 2000, we will have to appropriate $310 million plus per year.

The military survivor benefit plan will require no additional Government expenditures for approximately 20 years.

All present retirees will have the option of joining the new program, remaining in the old program, or participating in both, provided that they do not create a combined annuity that exceeds their full retired pay. We do not want to create situations in which a man will be worth more to his family dead than alive.

A retiree may elect not to participate, but if he does so, his spouse will be notified of the fact by the Government.

Survivor benefit annuities will receive a cost-of-living increase whenever retired pay is given such an increase.

Mr Chairman, I believe this bill has been well received by every organized military widows' and retired group in the country. To the best of my knowledge, it is supported by all the military retirees' associations. I do not know of anyone who opposes it. But I have heard objections to three specific provisions. I disagree with two of these objections, but I very strongly agree with the third. Now I will discuss each of these in turn.

The first objection deals with the social security interaction of the plan. At age 62, a widow's plan benefits will be reduced by the amount of her social security income. Some feel this is unfair. But in my view, this arrangement is mandated by the purpose of the plan, which is to work together with the social security system to provide a given level of military survivor benefits. Social security credits earned in civilian life are not affected.

The second point of contention deals with the contingency of the beneficiary dying before the retiree. In this case, the retiree continues to have survivor deductions taken from his retirement benefits, even though he has no survivor; that is, participation in the plan is irrevocable. This provision is identical to that of the civil service survivor benefits plan, and has caused a fair amount of adverse comment there as well as in the present bill. It is understandable that a man should object to paying money into a survivor benefits plan when he no longer has a survivor to benefit. However, the fact is that this money is needed to finance the plan, and I am certain that at the time of election almost all retirees feel they would like to have this source of revenue to support the extremely generous benefits of the plan. If a retiree's wife dies before he does, then naturally he will want out. It is natural for a man who has lost any gamble—I do not mean to be facetious; we all know that insurance is in fact a gamble—it is natural for this man to wish he had not bet. But if there were no losers, there would be no money for the winners. What we have done with this plan is to develop the most attractive and feasible plan for the benefit of the retiree and his family.

Parenthetically, I should point out that the civil service plan did not permit a second spouse to be designated as beneficiary. She was eligible for nothing, while the retiree went on paying for benefits the dead first wife can never receive. This was indeed unfair, the law has since been amended. Our plan permits designation of a second spouse as beneficiary also.

The third objection, the one with which I strongly concur, deals with section 3 of section 1452. Under this section a new provision for attachment of retired or retainer pay is added to this survivor benefit plan.

This provision subjects the retired or retainer pay of a member of the armed services to attachment by a wife or former wife for her support and child benefits.

It has been a long standing Federal rule that Government salaries or other emoluments are not attachable in a private civil suit.

To single out the retired servicemen as the only recipient of a Government check which may be attached is patently unfair and discriminatory.

While this section is unfair, it may also be void as a matter of law. My colleagues will note on page 14 of this bill the language of the section:

> Notwithstanding any other provision of law, the retired or retainer pay of a member of the armed force shall be subject to attachment to comply with the order of a court of competent jurisdiction in favor of his spouse, former spouse, or children.

In no event shall the amount of deduction pursuant to such attachment exceed 50 percent of the retired or retainer pay. Regulations to carry out this section are not authorized by the bill. It is a basic legal axiom that a matter subjected to legislative determination, as is the issue of wage garnishment or attachment, cannot be delegated to the executive without clear legislative guidelines. No such guidelines exist in this case. The section in reference merely states that the retired or retainer pay may be attached by a court of competent jurisdiction. The bill makes no reference to applicable sections of the Federal Rules of Civil Procedure. The section makes no

reference to the necessity for undertaking an action in State or Federal courts, and the section makes no reference to the procedures for attaching a check drawn of the U.S. Treasury.

If the Congress sees fit to subject military retired pay to attachment it must at the very least, provide the minimum specific direction for the executive and judiciary to follow or in the alternative it must write its own complementing legislation.

This provision does neither and should be struck from the bill, though I am not going to make that motion.

If, however, we accept the legislative language as legally sufficient, I still submit that this provision is bad policy. Why should we single out the retired military man for such treatment when the pay or retirement of all other Government employees is nonattachable.

The nonattachability of moneys payed by the Government for present or past services is a premise with strong statutory roots in our legal system. For example, there are explicit statutory prohibitions against such attachment of unemployment insurance payments—title 45, United States Code, section 352(e)—workman's compensation awards—title 33, United States Code, section 916—veterans insurance benefits—title 38, United States Code, section 770(g)—foreign service retirement and disability payments—title 22, United States Code, section 1104—military annuities based on retired pay—title 10, United States Code, section 1440.

Other Government employees protected from attachment or garnishment are civil service retirees—title 5, United States Code, section 8346—social security beneficiaries—title 42, United States Code, section 407—and annuities to widows and surviving dependent children of judges—title 28, United States Code, section 376(m).

For further elucidation of my colleagues I include at this point the relevant statutory provisions cited above:

Title 45 Sec. 352 (Unemployment Insurance)

ASSIGNMENT, TAXATION, GARNISHMENT, ATTACHMENT, ETC., OF BENEFITS

(e) No benefits shall be assignable or be subject to any tax or to garnishment, attachment, or other legal process under any circumstances whatsoever, nor shall the payment thereof be anticipated.

Title 33 Sec. 916 (Workmen's Compensation)

ASSIGNMENT AND EXEMPTION FROM CLAIMS OF CREDITORS

No assignment, release, or commutation of compensation or benefits due or payable under this chapter, except as provided by this chapter, shall be valid, and such compensation and benefits shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, which exemption may not be waived.

Title 38 Sec. 770 (Veterans Insurance)

BENEFICIARIES; PAYMENT OF INSURANCE

(g) Payments of benefits due or to become due under Servicemen's Group Life Insurance made to, or on account of, a beneficiary shall be exempt from taxation, shall be exempt from the claims of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. The preceding sentence shall not apply to (1) collection of amounts not deducted from the member's pay, or collected from him by the Secretary concerned under section 769(a) of this title, (2) levy under subchapter D of chapter 64 of the Internal Revenue Code of 1954 (relating to the seizure of property for collection of taxes), and (3) the taxation of any property purchased in part or wholly out of such payments.

Title 22 Sec. 1104 (Foreign Service Retirement)

ATTACHMENT OF MONEYS

None of the moneys mentioned in this subchapter shall be assignable either in law or equity, or be subject to execution, levy, attachment, garnishment, or other legal process, except as provided in section 1004(c) of this title. Aug. 13, 1946, c. 957, Title VIII, sec. 864, 60 Stat. 1024; Apr. 5, 1955, c. 23, sec. 13(3), 69 Stat. 27.

Title 10 Sec. 1140 (Military Retirement) Survivors

ANNUITIES NOT SUBJECT TO LEGAL PROCESS

No annuity payable under this chapter is assignable or subject to execution, levy, attachment, garnishment, or other legal process. Aug. 10, 1956, c. 1041, 70A Stat. 111.

Title 5 sec. 8346 (Civil Service)

EXEMPTION FROM LEGAL PROCESS; RECOVERY OF PAYMENTS

(a) The money mentioned by this subchapter is not assignable, either in law or equity, or subject to execution, levy, attachment, garnishment, or other legal process.

Title 42 sec. 407 (Social Security)

ASSIGNMENT

The right of any person to any future payment under this subchapter shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this subchapter shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

Title 28 sec. 376

ANNUITIES TO WIDOWS AND SURVIVING DEPENDENT CHILDREN OF JUDGES

(m) Annuities granted under the terms of this section shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued. None of the moneys mentioned in this section shall be assignable, either in law or in equity, or subject to execution, levy, attachment, garnishment, or other legal process.

The committee bill purports to allow attachment up to 50 percent for the wife and children. The existing law precludes attachment, garnishment, execution, levy, and other legal process. If the bill intends to give rights to the wife and children, I think these rights are very, very incomplete.

Another consideration, since the attachment only provides for the taking of property into the hands of the constable or marshal, how does the wife or children under the pending legislation ever hope to reduce the funds retrieved to possession?

At this point in my remarks I include a portion of page 277 of Bouvier's Law Dictionary on the subject of attachments:

ATTACHMENT

The levy of an attachment does not change the estate of the defendant in the property attached; Bigelow v. Willson, 1 Pick. (Mass.) 485; Starr v. Moore, 3 McLean 354, Fed. Cas. No. 13,315; Perkins' Heirs v. Norvell, 6 Humphr. (Tenn.) 151; Snell v. Allen, 1 Swan. (Tenn.) 208; Oldham v. Scrivener, 3 B. Monr. (Ky.) 579; Sammis v. Sly, 54 Ohio St. 511, 44 N. E. 508, 56 Am. St. Rep. 731. Nor does the attaching plaintiff acquire any property thereby; Bigelow v. Willson, 1 Pick. (Mass.) 485; Crocker v. Radcliffe, 3 Brev. (S. C.) 23; Willing v. Bleeker, 2 S. & R. (Pa.) 221; Owings v. Norwood's Lessee, 2 Harr. & J. (Md.) 96; Goddard v. Perkins, 9 N. H. 488. Nor can he acquire through his attachment any higher or better rights to the property attached than the defendant had when the attachment was levied, unless he can show some fraud or collusion by which his rights are impaired; Crocker v. Pierce, 21 Me. 177; Kentucky Refining Co. v. Bank, 49 S. W. 492, 28 Ky. Law Rep. 486.

The levy of an attachment constitutes a lien on the property or credits attached; Peck v. Webber, 7 How. (Miss.) 658; Val. Loan v. Kline, 10 Johns. (N. Y.) 129; Davenport v. Lacon, 17 Conn. 278; Erskine v. Staley, 12 Leigh (Va.) 406; Moore v. Holt, 19 Gratt. (Va.) 284; Grigg v. Banks, 59 Ala. 311; Hervey v. Champion, 11 Humphr. (Tenn.) 569; Ziegenhager v. Doe, 1 Ind. 296; People v. Cameron, 2 Gilman (Ill.) 468; President, etc., of Franklin Bank v. Bachelder, 23 Me. 60, 39 Am. Dec. 601; Kittredge v. Warren, 14 N. H. 509; Vreeland v. Bruen, 21 N. J. L. 214; Downer v. Brackett, 21 Vt. 599, Fed. Cas. No. 4,043; In re Rowell, 21 Vt. 620, Fed. Cas. No. 12,095; Ingraham v. Phillips, 1 Day (Conn.) 117; Lackey v. Seibert, 23 Mo. 85; Haanahs v. Felt, 15 Ia. 141; Emery v. Yuet, 7 Colo. 107, 1 Pac. 686; Ward v. McKenzie, 33 Tex. 297, 7 Am. Rep. 261; Davis Mill Co. v. Bangs, 6 Kan. App. 38, 49 Pac. 628; Beardslee v. Ingraham, 183 N. Y. 411, 76 N. E. 476, 3 L. R. A. (N. S.) 1073; Perry v. Griefen, 99 Me. 420, 59 Atl. 601. But, as the whole office of an attachment is to seize and hold property until it can be subjected to execution, this lien is of no value unless the plaintiff obtain judgment against the defendant and proceed to subject the property to execution.

Where two or more separate attachments are levied simultaneously on the same property, they will be entitled each to an aliquot part of the proceeds of the property; Durant v. Johnson, 19 Pick. (Mass.) 544; Campbell v. Ruger, 1 Cow. (N.Y.) 215; Nutter v. Connet, 3 B. Monr. (Ky.) 201; True v. Emery, 67 Me. 28; Wilson v. Blake; 53 Vt. 305; Thurston v. Huntington, 17 N.H. 438; see Love v. Harper, 4 Humphr. (Tenn.) 113; Yelverton v. Burton, 26 Pa. 351. Where several attachments are levied successively on the same property, they have priority in the order in which they are sued out; Lutter & Voss v. Grosse, 82 S.W. 278, 26 Ky. L. Rep. 585; and a junior attaching creditor may impeach a senior attachment, or judgment thereon, for fraud; Pike v. Pike, 24 N.H. 384; Walker v. Roberts, 4 Rich. (S.C.) 561; McCluny v. Jackson, 6 Gratt. (Va.) 96; Smith v. Gettinger, 3 Ga. 140; Reed v. Ennis, 4 Abb. Pr. (N. Y.) 393; Hale v. Chandler, 3 Mich. 531; but not on account of irregularities; Kincaid v. Neall, 3 McCord (S.C.) 201; Camberford v. Hall, 3 McCord (S.C.) 345; Walker v. Roberts, 4 Rich. (S.C.) 561; In re Griswold, 16 Barb. (N.Y.) 412.

By the levy of an attachment upon personalty, the officer acquires a special property therein, which continues so long as he remains liable therefor, either to have it forthcoming to satisfy the plaintiff's demand, or to return it to the owner upon the attachment being dissolved, but no longer; Barker v. Miller, 6 Johns, (N.Y.) 195; Gates v. Gates, 15 Mass. 310.

Finally, since attachment only relates to the amount owing on the day of the levy, when does a Federal annuity accrue—daily, monthly at the beginning or end of the month.

Another consideration, who is the responsible officer that must respond to the levy, the President, Secretary Laird, Secretary of the Treasury, the computer at St. Louis, and so forth. The bill is silent in this regard and does not provide for implementing regulations.

How is the levy made—by mail, by person? How does a marshal get authority to levy outside of his State by mail?

If the Congress feels that this long-standing prohibition against attachment and garnishment of Government salary, retirement, and annuity payments should be ended, the Congress should make the change applicable to all Government employees, not merely the military.

At present a bill is pending in the Judiciary Committee, H.R. 1517, which provides for garnishment of all Government pay. If we wish to change the existing law I feel that inclusive legislation such as H.R. 1517 is the route to follow and not H.R. 10670 which singles out the retired military man alone.

I would also note that H.R. 1517 is a more detailed piece of legislation, designating the U.S. District Court as the court of original jurisdiction, referring to title 28 section 1391 of the United States Code for venal provisions, and providing that the Government employee have the same legal standing as the employee of a private person for the purposes of such a suit.

H.R. 1517 is fair and equitable legislation. H.R. 1517 is well drawn legislation. The attachment provision of H.R. 10670 is neither fair nor well drawn and I strongly recommend that this section be struck from the bill.

Mr. Chairman, if I have not said it before, I would like to say to the gentleman from New York (Mr. PIKE) this is a great bill, and I do compliment him on bringing this bill to the floor.

(Mr. ARENDS (at the request of Mr. GUBSER) was granted permission to extend his remarks at this point in the RECORD.)

Mr. ARENDS. Mr. Chairman, I am pleased to rise in support of H.R. 10670.

Gentlemen, for years we have recognized there was a serious gap in the survivor benefit package for career military personnel—and in a limited way, we have tried to correct it—but frankly, the problem was so complex that we did not make an all-out effort to overhaul the programs. Recognizing either our inattention or inability to solve this problem, the Fleet Reserve Association, an organization composed of both active duty and retired personnel of the Navy and Marine Corps, set the establishment of a revised survivor benefits program as their No. 1 legislative priority. They formed a committee and drafted legislation. Then they selected one of their honorary Members, "Shipmate" CHARLES GUBSER to lead their congressional efforts—and their choice was an excellent one.

He introduced their bill which was supported by almost all military veterans organizations. By personal persuasion, he succeeded in talking the late chairman of the Armed Services Committee into appointing a special subcommittee to study this problem nearly a year before the Department of Defense was ready to submit an official position on the legislation. And when the special subcommittee was formed, he became its ranking minority member.

Early in the study, it became apparent that the bill which he had introduced, while a good vehicle to study the problem, was not, in itself, the complete answer. So the subcommittee requested the Department of Defense to make their legislative suggestions but this they were unable to do. The subcommittee then wrote its own bill which was introduced on October 1 of last year.

During numerous committee hearings on various subjects, Mr. GUBSER prodded high officials in the Pentagon to firm up an official position on this legislation. Finally, on May 24, 1971, the administration gave its strong endorsement to what had by then been known as the Pike-Gubser bill. Additional hearings were held and the bill before you today represents the painstaking work of that special subcommittee. It really is a tribute to the diligence, patience, and skill of the members of the special subcommittee. I congratulate each member of that subcommittee for this fine and comprehensive piece of legislation. But today, a special thank you goes to OTIS PIKE who chaired the subcommittee and to CHARLES GUBSER for their outstanding work in bringing this bill to the floor today.

This is one of the most complex bills ever reported out of the Armed Services Committee, yet one of the most important. In my opinion, it fills the last major gap in a good program of personnel benefits for the career military. It will go a long way in helping to move us forward toward the goal of an all-volunteer military force. Yet, it is modest in its approach in that it merely provides the same financial security for the dependents of military personnel that have already been accorded survivors of career civil service employees.

It is complex because it had to take into account the already present benefits provided to military personnel and their dependents through the social security program, the benefits through the Veterans' Administration for active duty personnel and their survivors and also the pensions for nonservice connected death to widows. At the same time, consideration was given to bringing a comparability of this new program with the civil service survivor benefit program while recognizing the differences in the nature of the two groups.

We have a bill today which provides a benefit program to servicemen of career military personnel which is built upon the foundation of social security. This recognizes the more than $600 million that the military services pay annually into the social security program—yet guarantees to the surviving spouse 55 percent of the retired pay for life, so long as the spouse does not remarry before the age of 60, and even then, upon the termination of that second marriage by death or divorce.

It protects and insures an adequate survivor program for dependent children of career military personnel in the case of death of both their parents.

It covers a dependent for life when that dependent is incapable of supporting himself because of a mental or physical incapacity existing before his or her 18th birthday, or after that birthday, but before the 22d birthday, while pursuing a full-time course of study of training.

It insures that the survivors of career personnel who remain on active duty for more than 20 years will not receive less survivor benefits than the survivors of those who retired with 20 years of service.

It provides that title III noncareer Reservists will be able to enter the program when they reach age 60, the age at which they begin to draw retirement pay.

It provides a program of minimum income guarantee for present military widows to assure an income of at least $2,000 per year.

I believe this legislation deserves the support of every Member of the body.

(Mr. FISHER (at the request of Mr. GUBSER) was granted permission to extend his remarks at this point in the RECORD.)

Mr. FISHER. Mr. Chairman, H.R. 10670 is landmark legislation. It is designed to fill a vacuum, and it is long overdue. I commend my colleague from New York (Mr. PIKE) and his subcommittee for producing a splendid bill on the subject of military survivor benefits. Much of the credit goes to Mr. PIKE for the direction he provided for the drafting of a very complex and difficult measure.

I have for a long time been convinced of a pressing need for legislation which would provide benefits for survivors of non-service-connected military personnel. In fact, early last year I introduced H.R. 16982, which contained some of the basic provisions now incorporated in the pending bill. The Pike bill, which we are now considering, is quite an improvement in a number of respects. It contains refinements and additions which were proper.

There is no point in discussing the contents of the pending bill. Anything I would say would be repetitious. The measure appears to be relatively noncontroversial. Unfortunately, because of a long-standing speaking commitment I have in San Antonio this evening it will be necessary for me to catch a plane before a final vote is taken. In this manner I desire to record my support.

Mr. PIKE. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. HICKS).

Mr. HICKS of Washington. Mr. Chairman, I rise in support of H.R. 10760.

As a member of the subcommittee which studied this problem and wrote this piece of legislation, I am extremely proud of what we have accomplished. It has been correctly described as a piece of landmark legislation in the military personnel field and it closes the last remaining major gap in the military program of personnel benefits. It equalizes, insofar as possible, the survivor benefit program of career military personnel with the career civil service employee.

But it does more than that—and it is to that additional section that I wish to direct my remarks today. It establishes a new principle and overcomes court decisions in regard to attachment of retired pay to comply with an order of a court of competent jurisdiction in behalf

of a spouse, former spouse, or children. We have discussed the matter in some detail on pages 17 through 19 of our report.

At the outset, I want to acknowledge the fact that the overwhelming majority of retired military people meet all of their legal obligations including alimony and separate maintenance decrees as ordered by a court of competent jurisdiction. But, for those few who do not, the results are frequently tragic. I imagine there is no Member of this House who has not received letters from a wife or ex-wife of a retired serviceman stating that despite a court order providing for payment of alimony or separate maintenance or child support, the husband or ex-husband had moved to another State and was not honoring such a court order. They have asked us to assist them, but there is nothing we can do—because the only remedy available is to go after the assets in the State where the husband is currently residing. Thus, in reality, the woman has to have a local lawyer in the area where she resides who would arrange for a lawyer in the place where the husband resides. Practically speaking, the expenses of such an action preclude the majority of women from seeking any legal remedy. The burden of providing the living to the wife too often falls to the State—while the husband has his entire retirement pay to use as he pleases. In other words, the Federal Government, by giving immunity to attachment of the retired or retainer pay at the source, actually assists those who would use devices to avoid their legal responsibility.

We recognize that this is a radical departure from anything we have had in the past, but we believe it is wrong for the United States to protect retired and retainer pay while the military retiree can, for all practical purposes, ignore court orders.

We would prefer that the retired pay of all Federal employees be subject to these same rules, but the fact that it is not, in no way lessens our obligation to correct what we believe to be a wrong in the area of our own jurisdiction.

I imagine some would ask the question as to why we are singling out the retired and retainer pay of the military for such treatment while not making the provisions applicable to those of active duty. The reason is relatively simple. While on active duty, the service has an opportunity to counsel with one regarding the legal obligations and family responsibilities; and failure to meet those obligations can result in dismissal from the service. However, once on a retired or retainer status, the services have relatively little control over the retiree.

We do believe that because of the frequency of the moves during the time a person is in the military service that the military retiree has less roots in any particular community than his civilian counterpart.

I recognize this is an extremely controversial section, but it was the feeling of 29 of the 35 members of the Armed Services Committee who voted on this question, that when a court has determined that equity lies with the spouse, ex-spouse or dependent children, attachment should be authorized.

I urge your support of H.R. 10670.

Mr. PIKE. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. BRINKLEY).

Mr. BRINKLEY. Mr. Chairman. I rise in support of this bill, H.R. 10670, the successor to H.R. 15152.

This legislation originated with Representative GUBSER, to whom we are all indebted. Because of his leadership, and because of a recognition by our late Chairman Mendel Rivers of the many merits of those proposals, the Survivor Benefits Subcommittee came into being during the last Congress. Chairman HÉBERT has provided renewed authority and enthusiasm during this Congress.

As many of you know, Representative PIKE, after a workmanlike performance as chairman of the Pueblo Subcommittee, has been at the helm of this effort and has been an excellent pilot. The stage was set, I think, for this exceptionally deserving legislation by the attitude demonstrated by the chairman on the issue of attachment, in the subcommittee. He said:

> Let us not be dissuaded by the things we cannot do, from doing those things which we can do.

The result is the bill before us. It is a "good quality" bill. It lets our serviceman know that we are concerned about him and his family even after he has completed his active military career. It translates that concern into tangible security and financial protection.

When I was at Fort Benning recently, do you know what they talked to me about? The pay bill? No, it was the Pike bill. The very important survivor benefits measure before us today. It promotes family interests; it is fair and deserves our careful consideration.

May I conclude with an expression of my appreciation to staffers Bill Cook, John Ford, and Holly Cantus for a job very well done.

Mr. ROUSSELOT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Eighty-one Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 315]

Alexander	Eckhardt	Meeds
Anderson, Ill.	Edwards, La.	Mills, Ark.
Anderson, Tenn.	Evins, Tenn.	Mollohan
Ashley	Fisher	Moss
Aspin	Flynt	Nichols
Belcher	Fraser	Pettis
Broyhill, N.C.	Gaydos	Pryor, Ark.
Buchanan	Goldwater	Rees
Cabell	Halpern	Reid, N.Y.
Caffery	Harvey	Rooney, Pa.
Carey, N.Y.	Hays	Rosenthal
Celler	Hébert	Rostenkowski
Chisholm	Hicks, Mass.	Scheuer
Clark	Horton	Snyder
Clay	Hutchinson	Springer
Corman	Jones, N.C.	Steed
Culver	Kee	Stephens
Dent	Lent	Teague, Tex.
Derwinski	Long, La.	Ullman
Diggs	McCloskey	Van Deerlin
Dingell	McCormack	Wilson, Bob
Dorn	McDonald, Mich.	Wilson, Charles H.
Dwyer	Mathias, Calif.	Yates

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HENDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 10670, and finding itself without a quorum, he had directed the roll to be called, when 360 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. GUBSER. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. HUNT) such time as he may consume.

Mr. HUNT. Mr. Chairman, I rise in support of H.R. 10670. Quite frankly, this is legislation which should have been passed a long time ago. We are frequently reminded that military men retire early and draw retired pay for many years. But many people do not know that the military career man does not have full equity in his retirement. If he is hit by a truck and killed a month after retirement, all of his retired pay entitlement may end with his death and his widow has no inherent right to benefits passed on his retired pay.

This is simply unfair and inexcusable. H.R. 10670 corrects this situation and the correction is long overdue.

This committee has brought out an outstanding bill which provides benefits comparable to what civil servants have enjoyed for some time. The cost for the military retiree is so reasonable that no retiree can afford to not join the program.

I commend all of those on both sides of the aisle who put in a great deal of hard work in bringing out this legislation—and leading the way for the Department of Defense in the process.

But I particularly want to join in complimenting the gentleman from California (Mr. GUBSER), who we might well call "Mr. Survivors Benefits."

He has long been the leader on our side of the aisle in the fight to get better pay and benefits for members of the Armed Forces and their families and he has not forgotten the needs of military retirees. He took the lead in getting this bill introduced and two administrations, one Democratic and one Republican, had the opportunity to drag their feet on the issue. But that did not stop CHARLIE GUBSER; he merely doubled his efforts and convinced us this was one time when Congress should take the lead. This bill is here today not because DOD asked for it, but because the Committee on Armed Services determined it was time for action.

Many retirees today get more retired pay because CHARLIE GUBSER led the fight for them in 1963 and he has been in the forefront on many other battles for a better way of life for the GI and his family. He is one of the best friends the members of our Armed Forces ever had and I salute him.

I urge all Members of the House to support this fine legislation.

Mr. GUBSER. Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SPENCE) such time as he may consume.

Mr. SPENCE. Mr. Chairman, I thank

the gentleman from California (Mr. GUBSER) for being so kind as to yield to me at this time.

Mr. Chairman, I rise in strong support of this bill, H.R. 10670, to establish a survivor benefit plan for the Armed Forces.

As a member of the subcommittee which drafted this legislation, I am obliged and happy to express my gratitude and admiration for our chairman, the gentleman from New York (Mr. PIKE), and our ranking minority member, the gentleman from California (Mr. GUBSER). Without the exceptional efforts of these two men the inequities which exist today, and which we will presently remove, as far as this body is concerned, would continue to plague the survivors of retired career military personnel.

Mr. Chairman, I am particularly in favor of that provision of the bill which establishes an income floor for the present widows of career military men. As has been mentioned, this provision required close coordination between the Armed Services Committee and the Committee on Veterans' Affairs. It is most gratifying that the chairman of the latter Committee has given his support to our efforts to improve the lot of the present widows, and has enabled modification of statutes over which his committee has primary jurisdiction, in order to effect this beneficial legislation.

In the interest of expediting this bill to the floor, the Survivors' Benefits Subcommitte and the Armed Services Committee did not seek to recall those widows who testified before us last year as to the nature of their situation. I would, therefore, like to review for the Members some of the testimony which so deeply affected the members of the subcommittee who were privileged to hear these brave women.

We heard from one widow, now 70 years old, and the widow of a captain in the Army who retired with 32 years of service and died at the age of 61 in 1954. This brave lady told the subcommittee of the difficulties involved in living on a pension of $74 a month, with $25 a month from all other sources. Her rent, alone, in a public housing project for the elderly, consumed $34.70 of that meager income. Mr. Chairman, she has existed on this pension for over 16 years, and for much of that time the benefits she received from her husband's lifetime service were considerably less.

In another instance, a widow of a chief commissaryman in the Navy told how she had been forced to work up to age 75 rather than accept social security, which she considered to be "some form of charity." Finally, in 1957, when she could no longer support herself, she was forced to put down her pride, and apply for those benefits for which her husband had given so many years of his life. At the time of her testimony she was receiving less than $155 per month from all sources, and her rent alone took $110 of that amount.

Mr. Chairman, these are but two of the numerous cases which were eloquently presented to our subcommittee by the women who have suffered most from the inequities of the present system. On any basis, this cannot be considered equitable treatment for one segment of our population, and especially for that segment which represents the survivors of men who literally laid their lives on the line for their country, and were fortunate enough not to be killed in so doing.

In point of fact, Mr. Chairman, the present system of benefits treats this group of survivors in exactly the same manner in which the survivors of veterans with only 6 months' service are treated. While I would in no way degenerate the benefits available to that former group, I believe it is due time that the Congress recognize the additional obligation owed to the latter. This bill recognizes that obligation and responds to it in a most generous manner. For that reason, and for the host of additional points which have already been mentioned, I urge my colleagues to approve the bill.

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

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

Mr. HOGAN. Mr. Chairman, I rise in support of H.R. 10670, the Armed Services Committee bill to establish a survivor benefit plan for members of the Armed Forces in retirement.

As a sponsor of a similar bill, H.R. 7399, I am pleased that this legislation has finally come before this body after the long months of committee work.

The need for this legislation is clear. At the present time, the retirees of the uniformed services lack the protection available to Civil Service employees in the form of a survivor benefit plan in which the Government shares a substantial portion of the cost. Because uniformed service members need their pay to meet current expenses, the rate of participation in the present retired serviceman's family protection plan—RSFPP—is accordingly very low. Therefore, the void in family and widow's protection is critical.

While it is to be hoped that Public Law 92–129, the Military Selective Service Act which included the military pay raise, will somewhat alleviate this problem, the serviceman should be entitled to the help of the Federal Government in sharing the cost of his retirement plan.

I would like at this point in my remarks to include some excerpts from a very cogent letter on this subject which I received from retired Army lieutenant colonel who now resides in my congressional district. I believe that this gentleman makes some points which are on the minds of military people everywhere, and will be in the thoughts of many more as talk of a volunteer Army accelerates. He writes:

A subject of high interest to thousands of retired military personnel and their spouses is an adequate and equitable survivor benefit plan for the military. Did you know that under public law 90–275 that a widow of a World War II or Korean veteran may draw $17.00 per month pension if her income is not over $2,000 per year and if over $2,000 per year she receives nothing? Civil Service has an existing plan that is tried and acceptable. There is no reason that the military should not have a plan comparable to that of Congress and Civil Service. After all, the military are government employees the same as civil service and congressmen . . .

I have a son who was an honor graduate of the U.S. Air Force Academy and is presently a Captain on active duty. In view of my sad past experience with military retirement . . . I find it difficult to advise my son to continue a military service career.

Mr. Chairman, I believe this letter makes the points that need to be made with regard to the legislation before us. If we believe that our country needs and is worthy of the protection of a strong Defense Establishment, then we should assure those men and women who accept the challenge of military life of an adequate subsistence level during and after their military service.

Mr. Chairman, I applaud our colleagues on the Armed Services Committee on the exhaustive hearings and research that have gone into this legislative proposal and I urge speedy approval of the measure by this body.

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

Mr. PIKE. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I should also like to join my colleagues in commending the gentleman from New York and the gentleman from California for the extensive hearings which were held on the legislation under consideration, and I believe the committee has reported a workable and needed bill for the House to consider.

A survivor benefit plan for members of the Armed Forces is vitally needed if we are going to provide the military the same fringe benefits that are available to civilian Federal employees.

The bill under consideration, I might say, is an added inducement to reach the goal of an all-volunteer military service. We must have improved benefits if we expect our servicemen and servicewomen to devote a lifetime career to the military.

Mr. Chairman, I am also vitally interested, as Members know, in the reserve components. I have introduced H.R. 6050, a survivor benefit plan for the National Guard and for the Reserves. I look forward to the day when a survivor benefit plan tailored to the needs of the reserve components is reported out of the committee for consideration by the House.

Mr. Chairman, I have two letters which I will read, to point up the need for survivor benefits for the members of the Reserves and the National Guard. I am quite sure some Members have gotten similar letters.

Mr. Chairman, the first letter I should like to read is from a State director of the Selective Service. It is addressed to me. It is from Colonel Hawkins, director of the Arkansas Selective Service.

LITTLE ROCK, ARK.,
August 26, 1971.

Hon. G. V. MONTGOMERY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MONTGOMERY: I was pleased to see in the August Reserve Officer magazine that you have introduced legisla-

lation concerning the Serviceman's Family Protection Plan with a view toward making certain adjustments.

I know that my fellow reserve officers around the country appreciate this consideration and I would like very much to have a copy of the proposed bill.

As a case in point, I am attaching a clipping about a reservist friend of mine who died recently at the age of 59 who had elected under Section 1434 of Title 10 to provide an annuity for half of his retirement pay to his widow.

Despite this officer's thirty years of total service, his widow cannot receive a dime because he had not as yet drawn his first retirement check. These are certain inequities in this situation that require a lot of study and I am grateful that you have taken an interest in the matter.

Sincerely,

WILLARD A. HAWKINS,
Colonel, USAF, State Director.

In other words, he died at age 59 before having received his first retirement check. He did not live to age 60, and therefore his widow received no survivor's benefits.

The second letter I have is from the adjutant general of Illinois. He states:

SPRINGFIELD, ILL.,
October 1, 1971.

Hon. G. V. MONTGOMERY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MONTGOMERY: I wish to express my support of HR 6050 which you have introduced and which provides that a percentage of an annuity earned by a member of the National Guard or other Reserve Component who completes 20 years of service and who dies prior to age 60 will be paid to the widow or other dependent.

The pressing need for this legislation was once again so tragically emphasized here in my own State when an outstanding Illinois National Guard Battalion Commander died recently of a sudden heart attack. The widow and 9 children survive. At the time of his death this Lieutenant Colonel had completed in excess of 24 years of creditable service under provisions of Title 10, U.S. Code, Chapter 67 for retirement benefits *at age 60.*

As you are aware, no annuity accrues to his widow or children under the present law.

I fully realize that no redress can be afforded in the regrettable case stated above. However, assurance is possible, through the enactment of your bill, that similar cases will not be repeated.

I strongly support HR 6050 and have written to each member of the House Armed Services Committee soliciting their wholehearted support of this measure.

Sincerely,

HAROLD R. PATTON,
Major General, The Adjutant General.

P.S.—In the name of fairness I hope this Subcommittee or another Subcommittee of the Armed Services will have hearings and consider survivor benefits for Reservists and National Guardsmen.

I think these two letters point out what I am trying to say. I wanted the Members to know that there are actually no survivors' benefits under this bill for Reservists and Guardsmen. I hope in the name of fairness that this subcommittee or other subcommittees of the Committee on Armed Services will hold hearings and consider survivors' benefits for the Reserve and National Guard.

I thank the chairman and yield back the balance of my time.

(Mr. DANIEL of Virginia (at the request of Mr. PIKE) was granted permission to extend his remarks at this point in the RECORD.)

Mr. DANIEL of Virginia. Mr. Chairman, I rise in support of H.R. 10670, a bill I helped in a small measure to create.

I add my personal compliments to my chairman, Mr. PIKE, and our ranking minority member, Mr. GUBSER.

Without the inspiration and leadership of these men, this bill would not be before us. That would indeed be a shame.

Today, a man may dedicate over 20 years of his life to protecting his country. He experiences the rigors and dangers associated with his honorable profession. Yet, he will not be able to provide the protection his family needs when he passes on. The committee's report made it abundantly clear that survivor protection for military families is incomplete or excessively expensive, at best.

In many cases, it is nonexistent.

Under this bill, a military man would be able to assure that his survivors would have an adequate income even after his death.

The bill incorporates the benefits which eventually accrue to his survivors through the social security provisions.

Thus, the legislation guarantees such income to the spouse for the rest of her life.

This program builds upon the income maintenance foundation of the social security system, for which the man has paid during his service career.

For the first time, we will establish equitable treatment of retired military Federal employees and civilian Federal employees.

This goal has been too long coming.

There is another provision which deserves mention.

In many cases, servicemen elect to serve beyond their retirement date.

The benefits currently available to military personnel, who die on active duty in such status, are considered adequate.

The committee recognized, however, that sometimes survivors of men who retired would be eligible for a greater benefit than survivors of those who remained on active duty.

The bill corrects this inequity.

Mr. Chairman, this new survivor benefit plan is good, just, and sorely needed.

I strongly urge my colleagues to consider it favorably.

(Mr. WHITE (at the request of Mr. PIKE), was granted permission to extend his remarks at this point in the RECORD.)

Mr. WHITE. Mr. Chairman, I rise in support of H.R. 10670, a bill to correct longstanding inequities in regard to the benefits available to survivors of retired military personnel. It was my honor to serve as a member of the Special House Armed Services Committee created in the 91st Congress to investigate this matter, and of the subcommittee reestablished during the present Congress to recommend this legislation. It has been a pleasure to work under the leadership of the distinguished gentleman from New York (Mr. PIKE) in developing the program submitted to the House today.

During our hearings, we were surprised and shocked at the conditions under which many widows of retired military men were living—some of them receiving no benefits whatever. A plan known as the Retired Serviceman's Family Protection Plan has long been available, but it is entirely self-financing, and has proved both overly expensive and inadequate. As a result, many retired military people have not taken advantage of it, and many widows and children have been left without survivor benefits.

The bill our subcommittee developed follows, in large measure, retirements already available to retired civil service personnel. Military retirees will be able to leave their widows and minor children an annuity up to 55 percent of retired or retainer pay. Retirees will share in the cost of this annuity, paying some 60 percent of the cost, with the Government assuming the remaining 40 percent. Coverage will be automatic for all active duty personnel on the date of retirement, for the maximum survivor coverage, unless they elect not to participate, or elect a reduced base for their annuity. In either case, the retired person's spouse would be notified of the decision.

The present inadequate retired serviceman's family protection plan would be phased out. Persons participating could continue in the program, change to the new survivors annuity program, or use both, within a limitation of 100 percent of retired pay.

Federal financial limitations made it impossible to do as much as we would like to do for those present widows who are receiving no benefits whatsoever. Nevertheless, this bill provides that every present widow of a retired military man will receive a minimum income of $2,000 a year.

These are the highlights of a bill which, I believe, is long overdue. It is a most important step in the program to make a military career more attractive and reach our goal of a volunteer armed services.

Mrs. GRASSO. Mr. Chairman, the individual who embarks upon a military career receives extensive fringe benefits for himself and his family while on active duty. Once he retires, the former military man may draw retirement pay for many years. But what happens to this pay if he should die from non-service-connected causes? His survivors most often find that their entitlement to this income has been terminated. The loss of their loved-one is compounded by the loss of needed compensation. This leaves the family in a difficult financial position, a position made even more precarious if no other outside source of income is available.

The bill the House is presently considering, H.R. 10670, gives Congress the opportunity to overcome many of the obvious shortcomings in the present military survivor's benefits system by making substantive and needed changes in the present incomplete and often inadequate system. The need to close these gaps is even more necessary as this Nation moves toward the creation of a volunteer army.

The committee bill provides two noticeable advantages over the present system.

First, by building on the present system of social security benefits for retired military personnel, the bill provides survivor benefits where they presently do not exist and furthermore, enhances inadequate benefits. Second, it makes the survivor benefits program comparable and parallel to the survivor benefits program enjoyed by civilian personnel under the civil service retirement system.

Specifically, by sharing the cost of survivor annuity through deductions from his retirement pay, the retired military personnel allows his survivors to receive 55 percent of his base retirement pay. This coverage will apply automatically unless the serviceman decides not to participate in the program.

The program also allows unmarried people, or those without dependent children at the time of retirement to be included in this program in the future. Military personnel who are already retired may elect coverage under this program as well.

Mr. Chairman, there exists another section of this bill which should not be overlooked. Many widows who have shared the military lives of their husbands should not have to be plagued by financial worries. Section 5 of H.R. 10670 establishes a program which essentially provides military widows with a minimum income of $2,000 a year.

I am sure that my colleagues will agree with me that this legislation is badly needed. While it will assist all our retired personnel, it will be specially helpful to the lower income retirees.

Mr. PETTIS. Mr. Chairman, I am pleased to rise in support of H.R. 10670.

Gentlemen, for years we have recognized there was a serious gap in the survivor benefit package for career military personnel—and in a limited way, we have tried to correct it—but frankly, the problem was so complex that we did not make an all-out effort to overhaul the programs.

On May 24, 1971, the administration gave its strong endorsement to what had by then been known as the Pike-Gubser bill. Additional hearings were held and the bill before you today represents the painstaking work of that special subcommittee. It really is a tribute to the diligence, patience, and skill of the members of the special subcommittee. I congratulate each member of that subcommittee for this fine and comprehensive piece of legislation. But today, a special thank you goes to the gentleman from New York, OTIS PIKE, who chaired the subcommittee, and to the gentleman from California, CHARLES GUBSER, for their outstanding work in bringing this bill to the floor today.

This is one of the most complex bills ever reported out of the Armed Services Committee, yet one of the most important. In my opinion, it fills the last major gap in a good program of personnel benefits for the career military. It will go a long way in helping to move us forward toward the goal of an all-volunteer military force. Yet, it is modest in its approach in that it merely provides the same financial security for the dependents of military personnel that have already been accorded survivors of career civil service employees.

It is complex because it had to take into account the already present benefits provided to military personnel and their dependents through the social security program, the benefits through the Veterans' Administration for active duty personnel and their survivors and also the pensions for non-service-connected death to widows. At the same time, consideration was given to bringing a comparability of this new program with the civil service survivor benefit program while recognizing the differences in the nature of the two groups.

We have a bill today which provides a benefit program to servicemen of career military personnel which is built upon the foundation of social security. This recognizes the more than $600 million that the military services pay annually into the social security program—yet guarantees to the surviving spouse 55 percent of the retired pay for life, so long as the spouse does not remarry before the age of 60, and even then, upon the termination of that second marriage by death or divorce.

It protects and insures an adequate survivor program for dependent children of career military personnel in the case of death of both their parents.

It covers a dependent for life when that dependent is incapable of supporting himself because of a mental or physical incapacity existing before his or her 18th birthday, or after that birthday, but before the 22d birthday, while pursuing a full-time course of study or training.

It insures that the survivors of career personnel who remain on active duty for more than 20 years will not receive less survivor benefits than the survivors of those who retired with 20 years of service.

It provides that title III or noncareer reservists will be able to enter the program when they reach age 60, the age at which they begin to draw retirement pay.

It provides a program of minimum income guarantee for present military widows to assure an income of at least $2,000 per year.

It provides for the attachment of up to 50 percent of military retired or retainer pay to comply with the order of a court of competent jurisdiction in favor of a spouse, former spouse or children.

I believe this legislation deserves the support of every Member of the body.

Mr. ANDERSON of California. Mr. Chairman, as one who has sought equity for those in the armed services since entering Congress, I rise in full support of H.R. 10670, a bill to establish a survivor benefit plan.

When I first entered Congress, I introduced the "widows' equity" bill, and I presented testimony to the committee which was conducting hearings. Unfortunately, the bill died without further action. Again this year, I reintroduced the same bill, and I pressed for action.

Mr. Chairman, the need for this legislation is abundantly clear, and its adoption is long overdue.

One group of Government employees are second-class citizens when it comes to survivor equity—the military.

A member of the Armed Forces who is retired from active duty receives retired pay as long as he lives. But, no part of his military retirement income automatically passes to his surviving dependent when he dies. Every other Federal employee is assured by law that his surviving dependents will automatically receive 55 percent of his Federal retired pay when he dies, unless at the time of his retirement he signifies in writing his refusal to participate in the survivor annuity plan.

Since 1953, military retirees have been able to participate in the Retired Servicemen's Family Protection Plan—RSFPP. This plan is a self-supporting survivor annuity program with the Government paying only the minimum administrative costs. The cost of the RSFPP is borne entirely by the participating members of the plan, with the exception of those minimal administrative operational costs.

Despite minor amendments and Public Law 90–464, the basic inequity remains: The high cost to military retirees for their survivors' annuity. Under RSFPP the military retiree pays 2½ to 5 times as much as does the civil servant for an annuity of the same dollar value. For instance, a master sergeant who retires at age 50 after 30 years of service must pay more than three times as much as a civil servant to get the same benefits for his survivors.

Despite efforts to make the program more attractive, relatively few military retirees choose to participate in RSFPP. While 90 percent of those eligible for participation in the civil service annuity program do so, only 15 percent of military retirees participate in RSFPP. Clearly, the program has not been appealing to retired servicemen and, therefore, not adequate.

The need for an equitable survivor annuity plan for military retirees has been documented by a number of Government studies in recent years. For instance, the Department of Defense's "Study of Military Compensation of October 1964" stated that:

> The evidence is conclusive that the military fringe benefits trend is running counter to private industry trends, with the net result that the military man is rapidly losing ground to his civilian counterpart in this significant part of the compensation package. Reductions in benefits are effectively reductions in pay.

In 1967, President Johnson appointed the U.S. Veterans Advisory Commission and charged it to investigate veterans' benefits and make formal recommendations. In a report dated March 18, 1968, the Commission recommended "that a federally financed survivors' benefit program be established as an adjunct of the serviceman's retirement program."

H.R. 10670 is designed to change the unfortunate situation in which many survivors of military retirees are faced with economic hardship. It will create a program that will be more flexible and which will bring the serviceman into proper alinement with the rest of the Federal work force. The Government will share in the cost of the program for servicemen, just as it now does for

civilian employees. The financial burden will no longer be borne exclusively by the retired military man. Because the Federal Government will share in the costs involved, the program will be economically sound. In addition, the bill would provide better survivor benefits and thus place the Armed Forces in a better position, relative to private industry, in terms of attracting and keeping employees. Private enterprise generally offers much in the way of liberalized retirement plans.

Basically, H.R. 10670 provides for an equitable survivor benefits plan to all military retirees, present and future. It will provide two types of annuities for retired servicemen's survivors. One, for married retirees, will be automatic unless declined in writing at the time of retirement. The other, for unmarried retirees, will provide an annuity to a named person having an insurable interest in the retiree.

For a reduced amount of his retired pay during his retired lifetime, the serviceman will be able to provide a predetermined annuity for his survivors. The formula will be the same as used for Civil Service survivor annuities. The survivor benefit will be 55 percent of whatever amount of his retired pay the serviceman specifies. This bill provides that all present retirees could join the program regardless of age. Those presently on the retirement rolls would be given a year from the date of enactment of the legislation in which to elect to join the new plan.

Thus, H.R. 10670 will be a step in the improvement of fringe benefits for our military personnel and will help countless widows and their families avoid deprivation. It will help the Armed Services compete with the benefits of private industry and will bring widows' equity for retired military men to the level of survivors of retired civil servants. H.R. 10670 will go a long way toward changing a shameful situation.

Mr. JOHNSON of California. Mr. Chairman, this country is indeed fortunate to have proud men and women serving in the Armed Forces in the defense of our Nation. While we normally talk only of those who are actually in uniform we must always remember that behind each career serviceman there stands a patriotic and dedicated family sharing in the hardships caused by inadequate pay in many instances and often long separations.

As we all know, we have attempted to make up for these deficiencies with a variety of fringe benefits available to military personnel. As pointed out so well by the committee in its report in recommending enactment of H.R. 10670, the lack of assured survivor protection is one of the few gaps in the outstanding program of fringe benefits.

As you will know historically the military retirement system has provided nothing for the widows of career men who die after their retirement. Recalling an example cited by the committee during earlier hearings, that a serviceman could retire after 30 years of service during which time his wife and children have suffered through the rigors of military life hoping and waiting for the day when they can enjoy those golden years. A month after his retirement the serviceman is killed in an auto accident and that is all there is as far as retired pay is concerned. His survivors have no right to any of his retired pay even though he has been working for it for 30 years. Historically it was assumed that this was fair because the serviceman did not contribute to the retirement system as is the case in civil service retirement. You and I know, however, that Congress in computing military pay rates in recent years has figured that a 6½-percent retirement contribution is in effect being made by the serviceman prior to the time he receives his check. True, it is not deducted from his check and does not show on any deduction schedule but his basic pay is computed with that in mind.

There is no question in my mind but that in 20 or 30 years of service a military man builds a substantial equity in a retirement system. Accordingly, I cosponsored H.R. 5837, which would recognize this interest by giving him the option to provide for his widow should he die after retirement.

Comprehensive hearings were held on this problem last year and these were augmented earlier this year by additional hearings by the committee. Out of this consideration, the committee has set before us an outstandingly realistic program, which would provide basic benefits for widows of our deceased career servicemen. The program set forth in this legislation gives full recognition to the fact that in 1957 social security benefits were extended to our military personnel and I feel that the legislation brought to the floor by the Armed Services Committee represents an approach compatible with the Social Security System, taking full advantage of its benefits as well as the special benefits provided in this legislation.

Mr. Chairman, I am pleased to lend my support to the proposal we have before us and I would like to take this opportunity to commend the chairman of the full committee, the distinguished gentleman from Louisiana and the chairman of the Special Subcommittee on Survivor Benefits, the fine gentleman from New York, for an outstanding job in solving what, I believe, is one of the most serious deficiencies we have in providing for our armed service personnel.

Thank you.

Mr. EDMONDSON. Mr. Chairman, I heartily endorse the provisions of H.R. 10670 and congratulate the committee which has brought it to the floor.

This plan is long overdue and much needed. It is certain to raise the morale among our Armed Forces and among the families of all servicemen.

I am sure the bill will be overwhelmingly approved.

Mr. BRINKLEY. Mr. Chairman, I rise in support of the bill, H.R. 10670, the successor to H.R. 15152.

This legislation originated with Representative GUBSER, to whom we are all indebted. Because of his leadership, and because of a recognition by our late Chairman Mendel Rivers of the many merits of those proposals, the Survivor Benefits Subcommittee came into being during the last Congress. Chairman HÉBERT has provided renewed authority and enthusiasm during this Congress.

As many of you know, Representative PIKE, after a workmanlike performance as chairman of the *Pueblo* Subcommittee, has been at the helm of this effort and has been an excellent pilot. The stage was set, I think, for this exceptionally deserving legislation by the attitude demonstrated by the chairman on the issue of attachment, in the subcommittee. He said:

> Let us not be dissuaded by the things we cannot do from doing those things which we can do.

The result is the bill before us. It is a good quality bill. It lets our serviceman know that we are concerned about him and his family even after he has completed his active military career. It translates that concern into tangible security and financial protection.

When I was at Fort Benning recently, do you know what they talked to me about? The pay bills?—No, it was the Pike bill. The very important survivor benefits measure before us today. It promotes family interests; it is fair and deserves our careful consideration.

May I conclude with an expression of my appreciation to the staffers Bill Cook, John Ford, and Holly Cantus for a job very well done.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 10670, a bill to establish a survivor benefit plan for our military retirees.

A large debt of gratitude, Mr. Chairman, is due the distinguished gentleman from New York (Mr. PIKE) and the distinguished gentleman from California (Mr. GUBSER), who headed the special subcommittee investigating this problem area, and the distinguished chairman of the full Armed Services Committee (Mr. HÉBERT), for his labors in assuring committee approval for this important bill.

Prior to the hearings and the report of the Pike-Gubser subcommittee in 1970, few people realized that any problem existed in this area. Members of Congress, as well as of the general public, were shocked to learn that when a retired serviceman dies, there is no universally applicable system which automatically provides for survivor rights in military retired pay.

The existing program, the retired serviceman's family protection plan—RSFPP—is so inadequate on its face that only 15 percent of those eligible have elected to participate. As the subcommittee pointed out in its report last year, there are two reasons why RSFPP has proved inadequate and unacceptable: First, it is overly expensive; and second, it is incredibly complex. One illustration of the expense would be sufficiently instructive: a sergeant major who retires at age 49 with 30 years service would have a monthly annuity of $678. To insure a benefit of half that amount for his widow under RSFPP, he would be required to forgo one-eighth of his total retirement pay. As for complexity, the potential participant must consider his

age, his dependents' age and his pay at the time of retirement in order to compute how much it will cost him to elect coverage under RSFPP—and he must make his decision at least 1 year, perhaps 2, before he actually retires.

Perhaps we ought to be surprised that as many as 15 percent of the retirees persevere to achieve coverage for their widows under RSFPP.

The result, unfortunately, is that, in the words of the subcommittee report—

> Many present widows are living in conditions of great economic deprivation . . . not just . . . widows of lower ranked enlisted personnel but [also] the widows of senior officers and senior enlisted men of long and outstanding service.

That is why, Mr. Chairman, on the first legislative day of the 92d Congress, I introduced H.R. 873, a bill almost identical to the measure now before us.

Under H.R. 10670:

First, military retirees could guarantee their survivors an annuity of up to 55 percent of retired pay.

Second, retirees would share in the cost by reductions in their retired pay of 2½ percent of the first $3,666, and 10 percent of any amount above that. For the first time, the Government would also contribute to the plan's funding.

Third, a widow could receive the annuity in addition to any social security benefits for her minor children. Once she begins receiving social security old-age benefits, the retirement annuity would be reduced by the amount of those benefits attributable to her husband's military service.

Fourth, all those on retired rolls when H.R. 10670 is enacted would have 1 year to enroll in the new program, and no back payments would be required.

These elements, Mr. Chairman, comprise a plan that will meet our moral obligation to insure that a man can commit himself to serving his country in the Armed Forces without having to worry that by doing so he will be subjecting his wife and children to undue hazards of economic hardship after his death.

Therefore, I urge the swift approval of H.R. 10670.

Mr. BIAGGI. Mr. Chairman, I rise in support of this legislation to provide a survivor benefit plan for members of the Armed Forces. While our military fringe benefits program is most generous, the lack of a survivor annuity plan is a very serious gap. This legislation fills that gap.

Using as a base the social security benefits available to survivors of military personnel, the committee has built up a sound survivor plan patterned after the civil service survivors annuity program.

The bill also would provide a minimum income guarantee of $2,000 for present military widows, and would permit all present retirees to elect to participate in the program regardless of age.

The present survivor protection available is incomplete, inadequate, and excessively costly. In most cases servicemen elect not to participate, thus leaving their spouses and children without any equity in their retirement benefits.

Now with this bill, it would be possible for them to obtain very adequate survivors benefits at a reasonable cost. Moreover, sound protection would be afforded the wife and young children of any veteran who died early in his retirement.

I strongly urge that the measure be approved. It is a long overdue and essential part of our fringe benefits program for our armed services personnel.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chapter 73 of title 10, United States Code, is amended by amending the title of the chapter to read "Chapter 73, SURVIVOR BENEFIT PLAN", and by adding the following immediately after section 1446:

"Sec.
"1447. Definitions.
"1448. Application of Plan.
"1449. Payment of annuity: beneficiaries.
"1450. Amount of annuity.
"1451. Reduction in retired or retainer pay.
"1452. Regulations.

"§ 1447. Definitions

"In sections 1447–1452 of this title:

"(1) 'Base amount' means—

"(A) the amount of monthly retired or retainer pay to which a person was entitled when he became eligible for that pay, or to which he later became entitled by being advanced on the retired list or performing active duty, or when transferred from the temporary disability retired list to the permanent disability retired list; or

"(B) any amount smaller than that described by clause (A) that is designated by a person on or before the first day for which he became eligible for retired or retainer pay;

as increased from time to time under section 1401a of this title.

"(2) 'Widow' means the surviving wife of a person who, if not married to the person at the time of retirement—

"(A) was married to him for at least two years immediately before his death; or

"(B) is the mother of issue by that marriage.

"(3) 'Widower' means the surviving husband of a person who, if not married to the person at the time of retirement—

"(A) was married to her for at least two years immediately before her death; or

"(B) is the father of issue by that marriage.

"(4) 'Dependent child' means a person who is—

"(A) unmarried;

"(B) under eighteen years of age; at least eighteen, but under twenty-two years of age and pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution; or incapable of supporting himself because of a mental or physical incapacity existing before his eighteenth birthday or incurred after that birthday, but before his twenty-second birthday, while pursuing such a full-time course of study or training; and

"(C) the child of a person to whom the Survivor Benefit Plan applies, including (i) an adopted child and (ii) a stepchild, foster child, or recognized natural child who lived with that person in a regular parent-child relationship.

For the purpose of this clause, a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while he is regularly pursuing such a course of study or training, is considered to have become twenty-two years of age on the 1st day of July after that birthday. A child who is a student is considered not to have ceased to be a student during an interim between school years if the interim is not more than one hundred and fifty days and if he shows to the satisfaction of the Secretary of Defense that he has a bona fide intention of continuing to pursue a course of study or training in the same or a different school during the school semester (or other period into which the school year is divided) immediately after the interim. To qualify as a dependent child under this clause, a foster child must also reside, at the time of death of a person to whom the Survivor Benefit Plan applies, with that person, receive over one-half of his support from that person, and not be cared for under a social agency contract. The temporary absence of a foster child from the residence of a person while a student as described in this subsection will not be considered to effect the residence of such foster child.

"§ 1448. Application of plan

"(a) The Survivor Benefit Plan applies to every person who is married or has a dependent child when he becomes entitled to retired or retainer pay unless he elects not to participate in the plan before the first day for which he is eligible for that pay. If a person who is married elects not to participate in the plan at the maximum level, that person's spouse shall be notified of the decision. An election not to participate in the plan is irrevocable if not revoked before the date on which the person first becomes entitled to retired or retainer pay. However, a person who is not married and does not have a dependent child when he becomes entitled to retired or retainer pay but who later marries may elect to participate in the plan but his election must be written, signed by him, and received by the Secretary concerned within one year after he marries. Such an election may not be revoked. His election is effective the first day of the month after his election is received by the Secretary.

"(b) A person who is not married and does not have a dependent child when he becomes entitled to retired or retainer pay may elect to provide an annuity to a natural person with an insurable interest in that person.

"(c) The application of the plan to a person whose name is on the temporary disability retired list terminates when his name is removed from that list and he is no longer entitled to retired pay.

"(d) If a member of an armed force dies on active duty after he has become entitled to retired or retainer pay, or after he has qualified for that pay except that he has not applied for or been granted that pay, but his spouse is eligible for dependency and indemnity compensation under subchapter II of chapter 13 of title 38 in an amount that is less than the annuity the spouse would have received under sections 1447–1452 of this title if those sections had applied to the member when he died, the Secretary concerned shall pay to the spouse an annuity equal to the difference between the amount of compensation and the maximum percent of the retired or retainer pay to which the otherwise eligible spouse described in section 1449(a)(1) of this title would have been entitled to that pay based upon his years of active service at the time he died.

"§ 1449. Payment of annuity: beneficiaries

"(a) Effective as of the first day after a person to whom section 1448 of this title applies dies, a monthly annuity under section 1450 of this title shall be paid to—

"(1) the eligible widow or widower;

"(2) if the widow or widower is dead or otherwise ineligible under this section, the surviving dependent children in equal shares

unless the surviving dependent child or children are residing with the ineligible widow or widower; or

"(3) if there are no eligible beneficiaries under clauses (1) and (2), the natural person who has an insurable interest in the person and who was designated by the person when the person became entitled to retired or retainer pay.

"(b) An annuity payable to a beneficiary terminates effective as of the first day of the month in which eligibility is lost. An annuity for a widow or widower shall be paid to the widow or widower while the widow or widower is living or, if the widow or widower remarries before reaching age sixty, until the widow or widower remarries. If the widow or widower remarries before reaching age sixty and that marriage is terminated by death, annulment, or divorce, payment of the annuity will be resumed effective as of the first day of the month in which the marriage is so terminated. However, if the widow or widower is also entitled to an annuity under this section based upon the marriage so terminated, the widow or widower may not receive both annuities but must elect which to receive.

"(c) If upon a person's death, the widow or widower is also entitled to compensation under subchapter II of chapter 13 of title 38, the widow or widower may be paid an annuity under this section, but only in the amount that the annuity otherwise payable under this section would exceed that compensation.

"(d) If, upon the death of a person to whom section 1448 applies, that person had in effect a waiver of his retired or retainer pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, an annuity under this section shall not be payable.

"(e) If no annuity under this section is payable because of subsection (c) or (d) of this section, any amounts deducted from the retired or retainer pay of the deceased under section 1451 of this title shall be refunded to the widow or widower. If, because of subsection (c) of this section, the annuity payable is less than the amount established under section 1450 of this title, the annuity payable shall be recalculated under that section. The reduction from retired or retainer pay required to provide that recalculated amount shall be recalculated under section 1451 of this title, and the overpayment shall be refunded to the widow or widower.

"(f) An unmarried person who elects to provide an annuity to a person designated by him under subsection (a)(3), but who later marries, may change that election and provide an annuity to his spouse.

"(g) Except as provided in subsection (f), an election under this section may not be changed or revoked.

"(h) Except as provided in section 1450 of this title, an annuity under this section is in addition to any other payment to which a person is entitled under any other provision of law. Such annuity shall be considered as income under laws administered by the Veterans' Administration.

"(i) An annuity under this section is not assignable or subject to execution, levy, attachment, garnishment, or other legal process.

"§ 1450. Amount of annuity

"(a) If the widow or widower is under age sixty-two or there is a dependent child, the monthly annuity payable to the widow, widower, or dependent child, under section 1449 of this title shall be equal to 55 per centum of the base amount. However, when the widow has one dependent child, the monthly annuity shall be reduced by an amount equal to the mother's benefit, if any, to which the widow would be entitled under subchapter II of chapter 7 of title 42 based solely upon service by the person concerned as described in section 410(l)(1) of title 42 and calculated assuming that the person concerned lived to age sixty-five. When the widow or widower reaches age sixty-two, or there is no longer a dependent child, whichever occurs later, the monthly annuity shall be reduced by an amount equal to the amount of the survivor benefit, if any, to which the widow or widower would be entitled under subchapter II of chapter 7 of title 42 based solely upon service by the person concerned as described in section 410(l)(1) of title 42 and calculated assuming that the person concerned lived to age sixty-five. For the purpose of the preceding sentence a widow or widower shall be considered as entitled to a benefit under subchapter II of chapter 7 of title 42 even though that benefit has been offset by deductions under section 403 of title 42 on account of work.

"(b) The monthly annuity payable under section 1449(a)(3) shall be 55 per centum of the retired or retainer pay of the person who elected to provide that annuity after the reduction in that retired or retainer pay in accordance with the second sentence of section 1451(a) of this title.

"(c) Whenever retired or retainer pay is increased under section 1401a of this title, each annuity that is payable under this section on the day before the effective date of that increase shall be increased at the same time by the same total percent.

"§ 1451. Reduction in retired or retainer pay

"(a) The retired or retainer pay of a person to whom section 1448 of this title applies, and who has not elected to provide an annuity to a person designated by him under section 1449(a)(3) of this title, or who has elected to provide such an annuity to such a person but has changed his election in favor of his spouse under section 1449(f) of this title, shall be reduced each month by an amount equal to 2½ per centum of the first $300 of the base amount plus 10 per centum of the remainder of the base amount. The retired or retainer pay of a person who has elected to provide an annuity to a person designated by him under section 1449(a)(3) of this title shall be reduced by 10 per centum plus 5 per centum for each full five years the individual named is younger than that person. However, the total may not exceed 40 per centum. If, for any period, a person who had not been awarded retired or retainer pay is not entitled to that pay, he must deposit in the Treasury the amount that would otherwise have been deducted from his pay for that period, except when the person is receiving active duty pay and allowances.

"(b) Except as provided in section 1449(e) of this title, a person is not entitled to any refunds of amounts deducted from retired or retainer pay under this section unless the amounts were deducted through administrative error.

"§ 1452. Regulations

"The President shall prescribe regulations to carry out sections 1447–1452 of this title. Those regulations, which shall, so far as practicable, be uniform for all the armed forces, shall include provisions—

"(a) that when the notification referred to in section 1448(a) of this title is required, the member and his spouse shall before the date the member becomes entitled to retired or retainer pay be informed of the elections available and the effects of such elections; and

"(b) establishing procedures for depositing the amounts referred to in the last sentence of section 1451(a) of this title."

SEC. 2. The chapter analysis of subtitle A and the analysis of part II of subtitle A of title 10, United States Code, are each amended by amending the item relating to chapter 73 to read as follows:

"73. Survivor Benefit Plan..... 1447".

SEC. 3. (a) The first section of this Act applies to any person who initially becomes entitled to retired or retainer pay on or after the date of enactment of this Act. An election made before that date by such a person under section 1431 of title 10, United States Code, is canceled. However, a married person or a person with a dependent child who initially becomes entitled to retired or retainer pay within one hundred and eighty days after the date of enactment of this Act may, within one hundred and eighty days after becoming so entitled, elect not to participate in the Survivor Benefit Plan established by the first section of this Act.

(b) Any person who is entitled to retired or retainer pay on the date of enactment of this Act may elect to participate in the Survivor Benefit Plan established by the first section of this Act before the first anniversary of that date. However, such a person who is receiving retired or retainer pay reduced under section 1436(a) of title 10, or who is depositing amounts under section 1438 of title 10, may elect before the first anniversary of the date of enactment of this Act—

(1) so to participate in the plan and to continue his participation under chapter 73 of title 10, as in effect on the day before the date of enactment of this Act, provided the total of the annuities elected does not exceed 100 per centum of his retired or retainer pay; or

(2) so to participate in the plan and, notwithstanding section 1436(b) of title 10, to terminate his participation under chapter 73 of title 10, as in effect on the day before the date of enactment of this Act.

A person who elects under clause (2) to participate in the plan and to terminate his participation under chapter 73 of title 10 is not entitled to any refunds of amounts deducted from his retired or retainer pay under chapter 73 of title 10 or to any payments thereunder on his behalf

(c) Notwithstanding the first section of this Act, and except as otherwise provided in this section, chapter 73 of title 10, United States Code (other than the last two sentences of section 1436(a), section 1443, and section 1444(b)) as in effect on the day before the date of enactment of this Act, shall continue to apply in the case of persons, and their beneficiaries, who have elected annuities under section 1431 or 1432 of title 10 and who have not elected under subsection (b)(2) of this section to participate in the Survivor Benefit Plan established by the first section of this Act.

(d) For the purposes of this section, the "base amount" of a person is the amount of monthly retired or retainer pay to which he was entitled on the date of enactment of this Act, or to which he later became entitled by being advanced on the retired list or by performing active duty or when transferred from the temporary disability retired list to the permanent disability retired list, as increased from time to time under section 1401a of title 10.

SEC. 4. Chapter 71 of title 10, United States Code, is amended as follows:

(1) By inserting the following item in the analysis:

"1407. Attachment of retired or retainer pay."

(2) By adding the following section:

"§ 1407. Attachment of retired or retainer pay

"Notwithstanding any other provision of law, the retired or retainer pay of a member of an armed force shall be subject to attachment to comply with the order of a court of competent jurisdiction in favor of a spouse, former spouse, or children. In no event shall the amount of deduction pursuant to such attachment exceed 50 per centum of the retired or retainer pay."

SEC. 5. (a) A person who on the date of enactment of this Act is a widow, or within

one calendar year of the date of enactment becomes a widow, of a person who was entitled to retired or retainer pay when he died, and whose annual income from all sources as determined under section 503 of title 38, United States Code, exclusive of pension received under chapter 15 of title 38, United States Code, is less than $1,400, shall be paid an annuity by the Secretary concerned unless she is eligible to receive an annuity under the first section of this Act.

(b) Annuity under subsection (a) shall be in an amount which when added to the widow's income from all sources, exclusive of pension under chapter 15 of title 38, United States Code, equal $1,400 per year.

SEC. 6. Section 3(a) of the Act of August 10, 1956, chapter 1041, as amended (33 U.S.C. 857a(a)), and section 221(a) of the Public Health Service Act, as amended (42 U.S.C. 213a), are each amended by amending clause (5) to read as follows:

"(5) Chapter 73, Survivor Benefit Plan."

SEC. 7. Sections 415 (g)(M) and 503(17) of title 38, United States Code, are each amended to read as follows: "payments of annuities elected under sections 1431–1446 of chapter 73 of title 10."

Mr. PIKE (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. GUBSER

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

The Clerk read as follows:

Amendment offered by Mr. GUBSER: Page 14, line 5, immediately before "retired" insert "basic pay and".

Page 14, line 7, insert "the basic pay and" immediately before "retired".

Page 14, lines 8 and 9, strike out "retired or retainer pay." and insert the following: "basic pay or the retired or retainer pay, as the case may be.".

Mr. GUBSER. Mr. Chairman, you will recall that during general debate I cited as the principal reason for my opposition to placing section 4 in this particular bill the fact that it would be discriminatory and would single out one group of people; namely, military retirees and impose attachment upon them while allowing those who are on active duty to escape that particular requirement.

It also allows every Federal employee—postal employees, civil service employees—to escape that requirement.

Mr. Chairman, in my opinion it is wrong to use this bill which concerns another subject to start this precedent and then impose it only upon one group.

Now, I recognize the fact that we do not have jurisdiction in our committee to impose this requirement upon civil service workers.

I have prepared such an amendment, Mr. Chairman, and under my leave to insert extraneous matter, I insert the text of my amendment which would include all Federal employees, including civil service workers and so forth.

The matter referred to follows:

AMENDMENTS TO H.R. 10670, AS REPORTED

Page 14, between lines 10 and 11, insert the following:

SEC. 5. (a)(1) Subchapter I of chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5510. Attachment of basic pay.

"Notwithstanding any other provision of law, basic pay earned under this subpart shall be subject to attachment to comply with the order of a court of competent jurisdiction in favor of a spouse, former spouse, or children, but the amount of deduction made pursuant to any such attachment may not exceed 50 per centum of such pay."

(2) The analysis of such subchapter is amended by adding at the end thereof the following:

"5510. Attachment of basic pay."

(b) Section 8346(a) of title 5, United States Code, is amended by inserting immediately before the period the following: "; except that such money shall be subject to attachment to comply with the order of a court of competent jurisdiction in favor of a spouse, former spouse, or children but the amount of deduction made pursuant to any such attachment may not exceed 50 per centum of the annuity".

Redesignate the succeeding sections accordingly.

Mr. GUBSER. Mr. Chairman, this amendment which is before you is within the jurisdiction of the House Armed Services Committee. It is germane to the bill before us.

All it says is that if we are going to adopt the principle that pay can be attached in order to satisfy a local court order, that that provision shall apply to active duty personnel as well as retired personnel.

I think if we are going to start out and adopt this principle, then we ought to be uniform about it, we ought not to discriminate, and we ought to do it against everyone who comes under the jurisdiction of the Armed Services Committee.

Some may say that this was not considered in the committee and that there were no hearings held on it. I wish to point out the fact that section 4 had no hearings. There was no testimony taken on that subject.

Mr. Chairman, if the principle is good for the retirees, then that same principle applies to active duty personnel.

I urge this House today, if you are going to adopt this principle, to be consistent about it and let us do it across the board for every type of personnel that comes under the jurisdiction of the Armed Services Committee.

Mr. Chairman, my amendment is fair, it is consistent and it alleviates part of the discrimination which exists under section 4.

Mr. Chairman, I urge its adoption.

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

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

I am not particularly surprised at the introduction of this amendment by the gentleman from California because the gentleman has made his feeling on the subject of attachment clear. He has repeated it many, many times. He repeated it in the subcommittee, he repeated it in the full committee.

However, Mr. Chairman, what the gentleman did not do was to offer this amendment in the subcommittee. What the gentleman did not do was to offer this amendment in the full committee.

We did in the subcommittee consider this issue very, very hard as to the attachment of retired pay.

Now, the gentleman in his dissenting views or additional views in the report says that we did not consider it enough. However, what the gentleman is asking us to do is to accept an amendment that we did not consider at all—we did not consider at all—not because the Armed Services Committee does not have jurisdiction over the subject matter, but because this particular subcommittee did not have jurisdiction over the subject matter.

I think, perhaps, the gentleman's amendment may be good at some period of time in some bill, in some context, and our committee will consider it, I hope. But we have not considered it as yet.

I think the gentleman, again, in his dissenting or additional views referred to the administrative chaos that would result if we did the relatively minor thing that we did in the bill. But think of how much administrative chaos would result if we did what he is asking for here, as, for instance, people who come in for a year and then get out.

I cannot yield at this time. The gentleman has had his opportunity to speak on this subject matter. He has had the opportunity to speak during debate on the rule, and general debate and he has had his 5 minutes on the amendment.

What the gentleman is obviously doing here is trying to load this particular provision with so much extra stuff that it will fall of its own weight. It has not been considered any place in the full committee or in the subcommittee, and it really should not be considered on the floor here today.

I hope the amendment is defeated.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

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

Mr. YOUNG of Florida. I know the gentleman's position and I am not in favor of that position. However, I will be happy to yield to the gentleman.

Mr. GUBSER. Mr. Chairman, I thank the gentleman for yielding, because I simply could not allow the remarks of the gentleman from New York (Mr. PIKE) to go unnoticed. I am compelled to call attention to the fact that he is making my argument. He admitted that section 4 is going to produce administrative chaos and that he objects to a lot more administrative chaos. He has also admitted that this was discriminatory against one class of people by refusing to extend the principle to all military personnel. We have jurisdiction on this matter, otherwise I am sure the gentleman from New York would have offered a point of order against the amendment. It is germane.

I simply conclude that this is not extra stuff as the gentleman has labeled it, this is just more of the same principle which he has endorsed and that adds up to nothing in the world but consistency.

Now if you vote against this amendment you are going to send this bill out

of here saying that you believe in half of a principle. You are going to say that it is OK to attach a retired man's pay, but it is wrong to attach an active-duty mans' pay. You are going to endorse 50 percent of a principle and you will be going absolutely contrary to that principle with the remaining 50 percent of your conscience.

This is not extra stuff. This is nothing in the world but consistency. If you vote against it then you are voting for discrimination. If you vote for it you are voting for consistency.

I thank the gentleman for yielding.

Mr. YOUNG of Florida. Mr. Chairman, let me say first that the gentleman from California (Mr. GUBSER) the distinguished gentleman and author of this bill is entirely right in his opposition to section 4 being in this bill because it is discriminatory and it should not be there, but I think to take a wrong and extend it as he would now with this amendment to the active members of the military service I think is doubling the wrong, and I would hope that the amendment would not be agreed to.

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

Mr. Chairman, I would like to have the attention of the gentleman from California (Mr. GUBSER) so as to make a distinction between his amendment and the bill as it stands in section 4. The theory of the bill——

Mr. GUBSER. Mr. Chairman, if the gentleman will yield and permit me to interrupt, I am sorry, but I did not hear the first part of the gentleman's statement.

Mr. WHITE. Mr. Chairman, I said I would like to advance a distinction between the amendment offered by the gentleman from California (Mr. GUBSER) and section 4 that is in the bill presently.

The theory of the bill, section 4, as it is now in the bill, calls for annuities as a reward for service of a serviceman at the expiration of his service time so that he and his family will not live in destitution but can live in decent retirement.

Now his wife has given her part to this service life, she has gone through the service time and she has worked her way and earned her way toward the same retirement this section seeks to provide, that she will not be destitute if she is cut off before she can get her half, which she earned through her years of service in the service with the serviceman.

As to an active personnel when he is still in active service. He has not earned all of his retirement benefits. His wife has not earned all of her time toward retirement. She is still in the service community herself.

So there is the distinction between the two that I think this House should reflect on.

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

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

Mr. GUBSER. Mr. Chairman, in answer to the gentleman I think he has got to recognize that section 4, which I have accepted, although I think it should not be in this bill but in another one, is for the purpose of taking care of innocent wives and children whose husbands or fathers may wish to run out on their legal responsibilities.

I accept that. You cannot tell me that the wife of an active duty serviceman whose husband has run out on her is any more or in a less difficult spot than the one who has already retired. I maintain that if you are going to extend that right to the wife of a retiree, then the wife of an active duty man should be entitled to the same treatment.

Mr. WHITE. Let me point out to the gentleman the distinction here.

A man on active duty is under the aegis of the U.S. Government and can be touched anywhere. If you have an order of court that there is a debt that can be charged against him, he can be controlled. But once a man has retired, the Government has no more control of him. He can go anywhere in this world without the control of the U.S. Government. That is the difference. We have many women who write us saying—

I have lived with this man, I have given my life to this man, and now that he has retired he has divorced me and refuses to obey the order of the court.

The husband may even be out of the country living under some other jurisdiction or he may have left their home State and be living in some other State.

But the U.S. Government can touch them when they are in the active service wherever they are, but the Government cannot touch the man who is retired. That is the difference.

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

Mr. WHITE. I yield to the gentleman.

Mr. GUBSER. The gentleman's argument sounds good until you examine exactly what the facts are as they exist. Admittedly, that is a ground for discharge from the service if a man fails to accept his legal responsibilities pursuant to a court order.

But I would point out to the gentleman that cases in which a man is actually discharged for such a reason are almost nonexistent. So there may be this opportunity to enforce this court order upon a man—but it is not exercised. In the meantime you cannot make a distinction between a hungry woman or a hungry child because they are just as hungry whether the husband is on active duty or is retired. We should protect them all.

Mr. WHITE. I do not think we ought to add on to section 4. We can work on the active personnel question later. But this present section 4 is important now.

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

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California.

The amendment offered by the gentleman is a pro-welfare amendment. We have set these pensions so that they take care of wives and children. As the gentleman who preceded me pointed out, the Army can reach the man who is in the Army but once he has passed that point and has retired, then the Army no longer has any control. If you let him escape the jurisdiction of the United States, which is exactly what we are doing, then you are picking up these children on welfare.

Mr. Chairman, this body voted an allotment for me to examine the welfare rolls of this country. I assure you that part of that welfare roll is made up of children whose fathers are drawing substantial pensions from the U.S. Government. I am opposed to paying twice.

Mr. Chairman, I oppose the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GUBSER).

The question was taken; and on a division (demanded by Mr. GUBSER), there were—ayes 15, noes 38.

So the amendment was rejected.

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

The CHAIRMAN. The gentleman from California is recognized.

Mr. GUBSER. I thank those who supported my amendment; I also thank those who opposed it, because now we go to the Senate with a clear-cut example of how inconsistent section 4 of the bill really is. That is what I wanted; that is what was achieved.

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

The CHAIRMAN. The gentleman from New York is recognized.

Mr. PIKE. Mr. Chairman, I thank the gentleman from California for offering the amendment, and I particularly thank him for asking for a division on it, because now we can go to the Senate showing that by a vote of 2 to 1 the House rejected his philosophy and accepted the bill as reported.

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

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

Mr. GUBSER. By a vote of 2 to 1, a quorum not being present.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HENDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10670), to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes, pursuant to House Resolution 617, he reported the bill 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 bill.

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

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

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

Mr. CLANCY. Mr. Speaker, I object to the vote on the ground that a quorum is

not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 372, nays 0, answered "present" 1, not voting 56, as follows:

[Roll No. 316]

YEAS—372

Abbitt	Delaney	Ichord
Abernethy	Dellenback	Jacobs
Abourezk	Dellums	Jarman
Abzug	Denholm	Johnson, Calif.
Adams	Dennis	Johnson, Pa.
Addabbo	Devine	Jones, Ala.
Anderson, Calif.	Dickinson	Jones, Tenn.
Andrews, Ala.	Donohue	Karth
Andrews, N. Dak.	Dow	Kastenmeier
Annunzio	Dowdy	Kazen
Archer	Downing	Keating
Arends	Drinan	Keith
Ashbrook	Dulski	Kemp
Ashley	Duncan	King
Aspinall	du Pont	Kluczynski
Badillo	Dwyer	Koch
Baker	Edmondson	Kyl
Baring	Edwards, Ala.	Kyros
Barrett	Edwards, Calif.	Landgrebe
Begich	Eilberg	Landrum
Bell	Erlenborn	Latta
Bennett	Esch	Leggett
Bergland	Eshleman	Lennon
Betts	Evans, Colo.	Link
Bevill	Fascell	Lloyd
Biaggi	Findley	Long, Md.
Biester	Fish	Lujan
Bingham	Flood	McClory
Blackburn	Flowers	McClure
Blanton	Foley	McCollister
Blatnik	Ford, Gerald R.	McCulloch
Boggs	Ford, William D.	McDade
Boland	Forsythe	McEwen
Bolling	Fountain	McFall
Bow	Fraser	McKay
Brademas	Frelinghuysen	McKevitt
Brasco	Frenzel	McKinney
Bray	Frey	McMillan
Brinkley	Fulton, Tenn.	Macdonald, Mass.
Brooks	Fuqua	Madden
Broomfield	Galifianakis	Mahon
Brotzman	Gallagher	Mailliard
Brown, Mich.	Garmatz	Mann
Brown, Ohio	Gettys	Martin
Broyhill, N.C.	Giaimo	Mathis, Ga.
Broyhill, Va.	Gibbons	Matsunaga
Buchanan	Goldwater	Mayne
Burke, Fla.	Gonzalez	Mazzoli
Burke, Mass.	Goodling	Melcher
Burleson, Tex.	Grasso	Metcalfe
Burlison, Mo.	Gray	Michel
Burton	Green, Oreg.	Mikva
Byrne, Pa.	Green, Pa.	Miller, Calif.
Byrnes, Wis.	Griffin	Miller, Ohio
Byron	Griffiths	Mills, Md.
Camp	Gross	Minish
Carney	Grover	Mink
Carter	Gubser	Minshall
Casey, Tex.	Gude	Mizell
Cederberg	Hagan	Monagan
Celler	Haley	Montgomery
Chamberlain	Hall	Moorhead
Chappell	Hamilton	Morgan
Chisholm	Hammer-schmidt	Morse
Clancy	Hanley	Mosher
Clark	Hanna	Moss
Clausen, Don H.	Hansen, Idaho	Murphy, Ill.
Clawson, Del	Hansen, Wash.	Murphy, N.Y.
Clay	Harrington	Myers
Cleveland	Harsha	Natcher
Collier	Hastings	Nedzi
Collins, Ill.	Hathaway	Nelsen
Collins, Tex.	Hawkins	Nix
Colmer	Hechler, W. Va.	Obey
Conable	Heckler, Mass.	O'Hara
Conte	Helstoski	O'Konski
Cotter	Henderson	O'Neill
Coughlin	Hicks, Wash.	Passman
Crane	Hillis	Patman
Daniel, Va.	Hogan	Patten
Daniels, N.J.	Holifield	Pelly
Danielson	Horton	Pepper
Davis, Ga.	Hosmer	Perkins
Davis, S.C.	Howard	Pickle
Davis, Wis.	Hull	Pike
de la Garza	Hungate	Pirnie
Delaney	Hunt	Poage
Dellenback	Ichord	Podell
Dellums	Jacobs	Poff
Denholm	Jarman	Powell
Dennis	Johnson, Calif.	Preyer, N.C.
Devine	Johnson, Pa.	Price, Ill.
Dickinson	Jones, Ala.	Price, Tex.
Donohue	Jones, Tenn.	Pucinski
Dow	Karth	Purcell
Dowdy	Kastenmeier	Quie
Downing	Kazen	Quillen
Drinan	Keating	Railsback
Dulski	Keith	Randall
Duncan	Kemp	Rangel
du Pont	King	Rarick
Dwyer	Kluczynski	Rees
Edmondson	Koch	Reid, N.Y.
Edwards, Ala.	Kyl	Reuss
Edwards, Calif.	Kyros	Rhodes
Eilberg	Landgrebe	Riegle
Erlenborn	Landrum	Roberts
Esch	Latta	Robinson, Va.
Eshleman	Leggett	Robison, N.Y.
Evans, Colo.	Lennon	Rodino
Fascell	Link	Roe
Findley	Lloyd	Rogers
Fish	Long, Md.	Roncalio
Flood	Lujan	Rooney, N.Y.
Flowers	McClory	Rosenthal
Foley	McClure	Roush
Ford, Gerald R.	McCollister	Rousselot
Ford, William D.	McCulloch	Roy
Forsythe	McDade	Roybal
Fountain	McEwen	Runnels
Fraser	McFall	Ruppe
Frelinghuysen	McKay	Ruth
Frenzel	McKevitt	Ryan
Frey	McKinney	St Germain
Fulton, Tenn.	McMillan	Sandman
Fuqua	Macdonald, Mass.	Sarbanes
Galifianakis	Madden	Satterfield
Gallagher	Mahon	Saylor
Garmatz	Mailliard	Scherle
Gettys	Mann	Scheuer
Giaimo	Martin	Schmitz
Gibbons	Mathis, Ga.	Schneebeli
Goldwater	Matsunaga	Schwengel
Gonzalez	Mayne	Scott
Goodling	Mazzoli	Sebelius
Grasso	Melcher	Seiberling
Gray	Metcalfe	Shipley
Green, Oreg.	Michel	Shoup
Green, Pa.	Mikva	Shriver
Griffin	Miller, Calif.	Sikes
Griffiths	Miller, Ohio	Sisk
Gross	Mills, Md.	Skubitz
Grover	Minish	Slack
Gubser	Mink	Smith, Calif.
Gude	Minshall	Smith, Iowa
Hagan	Mizell	Smith, N.Y.
Haley	Monagan	Spence
Hall	Montgomery	Staggers
Hamilton	Moorhead	Stanton, J. William
Hammer-schmidt	Morgan	Stanton, James V.
Hanley	Morse	Steed
Hanna	Mosher	Steele
Hansen, Idaho	Moss	Steiger, Ariz.
Hansen, Wash.	Murphy, Ill.	Steiger, Wis.
Harrington	Murphy, N.Y.	Stokes
Harsha	Myers	Stratton
Hastings	Natcher	Stubblefield
Hathaway	Nedzi	Stuckey
Hawkins	Nelsen	Sullivan
Hechler, W. Va.	Nix	Symington
Heckler, Mass.	Obey	Talcott
Helstoski	O'Hara	Taylor
Henderson	O'Konski	Teague, Calif.
Hicks, Wash.	O'Neill	Teague, Tex.
Hillis	Passman	Terry
Hogan	Patman	Thompson, Ga.
Holifield	Patten	Thompson, N.J.
Horton	Pelly	Thomson, Wis.
Hosmer	Pepper	Thone
Howard	Perkins	Tiernan
Hull	Pickle	Udall
Hungate	Pike	Vander Jagt
Hunt	Pirnie	Vanik
Ichord	Poage	Veysey
Jacobs	Podell	Vigorito
Jarman	Poff	Waggonner
Johnson, Calif.	Powell	Waldie
Johnson, Pa.	Preyer, N.C.	Wampler
Jones, Ala.	Price, Ill.	Ware
Jones, Tenn.	Price, Tex.	Whalen
Karth	Pucinski	Whalley
Kastenmeier	Purcell	White
Kazen	Quie	Whitehurst
Keating	Quillen	Whitten
Keith	Railsback	Widnall
Kemp	Randall	Wiggins
King	Rangel	Williams
Kluczynski	Rarick	Winn
Koch	Rees	Wolff
Kyl	Reid, N.Y.	Wright
Kyros	Reuss	Wyatt
Landgrebe	Rhodes	Wydler
Landrum	Riegle	Wylie
Latta	Roberts	Yatron
Leggett	Robinson, Va.	Young, Fla.
Lennon	Robison, N.Y.	Young, Tex.
Link	Rodino	Zablocki
Lloyd	Roe	Zion
Long, Md.	Rogers	Zwach
Lujan	Roncalio	
McClory	Rooney, N.Y.	
McClure	Rosenthal	
McCollister	Roush	
McCulloch	Rousselot	
McDade	Roy	
McEwen	Roybal	
McFall	Runnels	
McKay	Ruppe	
McKevitt	Ruth	
McKinney	Ryan	
McMillan	St Germain	
Macdonald, Mass.	Sandman	
Madden	Sarbanes	
Mahon	Satterfield	
Mailliard	Saylor	
Mann	Scherle	
Martin	Scheuer	
Mathis, Ga.	Schmitz	
Matsunaga	Schneebeli	
Mayne	Schwengel	
Mazzoli	Scott	
Melcher	Sebelius	
Metcalfe	Seiberling	
Michel	Shipley	
Mikva	Shoup	
Miller, Calif.	Shriver	
Miller, Ohio	Sikes	
Mills, Md.	Sisk	
Minish	Skubitz	
Mink	Slack	
Minshall	Smith, Calif.	
Mizell	Smith, Iowa	
Monagan	Smith, N.Y.	
Montgomery	Spence	
Moorhead	Staggers	
Morgan	Stanton, J. William	
Morse	Stanton, James V.	
Mosher	Steed	
Moss	Steele	
Murphy, Ill.	Steiger, Ariz.	
Murphy, N.Y.	Steiger, Wis.	
Myers	Stokes	
Natcher	Stratton	
Nedzi	Stubblefield	
Nelsen	Stuckey	
Nix	Sullivan	
Obey	Symington	
O'Hara	Talcott	
O'Konski	Taylor	
O'Neill	Teague, Calif.	
Passman	Teague, Tex.	
Patman	Terry	
Patten	Thompson, Ga.	
Pelly	Thompson, N.J.	
Pepper	Thomson, Wis.	
Perkins	Thone	
Pickle	Tiernan	
Pike	Udall	
Pirnie	Vander Jagt	
Poage	Vanik	
Podell	Veysey	
Poff	Vigorito	
Powell	Waggonner	
Preyer, N.C.	Waldie	
Price, Ill.	Wampler	
Price, Tex.	Ware	
Pucinski	Whalen	
Purcell	Whalley	
Quie	White	
Quillen	Whitehurst	
Railsback	Whitten	
Randall	Widnall	
Rangel	Wiggins	
Rarick	Williams	
Rees	Winn	
Reid, N.Y.	Wolff	
Reuss	Wright	
Rhodes	Wyatt	
Riegle	Wydler	
Roberts	Wylie	
Robinson, Va.	Yatron	
Robison, N.Y.	Young, Fla.	
Rodino	Young, Tex.	
Roe	Zablocki	
Rogers	Zion	
Roncalio	Zwach	
Rooney, N.Y.		
Rosenthal		
Roush		
Rousselot		
Roy		
Roybal		
Runnels		
Ruppe		
Ruth		
Ryan		
St Germain		
Sandman		
Sarbanes		

NAYS—0

ANSWERED "PRESENT"—1

Wyman

NOT VOTING—56

Alexander	Fisher	Meeds
Anderson, Ill.	Flynt	Mills, Ark.
Anderson, Tenn.	Gaydos	Mitchell
Aspin	Halpern	Mollohan
Belcher	Harvey	Nichols
Cabell	Hays	Pettis
Caffery	Hébert	Peyser
Carey, N.Y.	Hicks, Mass.	Pryor, Ark.
Conyers	Hutchinson	Rooney, Pa.
Corman	Jonas	Rostenkowski
Culver	Jones, N.C.	Snyder
Dent	Kee	Springer
Derwinski	Kuykendall	Stephens
Diggs	Lent	Ullman
Dingell	Long, La.	Van Deerlin
Dorn	McCloskey	Wilson, Bob
Eckhardt	McCormack	Wilson, Charles H.
Edwards, La.	McDonald, Mich.	Yates
Evins, Tenn.	Mathias, Calif.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Anderson of Illinois.
Mr. McCormack with Mr. Hutchinson.
Mr. Charles H. Wilson with Mr. Bob Wilson.
Mr. Hays with Mr. McDonald of Michigan.
Mr. Hébert with Mr. Springer.
Mr. Caffery with Mr. Harvey.
Mr. Culver with Mr. Peyser.
Mr. Rostenkowski with Mr. Long of Louisiana.
Mr. Rooney of Pennsylvania with Mr. McCloskey.
Mr. Pryor of Arkansas with Mr. Belcher.
Mr. Nichols with Mr. Pettis.
Mr. Meeds with Mr. Kuykendall.
Mr. Stephens with Mr. Jonas.
Mr. Jones of North Carolina with Mr. Snyder.
Mr. Carey of New York with Mr. Lent.
Mr. Alexander with Mr. Aspin.
Mr. Cabell with Mr. Mathias of California.
Mr. Mollohan with Mrs. Hicks of Massachusetts.
Mr. Gaydos with Mr. Halpern.
Mr. Evins of Tennessee with Mr. Mills of Arkansas.
Mr. Flynt with Mr. Anderson of Tennessee.
Mr. Dorn with Mr. Fisher.
Mr. Diggs with Mr. Derwinski.
Mr. Conyers with Mr. Eckhardt.
Mr. Dingell with Mr. Kee.
Mr. Corman with Mr. Mitchell.
Mr. Ullman with Mr. Yates.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PIKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from New York?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9844) entitled "An act to authorize certain construction at military installations, and for other purposes."

PROVIDING FOR CONSIDERATION OF H.R. 8787, GUAM AND THE VIRGIN ISLANDS DELEGATES

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 624 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 624

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. 8787) to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

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

The SPEAKER pro tempore (Mr. BOGGS). Evidently a quorum is not present.

Mr. MADDEN. 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. 317]

Abourezk	Fisher	Mathias, Calif.
Alexander	Flynt	Meeds
Anderson Ill.	Ford,	Mikva
Anderson,	Gerald R.	Mills, Ark.
Tenn.	Fraser	Mollohan
Aspin	Fulton, Tenn.	Montgomery
Baker	Gaydos	Moss
Barrett	Gibbons	Nichols
Belcher	Grasso	Pepper
Cabell	Halpern	Pettis
Caffery	Hamilton	Peyser
Carey, N.Y.	Harsha	Powell
Chamberlain	Harvey	Preyer, N.C.
Chappell	Hastings	Pryor, Ark.
Clancy	Hays	Railsback
Clawson, Del	Hébert	Reid, N.Y.
Clay	Hicks, Mass.	Rooney, Pa.
Conyers	Hutchinson	Rosenthal
Corman	Jacobs	Rostenkowski
Culver	Jones, N.C.	Smith, Calif.
Dellums	Jones, Tenn.	Snyder
Dent	Kee	Springer
Derwinski	Kemp	Steed
Devine	Lent	Stephens
Diggs	Long, La.	Taylor
Dingell	McCloskey	Teague, Calif.
Dorn	McCormack	Ullman
Dwyer	McCulloch	Van Deerlin
Eckhardt	McDonald,	Veysey
Edwards, La.	Mich.	Waggonner
Erlenborn	Macdonald,	Whitehurst
Evans, Colo.	Mass.	Wilson, Bob
Evins, Tenn.	Mahon	Wright
Fish	Mann	Yates

The SPEAKER pro tempore. On this rollcall 331 Members have answered to their names, a quorum.

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

PROVIDING FOR CONSIDERATION OF H.R. 8787, GUAM AND THE VIRGIN ISLAND DELEGATES

Mr. MATSUNAGA. Mr. Speaker, as a cosponsor of H.R. 8787, I rise in support of the rule and the bill, which would provide both Guam and the Virgin Islands with nonvoting Delegates to the House of Representatives.

I was also a sponsor of H.R. 19389 in the 91st Congress, which received approval from the House Interior and Insular Affairs Committee but died in the rush of adjournment in late 1970. Before that I was, along with many of my colleagues, a sponsor of two separate bills to provide nonvoting Delegates for Guam and the Virgin Islands, respectively.

In terms of race, geography, history, and culture, the ties between Guam and the Virgin Islands are few indeed; but these two territories are almost as one in their qualifications for a larger measure of participation in national politics.

The people of both territories are highly literate and politically mature, and generously imbued with a sense of appreciation and respect for the principles of American democracy. Congress recognized this in 1969 by granting them the right to elect their own Governors. This right, incidentally, was never accorded the citizens of Hawaii or Alaska while they were territories.

Just as there was no logical reason to deny Hawaiians and Alaskans the right to choose their own Chief Executive, while allowing Puerto Ricans to do so, there is no persuasive argument for denying either the Guamanians or the Virgin Islanders the right to voteless representation in the Congress while granting such right to the Puerto Ricans. The heritage bequeathed by our Founding Fathers entitles every American citizen to at least a voice in the democratic process at the national level. This is not a call for a voting Representative in Congress for either Guam or the Virgin Islands: Few of their people anticipate—or even want—statehood in the foreseeable future, in view of the small size and meager resources of the two territories; but all do assert that the proud American heritage of "consent of the governed" demands some measure of representation in the national legislature.

Certainly there is ample precedent for voteless representation. A nonvoting Delegate served in the Congress as early as 1794, when an elected but nonvoting Delegate from "the territory south of the River Ohio"—which subsequently became the State of Tennessee—was permitted a seat in the House of Representatives. Hawaii was allowed a nonvoting Delegate throughout her status as a territory. So was Alaska. A Resident Commissioner represented the Philippines from 1908 to 1946, and a Resident Commissioner has represented Puerto Rico in the House since 1904. It may be of interest, too, to note that Guam now has a larger population than that living in any of 17 territories at the time of their admission to statehood, while the population of the Virgin Islands now exceeds that of any of eight former territories at the time of their admission into the Union of States.

Enactment of H.R. 8787, Mr. Speaker, would benefit all concerned. Congress would have at hand experts fully cognizant of territorial problems with all their nuances, and eager to dispense advice and information. The peoples' representatives, at the same time, would be informed of crucial developments in legislation affecting the welfare of their respective territories. With their voices unfettered, they could work zealously for beneficial legislation, and would be in a position to assist in amending those measures which may be damaging to the best interests of their people. Short of a full-fledged voting Member, it is difficult to imagine an adequate substitute for a full-time spokesman with the status and prestige of a Delegate in Congress.

It can be said that the lack of a vote might even have its advantages. A Delegate never has to put himself "on the spot": He never votes on controversial matters. He remains, so to speak, "above the struggle" and inevitably, his friends become legion on both sides of the aisle. I well remember that Delegates Joe Farrington and John Burns of Hawaii were among the most beloved and respected figures on Capitol Hill, as were Delegates Dimond and Bartlett of Alaska. And all were persons of considerable influence.

The advice and expertise of the Delegates would benefit the Department of the Interior and other interested agencies as well as the Congress. Finally, the American public would benefit, with the Delegates' informed remarks and opinions being widely disseminated through distribution of the CONGRESSIONAL RECORD and congressional reports and documents.

Today, with the rapid changes in economic and social conditions, both in the United States proper and in the territories, representation in Congress for these American territories is an urgent and necessary step in our democratic process. Certainly it is a need the people of our territories have long recognized. In 1948 and 1953, plebicites in the Virgin Islands demonstrated overwhelming support for an elected nonvoting representative in the Congress; that support now is virtually unanimous. The same sentiment has prevailed to an equal degree in Guam.

A final consideration of great significance is that the creation of the office of Delegate for Guam and the Virgin Islands would do much to erode lingering impressions of American colonialism still held in some areas of the Pacific and the Caribbean.

Mr. Speaker, there are many excellent reasons for the enactment of H.R. 8787, and I urge my colleagues to advance toward that goal today by adopting the rule and approving the bill overwhelmingly.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The SPEAKER pro tempore. The Chair will state that a quorum has just been established. However, the Chair will count.

One hundred and thirty-eight Members are present, not a quorum.

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

The question was taken; and there were—yeas 280, nays 63, not voting 86, as follows:

[Roll No. 318]

YEAS—280

Abbitt	Burke, Mass.	Donohue
Abourezk	Burleson, Tex.	Dow
Abzug	Burlison, Mo.	Downing
Adams	Burton	Drinan
Addabbo	Byrne, Pa.	du Pont
Anderson,	Byrnes, Wis.	Edmondson
Calif.	Byron	Edwards, Calif.
Andrews, Ala.	Camp	Eilberg
Andrews,	Carney	Erlenborn
N. Dak.	Carter	Esch
Annunzio	Casey, Tex.	Eshleman
Arends	Cederberg	Evans, Colo.
Ashley	Celler	Fascell
Aspinall	Chamberlain	Findley
Baker	Chisholm	Flood
Begich	Clark	Foley
Bell	Clausen,	Forsythe
Bennett	Don H.	Fountain
Bergland	Cleveland	Fraser
Betts	Collier	Frelinghuysen
Blaggi	Collins, Ill.	Frenzel
Biester	Colmer	Frey
Bingham	Conable	Gallagher
Blanton	Conte	Garmatz
Blatnik	Cotter	Giaimo
Boggs	Coughlin	Goldwater
Boland	Daniel, Va.	Gonzalez
Bolling	Daniels, N.J.	Gray
Brademas	Danielson	Green, Oreg.
Brasco	Davis, Ga.	Green, Pa.
Brinkley	Davis, S.C.	Griffiths
Brooks	Davis, Wis.	Gubser
Broomfield	de la Garza	Gude
Brotzman	Delaney	Hammer-
Brown, Mich.	Dellenback	schmidt
Brown, Ohio	Dellums	Hanley
Broyhill, N.C.	Denholm	Hanna
Broyhill, Va.	Dennis	Hansen, Idaho
Buchanan	Devine	Hansen, Wash.

Harrington	Mink	Satterfield
Harsha	Minshall	Saylor
Hastings	Mitchell	Scheuer
Hathaway	Mizell	Sebelius
Hechler, W. Va.	Monagan	Seiberling
Heckler, Mass.	Moorhead	Shipley
Helstoski	Morgan	Shoup
Hillis	Morse	Shriver
Hogan	Mosher	Sikes
Holifield	Moss	Sisk
Horton	Murphy, Ill.	Skubitz
Hosmer	Murphy, N.Y.	Slack
Howard	Natcher	Smith, Calif.
Hungate	Nedzi	Smith, Iowa
Ichord	Nelsen	Staggers
Jacobs	Nix	Stanton, J. William
Jarman	Obey	Stanton, James V.
Johnson, Calif.	O'Hara	Steele
Johnson, Pa.	O'Konski	Steiger, Ariz.
Jonas	O'Neill	Steiger, Wis.
Jones, Ala.	Patman	Stokes
Karth	Pelly	Stratton
Kastenmeier	Pepper	Stubblefield
Kazen	Perkins	Stuckey
Keating	Pickle	Sullivan
Keith	Pike	Symington
Kluczynski	Pirnie	Talcott
Koch	Poage	Taylor
Kyl	Poff	Teague, Tex.
Kyros	Powell	Thompson, N.J.
Leggett	Preyer, N.C.	Thomson, Wis.
Link	Price, Ill.	Thone
Lloyd	Pucinski	Tiernan
Lujan	Purcell	Vanik
McClory	Quie	Vigorito
McClure	Quillen	Waldie
McCollister	Railsback	Wampler
McDade	Rangel	Ware
McEwen	Rees	Whalen
McFall	Reid, N.Y.	White
McKay	Reuss	Widnall
McKevitt	Rhodes	Wiggins
McKinney	Riegle	Williams
Macdonald, Mass.	Robinson, Va.	Wilson, Charles H.
Madden	Robison, N.Y.	Winn
Mailliard	Rodino	Wolff
Martin	Roe	Wyatt
Matsunaga	Roncalio	Wylie
Mayne	Rooney, N.Y.	Wyman
Mazzoli	Rooney, Pa.	Yatron
Melcher	Rosenthal	Young, Tex.
Metcalfe	Roush	Zablocki
Mikva	Roybal	Zion
Miller, Ohio	Ruppe	Zwach
Mills, Md.	Ryan	
Minish	Sarbanes	

NAYS—63

Archer	Hall	Rarick
Ashbrook	Henderson	Rogers
Bevill	Hicks, Wash.	Rousselot
Blackburn	Hunt	Runnels
Burke, Fla.	Jones, Tenn.	Ruth
Clawson, Del	King	St Germain
Collins, Tex.	Landgrebe	Sandman
Crane	Landrum	Scherle
Dickinson	Latta	Schmitz
Dowdy	Lennon	Schneebeli
Dulski	Long, Md.	Schwengel
Duncan	McMillan	Smith, N.Y.
Edwards, Ala.	Mathis, Ga.	Spence
Flowers	Michel	Terry
Gettys	Montgomery	Thompson, Ga.
Goodling	Myers	Vander Jagt
Griffin	Passman	Waggonner
Gross	Patten	Whalley
Grover	Podell	Whitten
Hagan	Price, Tex.	Wydler
Haley	Randall	Young, Fla.

NOT VOTING—86

Abernethy	Diggs	Hays
Alexander	Dingell	Hébert
Anderson, Ill.	Dorn	Hicks, Mass.
Anderson, Tenn.	Dwyer	Hull
Aspin	Eckhardt	Hutchinson
Badillo	Edwards, La.	Jones, N.C.
Baring	Evins, Tenn.	Kee
Barrett	Fish	Kemp
Belcher	Fisher	Kuykendall
Bow	Flynt	Lent
Bray	Ford, Gerald R.	Long, La.
Cabell	Ford, William D.	McCloskey
Caffery	Fulton, Tenn.	McCormack
Carey, N.Y.	Fuqua	McCulloch
Chappell	Galifianakis	McDonald, Mich.
Clancy	Gaydos	Mahon
Clay	Gibbons	Mann
Conyers	Grasso	Mathias, Calif.
Corman	Halpern	Meeds
Culver	Hamilton	Miller, Calif.
Dent	Harvey	Mills, Ark.
Derwinski	Hawkins	Mollohan
Nichols	Snyder	Van Deerlin
Pettis	Springer	Veysey
Peyser	Steed	Whitehurst
Pryor, Ark.	Stephens	Wilson, Bob
Roberts	Teague, Calif.	Wright
Rostenkowski	Udall	Yates
Scott	Ullman	

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

ORDER OF BUSINESS

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

Mr. BURTON. Mr. Speaker, it is not our intention to bring this matter to a vote either on amendments or in terms of action to recommit or final passage today. I would like to sense the view of the House with regard to the request of some Members who want to have their remarks put in the RECORD, and also with respect to the request of the leadership that we get some of the debate time out of the way. I do not intend to proceed any further than it is essential and is the unanimous view, if you will, of the Members here present. I am struck with my own belief that debate at this time is necessary and the request of the leadership because of the crowded calendar next week to get some of the general debate out of the way. I am pointing out the quandary that confronts this one Member, to wit to proceed with some of the general debate at this time because of the crowded calendar next week, which makes the most sense, with the absolute assurance that we will not be amending or otherwise casting any votes on the bill. I am trying to make an assessment, as difficult as that is.

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

PERSONAL REQUEST

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that, if we do proceed with the general debate on the bill that is next scheduled, I may be permitted to insert a chart which has been prepared at my request for insertion with my remarks.

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

Mr. GROSS. Mr. Speaker, reserving the right to object—and I have no intention of objecting to a Member's personal request in a matter of this kind I do so only to obtain time to clear the atmosphere.

I did not get very much out of the request of the gentleman from California, if it was a request. It is proposed now to go on with this legislative monstrosity this evening? What is the situation?

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

Mr. GROSS. I yield to the gentleman.

Mr. ASPINALL. There is a heavy schedule for next week and what is involved here was the request of the gentleman from California that we proceed with the general debate here this afternoon and not work on any amendments and not to have any vote on final passage or a recommittal motion, and so forth That is what the gentleman from California is requesting. He wanted to abide by the decision of the Members here on the floor, and if he thought most of them did not want to do this, then he was not going to bring the bill up.

Mr. GROSS. How can the Members presently on the floor answer that question until we get down to something specific?

Mr. ASPINALL. I think the gentleman's position is correct. But if there are Members here who do not wish to carry on tonight, of course, the first thing we will do is to make a request for a rollcall vote on the motion to go into the Committee of the Whole. Then what is the gentleman going to do?

May I say to my colleagues on the floor that I would hope we could use the next hour and one-quarter at least in trying to write some of the record on this bill and get out of here. That is what I would hope.

Mr. GROSS. I would say to my friend, the gentleman from Colorado, that the other body, which is buried under legislation, quit this afternoon before 1:30 o'clock to go over until next Tuesday.

I can see no particular reason why the House of Representatives should under these circumstances subject itself to going on until 7 or 8 o'clock tonight. I promise that you will be in session until 7 or 8 o'clock tonight if you try to finish this bill and perhaps even later than that, if I have anything to do with it. I think it is outrageous to begin consideration of this bill at this hour.

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

Mr. GROSS. I yield to the gentleman.

Mr. ASPINALL. The gentleman from Iowa has already notified me of the action of the other body and I know just exactly how he feels. I think, with the gentleman's explanation, that he does object to any further proceedings at this time, that the gentleman from California has his answer.

Mr. GROSS. If I could make that objection stick, I would make it right now.

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

Mr. GROSS. I yield to the gentleman.

Mr. BURTON. Mr. Speaker, I would suggest that we go home—I do not intend to seek recognition to bring up the matter for general debate today.

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

There was no objection.

THE WAR ON HUNGER AND THE ECONOMY

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

Mr. MELCHER. Mr. Speaker, there is a lack of confidence in the country today—a lack of conviction that what we are doing will succeed. It is not a normal American feeling. It is a passing pall, but

nevertheless a bear on the market, a tiresome, worrisome, dismal drag on life.

It stems from a war that will not end, from an economy that is affluent but uneven and declining, from a specter of want amid plenty, and sore spots—like saddle sores—on a society that gets rubbed raw when drugs and or crime go unchecked and other ills are uncontrolled.

In the House of Representatives, a body supposedly attuned tightly to the political temper of this country, we again fail by a few votes to pass the Mansfield amendment to set a time certain for Vietnam disengagement. Where else do we falter in translating the obvious national mood into political reality?

It seems to me that this country has a mandate—not a manmade mandate, but a mandate bestowed from God—to make good use of abundant food supplies.

Yet here we go again, admitting we have no idea on how to handle the affluence of plenty of food. The Department of Agriculture is troubled and worried this month over a program to reduce production of food crops next year. American Indians gave corn to the world; now, three centuries later, a modern American culture cannot find how to handle its surplus in a world that is still half hungry.

Some people continually belabor the problems of cost of transportation, the distribution costs, and the difficulties of barter and world markets as the reasons for hunger despite abundance, but the fact remains we Americans, who are so wealthy in food, have neglected to make sure even that all of the people here in our own country are nourished. There are still 25 million Americans who are undernourished, and we have ambled aimlessly around the opportunity and obligation to extend charity to hungry people elsewhere, starting and stopping at the edge of the project without really committing ourselves to get the job done.

Our surplus of grain is not just potential flour or meal in bulk; it transforms into eggs, milk, cheese, and into meat of all kinds—into the protein of energy that makes life zestful and meaningful. Why should transportation or distribution costs stop us in these days where milk is either trucked for hundreds of miles to be consumed while still fresh or is dried for storage and future use? When a Montana steer leaves home on Sunday to be slaughtered in Omaha on Tuesday and is in the supermarket meat counter here in the East on Saturday there should not be any problems of transportation and distribution that cannot be solved.

We get together to legislate food programs that make sense, including: first, school lunches, second, food stamps, third, food for peace. Then we get involved in redtape and excuses.

The Department of Agriculture wanted to gut the school lunch program by saying it was too expensive. It appears to be a modern bargain—46 cents per school lunch per child. That does not seem too expensive to make sure that a hungry, school-aged child eats a hot lunch.

Food stamps get bogged in redtape, and Food for Peace is just a some-time thing that is never used extensively enough because we prefer other types of foreign aid that do not get to the basic problem of hunger. We like to pump aid in at the top to trickle down, or put most of it in military supplies.

There are fewer feelings of accomplishment these days in achieving America's national goals because we are stumbling on the basic issues. Americans are proven to be both confident and compassionate. When we can be assured that our compassionate inclinations to end hunger are being accomplished, I believe it will help set our own house in order and thereby increase national confidence.

Rekindling of a sluggish economy can and will start on the farms. American agriculture is geared to ending hunger. Congress is doing the right thing by forcing the Department of Agriculture to provide adequate school lunches for it means use of our abundance to end malnutrition, it benefits the recipients, it increases farm income, and farm income becomes the lifeblood of economic growth and activity.

We need to force the use of all other domestic feeding programs, and of funds authorized for Food for Peace. It would help both malnourished people and a malnourished economy in this country.

THE HONESDALE NURSING HOME TRAGEDY

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

Mr. RANDALL. Mr. Speaker, along with the rest of the Nation we all deplore the tragic fire in Honesdale, Pa., yesterday in which the lives of 15 nursing home patients were lost.

The special studies subcommittee which I have the privilege to chair is at present conducting a comprehensive study of problems of the aging and hearings have been in progress on this subject since early September. An investigator from our subcommittee was on the scene in Honesdale early yesterday morning. I have a report from our staff man on conditions he found there but I think it would be a serious mistake to put the finger of blame for this tragedy on any one source until all the evidence is in.

At this point I can say however, that it appears some of the blame may lie on the doorstep of the Federal Government. We know that at least some of the victims of the fire were the recipients of Federal assistance funds from which the cost of their care at the Honesdale Nursing Home were paid. It may be that we need uniform standards to apply to all cases where Federal moneys are used wholly or partially to pay for medical or nursing home care. The special studies subcommittee will conduct hearings in November to inquire extensively into the Honesdale tragedy and similar tragedies that have occurred within the last year or two, in other parts of the country.

I repeat my earlier admonition that none of us jump to any conclusions as to the blame for this fire and its terrible cost in lives until all the evidence is in.

LEGISLATIVE PROGRAM FOR THE WEEK OF OCTOBER 25, 1971

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

Mr. ARENDS. Mr. Speaker, I take this time for the purpose of asking the majority whip if he will announce the program for the following week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. The program for next week, the week of October 25, is as follows:

Monday is a holiday, Veterans Day, and the House will be in recess.

On Tuesday we will take up H.R. 7248, which is the higher education bill, with an open rule and 4 hours of debate. There will be general debate only on Tuesday.

On Wednesday and the balance of the week there will be, first, the military construction appropriation bill.

We will then continue consideration of H.R. 7248, the higher education bill.

That is to be followed by:

H.R. 10729, the environmental pesticide control bill, with an open rule and 2 hours of debate.

H.R. 9212, black lung benefits, with an open rule and 1 hour of debate.

H.R. 8293, the International Coffee Agreement, with an open rule and 2 hours of debate. A rule has already been adopted on this matter.

House Resolution 597, Ways and Means investigation authority.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. ARENDS. Might I just say to the gentleman from Massachusetts that although on Tuesday we will have only general debate on the bill and no votes on it, that does not preclude quorum calls and things like that.

Mr. O'NEILL. The gentleman is correct.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. May I inquire of the majority whip if it is expected that we will work next Friday?

Mr. ARENDS. If I might interject, I think that is one of the Fridays that we are not scheduled to work.

Mr. EDWARDS of Alabama. That is my understanding, but I am not sure.

Mr. O'NEILL. The original schedule provided that we would work on the first and third Fridays, but the majority leader announced that after the August recess we would work every Friday if necessary. We would hope that we could get through the program on Thursday, but I cannot make a definite commitment that we would not be in session on Friday.

Mr. EDWARDS of Alabama. I thank the gentleman.

DELAY IN IMPROVING COURT MANAGEMENT

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute, to revise and ex-

tend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, there has been a heartening concern in recent years with the reform and improvement of our courts. The judiciary itself has played a crucial role in creating public awareness of the needs of the courts. Chief Justice Earl Warren spoke often of the need to apply modern management techniques to judicial systems, so that the machinery of justice can be available to those who need it. Our present Chief Justice Warren Burger has been very active for the past 2 years encouraging programs to modernize courts and train professional court administrators.

The Congress has responded to the calls for court reform. The 91st Congress approved legislation creating court executives in each of the 11 Federal judicial circuits, the first positions of this kind in the Federal courts outside Washington, D.C. The last judicial appropriations bill, which cleared the Congress August 3, contained the necessary funding for the court executives. Furthermore, to insure that the court executives would be fully qualified professionals, a national Certification Board was set up in the statute to screen candidates.

However, at this time not a single candidate has been certified by the Board, and every circuit court executive position remains vacant. While Members of Congress realize the inevitable delays in implementing legislative policies, the delays in the present care are not only unnecessary, but may undermine the intent of Congress to provide machinery to handle judicial management problems more effectively at the circuit level.

It is my understanding that the Certification Board interviewed applicants last spring, including a number of individuals with substantial experience in the field, and a number who had completed the training program of the Institute for Court Management in Colorado. None of them have been certified. In most cases, no decision has been made either for or against their certification.

Yet some of the circuits have been prepared for some time to appoint a qualified and experienced court executive. The delay has apparently arisen from a dispute over the lines of responsibility of the circuit executives. Federal judicial administrators in Washington have tried during this time to press upon the circuit judges the view that the circuit executive's primary responsibility is to national administrators rather than to the judges of the individual circuits.

If the court executives are to function effectively to reduce court delay and increase efficiency, their day-to-day responsibility will be to the judges in the circuits. Such national judicial agencies as the Administrative Office of the Courts and the Federal Judicial Center would be relied upon for supporting services; their importance would depend upon the usefulness of their specialized management expertise. Those national agencies should continue to build their expertise, but not expect to exert direct control over circuit administration. Chief Justice Burger should demonstrate that his concern with increasing the efficiency of the circuit courts is not subordinated to efforts to accumulate judicial administrative power in Washington.

The Judicial Conference of the United States will be meeting here in Washington within the next week. I am hopeful that that body will move to implement this important program without further delay, so that justice will be real and effective for those who come in contact with the Federal courts.

RETORT TO PRAYER AMENDMENT OPPOSITION

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

Mr. WYLIE. Mr. Speaker, it is difficult for me to understand why certain ministers, of all people, are opposed to a constitutional amendment which would guarantee the right of prayer in public schools. Not all ministers are opposed to the amendment. I have received letters from many more than 38 who favor it. I do not question the sincerity nor the motives of those who oppose it, but I say unequivocally that they are misinformed about the meaning of this amendment and are guilty of not recognizing that in a democracy, the people govern. They are in apparent total ignorance of the will of a majority of the people. The people of the United States are determined to have their way on this issue.

On the one hand, it is suggested that the amendment would allow for no more than can be done now in public schools. If this be the case, then the amendment is needed to see that there is no further erosion of this basic fundamental right. On the other hand, opposition has been expressed that because of the separation of church and state argument prayer should not be allowed in schools.

There has not been a single case decided since the Engel case in 1962 which has permitted any practice which would indicate a tolerance toward voluntary prayer in public schools. In one case after another, students have been prevented from reading a voluntary prayer, from reading prayers from the CONGRESSIONAL RECORD, from singing the last verse of "America" because it mentions God, and—yes—even from saying the Pledge of Allegiance because of the phrase "one nation, under God."

In a democracy, the people govern. I noted in the CONGRESSIONAL RECORD for October 19, 1971, a statement by the Honorable J. GLENN BEALL, JR., Senator from Maryland, in which he publishes the results of polls on this issue beginning in August 1962 through February 1971. The results of these polls show that from 73 percent to 91.5 percent of the American people overwhelmingly favor the civil right of free school prayer, depending on the form of the question. In my own hometown of Columbus, Ohio, said to be a typical American community, a poll taken by ABC–TV on this question revealed that 91.5 percent said prayer should be permitted in public schools.

In the same edition of the CONGRESSIONAL RECORD, Senator HUGH SCOTT refers to a petition containing signatures of 5,000 residents from Bedford, and Everett, Pa., in support of a proposed constitutional amendment to allow voluntary prayer and Bible reading in public schools. Senator SCOTT says:

> I was particularly heartened to learn that this wonderful expression of support was due in large part to the efforts of David Crawford, a 17-year-old student from Everett High School.

The people of the United States are determined to have their way on this issue as evidenced by the thousands of letters and petitions which I have received in my office since I filed the discharge petition.

THE INCREDIBLE JIM FARLEY

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

Mr. POAGE. Mr. Speaker, one of the greatest men it has been my privilege to know is the Honorable Jim Farley. He was a great American in every respect and he is still one of the great men of the United States. He is still active and still serving his country as he has served so long and so well.

Mr. Speaker, the Dallas Morning News recently published an editorial on "The Incredible Jim Farley." I think it is extremely interesting and I hope Members of the House will find it as interesting as I did.

Mr. Speaker, the editorial is as follows:

THE INCREDIBLE JIM FARLEY

(By Dick West)

The historian invariably is lavish with space and praise for Franklin D. Roosevelt. It's a shame he cannot be more generous with the man who made him.

James Aloysius Farley, the New Deal's master political strategist, FDR's postmaster-general, head of the Democratic party longer than any other in history, is still, at 83, an imposing man—sure-footed, mentally alert, straight as an arrow and immaculately groomed with the scrubbed look of a youngster going to his first party.

Former President Lyndon B. Johnson recently gave a small luncheon in the old Democrat's honor at the LBJ Library in Austin. It was an enriching experience for me and Warren Woodward of American Airlines to attend and, beforehand, to accompany Mr. Farley on a flight from Dallas to Austin.

For two hours I popped questions—and he gave those direct answers for which he is famous. His knowledge and memory are incredible. His retentive and encyclopedic mind is like a massive cubbyhole from which he readily extracts dates, names, details and events which have made history in his time.

He matured in the twenties, became nationally distinguished during the depression and for the last 30 years has witnessed wars, rebellions, the decay of old empires, the confusion of economists and the dominance of science.

Who, we asked, was the greatest politician he ever knew? Did he actually break with Roosevelt over the third term issue in 1940? Who is his Democratic favorite in 1972?

FRANKLIN ROOSEVELT

Roosevelt, says Farley, was the consummate politician, "the most talented I ever knew."

The public's image of FDR, he adds, is incomplete: The dynamic personality, the golden radio voice—he was more than that. "He had an enormous grasp of practical politics. He could call every state Democratic chairman by his first name."

He had the same comprehensive knowledge about his country If a visitor, for instance, came to him from Comanche, Texas, somewhere in the conversation FDR would mention peanuts—Comanche's chief crop.

"Mr. Roosevelt even knew the locations of most of the 1,500 post offices built during my tenure as postmaster-general," Mr. Farley recalls.

He fretted too much, Farley recalls, about such minor reverses as the failure of a bill in Congress and what editorial writers said about him. "I used to reassure him that, in time, the criticism would fade like the early morning fog."

Was FDR's greatest contribution leading the free world to victory in World War II?

"No—I like to think it was in saving the capitalistic system. He and his humanism restored faith, hope, incentive and profits—and that's all capitalism is."

At the famous 1940 Democratic convention in Chicago, Farley vigorously opposed a third term for Roosevelt—but never broke with him.

"Even then his health was no good. I begged him to return to Warm Springs—he had contributed enough to his country. I felt the Democrats could win again with any candidate of stature, because the country appreciated the New Deal reforms. The people were not about to return the country's destiny at that time to the Republicans."

JOHN GARNER

You get the feeling that Farley, an old pro, is partial to other old pros. One in particular, John Nance Garner of Texas, never received the credit "he so richly deserved" for shaping the New Deal.

"Without Mr. Garner," Farley now feels, "the New Deal would have been puny."

It was Garner's knowledge of Congress and of its prima donnas which enabled Roosevelt to pass the vital reforms that are now "the substance of our economic and social life": Social Security, conservation of the soil, insurance of bank deposits (FDIC), crop supports for farmers, abolition of child labor, a floor for the workingman's wages.

"Garner and Senate Majority Leader Joe Robinson of Arkansas worked as a team. You've got to be expert in how congressional committees work, you must know where the bones are buried, to pass such far-reaching reforms on Capitol Hill.

"Roosevelt knew little about Congress. Garner did—and without him, FDR's record would not be nearly as substantial. Mr. Garner was a great old gentleman. He has been slighted in history."

TRUMAN AND LBJ

If Mr. Roosevelt was the best politician he ever knew, who has made the best president?

"I believe that history in time will say that Truman and Johnson were two of the greatest—maybe the two greatest."

Neither, he reminded, expected to be president. Both had to take over under tragic circumstances and under clouds of doubt. And both were constantly blasted by the news media "who can make or break a man before he knows it."

Yet, both responded with magnificent records, with courage and stubborn determination. "And both had guts and an uncanny sense of the sweep of history."

Mr. Farley, his 6-foot-4 frame steady and erect, concluded a brief talk at the Austin luncheon by turning and looking at Johnson.

"I hope and pray, Mr. President, that our God above will give you enough more years so that you will live to read the true assessment of your term. Your administration passed more beneficial legislation than any other; you exhibited as much courage and suffered more unfair abuse than any other I can remember. But you will go down as one of the greatest."

A few feet away, Mrs. Johnson tried to smile as she wiped away the tears—no doubt remembering those dark hours following the assassination in Dallas, the sleepless nights of worry on Pennsylvania Avenue, the excruciating burdens of the office and the constant carping at her husband by the Eastern Establishment which, to the end, resented him.

TWILIGHT

Farley's career began more than 60 years ago as a salesman with U.S. Gypsum; now, at 83, he is an executive with Coca-Cola.

He was a delegate to eight successive Democratic conventions beginning in 1924 when his party nominated John W. Davis to oppose Cal Cooldige. He won't be specific, but you get the feeling he would like to see his party nominate Sen. Henry (Scoop) Jackson in 1972.

The years slip by. But Jim Farley doesn't seem to realize that the twilight is near. Herbert Hoover, in a eulogy over the grave of Warren Harding, mentioned that "his soul was seared with disillusionment."

No one, or nothing, could sear Farley's soul, poison his heart or diminish his zest. Life is still great. To him the past has been rewarding, the future is exciting and heaven is somewhere over the hill.

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

Mr. POAGE. I yield to the gentleman.

Mr. MONAGAN. Mr. Speaker, I certainly subscribe to the sentiments the gentleman has expressed about Jim Farley who has been a friend of mine for many years.

He did yeoman work in welding together the combination that brought the Democratic Party to victory in 1932 and helped continue it in power for 20 years. Starting as a practitioner of practiced politics, he had at first the criticism of the uninformed, but his probity, his honesty and his forthrightness gradually earned him universal respect and widespread acclaim. In today's climate when many institutions are questioned, Jim Farley's career provides evidence that it is possible to live fully and accomplish much for our people in modern domestic politics.

I am delighted to join with my good friend, the gentleman from Texas (Mr. POAGE) in extending warm good wishes to a great Democrat and outstanding American, Jim Farley.

BASEBALL AND ITS ANTITRUST EXEMPTION

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 30 minutes.

Mr. MIZELL. Mr. Speaker, in a speech to the House on Monday of this week, I congratulated the Pittsburgh Pirates baseball's new world champions, and the Baltimore Orioles, who had defended the title, on playing one of the greatest world series in history.

I spoke at that time of how proud I am to have been a part of baseball for 14 years—11 of these years as a major league pitcher for the St. Louis Cardinals, the Pirates, and the New York Mets. I mentioned that I still wear the world series championship ring given to me as a member of the Pirate club of 1960, which defeated the New York Yankees in another exciting seven-game series.

Baseball has played a very special part in my life, and I still believe it is the greatest game there is. I believe the massive audiences who witnessed the 1971 world series on television also bear witness to the fact that baseball is still very much the national pastime.

But more importantly, through baseball, opportunities have been afforded to young men who otherwise would not have been able to fully enjoy the American dream.

There are many such men I could name. There is Enos "Country" Slaughter, who came out of the hills of North Carolina to become a great star. There is Willie Mays, who went from Alabama to superstardom with the New York and San Francisco Giants.

There is Stan Musial, an immigrants' son who left the coal mines of Pennsylvania, and Mickey Mantle, who left the coal mines of Oklahoma, to find fortune and immortality as two of the greatest athletes ever.

There are Henry Aaron and Willie McCovey, whose ability on the playing field has brought them from meager beginnings to affluence, from the sometime abuse of racial prejudice to places of great respect among all who love sport.

There was, of course, Babe Ruth, who went from a Baltimore orphanage to become perhaps the greatest baseball player in the history of the game, and, as was often mentioned in his playing days, to earn more money than the President of the United States.

There are countless other examples one could cite, but the one that is most special to me is what baseball did for a young man from Vinegar Bend, Ala., a young man who left an old plow mule standing in the field and caught a train to Albany, Ga., then rising through the minor leagues, breaking into the majors, winning a place on the 1959 all-star team, and helping to pitch the Pittsburgh Pirates to a National League championship and a world series victory in 1960.

From this background the young man was able to make a successful transition into the business world and then into the field of public service as a county commissioner in Davidson County, N.C. And from there, he was fortunate enough to be elected to represent some of the finest people anywhere in the Congress of the greatest Nation on earth. And that young man from Vinegar Bend, Ala., is privileged to stand before this great body today, thankful for the success for which baseball was so largely responsible.

But the game of baseball has brought success to more than just the handful of major league players I have mentioned. There are, of course, other ballplayers whose names I omitted from this very limited list of greats. But there are countless more who have gone into the fields of business and government

and labor and the professions who certainly owe a measure of their success to the game of baseball.

As I have said to little leaguers and other young ballplayers all over the country, baseball not only develops a boy physically; it develops him mentally and helps prepare him for the game of life.

Baseball builds character into young men who are going to be the leaders of the future. This leadership development and character building comes about in many ways, some of which may not seem very important in that sense while a boy is playing the game. But these are the things that stick with a boy when he becomes a man.

First, the game teaches a young man the value of teamwork. While he has to perform as an individual on the baseball field, he also has to be a team man if the team is going to win. Teamwork teaches him to work together with others toward accomplishing a single goal—winning.

Baseball also teaches him self-confidence. When a boy is on the pitcher's mound, no one can make the pitch but him. If he is up at bat, he has to swing the bat himself. If he is the shortstop, he has to make the accurate throw to first base. So the game teaches him self-confidence, because he has to perform at the moment when all of the attention is focused on him.

Baseball also teaches him to be a competitor. It teaches him to compete for victory, to perform at his very best. Baseball encourages a young man to strive to do his best, to be a tough competitor, and to be on the winning side.

But at the same time, baseball teaches him that a sense of honesty and fair play is also important. It teaches him to play by the rules, and he learns that when he violates the rules, not only is he hurt by it, but he hurts his team, as well.

I believe the world today needs young men with these qualities. Men who know the value of teamwork, who have confidence in their ability to get the job done. Men who thrive on competition, but recognize at the same time that there is an honest and fair way to compete.

Show me a man with these qualities, and I will show you a young man who is being sought by the business world, a young man who has the respect and friendship of others living in his community, a young man who is going to make a contribution, not only to his home, his community and his church, but to his Nation.

This is the type of man, the type of leader, that we need in Government, and in all levels of society.

As I said before, baseball builds men who will be leaders. All of them are not going to be major league baseball players, but they are all going to be major leaguers in whatever vocation they choose to follow.

The Congress and the Nation have recognized for some time that baseball is indeed a wholesome, constructive influence on American youth, and because of this special status, the game has been granted certain special privileges, most important of which is its exemption from the antitrust laws.

A major league ball club incurs tremendous operating expenses during a season. There are stadium expenses; there are the costs of finding and developing talent, of trading between clubs, of traveling from city to city, all for the purpose of providing an example of excellence and competition for young Americans to follow.

Baseball has always had a heart, and throughout the history of organized baseball, the paramount concern has always been for the players and the fans.

But the recent action of the American League baseball owners, permitting the Washington Senators to be moved from here in the Nation's Capital to Arlington, Tex., stands in sharp contrast to baseball's great tradition of putting the fans first.

I certainly do not think an owner or group of owners should have to take an unfair financial loss just to keep a team in a city. But I strongly oppose permitting a baseball team to be moved for the sole purpose of reaping a pot of gold for the owners.

It seems obvious to me that this is exactly what happened in the case of the Washington Senators or whatever they shall be called in their new home. Reputable men from this community came forward with what seemed eminently fair financial proposals for the express purpose of keeping a major league club here in the Nation's Capital.

These efforts were to no avail, however, as all of us know. A better business deal could apparently be negotiated in Texas, and the owners gave their overwhelming consent to this course of action. There was no indication that the owners or the commissioner of baseball made any effort to insure a major league franchise for Washington, D.C.

This is perhaps a special case in more than one respect. It seems to me that something is terribly wrong when the great capital of the United States, the hub of a metropolis of 3.5 million people, is deprived of major league baseball, of the opportunity to watch the national pastime at its own beautiful stadium.

If making millions is going to be the number one priority for assigning major league franchises, then the question arises, "Should baseball continue to enjoy the special financial privileges and protection it has enjoyed for the last half century?"

If the fast dollar is the No. 1 criterion for baseball owners today, on what grounds can they plead for exemption from antitrust laws? What is there to set them apart from any other private enterprise? What distinguishes them from the great monopolies of the last century, whose dominance necessitated the first antitrust laws passed by this Congress?

I am convinced that if the cold, hard cash deal has led to callous disregard for fans as loyal as Washington fans have been for 71 years, then baseball has purposely and outrightly forfeited its special status as a sport, and deserves no further special consideration in the eyes of the law.

Many bills have been introduced in Congress over the last several years, and especially in the last few weeks, seeking an end to baseball's exemption status. The commissioner and the owners would do well to take these bills as a warning signal of the strong resentment on Capitol Hill for baseball's new heartless image.

I intend to send a copy of these remarks to the commissioner of baseball and to the major league franchise owners and I shall urge them to give serious consideration to beginning work immediately toward bringing another major league team to Washington, preferably in time for the 1972 season and preferably a National League club.

The preference for a National League team is not strictly a personal one, although I spent my entire career in the National League. It would simply make more sense than bringing another American League team into this area, only to have the magnetism of the great Baltimore team 50 miles away draw fans away from Washington, as has been the case for the last several years.

I am convinced that if a National League team is brought to Washington, if the people in this area have the opportunity to watch such great teams as the Pirates and Cardinals and Dodgers and Giants and Mets, then Robert F. Kennedy Stadium will easily see a million fans a season and probably many more.

If all went well, we might even be able to see a future world series between Washington and Baltimore that would rival the great "subway series" in New York years ago.

In any event, Washington is still a great baseball town, baseball is still a great game, and I am sure it is the sense of this Congress that the two should be reunited.

As one who feels keenly indebted to baseball, and who has the game's best interest at heart, I believe the return of a baseball team to the Nation's Capital would be both symbolic and practical evidence of a return of baseball's leadership to what has always been and should always be its paramount concern—the desires of the game's millions of fans.

Congress will require no less of the owners, and the owners should ask no less of themselves.

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

Mr. MIZELL. I am glad to yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Speaker, I would like to commend the gentleman from North Carolina for his outstanding remarks.

I would like to state that if baseball is responsible for us having the gentleman in the well amongst us, then I think we have an additional reason to be grateful to baseball.

As one who played sandlot baseball myself, I realize the veracity of the gen-

tleman's remarks with regard to the character-building qualities of baseball and all competitive sports.

Also as one who regrets as much as the gentleman the departure of the Washington Senators, which it has been suggested should be called the Arlington, Tex., Shorthorns, I want to share the gentleman's concern about this and join with him in the effort to bring a baseball team to Washington so that we can have big league ball here.

In conclusion, recognizing the gentleman as a former Pittsburgh Pirate and acknowledging that I myself cheered myself hoarse at the World Series for Baltimore, I want to say to the gentleman, "Wait until next year."

Mr. MIZELL. I thank the gentleman for his remarks and his contribution.

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

Mr. MIZELL. I am glad to yield to the gentleman from Maryland.

Mr. GUDE. Mr. Speaker, I would like to also commend the gentleman for a very forthright statement. The gentleman has made a great contribution to this House and has made a great contribution to our Republican baseball team in leading us to victory here. I think the contribution that he has made and his character are symbolic of the great contribution that baseball has made to the American spirit and American manhood as well as the strength of our Nation.

So, Mr. Speaker, I join with the gentleman in the hopes that baseball is going to return to Washington. There are a lot of youngsters and oldsters all across the country who feel as strongly as I do about this national sport.

Mr. MIZELL. I thank the gentleman for his remarks; and I trust that what the gentleman suggests will not be long in coming, when we will have the major league stars performing in Washington, especially for the young men of this area.

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

Mr. MIZELL. I am glad to yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, more than anyone else in the House of Representatives I think that the gentleman in the well (Mr. MIZELL) from North Carolina is better qualified to talk about baseball and to talk about the impact of baseball on the youth of the Nation and the recent move of the Washington Senators out of this area.

Mr. Speaker, the gentleman should be commended for addressing himself to this subject at this time. As an aside, let me say that one of the owners of the Pittsburgh Pirates, Mr. John Galbreath, and his son are close personal friends of mine. I know of the high regard and esteem in which the gentleman from North Carolina (Mr. MIZELL) is held by the Pittsburgh Pirates ownership. I shall extend the gentleman's greetings to them on the occasion of their celebration of the victory in our area in the near future.

But, Mr. Speaker, I do wish again to thank the gentleman for addressing himself to the subject of baseball and bringing it to the attention of the Members of the House and the Nation.

Mr. MIZELL. I thank the gentleman. I would greatly appreciate the gentleman remembering me to John and Dan, as well as the other members of the Pirates team whom the gentleman will be seeing in a few days. They did a tremendous job.

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

Mr. MIZELL. I am glad to yield to the gentleman from Pennsylvania.

Mr. SAYLOR. First, let me say that the gentleman in the well, an ex-Pittsburgh Pirates star in his own right, has shone not only in baseball but has shone well in the halls of Congress.

But I think today that you, Mr. MIZELL, have rendered to baseball a service that will long be remembered, because there are too many people today who are enjoying the benefits of what Congress decided baseball was—that is, namely, a national pastime for the benefit of the youth of this country and the entertainment of its people—who have now decided that the dollar sign is more important. Unless those people pay attention to warnings of people like you, who have said it from both sides, the day will come as a result of those warnings when they will no longer enjoy the benefits they now enjoy. Unless they recognize the dedication to the youth of this country and to the young people of this country, as to what baseball is and should mean, then the tax exemption and the exemption from the antitrust laws will no longer be extended to them.

I sincerely hope, as you do, that the National League will see the great vacuum that exists here in the metropolitan area of Washington and the tremendous possibility of reviving the spirit of baseball.

I am sure that the series which has just been concluded, and the fact that it went 7 games, with the tension that it carried, did much to cause people to realize what a grand pastime baseball is. With your remarks I think that baseball has at last come into its own once more.

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

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

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding and I just want to associate myself with the remarks that have just been made by the gentleman in the well and the other Members. I want to say further that if baseball can contribute men to the Congress like the gentleman in the well, Mr. MIZELL, from North Carolina, then certainly the Nation and the Congress will benefit.

Mr. MIZELL. Mr. Speaker, I thank the gentleman from Pennsylvania for his kind remarks.

Let me say to my friends who have participated in this discussion this afternoon, Mr. Speaker, that while I throw just as hard as I ever did, the ball does not get there quite as quickly, but I do find myself more in the strike zone now than I did when I was with the Pittsburgh Pirates. I will certainly try to live up to the very gracious remarks that have been made to me and in the weeks and years ahead try to make a worthwhile contribution toward bringing major league baseball back to our Nation's Capital where it should be.

THE COMPREHENSIVE MANPOWER ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 20 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, I have the pleasure of joining in introducing the Comprehensive Manpower Act today with my distinguished colleague, the gentleman from Michigan (Mr. ESCH).

There is little doubt as to the pressing need for comprehensive reform of the Nation's manpower programs. All of the previous congressional hearings have stressed this fact. The legislative and administrative fragmentation cause our present efforts to fall short of the intent of Congress as we authorize and appropriate nearly three billion dollars each year in this area. Looking down from the Federal perspective, one sees the Secretary of Labor alone responsible for more than ten thousand separate contracts for manpower programs—an impossible administrative task.

Looking up from the local level, one is baffled by the incredible alphabet stew of programs, agencies, and legislation. Each has its own slightly different entrance qualifications, training programs, supportive services, and objectives. For the disadvantaged person with one dime in a phone booth, his chances are one in a hundred of finding the appropriate program, let alone receiving the services he needs.

Let there be no mistake. I believe that the leadership exhibited by the Nixon administration in this field, as exemplified by the administration's bill in this session, deserves recognition. The goals can best be brought into reality, however, by the decategorization and phased decentralization as provided by the Esch-Steiger bill.

Responsibility on the Federal level would be consolidated in the Secretary of Labor in order to bring together the present patchwork of legislative authorization. Responsibility at the local level would be decentralized on a phased basis by enabling State and local elected officials to become prime sponsors. The prime sponsors would be assisted by the formation of manpower services councils made up of a broad range of local people with expertise in this area. The councils would build on the experience of the cooperative area manpower planning system and would be given up to 1 year to develop a comprehensive plan of services that would best suit their area. The bill authorizes prime sponsors to utilize the full range of public and private manpower services. Title II authorizes the continued appropriate utili-

zation of public service employment as one component of a comprehensive program. It is anticipated that the appropriate mix of services will vary widely depending on the needs of the individual and local conditions. In order to insure the integration of State and local manpower services, reciprocal review and accommodation procedures are provided in the bill. A National Institute of Manpower Policy is also established in the Executive Office of the President to develop and consider national manpower policy.

The Secretary retains responsibility for the special national needs of the Indians, bilingual persons, migrants, older workers, and youth, but following a 2-year period of joint Federal-local responsibility, the Federal role toward prime sponsors would be limited to administrative support and monitoring to insure compliance with the law.

I believe this bill provides the framework for the strong partnership of Federal, State, and local government in this vital area. By consolidating our resources at the Federal level, and decentralizing responsibility to the local level, we will enable the maximum delivery of comprehensive services to those who need them.

PROPOSED COMPREHENSIVE MANPOWER ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. ESCH) is recognized for 20 minutes.

Mr. ESCH. Mr. Speaker, I am today introducing a new bill for a Comprehensive Manpower Act which, in my judgment, would accomplish the major objectives recognized by virtually every authority on manpower training as necessary to achieving a truly effective effort on behalf of unemployed and underemployed persons. At the same time, it would avoid many of the pitfalls, both practical and political, which thus far have stymied both congressional and administration initiatives in this field.

The bill I have introduced moves very far in the direction of completely decentralized administration of manpower programs to the States and local levels where they are best managed, as proposed last spring by President Nixon in the manpower revenue sharing. Indeed, it would accomplish that objective, but phased in over a period of at least 3 years beginning with a full year of intensive planning at State and local levels. However, quite unlike the manpower revenue sharing proposal, it would retain authority for the Secretary of Labor to constantly monitor programs and to step in and operate them directly where a State or local prime sponsor failed to comply with the act.

This bill would accomplish the objective of decentralized responsibility for manpower services, but without abnegation of Federal responsibility for assuring that fundamental requirements of a successful effort are met.

The second major objective sought by the President—and again one widely applauded by experts in manpower training—is the broadening of manpower programs into a single, comprehensive, flexible authority to provide the services people need to the people who need them. This is in sharp contrast to the existing situation where we have grafted on to our basic manpower development legislation a dozen or more narrowly drawn authorizations to serve particular categories of people. Often, manpower funds have been earmarked for these narrow, categorical programs with unfortunate results in terms of the ability of State and local officials to serve people. Instead of designing programs tailored to the needs of their particular areas and to the unemployed or underemployed persons in need of help, they have found themselves trying to fit people into rigid programs. This is the wrong way to go about serving people. My bill provides for a complete decategorization of programs at the local level, and substitutes a broad, flexible authority which can be used to meet the actual needs of people.

At the same time, this bill recognizes that there are special national concerns for particular categories of citizens who have employment problems peculiar to their circumstances. Obvious examples are the American Indians and the Native peoples of Alaska and Hawaii; migrant agricultural workers for whom no single State feels complete responsibility; and persons who are not fluent in the English language and who need bilingual instruction and training programs. Similarly, the particular problems of the young worker—for whom unemployment rates are shockingly high—and of the middleaged and older worker—whose problems are too often overlooked—need some intense scrutiny at the national level in order to assist local manpower officials to do a more effective job in helping them.

Accordingly, part A of title III of this bill sets forth a series of national programs for these groups, to be conducted by the Secretary. Preference would be given to working through and augmenting the programs of prime sponsors where they have intense problems in the areas of these special concerns, but the Secretary could also operate programs directly. There is no earmarking of funds for any one of these programs, and there is no separate distribution formula for any of them, because such devices destroy the opportunity for flexible responses to changing needs and deny to the Secretary the absolutely essential power to establish priorities which reflect relative urgency of need for action. At the same time, these special impact needs, as they are called in the bill, would be addressed on a national basis.

Another thorny issue which this bill faces squarely is the question of a continuing need for public service employment as a part of our system of manpower services. The bill contains a separate title for public service employment closely modeled on the recently enacted Emergency Employment Act, but which takes effect after the expiration of that act and is folded into the programs of State and local prime sponsors. This means that State and local manpower programs may contain a component of public service employment which in its size and duration reflects changing needs at the State and local levels as those needs are seen by the people who are close to them.

Mr. Speaker, I shall not undertake at this point a detailed description of the bill. It contains many vital new directions in the formulation and execution of manpower policy, including proposals such as that for a national computerized job bank which have been approved by the House and are long overdue. It contains a new national program for placing special emphasis on job counseling, guidance, and placement which lies right at the heart of our manpower problems. However, before discussing the fundamental mechanics of the State and local delivery systems under this bill, I do want to mention briefly one provision which is desperately needed if we are to bring order out of the chaos of conflicting and overlapping Federal programs in education and manpower.

This bill would establish in the Executive Office of the President a 21 member National Institute for Manpower Policy which would have as its prime function the formulation of "recommendations for a coherent national manpower policy" and the evaluation of existing Federal programs of education and manpower training in terms of their contribution to such a policy. Six members would be members of the Cabinet serving ex officio; two would be Members of the House appointed by the Speaker; two would be Members of the Senate appointed by the President of the Senate; and the remaining 11 members—one of whom would be elected Chairman—would be representatives of the general public—having a special knowledge of manpower problems—appointed by the President.

I think that this sort of high-level body could and would make an enormous contribution to the task of making sense of Federal efforts in education and manpower.

The single most important aspects of this bill is in its mechanics for perfecting State and local delivery systems for manpower services and in assuring that they are closely interrelated. I think this bill is superior to previous ones in this vital respect.

First, it would decentralize administrative responsibility to State and local prime sponsors of manpower programs, but it would do so in a rational sequence of activities phased-in over a period of 2 or 3 years. Full decentralized administration would in no event for any prime sponsor take place until fiscal year 1976. The initial year—fiscal 1973—would be solely devoted to planning by States and local units—or combinations of units—of general local government eligible to become prime sponsors. This is essential to the orderly development of a decentralized program.

During the following 2 fiscal years, those units eligible to be prime sponsors which had completed the planning requirements to the satisfaction of the Secretary, and submitted applications meet-

ing the detailed requirements of the act, would operate programs under the close scrutiny and supervision of the Secretary of Labor—much as programs are now operated—who during this time would be taking every possible step to assist the prime sponsor to take over the programs and run them successfully. This, too, is a necessary process. States or local units of government which do not qualify or seek to qualify during these initial years, but choose to enter the program at some later date, may do so only after a full year of planning and at least 1 year of program operation under the direction of the Secretary.

Having qualified to operate programs on a decentralized basis, prime sponsors would not then be required to submit annual plans and applications for the approval of the Secretary of Labor.

Second, a method is provided to require State and local prime sponsors to coordinate their programs in such a way that they complement one another, but without giving either a veto power. When the State is a prime sponsor and there are local prime sponsors in the State, they must review one another's annual program plans and projections and resolve any differences. If differences cannot be resolved after a reasonable effort to do so, the Secretary of Labor has the final authority to make a binding decision. This assures coordinated services on a statewide basis with an absolute minimum of Federal intervention.

Third, the Secretary would retain authority to monitor programs and to step in where the prime sponsor fails to carry out requirements of the act—such as the requirement that programs be conducted on a racially nondiscriminatory basis—but such actions would be subject to the normal process of appeal through the Federal courts. Thus the Secretary would not be expected to take such actions hastily or lightly.

Fourth, the Secretary would retain authority to operate programs directly where no State or local prime sponsors qualified under the act to do so; there would be no area of the Nation, or of any State, for any reason left without effective manpower programs and services.

These provisions are spelled out in much greater detail in the bill, which is printed in full at the conclusion of these remarks. They are not perfect and will not work perfectly. I doubt that any legislation will solve all problems. But these provisions will work well and the serious consideration of this legislation would move us off dead center and toward the kind of manpower training program virtually everyone wants to see operating.

The Select Subcommittee on Labor, under the able chairmanship of our distinguished colleague from New Jersey, Mr. DANIELS, has scheduled hearings on comprehensive manpower legislation beginning October 27 and running through November. This bill, a bill introduced by Mr. DANIELS, and the President's proposal for manpower special revenue sharing (H.R. 6181) introduced earlier this year by the distinguished ranking Republican member of our committee, Mr. QUIE, will all be before the subcommittee for consideration. It is my hope—and indeed the hope of all of us on both sides of the aisle who have struggled with these problems—that out of this work will come a new, Comprehensive Manpower Act which will serve the American people far better than the existing uncoordinated, overcentralized melange of legislation and programs.

The bill which my colleague from Wisconsin (Mr. STEIGER), and I are introducing today is intended as a contribution toward achieving that long-sought objective.

The bill is as follows:

H.R. 11413

A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability, 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 Comprehensive Manpower Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that—

(1) The Nation's prosperity, economic stability, and productive capacity are limited by a lack of workers with sufficient skills to perform the demanding production, service, and supervisory tasks necessary in an increasingly technological society. At the same time, there are many workers who are unemployed or are employed below their capacity who, with additional education and training, could make a greater contribution to the national economy and share more fully in its benefits.

(2) The problem of assuring meaningful employment opportunities will be compounded by the continued rapid growth of the labor force. It is imperative that these new workers, including the many young people who will enter the labor force, be provided with adequate academic and vocational skills which will allow them to work at the level of their full potential.

(3) The placement in private employment of unemployed, underemployed, and low-income workers is hampered by the absence of entry level opportunities. These opportunities can be augmented by assisting workers now in entry level jobs to improve their skills and advance to more demanding employment.

(4) The public and private educational system has the major responsibility to provide the academic, technical, and vocational training opportunities necessary to prepare attending students for the world of work. This system must be strengthened to achieve its goals, and its success is critical to lessening the need for remedial manpower programs. But, where effective opportunities have not been provided to individuals or their access to them continues to be restricted, remedial services should be provided as a part of our Nation's manpower programs.

(5) Improved training and employment opportunities are vital to developing capacity for self-support by public assistance recipients, and the manpower system must assume special responsibility and accountability for training, placing, and upgrading these persons.

(6) That it is appropriate during times of high unemployment to fill unmet needs for public services in such fields as environmental quality, health care, housing and neighborhood improvements, recreation, education, public safety, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, crime prevention and control, prison rehabilitation, and other fields of human betterment and public improvement.

(7) The effectiveness of manpower programs would be improved by a more coordinated approach in evaluating the needs of individual participants and mobilizing available resources to meet these needs. It is, therefore, the purposes of this Act to establish a comprehensive and coordinated national manpower program, involving the efforts of all sectors of the economy and all levels of government. The program should be designed to provide greater opportunities for training and related services necessary to assist individuals in developing their full economic and occupational potential.

(8) Experience has shown that the administration and delivery of effective manpower programs are essentially local matters, requiring a more comprehensive, unified, and flexible approach and that State and local governments, after they have completed comprehensive planning to assume this responsibility, are in the best position to assure the active cooperation and participation of employers, employees, public and private agencies, and individuals and organizations, and accordingly it is the purpose of this Act to facilitate and encourage the orderly decentralization of administration of manpower programs and to combine narrow, categorical programs into broad, flexible authorizations.

(9) The economic prosperity of the United States and the well-being and happiness of its citizens would be enhanced by the establishment of a coherent national manpower policy designed to assure every American an opportunity for gainful productive employment and to provide the education and training needed by any person to qualify for employment consistent with his highest potential and capability.

TITLE I—MANPOWER SERVICES PROGRAM

General Responsibilities

SEC. 101. (a) The Secretary of Labor (hereinafter referred to as the Secretary) shall provide assistance to prime sponsors designated under section 103 in order to enable them to develop and carry out programs of comprehensive manpower services under this title that will—

(1) provide for the prompt referral of unemployed or underemployed persons who are qualified and are seeking work to suitable employment opportunities;

(2) provide training and related manpower services to all other persons who are unemployed, in danger of becoming unemployed, recipients of public assistance, employed in public service jobs authorized in title II, or employed in low-paying jobs who could through further training qualify for job opportunities that would enable them to provide an adequate standard of living for themselves and their families;

(3) provide appropriate training and related manpower services for persons in correctional institutions to assist them in obtaining suitable employment upon release;

(4) provide appropriate training and related manpower services for persons who have recently been or will shortly be separated from military service;

(5) develop an early warning system and standby capability that will assure a timely and adequate response to major economic dislocations arising from changing markets, rapid technological change, plant shutdowns, or business failure;

(6) promote and encourage the adoption of employment practices by public agencies, nonprofit agencies, labor organizations, and private firms that will remove unreasonable

barriers to employment, without reducing productivity, and expand opportunities for upward mobility;

(7) reduce the level of youth unemployment by improving the linkages between educational institutions and job markets; and

(8) support and encourage the development of broad and diversified training programs by public, nonprofit, and private employers designed to improve the skills and thereby the promotion and employment opportunities of employed workers.

(b) The Secretary shall be responsible for the coordination of the activities of other Federal agencies that may contribute to the accomplishment of the purposes of this Act, for promoting the maximum possible coordination of State and local public agencies and private agencies and for recommending to the President and to the Congress combinations of programs or shifts in responsibility that facilitate the achievement of the purposes of this Act.

COMPONENTS OF MANPOWER SERVICES PROGRAMS

SEC. 102. (a) In meeting the responsibilities imposed on him by section 101, the Secretary shall, to the extent needed in each State and local area, assure the provision of a comprehensive manpower services program for all those eligible under this title which shall include but shall not be limited to the following:

(1) A program for appropriate testing, counseling, and selecting for occupational training those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate full-time employment without training.

(2) Programs for the attainment of basic education and communications and employment skills, by those eligible persons who indicate their intention to and will thereby be able to pursue, subsequently or concurrently, courses of occupational training of a type for which there appears to be a reasonable expectation of employment, or who have completed or do not need occupational training but do require such other preparation to render them employable.

(3) Outreach to find the discouraged and undermotivated and encourage and assist them to enter employment or programs designed to improve their employability.

(4) Prevocational orientation to introduce those of limited experience to alternative occupational choices.

(5) Short-term work experience with public and nonprofit agencies for those unaccustomed to the discipline of work.

(6) Occupational training designed to improve and broaden existing skills or to develop new ones.

(7) Programs for on-the-job training needed to equip persons selected for training with the appropriate skills, and giving special consideration to on-the-job training programs which devote systematic effort to providing new opportunities for advancement through more systematic development of career ladders.

(8) Part-time training for employed persons where such training would lead to improved employment opportunities.

(9) Programs to provide part-time employment, on-the-job training, or useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school.

(10) Special programs for jobs in public and private agencies leading to career opportunities including new types of careers, in programs designed to improve the physical, social, economic, or cultural conditions of the community or area served in fields including but not limited to conservation, pollution, beautification, health, education, welfare, neighborhood redevelopment, rural development, transportation, recreation, maintenance of parks, streets, public facilities, and public safety, which provide maximum prospects for advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

(11) Programs to provide incentives to private employers, nonprofit organizations, and public employers to train or employ unemployed or low-income persons, including arrangements by direct contract, for reimbursement to employers for the costs of recruiting and training such employees to the extent that such costs exceed those customarily incurred by such employer in recruiting and training new hires, payment for on-the-job counseling and other supportive services transportation, and payments for other extra costs including supervisory training required by the program.

(12) Skill training centers wherever a consolidation of occupational training and related manpower services would promote efficiency and provide improved services.

(13) Supportive and followup services to supplement work and training programs under this and other Acts, including health services, counseling, day care for children, bonding, transportation assistance, and other special services necessary to assist individuals to achieve success in work and training programs.

(14) Employment centers and mobile employment service units to provide recruitment, counseling, and placement services, conveniently located in urban neighborhoods and rural areas and easily accessible to the most disadvantaged.

(15) Comprehensive job development and placement efforts to solicit job opportunities suited to the abilities of the disadvantaged jobseeker and to facilitate the placement of individuals after training including referral to employment opportunities in urban and suburban areas outside their own neighborhoods.

(16) Job coaching and follow-up services for a limited period to assist the employer and the worker to insure job retention.

(17) Relocation payments and other special services as needed to assist unemployed individuals and their families to relocate from a labor surplus area to another area with expanding employment opportunities where a suitable job has been located. Preference for such assistance shall be provided those who have been provided training before relocation or have been accepted for on-the-job and other types of employer-directed training.

(18) Special programs which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participtate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health, education, day care, and recreation services.

(19) The development of job opportunities through the establishment and operation of centers for low-income persons who are unemployed or underemployed, providing recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services.

(20) Public service employment programs authorized by title II of this Act.

(21) Any special program authorized under Part A of title III (relating to special impact needs).

(b) Where appropriate, the services authorized by this section may be provided, in whole or in part, through residential programs.

PRIME SPONSORSHIP

SEC. 103. (a) For the purposes of this title—

(1) any State; and

(2) any unit of general local government—

(A) which has a population of 100,000 or more persons on the basis of the most satisfactory current data available to the Secretary and (i) which is a city or (ii) which is a county or other unit of general local government which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to have general governmental powers substantially similar to those of a city and to serve a substantial part of a functioning labor market area; or

(B) which has a population of less than 100,000 persons on the basis of the most satisfactory current data available to the Secretary and which has the largest population of any unit of general local government meeting the requirements of clause (i) or (ii) of subparagraph (2) (A) in a State; and

(3) any combination of units of general local government which covers a geographical area which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to serve a substantial part of a functioning labor market area;

(4) any combination of units of general local government, without regard to the population requirements of clauses (2) and (3), in rural areas designated by the Secretary which have substantial outmigration and high unemployment; shall be eligible to be a prime sponsor of a comprehensive manpower services program in accordance with the provisions of the action.

(b) Any State or unit (or combination of units) of general local government which is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary a prime sponsorship plan including provisions which evidence capability for carrying out a comprehensive manpower services plan in accordance with section 108(b) of this title and provisions for the establishment of a manpower services council which—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such council shall appoint the members of the council and shall designate one member to be chairman;

(2) provide that the council shall include members who are representative of community action programs; other significant segments of the poverty community; the public employment service; education and training agencies and institutions, including vocational educational agencies and community postsecondary educational and training institutions; social service programs, including child care, environmental quality, health, recreation, vocational rehabilitation, and welfare agencies; industrial development organizations; apprenticeship programs; business; labor; and veterans organizations;

(3) provide that the chairman of the council shall, with the approval of the council, appoint a staff director who shall super-

vise professional, technical, and clerical staff serving the council;

(4) set forth procedures under which applications for financial assistance will be submitted by the prime sponsor which shall be responsible for planning for and carrying out services for which financial assistance is provided under this title and under which appropriate arrangements may be made for the council's participation in planning and development, including initial preparation and review of such applications, and participation in the development of program plans and projections prepared in accordance with section 106(a)(2);

(5) set forth the prime sponsor's plans for conducting on a continuing basis surveys and analyses of needs for manpower services in the area served by the prime sponsor to be used in the development of applications for assistance under this title;

(6) set forth the prime sponsor's plans for evaluating the effectiveness of programs for which financial assistance is provided under this title; and

(7) describe the area to be served by the prime sponsor.

(c) In any case in which a State has submitted a plan under this section to serve a geographical area under the jurisdiction of a unit (or combination of units) of general local government which is eligible under clause (2), (3) or (4) of subsection (a) and which has submitted a plan under this section meeting the requirements set forth in subsection (b), the Secretary shall approve the latter plan after carrying out the procedures set forth in subsection (d). When two or more units (or combination of units) of general local government each submit plans which include a common geographical area under their respective jurisdictions and which are consistent with the purposes of this title and meet the requirements set forth in subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the unit of general local government plan which he determines will most effectively carry out the purposes of this title.

(d) The Secretary shall not approve a prime sponsorship plan submitted under this section unless—

(1) the plan was submitted to the Secretary by such date as the Secretary shall prescribe by regulation, prior to the beginning of the fiscal year when such plan is to take effect, in order to provide a reasonable period of time for review in accordance with the provisions of this section; and

(2) in the case of a plan submitted by a State, satisfactory arrangements are set forth for serving all geographical areas under its jurisdiction except for areas for which a local prime sponsorship plan is approved under this section.

(e) Except as provided in subsections (c) and (d), the Secretary may approve any prime sponsorship plan submitted under this section if it is consistent with the provisions of this title. A plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of the reasons therefore;

(2) for a reasonable time to submit corrective amendments to such plan; and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(f) Funds available for carrying out programs authorized under this title may be used for the purpose of making such payments as may be reasonably necessary to cover the staff and other administrative expenses of the councils established pursuant to subsection (b) and to support other planning and evaluation activities of prime sponsors.

PLANNING REQUIREMENTS FOR PRIME SPONSORS

SEC. 104(a) During the fiscal year ending June 30, 1973, and in any succeeding fiscal year, any state and any eligible unit of general local government (or eligible combinations of units) described in section 103(a) which has submitted an approved prime sponsorship plan under this title to participate in the decentralization of administration of programs described in section 106, shall undertake and complete a process of comprehensive planning for the delivery of manpower programs and services.

(b)(1) Beginning July 1, 1973, the Secretary shall approve applications of eligible applicants which have (to the satisfaction of the Secretary) met the planning requirement of subsection (a).

(2) If in any state there are eligible units (or eligible combinations of units) of general local government which have not complied with the requirements to become prime sponsors under this title, the Secretary shall assure that the areas served by such eligible units (or eligible combination of units) are provided manpower programs and services described in this title, either by the state if it has qualified as a prime sponsor under sections 105 and 108 or directly by the Secretary as provided in section 107: *Provided, however,* That whenever any such eligible unit (or combination of units) has met the requirements of this title and has been approved by the Secretary as a prime sponsor, such eligible unit (or eligible combination of units) shall assume responsibility for manpower programs and services in the area it serves.

SPECIAL REQUIREMENTS FOR STATE PRIME SPONSORS

SEC. 105. (a) Any State seeking assistance under this Act or the Wagner-Peyser Act (48 Stat. 113) shall submit a State comprehensive manpower plan to the Secretary for approval in accordance with the requirements of this section.

(b) The State comprehensive manpower plan shall—

(1) provide for the cooperation and participation of all State agencies providing manpower and manpower-related services in the development and implementation of comprehensive manpower services plans by prime sponsors in accordance with the provisions of this Act;

(2) set forth an overall State plan for the development and sharing of resources and facilities needed to conduct manpower programs without unnecessary duplication and otherwise in the most efficient and economical manner;

(3) provide for the conduct of programs financed under the Wagner-Peyser Act in accordance with such rules, regulations, and guidelines as the Secretary determines necessary for the purpose of providing coordinated and comprehensive assistance to these individuals requiring manpower and manpower related services to achieve their full occupational potential in accordance with the policies of this Act;

(4) provide for continuing evaluation of programs under the plan and for an annual review and adjustment of the plan to reflect the results and findings of evaluations and to meet changing economic conditions and employment needs; and

(5) contain other items as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

PHASED DECENTRALIZATION OF ADMINISTRATION

SEC. 106. (a)(1) Subject to the other provisions of this title, any prime sponsor which has met the requirements of section 108 and is operating programs under an application approved in accordance with this title may, in accordance with the provisions of this section, operate programs and provide services described by section 102 in a manner (consistent with the requirements of this Act) which such prime sponsor determines best suited to the needs of unemployed and underemployed persons in the area it serves, without submitting annually a plan or application for approval of the Secretary.

(2) A prime sponsor operating programs and providng services under this subsection shall prepare annually a report of its operations and a plan of programs and services (including disposition of funds) projected for the succeeding fiscal year, and where the State is a prime sponsor—

(A) the State shall review such annual plan of every other prime sponsor in such State to assure that it complements and is coordinated with State-operated manpower programs and services, and shall attempt to resolve any resulting disagreements or conflicts with local prime sponsors, and

(B) every other prime sponsor shall review the annual State plan to assure that State-operated manpower programs and services within the area served by such prime sponsor complement and are coordinated with its manpower programs and services and shall attempt to resolve any resulting disagreements or conflicts with the State.

(3) In any case in which State or local prime sponsors are unable (after making a reasonable effort) to resolve disagreements or conflicts resulting from the review of plans required by this section, they shall submit such disagreements to the Secretary for resolution and his decision in the matter shall be final and the plan and projected program operations of prime sponsors shall be altered according to his determination.

(b)(1) Subsection (a) shall be operative for each fiscal year beginning after June 30, 1975, with respect to any prime sponsor which has met the requirements of this title; *Provided, however,* that any prime sponsor qualifying under subsection (a) for any fiscal year shall have first engaged in a planning process of not less than one year's duration followed by not less than one year of supervision of its operation of manpower programs and services by the Secretary of Labor.

(2) During any period in which a prime sponsor (having completed the planning requirements of this section) is operating manpower programs and providing services prior to having qualified under subsection (a), the Secretary shall retain authority to approve or disapprove the operations of the prime sponsor, but shall endeavor progressively to turn over full operational responsibility to the prime sponsor and to assist the prime sponsor to develop the capability to conduct an effective manpower program coordinated with the programs and services provided by other prime sponsors (or by the Secretary) in the area to be served.

(c) Any prime sponsor operating programs under the provisions of this section shall have the same authority (and be subject to the same requirements) as specified for the Secretary in carrying out his duties under this title.

(d) The Secretary shall have authority to continue to monitor the operation of all programs operated under the authority of this title and shall suspend the operation of this section in whole or in part with respect to the program of any prime sponsor which, after reasonable notice and opportunity for a hearing, he finds to be operated in such a manner as to violate one or more of the requirements of this Act.

(e)(1) Any prime sponsor which has been adversely affected under subsection (d) of this section, may, within sixty days after receiving notice of such action, file with the United States court of appeals for the circuit in which such unit of government is located

or in the United States Court of Appeals for the District of Columbia a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in litigation.

(2) The Secretary shall file in the Court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(3) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendations, if any, for the modification or setting aside of his original action.

(4) Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

AUTHORITY OF SECRETARY TO PROVIDE SERVICES

SEC. 107. If any State has not qualified as a prime sponsor or has not assumed responsibility for providing comprehensive manpower services in areas of the State where such services are not being provided by a prime sponsor other than the State, or where the Secretary has taken an action under subsection (d) of section 106 which results in such services not being provided, the Secretary is authorized (out of the funds allotted to such State under section 404(a)(2)) to provide directly the services authorized under this Act, and he may utilize any unit (or combination of units) of general local government and any other public and private agencies, institutions, and organizations, in providing such services.

APPLICATIONS FOR FINANCIAL ASSISTANCE

SEC. 108. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth—

(1) a description of the services for which such financial assistance will be used;

(2) assurances that the services for which asssitance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such services under such supervision;

(3) any arrangements made for services to be performed, on a reimbursable basis or otherwise, with the public employment service or any other public or private agency, institution, or organization;

(4) a description of the areas to be assisted by such programs, including data indicating the number of potential eligible participants, and their income and employment status;

(5) assurances that preference will be given to training and education provided through State vocational education agencies and other State education agencies, except that in any case where it is determined that it would permit persons to begin their training or education within a shorter period of time, or permit the needed training or education to be provided more economically, or more effectively, the training or education may be provided by agreement or contract made directly with public or private training or educational facilities or through such other arrangements as are necessary to give full effect to this Act; *Provided, however,* That in making arrangements for institutional training under this Act (including but not limited to basic education, employability and communications skills, prevocational training, vocational and technical programs, and supplementary or related instruction for on-the-job training whether conducted at the job site or elsewhere) special consideration shall be given to the use of skills centers established under the authority of the Manpower Development and Training Act of 1962.

(6) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

(b) An application submitted by a prime sponsor for financial assistance for any fiscal year shall set forth, in addition to the requirements set forth in subsection (a), a comprehensive manpower services plan for that fiscal year which shall include provisions for—

(1) carrying out programs and providing services described in section 102(a) which will assure coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services in order to achieve their full economic and occupational potential, effectively serving on an equitable basis the significant segments in that population;

(2) increased occupational opportunities and work experience for eligible individuals;

(3) intensified efforts to relieve skills shortages;

(4) effective utilization of manpower in our economy;

(5) appropriate arrangements with community action agencies, and, to the extent appropriate, with other community-based organizations serving the poverty community, for their participation in the conduct of programs for which financial assistance is provided under this title;

(6) utilizing, to the extent appropriate, those services and facilities which are available, with or without reimbursement of the reasonable cost, from Federal, State, and local agencies, including but not limited to the State employment service, State vocational education and vocational rehabilitation agencies, area skills centers, local educational agencies, postsecondary training and education institutions, and community action agencies, but nothing contained herein shall be construed to limit the utilization of services and facilities of private agencies, institutions and organizations (such as private businesses, labor organizations, private employment agencies, and private educational and vocational institutions) which can, at comparable cost, provide substantially equivalent training or services or otherwise aid in reducing more quickly unemployment or current and prospective manpower shortages;

(7) long-term projections of requirements of manpower and manpower-related services, and planning for meeting such requirements, in the area served by the prime sponsor;

(8) continuing evaluation of the effectiveness of programs for which financial assistance is provided under this title in achieving the objectives of such programs and providing for an annual review and adjustment of the plan to reflect the results and findings of evaluations and to meet changing economic conditions and employment needs;

(9) integrating the services provided under this title with other manpower and manpower-related services in the area served by the prime sponsor for which financial assistance is provided by the Secretary of Labor; and

(10) taking into consideration manpower programs carried on under title I of the Demonstration Cities and Metropolitan Development Act of 1966, the Appalachian Regional Development Act of 1965, the Public Works and Economic Development Act of 1965, or any other Federal or State law;

APPROVAL OF APPLICATIONS FOR FINANCIAL ASSISTANCE

SEC. 109. An application, or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes of this title;

(2) the application meets the requirements set forth in section 108; and

(3) the approvable reqeust for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement; *Provided, however,* that the non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services.

ALLOWANCES AND COMPENSATION

SEC. 110. (a) The prime sponsor shall where appropriate provide for the payment of weekly allowances to individuals receiving services under this title. Such allowances shall be at a rate prescribed by the Secretary which, when added to amounts received by the trainee in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or, where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow prime sponsors to provide additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessities furnished to the trainee. The prime sponsor shall take such action as may be necessary to insure that such persons receive no allowances with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein without good cause. Notwithstanding the preceding provisions of this subsection, the Secretary may, in accordance with such regulations as he shall prescribe, allow prime sponsors to make such adjustments as they deem appropriate in allowances which would otherwise be payable under this Act, including but not limited to adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be carried on. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) For purposes of subchapter I of chapter 81 of title 5, United States Code, any person receiving services under this title shall, under such circumstances and subject to such conditions and limitations as the Secretary shall by regulation prescribe, be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that sub-

chapter shall apply, except that in computing compensation benefits for disability or death, the monthly pay of such a person shall be deemed to be his allowance for a month, if he is receiving one. Regulations prescribed by the Secretary under this subsection may include but are not limited to adjustments in the amount of compensation payable under this subsection to take into account entitlements to workmen's compensation under other applicable laws or arrangements.

(c) The provisions of this section shall not apply to programs or components of programs authorized by title II of this Act ("Public Service Employment") and the provisions of title II relating to compensation and employee benefits shall apply to such programs or components of programs.

SPECIAL CONDITIONS

SEC. 111. The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

(2) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(3) appropriate workmen's compensation protection will be provided to all participants;

(4) the program does not involve political activities;

(5) participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(6) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(7) persons shall not be referred for training in an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities available in that occupation;

(8) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this title and not to supplant such other funds;

(9) the applicant will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this title.

CONCURRENCE OF OTHER AGENCIES

SEC. 112. (a) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines with respect to assistance for services of a health, education, or welfare character under this title and he shall not provide financial assistance for services of a health, education, or welfare character under this title unless he shall have first obtained the concurrence of the Secretary of Health, Education, and Welfare. Such services include but are not limited to basic or general education; educational programs conducted in correctional institutions; institutional training; health, child care, and other supportive services.

(b) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines relating to the participation of community action agencies and other community-based organizations serving the poverty community under this Act unless he shall have first obtained the concurrence of the Director of the Office of Economic Opportunity.

TITLE II—PUBLIC SERVICE EMPLOYMENT

STATEMENT OF FINDINGS AND PURPOSES

SEC. 201. The Congress finds and declares that—

(1) times of high unemployment severely limit the work opportunities available to the general population, especially low-income persons and migrants, persons of limited English-speaking ability, and others from socioeconomic backgrounds generally associated with substantial unemployment and underemployment;

(2) expanded work opportunities fail, in times of high unemployment, to keep pace with the increased number of persons in the labor force, including the many young persons who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to remain in, or reenter the labor force;

(3) in times of high unemployment, many low-income persons are unable to secure or retain employment, making it especially difficult to become self-supporting and thus increasing the number of welfare recipients.

(4) many of the persons who have become unemployed or underemployed as a result of technological changes or as a result of shifts in the pattern of Federal expenditures. as in the defense, aerospace, and construction industries, could usefully be employed in providing needed public services;

(5) it is appropriate during times of high unemployment to fill unmet needs for public services in such fields as environmental quality, health care, housing and neighborhood improvements, recreation, education, public safety, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, crime prevention and control, prison rehabilitation, and other fields of human betterment and public improvement;

(6) programs providing transitional employment in jobs providing needed public services and related training and manpower services can be a useful component of the Nation's manpower policies in dealing with problems of high unemployment and dependency upon welfare assistance, and providing affected individuals with opportunities to develop skills and abilities to enable them to move into other public or private employment and other opportunities; and

(7) providing resources for transitional public service employment and related training and manpower services during an economic slowdown can help as an economic stabilizer both to ease the impact of unemployment for the affected individuals and to reduce the pressures which tend to generate further unemployment.

It is therefore the purpose of this Act to provide unemployed and underemployed persons with transitional employment in jobs providing needed public services during times of high unemployment and, wherever feasible, related training and manpower services to enable such persons to move into employment or training not supported under programs authorized by this title.

AUTHORIZATION OF PROGRAM

SEC. 202. Prime sponsors designated pursuant to the provisions of title I of this Act may carry out a program under which Federal, State, and local governments will provide useful public service employment to unemployed persons. Except in those areas where the Secretary is directly operating programs under the authority of section 107, financial assistance under this title may be provided by the Secretary only pursuant to a plan approved pursuant to the provisions of title I.

SEC. 203. (a) Any application for financial assistance under this title shall set forth a public service employment program designed to provide transitional employment for unemployed and underemployed persons in jobs providing needed public services and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, and to enable such persons to move into employment or training not supported under this Act.

(b) Programs assisted under this Act shall, to the extent feasible, be designed with a view toward—

(1) developing new careers, or

(2) providing opportunities for career advancement, or

(3) providing opportunities for continued training, including on-the-job training, or

(4) providing transitional public service employment which will enable the individuals so employed to move into public or private employment or training not supported under this Act.

(c) An application for financial assistance for a public service employment program under this title shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with selfdevelopment skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(5) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(6) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the partcipants for their job responsibilities;

(7) a description of unmet public service needs and a statement of priorities among such needs;

(8) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(9) the wages or salaries to be paid persons employed in public service jobs under this title and a comparison with the wages paid for similar public occupations by the same employer;

(10) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(11) the planning for and training of su-

pervisory personnel in working with participants;

(12) a description of career opportunities and job advancement potentialities for participants;

(13) assurances that agencies and institutions to whom financial assistance will be available under this title will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the secretary;

(14) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this title who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(15) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed and underemployed persons;

(16) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged;

(17) assurances that not more than one-third of the participants in the program will be employed in a bona fide professional capacity (as such term is used in section 13(a) of the Fair Labor Standards Act of 1938), except that this paragraph shall not be applicable in the case of participants employed as classroom teachers, and the Secretary may waive this limitation in exceptional circumstances; and

(18) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 204. An application or modification or amendment thereof, for financial assistance for programs authorized under this title may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this title;

(2) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement; and

(3) an opportunity has been provided to officials of the appropriate units of general local government which are not the prime sponsors to submit comments with respect to the application to the applicant.

SPECIAL PROVISIONS

SEC. 205. (a) Financial assistance for any program or activity under this title shall not be provided unless it is determined, in accordance with such regulations as the Secretary shall prescribe, that—

(1) the program (A) will result in an increase in employment opportunities over those which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed, and (D) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(3) funds under this Act will not be used to pay persons employed in public service jobs under this Act at a rate in excess of $12,000 per year;

(4) all persons employed in public service jobs under this Act will be assured of workmen's compensation, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(5) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

(6) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(7) no funds for programs authorized under this title will be used for the acquisition of, or for the rental or leasing of supplies, equipment, materials, or real property; and

(8) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Consistent with the provisions of this Act, financial assistance under this Act shall be made available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this Act among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

(c) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary shall not provide financial assistance for any program authorized under this title unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative, and where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act and other federally supported manpower programs. Such data shall include information on—

(1) characteristics of participants including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in employment situations, including information on the duration of employment of programs participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per participant, including breakdown between wages, training, and supportive services, all fringe benefits, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

(f) Financial assistance for any program under this Act shall not be provided unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(g) Financial assistance shall not be provided for any program under this Act, which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(h) Financial assistance for any program under this title shall not be provided unless it is determined that participants in the program will not be employed on the construction operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

ADDITIONAL FUNDS AUTHORIZED

SEC. 206. (a) For any fiscal year in which for any three consecutive months the national rate of unemployment (seasonally adjusted)—

(1) equals or exceeds 4.5 percent there is authorized to be appropriated for programs authorized under this title an amount equal to 15 percent of the amount appropriated for such fiscal year under section 401;

(2) equals or exceeds 5 percent there is authorized to be appropriated for such programs an amount equal to 30 percent of the amount appropriated for such fiscal year under section 401;

(3) equals or exceeds 5½ percent there is authorized to be appropriated for such programs an amount equal to 45 percent of the amount appropriated for such fiscal year under section 401; or

(4) equals or exceeds 6 percent there is hereby authorized to be appropriated for such programs an amount equal to 60 percent of the amount appropriated for such fiscal year under section 401.

(b) Only one such additional appropriation authorized under subsection (a) may be made for any fiscal year, and funds so appropriated shall remain available for expenditure for twelve months following the date of the appropriation.

DEFINITIONS

SEC. 207. (a) As used in this title, the term—

(1) "public service" includes, but it not limited to, work in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(2) "health care" includes, but is not limited to, preventive and clinical medical treatment, voluntary family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

PART A—SPECIAL IMPACT NEEDS

SEC. 301. Funds made available by the Secretary under this part shall be expended for programs and activities consistent with the purposes of this Act and shall be utilized (1) to augment the programs conducted by prime sponsors designated under title I which are designed to meet the needs of persons described in this part but which are inadequate because of such factors as particularly heavy concentrations of such persons in the area served by the prime sponsor or a lack of capacity at State and local levels to train needed personnel or to develop suitable instructional materials, (2) to directly carry out programs for persons described in this part when such persons would not otherwise be served, and (3) to directly carry out programs described in the part when in the judgment of the Secretary this will more effectively achieve the purposes of this part.

INDIAN MANPOWER

SEC. 302. (a) The Congress finds that (1) serious unemployment and economic disadvantage exist among members of Indian and Alaskan native communities; (2) there is a compelling need for the establishment of comprehensive manpower training and employment programs for members of those communities; (3) such programs are essential to the reduction of economic disadvantage among individual members of those communities and to the advancement of economic and social development in those communities consistent with their goals and life styles.

(b) The Congress therefore declares that, because of the special relationship between the Federal Government and most of those to be served by the provisions of this section, (1) such programs can best be administered at the national level; (2) such programs shall be available to federally recognized tribes, bands, and individuals and to other groups and individuals of native American descent such as, but limited to, the Menominees in Wisconsin, the Klamaths in Oregon, the Oklahoma Indians, the Passamaquoddys and Penobscots in Maine, and Eskimos and Aleuts in Alaska; (3) such programs shall be administered in such a manner as to maximize the Federal commitment to support growth and development as determined by representatives of the communities and groups served by this part.

(c) No provision of this section shall in any way abrogate the trust responsibilities of the Federal Government to Indian tribes or bands.

BILINGUAL MANPOWER PROGRAMS

SEC. 303. (a) In recognition of the difficulties and limitations of large numbers of persons of limited English-speaking ability in the United States in finding employment and in learning the technology required for employment today, Congress hereby declares it to be the policy of the United States to provide financial assistance to public and private nonprofit agencies, institutions, and organizations to develop and carry out imaginative programs to increase employment and training opportunities for persons with limited English-speaking ability, especially such persons who are unemployed or underemployed.

(b) Programs and activities carried out under this section may include all those described under title I of this Act, but especially—

(1) planning for and developing programs designed to meet the special manpower needs of persons with limited English-speaking ability including—

(A) the development of training courses and materials to teach skills and occupations that do not require a high proficiency in English, particularly the development of course materials in language other than English; and

(B) the development of training courses and materials designed to increase the technical English vocabulary necessary for the performance of specific occupations likely to provide employment opportunities for such persons;

(2) preserve training designed to prepare persons to participate in bilingual manpower training and placement programs such as instructors, interviewers, counselors, and placement specialists; and

(3) the establishment, maintenance, and operation of programs, including acquisition of necessary teaching materials and equipment, designed to increase the employment opportunities and the opportunities for advancement of persons with limited English-speaking ability, which may include—

(A) programs to teach occupational skills in the primary language of any such persons for occupations that do not require a high proficiency in English;

(B) programs designed to teach specific technical English vocabulary necessary in the performance of specific skills and occupations in demand and which such persons may be reasonably expected to perform;

(C) programs developed in cooperation with employers designed to increase the English-speaking ability of such persons in order to enhance their opportunities for promotion;

(D) programs designed to assist any such person to further develop and capitalize on their bilingual ability for jobs that require such skills; and

(E) specialized placement programs including supportive services to encourage persons with limited English-speaking ability to find employment and to encourage employers to hire such persons.

(c) As used in this part, the term "persons of limited English-speaking ability" shall include persons who come from environments where the dominant language is other than English and who are preparing for work in a labor market where the dominant language is English.

MIGRANT AND SEASONAL FARMWORKER PROGRAMS

SEC. 304. (a) The Congress finds and declares that—

(1) chronic seasonal unemployment and underemployment in the agricultural industry, substantially affected by recent advances in technology and mechanization, constitute a substantial portion of the Nation's rural manpower problem and substantially affects the entire national economy;

(2) because of the special nature of certain farmworker manpower problems, particularly those which are interstate in nature, in some instances such programs can best be administered or require coordination at the national level.

(b) The Secretary is authorized to carry out programs and activities especially designed to meet the special manpower needs of migrant and seasonal farmworkers, which programs and activities may include (but are not limited to) those authorized under title I of this Act.

(c) For the purposes of this section, persons shall be deemed to continue to be members of migrant and seasonal farmworker families for such period of time, not in excess of five years, as the Secretary may determine, in accordance with regulations which he shall prescribe, that such persons generally can benefit from the special programs authorized by this part.

MIDDLE-AGED AND OLDER WORKERS MANPOWER PROGRAMS

SEC. 305 (a). It is the purpose of this section to authorize the Secretary to establish and to assist programs which will—

(1) afford the middle-aged and older worker a range of real and reasonable opportunities for employment;

(2) eliminate arbitrary discriminatory practices which deny work to qualified persons solely on account of age;

(3) increase the availability of jobs by finding new work opportunities, including part-time employment to supplement income and to facilitate the transition to full retirement or the return to full-time work;

(4) improve and extend existing programs designed to facilitate training and the matching of skills and jobs;

(5) assist middle-aged and older workers, employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices; and

(6) stimulate innovative approaches to provide increased employment opportunities for middle-aged and older persons.

(b) The Secretary is authorized to carry out programs and activities especially designed to meet the special manpower needs of middle-aged and older workers (who, for the purposes of this section are defined as workers aged 45 years or over) and to achieve the objectives set forth in subsection (a).

MANPOWER PROGRAMS FOR YOUTH

SEC. 306. (a) It is the purpose of this section to authorize the Secretary to establish and assist programs which will—

(1) make a contribution to solving (either on a national basis or in areas where the problem is most acute) the persistent and perplexing problem of very high rates of unemployment among persons between the ages of sixteen and twenty-four who are in the civilian work force;

(2) coordinate, improve and extend existing programs designed to assist young persons in preparing for and finding suitable employment;

(3) increase the availability of jobs by finding new work opportunities for young workers and by encouraging the development of cooperative work-study and other part-time employment arrangements which make a contribution to improving the young worker's employability;

(4) concentrate on efforts to assist those groups, subgroups, or segments within the age group sought to be assisted under this section which suffer the highest rates of unemployment.

(b) The Secretary is authorized to carry out programs and activities especially designed to meet the special manpower needs of youth and to achieve the objectives set forth in subsection (a).

JOB CORPS

SEC. 307. (a) All functions of the Director under part A of title I of the Economic Opportunity Act of 1964 are hereby transferred to the Secretary of Labor and part A of title I shall, without regard to the expiration date specified in section 171, become a special impact needs program under part A of title III of this Act, and any reference to part A of title I of the Economic Opportunity Act or any provisions thereof in any other law of the United States shall be deemed to be a reference to title III of this Act or the corresponding provision thereof.

(b) Effective with respect to the fiscal years ending after June 30, 1972, title I of the Economic Opportunity Act is amended by striking out part A of title I and by redesignating the remaining parts of title I accordingly.

(c) Effective with respect to fiscal years beginning after June 30, 1972, section 810 (a) of the Economic Opportunity Act of 1964 is amended by striking out the word "and" at the end of paragraph (2) thereof, and by inserting in lieu of the period at the end of paragraph (3) a semicolon and the word "and", and by adding the following new paragraph:

"(4) with the approval of the Secretary of Labor, the Job Corps centers operated un-

der title III of the Comprehensive Manpower Act.

(d) Grants and contracts entered into pursuant to the provisions of title I of the Economic Opportunty Act of 1964 and the Manpower Development and Training Act of 1962 prior to the effective date set forth in subsections (a) and (b) of this section shall not be affected by the provisions of this section.

GENERAL PROVISIONS

SEC. 307. (a)(1) Financial assistance for any program authorized under this part may be made to any public or private agency, institution, or organization, or to any such agencies, institutions, or organizations applying jointly or with a private employer, upon application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such application shall—

(A) provide that the programs and projects for which assistance under this part is sought will be administered by, or under the supervision of, the applicant and set forth assurances that the applicant is qualified to administer or supervise such programs or projects; and

(B) set forth a program for carrying out the purposes of this part and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(,3) The Secretary shall establish criteria designed to achieve an equitable distribution of assistance under this part between the purposes and groups to be served and among the States and between urban and rural areas.

(b) In order to carry out the purposes of this part the Secretary is authorized to appoint such advisory committees composed of private citizens and public officials who, by reason of their experience or training, are knowledgeable in the area of the manpower needs of the groups to be served, as he deems desirable to advise him with respect to his functions under this part; and

(c) The Secretary is authorized to enter into grants, contracts, and other arrangements with public and private agencies and institutions to conduct such research and demonstration projects as he determines will contribute to carrying out the purposes of this part.

(d)(2) In carrying out the purposes of this section the Secretary is authorized to publish and disseminate materials and other information relating to training and job opportunities for individuals and groups to be served under this part and to conduct such special information and education programs as he determines appropriate.

(e) The Secretary shall where appropriate provide for the payment of weekly allowances to individuals receiving services under this Part, subject to the same terms and conditions as those set forth in section 110, and the special conditions set forth in section 109 shall also apply to programs conducted under this part.

PART B—MANPOWER RESEARCH AND DEVELOPMENT

RESEARCH AND DEVELOPMENT

SEC. 310. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's manpower problems. This program will include, but not be limited to, studies, the findings of which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment and its relationships to price stability; promotion of more effective manpower development, training, and utilization; improved national, regional, and local means of measuring future labor demand and supply; enhancement of job opportunities; upgrading of skills; meeting of manpower shortages; easing of the transition from school to work, from one job to another, and from work to retirement, opportunities and services for older persons who desire to enter or reenter the labor force, and for improvements of opportunities for employment and advancement through the reduction of discrimination and disadvantage arising from poverty, ignorance, or prejudice.

(b) The Secretary shall establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems. In carrying out this subsection with respect to programs designed to provide employment and training opportunities for low-income people, the Secretary shall consult fully with the Director of the Office of Economic Opportunity. In carrying out this subsection the Secretary of Labor shall, where appropriate, also consult with the Secretaries of Health, Education, and Welfare, Commerce, Agriculture, and Housing and Urban Development, the Chairman of the Civil Service Commission, and such other agencies as may be appropriate. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(c) The Secretary shall conduct such research and investigations as give promise of furthering the objectives of this Act either directly or through grants, contracts, or other arrangements.

LABOR MARKET INFORMATION

SEC. 311. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, including but not limited to information regarding—

(1) economic, industrial, and labor market conditions which will be useful to prime sponsors in the development and implementation of comprehensive manpower services plans under this Act including but not limited to job opportunities and skill requirements, labor supply in various skills, occupational outlook and employment trends in various occupations, and economic and business development and location trends;

(2) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(3) job opportunities and skill requirements;

(4) labor supply in various skills;

(5) occupational outlook and employment trends in various occupations; and

(6) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

(b) Information collected under this section shall be developed and made available in a timely fashion to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

MANPOWER UTILIZATION

SEC. 312. (a) The Secretary shall establish a program for the improvement of manpower utilization in sectors of the economy experiencing persistent manpower shortages, or in other situations requiring maximum utilization of existing manpower. The Secretary shall conduct this program either directly or through such other arrangements as he may deem appropriate.

(b) The Secretary is authorized to provide financial support for studies of the utilization of manpower and of job design by any employer or group of employers in industries where there are a large number of unskilled employees, with a view to redesigning and rearranging the work patterns involved in the jobs, so that career ladders may be created where they do not exist, or are clearly inadequate.

EVALUATION

SEC. 313. The Secretary shall provide for a system of continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons of various ages, and the adequacy of their mechanism for the delivery of services. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 314. In carrying out his responsibilities under this Act, the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, where appropriate, shall provide, directly or through grants, contracts, or other arrangements, preservice and inservice training for specialized, supportive, and supervisory or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise pertains to the purposes of this Act. Upon request, the Secretary of Labor may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years. In order to encourage the establishment and operation by low-income persons and their representatives of centers on the local lovel which are designed to provide comprehensive employment and related services for low income persons who are unemployed or underemployed, the Secretary of Labor shall, in consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity, wherever feasible, provide training and technical assistance by grants, contracts, or other arrangements with individuals and organizations who have demonstrated a capacity to establish and operate such programs.

SEC. 315. (a) In carrying out his duties under this Act, the Secretary shall:

(1) Survey, at regular intervals, the various training programs and opportunities available to or utilized by staff of manpower service programs, including both managerial and technical staff.

(2) Analyze the manpower programs, operating or planned, including the conceptual basis, the operating structure, and the clientele to be served, in order to determine current and future staff training requirements thus correcing or avoiding deficiencies in staff performance and enhancing the impact of programs.

(3) Plan for and provide directly or by contract an integrated system of short term and intermittent staff training and instruction in managerial and technical matters relating to the conduct of manpower training programs and services, including but not limited to on-the-job training, the establishment and maintenance of fellowships and traineeships, exchange programs, and such other devices as are deemed necessary or appropriate. The staff training system thus established shall be aimed at and include manpower training and service staff at Federal, State, and local levels funded directly or indirectly by this Act and special attention shall be given to the utilization of this staff training system in a manner which will increase the number and effectiveness of previously disadvantaged persons serving in career staff capacities. Training under this section shall provide for such stipends and allowances (including travel and subsistence allowances) as may be deemed necessary, except that no such training or instruction (or fellowship or scholarship) shall be provided for any one course of study for a period in excess of four years.

PART B—NATIONAL COMPUTERIZED JOB BANK PROGRAM

FINDINGS AND PURPOSE

SEC. 320. The Congress hereby finds that the lack of prompt and adequate information regarding manpower needs and availability contributes to unemployment, underemployment, and the inefficient utilization of the Nation's manpower resources. The Congress further finds that the development of electronic data processing and telecommunications systems has created new opportunities for dealing with this difficult problem. It is therefore the purpose of this title to enlist the tools of modern technology in a cooperative Federal-State effort to reduce unemployment and underemployment and more adequately meet the Nation's manpower needs.

ESTABLISHMENT OF THE PROGRAM

SEC. 321. The Secretary shall develop and establish a computerized job bank program for the purpose of—

(1) identifying sources of available manpower supply and job vacancies;

(2) providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities on a National, State, local, or other appropriate basis;

(3) referring and placing such persons in jobs; and

(4) distributing and assuring the prompt and ready availability of information concerning manpower needs and resources to employers, employees, public and private job placement agencies, and other interested individuals and agencies.

Maximum effective use shall be made of electronic data processing and telecommunications systems in the development and administration of the program. The program established under this part shall be coordinated with the comprehensive manpower services program established under title I.

CONDUCT OF THE PROGRAM

SEC. 322. For the purpose of carrying out the program established in section 412, the Secretary is authorized to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment. The Secretary may conduct the program on a regional or interstate basis either directly or through grants, contracts, or other arrangements with public or private agencies and organizations. He may also conduct the program when he finds that a State or local program will not adequately serve the purposes of this part. The Secretary may require that any information concerning manpower resources or job vacancies utilized in the operation of job-bank programs financed under this part be furnished to him at his request. He may, in addition, require the integration of any information concerning job vacancies or applicants into a job-bank system assisted under this part.

EXPERIMENTS, DEMONSTRATIONS, RESEARCH AND DEVELOPMENT

SEC. 323. The Secretary may conduct directly, or through contracts, grants, or other arrangements with public or private agencies or organizations, such experimental or demonstration projects, research and development as he deems necessary to improve the effectiveness of the program established under this part.

RULES, REGULATIONS, AND STANDARDS

SEC. 324. The Secretary shall prescribe such rules and regulations and standards as may be necessary to carry out the purposes of this part, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out the program established by this part, and including rules and regulations to assure the confidentiality of information submitted in confidence.

PART D—DEVELOPMENT OF EMPLOYMENT OPPORTUNITIES FOR DISADVANTAGED PERSONS IN FEDERALLY ASSISTED PROGRAMS

PURPOSE

SEC. 331. The purpose of this part is to establish a program of research, development, and pilot activities for the purpose of determining the level of employment generated by Federal grant and assistance programs and the degree to which such programs can provide an increased source of opportunities for the employment and advancement of disadvantaged persons.

RESEARCH

SEC. 332. The Secretary is hereby authorized to undertake studies of the contribution of Federal grants-in-aid and other Federal assistance programs to the overall employment level. Such studies may include but are not limited to collection and analysis of information on the number of positions wholly or partially supported by Federal assistance programs, their occupational structure, wage, and salary levels, projections for future growth, requirements and qualifications for entry into such positions, promotional and career development opportunities, the educational, vocational, and other relevant characteristics of those who occupy such positions, and the effects of such employment on employment generally. The heads of all Federal departments and agencies administering grants-in-aid or other Federal assistance programs are hereby directed to cooperate fully with the Secretary in the conduct of such studies. They shall transmit to the Secretary annually estimates of the employment increases or decreases expected to result from the planned expansion or reduction of such programs, and as conditions warrant, on call from the Secretary, contingency plans and estimates relating to the increase in employment which would be created if such programs are expanded under conditions of persistent high unemployment and underemployment.

PILOT PROGRAMS

SEC. 333. (a) The Secretary of Labor is authorized to conduct experimental, developmental, demonstration, and pilot programs to carry out the purposes of this part. In the conduct of these programs, the Secretary is authorized to enter into agreements with the heads of other Federal departments and agencies administering grants-in-aid and other forms of Federal assistance to establish annual and multiyear goals for the employment of disadvantaged persons in employment wholly or partially supported through such Federal assistance. For the purposes of carrying out these agreements, Federal departments and agencies may provide, notwithstanding any other provision of law, that the fulfillment of such goals shall be a condition for receiving such assistance.

(b) Programs under this part shall, to the extent practicable, be designed to eliminate artificial barriers to employment and occupational advancement, including merit system requirements and practices related thereto, which restrict opportunities for the employment and advancement of disadvantaged persons.

(c) Funds made available for the purpose of carrying out this part may be allocated and expended, or transferred to other Federal agencies for expenditure, as the Secretary of Labor deems necessary for carrying out the provisions hereof.

(d) Activities for which funds made available under this part may be expanded shall include, but are not limited to, the following:

(1) extraordinary costs of training and supportive services necessary to improve the performance of disadvantaged persons who are employed pursuant to agreement under this section;

(2) costs of providing orientation, counseling, testing, followup, and other similar manpower services determined necessary to assist such individuals to achive success in employment.

REPORT

SEC. 334. The Secretary shall transmit to the Congress annually a report of his findings and recommendations arising out of the programs and studies under this part.

PART E—OCCUPATIONAL UPGRADING

SEC. 341. The Secretary shall carry out a program under which public and private employers will undertake to provide the necessary education and skill training to prepare employees for positions of greater skill, responsibility, and remuneration in the employ of such employers. Financial assistance under this title may be provided by the Secretary pursuant to an application submitted by eligible applicants who shall be—

(a) prime sponsors designated pursuant to the provisions of title I of this Act; and

(b) other public and private employers.

REQUIREMENTS FOR APPLICATIONS

SEC. 342. Any application must contain assurances satisfactory to the Secretary that—

(a) the positions for which employees will be trained are positions that cannot with reasonable effort be filled by the employer with unemployed or underemployed workers already possessing such skills and willing to accept such employment;

(b) the section of trainees shall be based upon merit, ability, and length of service, and that no person shall be selected as a trainee until such person has been in the employ of the employer for a period of not less than six months;

(c) the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment in a recognized skill or occupation in the service of that employer and of other employers in the same industry;

(d) the training period is reasonable and consistent with periods customarily required for comparable training;

(e) adequate and safe facilities and adequate personnel and records of attendance and progress are provided;

(f) successful completion of the employee's training program can reasonably be expected to result in an offer of employment in the employer's own enterprise in the occupation for which he will be trained at wage rates not less than those prevailing for the same or similar occupations in that industry;

(g) the training and placement of such employees is part of a program that can reasonably be expected to lead directly to the

employment of an equivalent number of new employees in entry level employment; and

(h) the trainees are compensated by the employer at such rates, including periodic increases, as may be deemed reasonable under regulations hereinafter authorized, considering such factors as industry practice and trainee proficiency, and that in no event shall the wages or employment benefits of any trainee be less than those received by him immediately before his starting such training program.

PAYMENTS TO EMPLOYERS

SEC. 343. Such agreements shall provide for payment to the employer undertaking a training program under this title in an amount equal to ninety per centum of the instructional expense, other ordinary and necessary training costs, and trainee wage payments for the time spent in training less the value of productive services rendered by such trainee.

PART F—SPECIAL CONSIDERATION FOR CERTAIN VETERANS; SECRETARY'S RESPONSIBILITY

SEC. 351. (a) With respect to all programs funded under the authority of this Act, the Secretary shall require assurances that special consideration will be given to unemployed or underemployed persons who served in the Armed Forces in Indochina or Korea on or after August 5, 1964 in accordance with criteria established by the Secretary (and who have received other than dishonorable discharges); and that all program sponsors shall (A) make a special effort to acquaint such individuals with the program, and (B) coordinate efforts on behalf of such persons with those authorized by chapter 41 of title 38, United States Code (relating to Job Counseling and Employment Services for Veterans) or carried out by other public or private organizations or agencies.

(b) In carrying out his responsibilities under this Act, the Secretary is authorized under this title to provide for services and activities authorized under any part of this Act.

PART G—SPECIAL EMPHASIS ON JOB COUNSELING, GUIDANCE, AND PLACEMENT ACTIVITIES

SEC. 532. (a) With respect to all programs funded under the authority of this Act, the Secretary shall require assurances that special attention shall be given to the development of more effective, systematic, and professional job counseling and guidance services and job placement.

(b) In order to assist in providing the services required in subsection (a), the Secretary (in consultation with the Secretary of Health, Education, and Welfare) is authorized to arrange by grant or contract with public or private institutions, agencies, or organizations for—

(1) short-term or full-year institutes for training personnel to provide job counseling, guidance, and placement services;

(2) preparation of curricular, informational, or other materials designed to prepare individuals to assist in job counseling, guidance, and placement activities or to assist non-professional personnel in these fields to provide more effective assistance to persons in need of job counseling, guidance, and placement services; and

(3) such other programs, materials, or services as will assist in accomplishing the objectives of this section.

(c) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare (and with his concurrence) shall establish a mechanism through which the various agencies of the Department of Labor and of Health, Education, and Welfare, will consult together and cooperate in a study of all programs of the two Departments which either utilize counseling, guidance, and placement services or have as an objective the strengthening of such services, for the purpose of determining how they could best be strengthened, interrelated, and coordinated for the purpose of making the most effective use of Federal resources to strengthen and up-grade both in-school and out-of-school occupational counseling, guidance, and placement services.

TITLE IV—MISCELLANEOUS

AUTHORIZED APPROPRIATIONS

SEC. 401. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $2,500,000,000 for the fiscal year ending June 30, 1973, $4,000,000,000 for the fiscal year ending June 30, 1974, and $4,500,000,000 for the fiscal year ending June 30, 1975, and $5,000,000,000 for the fiscal year ending June 30, 1976.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

FUNDS AVAILABLE FOR SPECIFIC PROGRAMS

SEC. 402. (a) The amounts appropriated to carry out this Act for any fiscal year (except for amounts otherwise reserved in accordance with this Act or expressely limited in an appropriation Act to a specific purpose under this Act(shall be allocated among the titles of this Act in such a manner, subject to subsections (b) and (c) of this section, that of the amounts so appropriated—

(1) 75 percent shall be for training and employment programs carried out under titles I and II of this Act; and

(2) 25 percent (but not less than $300,000,000 in any fiscal year) shall be for activities authorized under title III of this Act.

(b) Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing or appropriating funds for any such program or activity, not to exceed 15 per centum of the amount appropriated or allocated from any appropriation for any fiscal year for carrying out any such program or activity under this Act may be transferred and used by the Secretary for carrying out any other such program or activity under this Act.

(c) To the extent necessary to enable the Secretary to make funds available to carry out any grant or contract entered into prior to the effective date of this Act under the Manpower Development and Training Act of 1962, as amended, or title I of the Economic Opportunity Act of 1964, as amended, the Secretary may transfer funds from amounts allocated for newly authorized programs under this Act.

ADVANCE FUNDING

SEC. 403. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the adverse funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

ALLOCATION OF FUNDS

SEC. 404. (a) The amounts available for any fiscal year for titles I, II, and III which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

(1)(A) not more than 5 per centum shall be available for financial assistance under subsection (c) of this section, and (B) not more than 5 per centum shall be available for financial assistance under subsection (d) of this section;

(2) not less than 75 per centum (subject to the minimum amount reserved for the Secretary for programs under title III) shall be apportioned among the States in an equitable manner, taking into consideration only the following factors:

(A) the proportion which the manpower allotment of a State during the preceding fiscal year bears to the total manpower allotment of all States during the preceding fiscal year;

(B) the proportion which the nonagricultural labor force of a State bears to the total nonagricultural labor force of the United States;

(C) the proportion which the unemployed within a State bears to the total number of unemployed in the United States; and

(D) the proportion which the population, age sixteen through twenty-four years, in a State bears to the total population, age sixteen through twenty-four years, in the United States. Notwithstanding the foregoing, the allotments for Guam, American Samoa, and the Trust Territory of the Pacific Islands shall be $150,000, and none of the remaining States shall be alloted less than $1,000,000.

(3) the remainder shall be made available to the Secretary to carry out the purposes of title III; *Provided, however,* that such remainder shall not be less than $300,000,000.

(b) The amount apportioned to each State under clause (2) of subsection (a) shall be apportioned among the areas within each such State so that areas served by prime sponsors approved under the provisions of section 104 of this Act are apportioned funds in the same manner as provided in clause (2) of subsection (a). Except in circumstances in which the Secretray is authorized to operate programs directly such apportioned funds shall be expended through approved applications submitted by such prime sponsors.

(c) The amount available pursuant to clause (1)(A) of subsection (a) shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the designation of prime sponsors for appropriate labor market areas or portions thereof. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to the area so covered under subsection (b) of this section. The Secretary shall confer with units of general local government eligible to be prime sponsors in appropriate labor market areas and encourage such units to cooperate on an areawide basis to the maximum extent practicable.

(d) The amount available pursuant to clause (1)(B) of subsection (a) for the purposes of this subsection shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the establishment by the prime sponsor of appropriate procedures for coordination and cooperation with agencies administering vocational education programs in the area to be served by any such sponsor. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to such prime sponsor under subsection (b) of this section. The Secretary, with the concurrence of the Secretary of Health, Education, and Welfare, shall establish criteria for the establishment of such procedures.

(e) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under

subsections (a)(2) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsections (a)(2) and (b) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days advance notice to the prime sponsor for such area of the proposed reallocation. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(2) or (b), and no revision in the apportionment of the funds not so reallocated shall be made because of such reallocations.

(f) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(2) and (b) of this section and the labor market areas described in subsection (d) of this section.

DEFINITIONS

SEC. 405. For the purposes of this Act, except as otherwise specified, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) adults who or whose families receive money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed;

(4) "underemployed persons" means—

(A) persons who are working part-time but seeking full-time work;

(B) persons who are working full-time but receiving wages below the poverty level determined in accordance with criteria as established by the Director of the Office of Management and Budget.

LEGAL AUTHORITY

SEC. 406. The Secretary may prescribe such rules, regulations, guidelines and other published interpretations or orders under this Act as he deems necessary. Rules, regulations, guidelines, and other published interpretations or orders issued by the Department of Labor, or any official thereof, for the purpose of carrying out this Act shall contain, with respect to each material provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based. Such rules, regulations, guidelines and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

SPECIAL LIMITATIONS AND CONDITIONS

SEC. 407. (a) No authority conferred by this Act shall be used to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, or to assist in relocating establishments from one area to another. Such limitation on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(b) Any amounts received under chapters 11, 13, 31, 34, and 35 of title 38, United States Code, by any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act.

OTHER AGENCIES AND DEPARTMENTS

SEC. 408. (a) In the performance of his function under this Act, the Secretary, in order to avoid unnecessary expense and duplication of functions among Government agencies, shall use the available services or facilities of other agencies and instrumentalities of the Federal Government. Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such services and facilities as he may request for his assistance in the performance of his functions under this Act.

(b) The Secretary shall carry out his responsibilities under this Act through the maximum utilization of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal, and local agencies, and other appropriate public and private organizations and facilities.

COMPARATIVE PROGRAM INFORMATION

SEC. 409. The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act. Such data shall include information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in training and employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers;

(3) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

NONDISCRIMINATION

SEC. 410. The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

REPORTS

SEC. 411. The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources, use, and training, and his recommendations for the forthcoming fiscal year, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources, utilization, and training.

AUTHORITY TO CONTRACT AND EXPEND FUNDS

SEC. 412. The Secretary may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as he may prescribe), and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

ACCEPTANCE OF GIFTS

SEC. 413. The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept in the name of the Department, and employ or dispose of in furtherance of the purposes of this Act, or any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

ACCEPTANCE OF VOLUNTARY SERVICES

SEC. 414. The Secretary is authorized, in carrying out his functions and responsibilities under this Act to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

ACCEPTANCE OF FUNDS

SEC. 415. The Secretary is authorized to accept and utilize in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

TRANSFER OF FUNDS

SEC. 416. Funds appropriated under the authority of this Act may be transferred, with the approval of the Director of the Office of Management and Budget, between departments and agencies of the Federal Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

UTILIZATION OF SERVICES AND FACILITIES

SEC. 417. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

RENTAL, ALTERATION, AND IMPROVEMENT OF BUILDINGS

SEC. 418. The Secretary is authorized, in carrying out his functions under this Act, to expend funds without regard to any other

law or regulations for rent of buildings and space in buildings and for repairs, alteration, and improvement of buildings and space in buildings rented by him; but the Secretary shall not utilize the authority contained in this section—

(1) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which it is needed, and

(2) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, services, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

EXPENDITURES FOR PRINTING AND BINDING

SEC. 419. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to expend funds made available for the purposes of this Act for such printing and binding as he determines necessary, without regard to any other law or regulation.

CRIMINAL PROVISIONS

SEC. 420. Title 18 of the United States Code is amended by adding a new section 665 to read as follows:

"THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS; IMPROPER INDUCEMENT

"SEC. 665. (a) Whoever, being an officer, director, agent, or employee of connected in any capacity with any agency receiving financial assistance under the Comprehensive Manpower Act embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets or property which are the subject of a grant or contract of assistance pursuant to this Act shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Comprehensive Manpower Act induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000 or imprisoned not more than one year, or both."

INTERSTATE AGREEMENTS

SEC. 421. In the event that compliance with provisions of this Act requires cooperation or agreements between States; the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

EFFECT ON EXISTING LAWS

SEC. 422. Effective with respect to fiscal years after June 30, 1972, the Manpower Development and Training Act of 1962 is repealed. Unexpended appropriations for carrying out such Act may be made available to carry out this Act, as directed by the President.

EFFECTIVE DATE

SEC. 423. The effective date of this Act, except as otherwise provided, shall be July 1, 1972. The effective date for title II shall be July 1, 1973. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

TITLE V—NATIONAL INSTITUTE FOR MANPOWER POLICY

FINDINGS AND DECLARATION OF PURPOSE

SEC. 501. The Congress hereby finds and declares that the responsibility for the development, administration, and coordination of program of education, training, and manpower development generally is so diffused and fragmented at all levels of government that it has been impossible to develop rational priorities in these fields, with the result that even good programs have proved to be far less effective than could reasonably be expected and billions of dollars in both tax funds and private funds have been applied far less effectively than the national interest requires. The Congress further finds that education and manpower development programs are nowhere more fragmented than in the Federal Government, with the result that we have not developed a coherent national manpower policy as the basis for Federal action in these fields, and that the continued lack of a coherent, flexible, national manpower policy dangerously reduces our prospects for solving economic and social problems which threaten fundamental national interests and objectives. Accordingly, the purpose of this title is to establish an Institute for Manpower Policy which will have the responsibility for examining these issues, for suggesting ways and means of dealing with them, and for developing a national manpower policy.

ESTABLISHMENT OF NATIONAL INSTITUTE FOR MANPOWER POLICY

SEC. 502. (a) There is hereby established in the Executive Office of the President a National Institute for Manpower Policy (hereinafter referred to as "the Institute"). The Institute shall be headed by a Board of Manpower Policy Advisors (hereinafter referred to as "the Board") composed of twenty-one members selected as follows—

(1) six members, as follows, serving *ex officio:* the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Defense, the Secretary of Commerce, the Administrator of the Veterans' Administration, and the Director of the Office of Economic Opportunity;

(2) two Members of the House of Representatives designated by the Speaker of the House;

(3) two Members of the Senate designated by the President of the Senate; and

(4) eleven members broadly representative of labor, industry and commerce, education, manpower training, counseling, and placement programs, and of the general public appointed by the President with the advice and consent of the Senate.

(b) The Board shall not meet fewer than three times a year and during its first meeting it shall elect a Chairman who shall be one of the eleven public members appointed by the President.

(c) (1) The two members of the House of Representatives and the two members of the Senate shall serve on the Board for a length of time determined by, and at the pleasure of, the Speaker of the House and the President of the Senate, respectively.

(2) The terms of the eleven public members shall be for four years, except that, of the original members, three shall be appointed for one year terms, three for two year terms, three for three year terms, and the remaining two for a term of four years.

(d) Vacancies on the Board will be filled in the same manner as the original appointment, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

APPOINTMENT OF DIRECTOR

SEC. 503 (a) The Chairman (with the concurrence of the Board) shall appoint a Director, who shall be the chief executive officer of the Institute and shall perform such duties as are prescribed by the Chairman.

(b) Section 5315 of title 5, United States Code, relating to positions in level IV of the Executive Schedule, is amended by adding the following paragraph at the end thereof:

"(95) Director, National Institute for Manpower Policy, Executive Office of the President."

FUNCTIONS OF THE INSTITUTE

SEC. 504. The Board, through the Institute, shall—

(1) Conduct such studies, hearings, research, or other activities as it deems necessary to enable it to formulate recommendations for a coherent national manpower policy;

(2) examine and evaluate the effectiveness of any Federally-assisted education, training, or manpower development programs (including those assisted under this Act), with particular reverence to the contribution of such programs to the achievement of objectives sought by the national manpower policy recommended under clause (1) of this subsection;

(3) examine and evaluate major Federal programs which are intended to (or potentially could) contribute to achieving major objectives of existing manpower and related legislation or those set forth in the recommendations of the Board for a national manpower policy, and particularly the program of the Departments of Labor and of Health, Education, and Welfare which are designed (or could be designed) to develop information and knowledge about manpower problems through research and demonstration projects or to train personnel in fields (such as occupational counseling, guidance, and placement) which are vital to the success of education and manpower programs; and

(4) make such other evaluations, investigations, or inquiries as it considers appropriate for carrying out the purposes of this title and for helping to make effective the programs authorized by this Act.

ANNUAL REPORT

SEC. 505. The Board shall annually issue a report to the President and the Congress of its proceedings, findings, and recommendations which shall be made upon such date in the initial and each succeeding year as the Board shall determine (but not later than March 1 in any year following the initial year), and may if the Board so determines, be included as a separate part of the Manpower Report of the President.

APPOINTMENT OF PERSONNEL; COMPENSATION

SEC. 506. (a) The Director, with the approval of the Chairman of the Board, may appoint and compensate without regard to the provisions of title 5 United States Code, governing appointments in the competitive service, and chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule rates, such technical and professional personnel as he deems necessary to carry out the functions of the Institute.

(b) Members of the Board who are not regular full-time employees of the United States shall, while serving on the business of the Board, be entitled to receive compensation at the per diem equivalent for GS–18 for each day so engaged, including traveltime and, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

GENERAL PROVISIONS

SEC. 507. (a) In carrying out the functions of the Institute, the Director is authorized to carry out programs directly, or through grants to or contracts with any public or private agency, organization, or institution,

and payments under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on accounts of overpayments or underpayments.

(b) The Director is authorized to accept gifts to the Institute and to apply them to carry out his functions under this title, and is similarly authorized to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

AUTHORIZATION OF APPROPRIATION; EFFECTIVE DATE

SEC. 508. (a) There is hereby authorized to be appropriated for the year ending June 30, 1972, and for each succeeding fiscal year, such sums as may be necessary to carry out the purposes of this title.

(b) The provisions of this title shall become effective upon the enactment thereof.

PRISONERS OF WAR

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

Mr. SHOUP. Mr. Speaker, American boys have been in bamboo cages in Vietnam for 7 years, 210 days. They were sent to Vietnam when Congress was bathing in a wave of self-righteous determination with the popular stand, then, of sending military forces. It was popular in those days, just as continually pressing for an end to the fighting is popular now. While great Americans have been rotting in prison camps across the sea, this body has been engaged in a great popularity contest over a half decade of time.

If the men steering the course in both Houses, who so easily seem to sway with the winds of fashion, held within their breasts the same kind of fortitude that has enabled those prisoners to survive in those bamboo cages so long, our country would not be in such dark waters, on such a tumultuous journey today. I doubt that many of us could withstand their test or the test of 1776. During that latter test two centuries ago, the easy, popular thing to do was either not to commit oneself to the revolution or to side with the English. Many of this body, I feel, would go that easier path were they put to such a test.

The past is the lesson of the future, and in looking back over the last 10 years, one wonders if the pliability of some men in Congress will continue to create more problems than are solved here.

Let not the prisoners, their suffering and all it stands for fade into memory, but serve as a continual reminder that our mistakes never leave us, that we cannot erase what we have done before by skillfully written rhetoric or carefully worded campaign statements.

The prisoners are the most profound tragedy of this war. Will there be even a token parade down Fifth Avenue to cheer their ability to survive an ordeal greater than most of us can even comprehend? Will we show genuine appreciation for their raw courage or just superficial sympathy for the news cameras and reporters?

Many Americans have spent long hours working toward getting all our American men back home. But it is not enough for us to bring those men back. We must insure that American men will not be prisoners of war again.

CREDIT UNION DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, 122 years ago in the small German village of Flammersfeld, Friedrich Wilhelm Raiffeissen conceived the idea of the credit union. From that humble beginning this movement has grown until today there are more than 24,000 credit unions with over 22 million members in the United States alone.

President Nixon has designated Thursday, October 21, 1971, as Credit Union Day. Since 1948, Credit Union Day has been celebrated to recognize the achievements of the credit union movement in making cooperative credit a living reality.

As President Nixon stated in his proclamation of this year's Credit Union Day:

By promoting habits of thrift and creating a source of credit, these unions assist their many members in approaching individual economic difficulties with self-combined resources. They encourage individual initiative, nurture self-respect, and promote financial stability and independence. Few contributions could be of greater value than these to the development of a thriving people.

The State of New York has more than 1 million credit union members who save and borrow in over 1,200 credit unions. Today, I would like to especially call attention to the 3,500-member Buffalo Postal Employees Federal Credit Union which is in Erie County. This credit union is an outstanding example of President Nixon's words, and it gave me great pleasure to assist them in a recent problem involving office space.

On this anniversary, I offer congratulations to members of credit unions everywhere as they carry on the tradition of working together, helping others to help themselves.

Mr. Speaker, the New York Times of October 17, 1971, had a special section on credit unions. At this point I feel it is fitting and proper to include excerpts from that section.

A DAY FOR CONGRATULATIONS

Credit Union Day 1971 is a time for celebration for over 22 million people . . . cab drivers, waitresses, social workers, teachers, longshoremen, farmers, secretaries . . . people from all walks of life in the United States who are members of more than 24,000 credit unions.

October 21 marks the 122nd anniversary of the credit union movement which is helping people help themselves not only in the U.S. but also throughout the world in more than 70 countries.

In the State of New York alone, more than one million credit union members have and borrow in over 1,200 credit unions.

Sometimes referred to as the nation's third financial system, after banks and savings and loan associations, credit unions in the United States have over $18 billion in assets.

An even greater measure of the success of the credit union movement than its total assets is the role that credit unions have played in people's lives. They have enabled individuals who live in the same community, attend the same church, or work in the same building to enrich each other's lives by providing the vehicle through which they can pool their savings and then make low-cost loans to each other for good and provident purposes.

Fellow credit union members have helped each other start businesses, buy homes, educate children, consolidate debts, pay wedding and funeral expenses, and take well-earned vacations.

New York State Governor Nelson A. Rockefeller has said, "Credit unions in New York and throughout the world should be recognized for their role in helping people to create their own source of credit, thereby enabling them to help themselves."

On the national level, chairman of the House Banking and Currency Committee Congressman Wright Patman (D-Tex.) has often said that "Credit unions—next to the church—do the greatest good of any institution in America."

Credit Union Day was first celebrated in 1948 to recognize the achievements of the credit union movement in making cooperative credit a living reality.

Each year since that time credit union members have joined together to remind each other and to tell the public about the benefits of the credit union idea which was conceived by Friedrich Wilhelm Raiffeissen in 1849 in the small German village of Flammersfeld.

This credit union idea is summed up in the slogan, "Sharing Is the Whole Idea," the theme of Credit Union Day 1971.

On Thursday, October 21, credit union celebrations throughout New York State and the United States will take many different forms. Banquets, essay contests, newspaper, TV and radio advertising, open houses, Miss Credit Union Day contests, parades, and special credit union chapter meetings are just a few of the ways Credit Union Day is celebrated.

The New York State Credit Union League has chosen to bring you this special supplement as its contribution to this year's Credit Union Day celebration. The following 14 pages take a look at credit unions from many different angles

If your interest in the credit union movement is aroused after reading the supplement, contact the New York State Credit Union League, 204 Fifth Avenue, New York, New York 10010, for more information.

SERVICE TO MEMBERS: KEY TO CREDIT UNION SUCCESS

Often referred to as "the nation's third financial system" (after banks and savings and loan associations), credit unions in New York State and throughout the country, are providing fast, convenient personal financial services to more than 22 million people who are members of over 24,000 credit unions.

Although credit unions are not a threat to banks and savings and loans, with over $18 billion in assets they are an important part of the financial system in the United States. Government figures show that in 1970 the credit union movement was supplying 12.36 per cent of the country's installment credit.

A survey of consumer finance conducted by the University of Michigan last year among a representative sample of U.S. family units found that 13 per cent of the families saved in credit unions compared to 34 per cent who had no savings account and 46 per cent who saved in banks, 19 per cent in savings and loans, and 2 per cent in mutual savings banks. These figures agree with nationwide statistics of the Federal Reserve Board.

The survey also showed that credit union families tend to be younger than those who save at banks and savings and loans, with only 11 per cent of credit union savers over age 60, compared to 23 per cent for banks and 31 per cent for savings and loans.

In the area of education, the survey showed that only 23 per cent of credit union savers failed to finish high school, compared to 33 per cent for bank savers and 57 per cent for the non-saver group.

Credit union savers tend to save less than the average family the survey revealed, although nearly two-thirds of credit union families have incomes, above $10,000, considerably higher than the percentage for banks and savings and loans. Only in income levels above $25,000 do banks and savings and loans have a higher percentage of savers.

On the other hand only 4 per cent of the credit union families have incomes less than $5,000 compared to 12 per cent of savers at banks and savings and loans.

While credit unions, in keeping with their original purpose, continue to provide low-cost credit to the working man who does not have other sources of credit available to him the University of Michigan survey has shown that credit unions are also attracting many middle-income, educated families.

Undoubtedly, credit unions have been able to arouse the interest of people in all walks of life because they are able to provide a variety of personalized financial services that range from low-cost loans to consumer education programs.

The dividends on savings and interest rates on loans are especially attractive in many New York credit unions. At the present time numerous credit unions in all parts of the state are paying dividends of 5¼ per cent to 6 per cent and are charging an Annual Percentage Rate of 12 per cent or less per year on loans.

More than 22,000 members of the IBM Poughkeepsie Employees Federal Credit Union in Poughkeepsie, are enjoying just such dividends and interest rates. This credit union, which is growing by approximately $1 million in assets a month, pays 6 per cent on savings and charges Annual Percentage Rates of 12 per cent for furniture and other consumer items, 9 per cent for autos, boats, and trailers, and 7.8 per cent for secured loans.

Cornell Federal Credit Union in Ithaca, Municipal Credit Union in New York City, Hudson River IPCO Federal Credit Union in Corinth, and Buffalo Telephone Employees Credit Union in Buffalo are just a few of the other credit unions in the Empire State that are paying dividends between 5¼ and 6 per cent.

As a credit union's assets grow from a few hundred dollars to millions of dollars, the credit union is able to provide many additional services. These include payroll deduction for savings and for loan payments, the sale of money orders and travelers checks, sale and redemption of bonds, financial counseling, and assistance with household budgeting. Some credit unions also have Christmas Clubs, travel services, and investment clubs.

Because of the common bond of employment, church membership, or residence in the same community that people in the same credit union share, it is able to adapt its services to fit the special needs of its members.

For example, the Teachers Federal Credit Union serving persons employed by parochial, private, or public schools in Long Island's Suffolk County, offers a summer "skip-a-payment" loan service. This service allows a borrower to pay only the interest charges due on his loan during August and September. It is designed to relieve the temporary financial pressures of members whose income decreases during the summer.

As another special service many credit unions are experimenting with quick cash programs commonly known as "draft-a-loan" or "rite-on-line." The new draft system of Syracuse Federal Credit Union in Syracuse, for example, enables members to pay for purchases on the spot by credit rather than with cash.

Consumer education is another important service provided by many credit unions. The Valley Stream Teachers Federal Credit Union in Long Island's Nassau County, like many credit unions, distributes copies of *Everybody's Money*, a quarterly national consumer magazine published by the Credit Union National Association for over 2½ million readers, and many other consumer fact sheets and pamphlets to provide its members with tips on how to better manage their money.

In addition to service to their members, credit unions also try to be good neighbors in their community. Many credit unions distribute consumer information to schools and libraries in their area, and some credit unions have sponsored successful community education seminars.

Many credit unions also sponsor local little league baseball teams, belong to the Chamber of Commerce, and contribute regularly to community fund drives. Teachers Federal Credit Union, serving Long Island's Suffolk County, is even using the facilities in its new building to host local art shows.

According to Sam Buxbaum, president of the New York State Credit Union League, the many new areas of service that credit unions are exploring reflect their concern for providing members with the fullest possible service.

"Economic conditions have changed since the depression days when many credit unions were getting their start, and so have credit union operations. As our members' living styles change, it is only natural that the services they demand from their credit unions also change," Buxbaum says.

CREDIT UNIONS: THE ORIGINAL "TRUTH IN LENDING" LENDERS

"Would you have bought this furniture on credit from this dealer if you had been told that the interest rate was 150 percent?"

The young man looked at the U.S. Senators seated before him in New York City's federal courthouse and answered: "Never in a hundred years."

The scene was a Senate subcommittee hearing on a proposed "truth-in-lending" law. Witness after witness told how he, she, or the family were bilked by unscrupulous lenders who misquoted payment plans, interest rates, and the consequences of signing a contract.

Among the common phrases were "$2 down, $2 a week"; or "only 6 per cent." About the only place you'd hear an honest "1 per cent a month on the unpaid balance" or "12 per cent per annum" with no frills or hidden charges was the credit union.

In fact, the only financial institution that backed the federal truth-in-lending bill from its introduction by then-Senator Paul H. Douglas was the credit union movement. It turned out to be an eight year, up-hill battle, but Congress finally enacted the law and now all lenders are required to quote the true Annual Percentage Rate when extending credit.

Remember that phrase: *Annual Percentage Rate (APR)*. That's the figure that enables consumers to shop for credit the same way they shop for bargains in consumer goods. It's the standard for measuring credit.

Sure credit unions have a lot to gain when rates are compared. Both the New York State Credit Union Law and the Federal Credit Union Act limit the interest rate to 12 per cent per annum—which amounts to a penny a month for each dollar you owe at the time you make your loan payment. Some credit unions not only charge less, but many go so far as to return to the members a portion of the interest they paid during the year, which lowers the cost of the loan even more.

Although credit unions can quote competitive rates, that's really unimportant in the total scheme of things. Credit unions are not dollar-and-cent institutions but non-profit corporations organized and owned by the members to help people.

Again and again the credit union movement has sided with state and federal legislators who seek reform and clarity in the field of credit. For instance, credit unions backed the garnishment provisions of the Truth-in-Lending Law, which liberalized proceedings in favor of the working man. They also backed the Fair Credit Reporting Act, which finally gave a person the legal right to find out why he is being refused credit and also gives him access to a credit bureau's report on him to check for erroneous information.

More importantly, though, is the help credit unions give in the total field of money management. A personal concern with people and their problems has created a financial counseling program that truly sets credit unions off from any other financial institution.

What other lender is willing to spend hours trying to find the source of a person's problems, and then refers him to the best qualified source for help—be it Alcoholics Anonymous, Legal Aid, a marriage counselor, or what have you? Or, if it really is just bad money management, will talk to that person's creditors and try to straighten out the financial mess he's created?

Take the guy who's behind in his loan payments. What usually happens to him?

If he's a member of the League of Mutual Taxi Owners Federal Credit Union, located on Jerome Street in the Bronx, he's in line for some unusual treatment. He's going to get "the Ralph Levy treatment."

Ralph is a former New York City cab driver who is now treasurer of the credit union. Because he no longer drives a cab, he likes to drive around with his wife at night. "So I'm in the neighborhood where one of our members lives. I stop in and see him. I find out why he missed a payment, what the difficulty is. I try to find out if we can refinance the loan or give him an extension. After all, we're a credit union. We're not out to cut his throat."

Getting involved with people's problems is a way of life for credit union people.

Ralph has sat in the ambulance as it rushed a Lomto member to the hospital. He's made loans at hospital bedside so doctors will operate. He's been called upon to get a last-minute demand for a grave opening for a deceased member; and to secure a permit for the cremation of another member. He was appointed by the court as a guardian for the upbringing of the children of a deceased member. He's listened to stories by parents of how their kids are on drugs, and then helped them relocate to better neighborhoods.

The president of Brooklyn's Paragon Progressive Federal Credit Union, Attorney Wilfred Kerr, summed it up pretty well when he commented, "What problems our members have are our problems."

CREDIT UNIONS: A SAFE PLACE TO SAVE

If "'service" has always been the chief watchword of credit unions, "safety" never has been very far behind.

From the beginning, credit unions have been safe depositories for members' funds. Very few people ever have lost money deposited as savings in a credit union; the record here has been at least as good as any other financial institution's, better than many.

Yet, until January 1, 1971, no federal agency insured savings in a credit union, as had been true for many years in member banks of the Federal Deposit Insurance Corporation (FDIC) and members of the Federal Savings and Loan Insurance Corporation (FSLIC).

The need for federal share insurance, in fact, was for a long time a matter of controversy among credit unions. Those who

opposed such a program cited years of safe operation without share insurance, often specifically mentioning a remarkably good record during the Great Depression. They pointed to built-in safeguards against loss of members' savings that had proved very effective, and they expressed reluctance to government involvement.

Supporters of share insurance said it would provide an added safeguard that members were entitled to; that it would help build confidence among members and potential members; and that it would attract more members.

Finally, like all questions that arise in the credit union movement, it was solved democratically, by vote, and legislation creating a federal share insurance agency was actively sought.

And last October President Nixon signed a bill creating a new federal plan that insures credit union members' savings up to $20,000. The insurance is regulated by the Administrator of the New National Credit Union Administration (NCUA).

Such insurance is mandatory for all federal credit unions—about half the credit unions in the country—and optional for state-chartered credit unions. (In New York State, the ratio of federal to state credit unions is almost 10 to 1, there being 1,084 federals and 113 state-chartered groups.)

One thing the new plan does for federal credit unions and state credit unions that apply for and receive federal insurance is to eliminate the source of competitors' former claims—or at least hints—that savings in their institutions were safer than they were in a credit union. Until very recently banks and savings and loan associations could use the phrase "your savings are insured by an agency of the federal government" competitively in their advertising and literature, and often did so with the plain implication that credit unions, which could not make that statement, might be a little bit risky. Credit unions under the new plan can now make the same statement.

There really never was very much for credit unions' competitors to feel superior about; the record clearly shows that for more than 60 years credit unions had done very well indeed as far as safe handling of members' savings is concerned. For one thing, most of the savings of members is out on loan to fellow members. This has proved to be a safe place for money because of credit union members' excellent repayment record.

OTHER SAFEGUARDS

The credit union's supervisory committee is charged with making periodic checks of the books to insure proper handling of funds and conducts quarterly and annual audits. In addition, an annual surprise examination is conducted by the federal or state regulatory agency. Excess funds are kept in banks, savings and loan associations, and in other protected investments. By law, all credit union people who handle money are bonded. Credit unions are required by law to set aside a portion of income as reserves against bad loans. For years credit unions have had their own nationwide or statewide stabilization plans to protect savings. And not so easy to measure, but as valid as any other form of protection, is the moral obligation felt by one credit union member toward the money of a fellow member, deposited with faith and trust in an institution they both own.

Probably most people would agree that while credit unions have established an excellent record of safeguarding the money entrusted to them by members, where other people's money is concerned it would be hard to argue the possibility of being "too safe." Congress itself, in enacting the federal share insurance legislation, commented on the credit union movement's good record, citing the fact that losses suffered by federal credit unions had been slight—less than $1.9 million in 35 years during which some 60 billions of dollars were involved in credit union transactions. (This works out to .003 per cent.)

But lawmakers also felt, as the majority of credit union leaders do, that because some losses had been suffered, new legislation was needed to further insure the safety of members' funds and give credit union members comparable protection to that enjoyed by bank and savings and loan association depositors. Congress also noted that four states—Wisconsin, Massachusetts, North Carolina and Rhode Island—already had seen the need for share insurance and enacted their own state plans.

Therefore credit union members, especially those in states like New York with its preponderance of federally-chartered credit unions, have the satisfaction of knowing that one more important safeguard has been added to their hard-earned savings, now protected by an agency of the United States Government.

PRESIDENTIAL MANAGEMENT IMPROVEMENT AWARD TO ARTHUR M. CRONENBERG

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

Mr. EDWARDS of Alabama. Mr. Speaker, 2 nights ago, a group of 10 Federal officials were presented Presidential management improvement awards by Mr. George Shultz, Director of the Office of Management and Budget for their help in reducing costs and improving Government operations.

One of those individuals so honored was Arthur M. Cronenberg, chief of the Mobile, Ala., engineering section of the Army Corps of Engineers. According to information furnished the Office of Management and Budget by the President's Advisory Council on Management Improvement, Mr. Cronenberg, a resident of Alabama's First Congressional District which I represent, directed the development of a modern navigation lock at the site of the Bankhead Lock and Dam located in Walker County, Ala., to replace an obsolete one with sufficient detail to permit construction bidding that saved taxpayers $3.3 million.

The resourcefulness displayed by Mr. Cronenberg in his function of developing the information necessary to put this vital project into operation should serve as an inspiration to all Americans. His initiative in this undertaking beyond the call of duty is to be highly commended.

THE OTHER SIDE OF THE GREEK STORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 30 minutes.

Mr. BURKE of Florida. Mr. Speaker, during the recent clamor by many Members of Congress to cut off aid to Greece, the Greek military government was charged by many, who are friends of the previous ousted government, with carrying on a police state which, of course, is intended to conjure up the worst concerning the present regime.

Naturally, many of those who favor the former Greek regime do so because their best interests would be served if they could overthrow the present Greek Government.

Certainly, I do not condone dictatorships, including the one in Greece, but I am sure that all of the horrors that are attributed to the present Greek Government are conjured up to make the government appear evil, and political venom is used to poison the minds of all against the existing regime.

Vice President AGNEW's recent visit to Greece will be criticized by many of the liberals and ultraliberals in this country who would like us to forget that the still existing threat of communism and world domination by the Soviet Union; even though they presently play down this threat, is still existing and the never to be forgotten goal of the Soviet Union.

In the interest of fair play and in order that the testimony of both sides, pro and con, concerning the present Greek Government and conditions under the present regime, can be given to my colleagues, I suggest my colleagues examine the following statement by Dr. D. George Kousoulas, professor of political science of Howard University, which he gave to the Committee on Foreign Affairs of the House of Representatives, of which I am a Member.

Dr. Kousoulas' statement reads as follows:

Since my personal background may be unfamiliar to the members of this Committee, I beg your indulgence in presenting a few highlights relevant to the subject under consideration.

Born in Greece, I came to the United States as a Fulbright scholar in 1951 and I have been concerned with Greek political affairs for the last twenty years—with two major books and numerous articles on Greek political developments resulting from this interest. My democratic philosophy is clearly reflected in another book titled "On Government and Politics," currently being used as a textbook in many American colleges and universities. I teach, as you know, political science at Howard University, where I am honored by the respect and affection of my colleagues and of my students. During the past ten years I have visited Greece twelve times—the longest stay being three-and-a-half months during my sabbatical in October 1970 to February 1971, and the shortest, six days long, between 8 and 13 August 1971—this latest visit prompted by your invitation to testify before this Committee. These visits were not merely to see relatives and friends. Believing in the necessity of the alliance and close cooperation between Greece and the United States and also in the necessity of a fully functioning and genuinely democratic system in Greece, I made every effort during these ten years to serve and promote, as a private citizen, these two objectives. In the course of those years I came to know well and, as I trust, to be honored by the friendship and confidence of the major political personalities in Greece from King Constantine to former Premiers Karamanlis and Kanelopoulos and present Premier Papadopoulos and many other leading personalities; I regret that time and space does not allow me to mention all of them here by name. Four years ago, I had the opportunity to contribute to the drafting of the present Greek Constitution. While I may have a few minor reservations on details, I am proud of my part in drafting the new Greek Constitution because it is both modern and democratic. I fervently hope that it will be fully implemented in the near future.

During these past ten years, my activities, my contacts, my talks with key personalities from all sides of the political spectrum were

not publicized because I felt that publicity would have diminished whatever usefulness they might have had. Nevertheless, I must admit that this exposure to first-hand information was reflected in an occasional article. If I do speak today in public, it is only because I feel that further silence will no longer promote or serve the objectives we all, I trust, share; namely, the preservation of the alliance and the establishment of a genuinely democratic system in Greece. I am also prompted to speak publicly because I fear that the Congress of the United States is being induced to adopt wrong and dangerous decisions due to inadequate or grossly distorted and deliberately biased information.

To assist you in assessing my familiarity with Greek affairs and my political orientation and views, allow me to enter in the record two brief excerpts from two key articles I wrote during the period under consideration. On October 16, 1966, analyzing the impasse which had then been caused by the continuing feud between King Constantine and George Papandreou the late leader of the liberal Center Union Party (C.U.), I wrote: "It stands to reason that to have an election without constitutional overtones there must be a reconciliation between the King and the Papandreou forces. Only then will the King be able to elevate himself above the din and clamor of the political arena." Without such reconciliation, I implied, the impasse would continue, and with the ensuing disintegration of the democratic system "pro-royalist elements in the armed forces might take upon themselves (i.e. without the King's sanction) to . . . impose some kind of unconstitutional dictatorial regime upon Greece." The reconciliation suggested in the article did indeed take place two months later in December 1966 and a non-political cabinet under Paraskevopoulos, a distinguished banker, was formed to prepare the ground for elections. Unfortunately, the reconciliation was torpedoed by Andreas Papandreou, the son of George Papandreou. The coup occurred as predicted. I claim no prophetic qualities: I merely drew upon my knowledge and understanding of Greek realities at the time.

On August 3, 1969, referring to the reluctance of the military regime in Greece to proceed with the full implementation of the Constitution, I wrote in the Washington Post: "A workable alternative to the present impasse . . . could involve two major compromises. On the part of the political leaders and of the King—acceptance of the Constitution. On the part of the military—acceptance of a precise timetable leading to parliamentary elections and the restoration of political life." A compromise solution such as the one suggested in the article is now becoming a possibility; but of this I shall speak at greater length later in the course of this deposition. Allow me now to take up in some detail the issues you have raised in your letter of invitation.

1. THE ORIGINS

In your letter you indicated that you would be interested on the origins of the present situation in Greece. I have already submitted to the Committee an article of mine published in ORBIS in April 1969, on "The Origins of the April 21, 1967 Military Coup in Greece." In the article, I attributed the coup basically to the disintegration of the democratic system, the conditions of anarchy which prevailed prior to the coup, and above all to the political alliance between Andreas Papandreou and his faction in the Center Union with the Communist-front party EDA. However, your Committee may prefer to hear the statements of others whose current opposition to the Greek government endows the statements they made at that time with unimpeachable credibility.

Mrs. Eleni Vlahos, the distinguished Publisher who is scheduled to testify before this Committee, was at that time fully convinced that Andreas Papandreou had formed a political alliance with the Communist-front EDA. Writing on January 21, 1967 in her Newspaper *Kathimerini*, she said: "No particular effort is needed to uncover the complete alignment of the Center Union with EDA in the way they see the country's main problems." A few days earlier, on January 10, 1967, *Kathimerini* wrote: "[The EDA supporters] having now more confidence in that Andreas Papandreou is the flag-bearer of the reds and of their slogans against the regime, will strengthen the Center Union Party with their vote, while Mr. Papandreou will maintain the bridge for an 'agreed' electoral cooperation, or even a cooperation between the Center Union and EDA itself after the election." And again on March 30, 1967, five weeks prior to the coup, Mrs. Vlahos wrote in *Kathimerini:* "The fact that EDA's parliamentary spokesman spoke, during a luncheon of foreign correspondents, for the necessity to have cooperation of EDA with the Center Union after the election, was presented as something new in the picture of our internal political situation. This is not new. The need for this cooperation was suggested a year ago by EDA, and the son of the Center Union's leader [note: Andreas Papandreou] had accepted the proposal."

In describing the conditions existing prior to the military coup, and advocating military intervention in the event of a Center Union electoral victory in May 1967, Mrs. Vlahos wrote in her newspaper *Kathimerini* on February 23, 1967: ". . . If, God forbid, the Center Union becomes the leading part, or together with EDA takes over the majority, then these two parties during the first night of the election, mobilizing the revolutionary machine of EDA and under the protection of a popular front demonstration will proceed to overthrow the regime, take over power, and it will then be necessary for the armed forces to stop them." Clearly implying that by then a military intervention would be difficult and that the armed forces should intervene in advance, she continued: "It is doubtful whether the army will be able to move in the midst of confusion and fire on the mass meeting of the 'Lambrakides' [note: the EDA youth organization] to which the 'Government' of Papandreou-Passalides (the EDA leader) will come to be 'sworn in'. The above may create the impression that we are revealing some secret; of course, only the foolish and naive may think so. Those who do not want to act as the proverbial ostrich burying their head in the ground before a threatening danger, are fully aware of the dangers which have been clearly outlined recently by many."

I shared at that time, and I continue to do so, the assessment presented in those quotations by Mrs. Eleni Vlahos. Mrs. Vlahos as you shall see in the following paragraphs, had accurately interpreted the relationship between Andreas Papandreou and EDA.

The key element which brought about the military coup was the break down of the democratic process, and the cooperation of Andreas Papandreou with the Communist-front EDA. The only way to have averted the military coup was the compromise struck in December 1966 by two patriotic political leaders, George Papandreou for the Center Union and Panagiotis Kanelopoulos for ERE (the party established by Karamanlis in 1955). The compromise was based on two elements: an end of the attacks on the King by the Papandreou forces, and an agreement to proceed with a parliamentary election as demanded by Papandreou, to be conducted by a non-political cabinet under Paraskevopoulos. The compromise was torpedoed by Andreas Papandreou deliberately. His father George Papandreou, speaking to Andreas in jail following their arrest the night of the military coup in April 1967, said: "Didn't I tell you? The Paraskevopoulos government was our last chance for avoiding a military takeover. With your militant stand against [the Paraskevopoulos government], with your strong statements against the King, with the distrust you instilled in the American contingent here, this [note: the coup] became inevitable." This is not hearsay testimony. It is reported by none other than Andreas Papandreou himself in his book *Democracy at Gunpoint*, on p. 24.

If the above statements are not sufficient, allow me to present to you revealing excerpts from a speech by EDA leader Manolis Glezos—a Communist of long standing—delivered on 25 May 1966 during a closed, strategy Conference of the EDA Executive Committee in Athens. On page 6 of the original typewritten copy in Greek, Mr. Glezos repeated the basic EDA and Communist party objective, namely, "to push Greece out of NATO." On p. 7, he underlined the second EDA objective, "to mobilize the masses so as to assist the solution, i.e. to go to elections." The EDA view of the elections is presented by Mr. Glezos on p. 11 and 12. On p. 11, he revealed that in the elections of 1964 "following a formal decision of the Party," EDA did not enter candidates in several constituencies. "This was a maneuver (eligmos) to avert an electoral competition between EDA and Center Union candidates in certain areas, a competition which could only have benefited ERE." He further indicated on p. 12 that EDA was planning to engage in the same "maneuver" during the elections of May 1967. But even more significant is the outline of EDA's political strategy as presented by Glezos on p. 13. I quote: "Phase One: We'll support the Government [note: He means the Papandreou government following an electoral victory in May 1967 with EDA support as indicated on p. 11 and 12]; Phase Two: We shall participate in the Government; Phase Three: We'll be the Government and they (the Center Union) will be the participants; Phase Four: We alone shall be the Government." A photostatic copy of the entire speech can be made available to the Committee upon request.

Andreas Papandreou himself, willingly promoted this cooperation in the hope, as he told me in August 1966, to win over the EDA followers and presumably weaken Communism in Greece. The record of the war years in Greece should have indicated to him that the Communists are not likely to be used by others; the opposite is true. In the process, Andreas Papandreou came to view EDA as an integral part of a unified movement. In an article published in the *New York Times Magazine* on July 21, 1968, he wrote: "In this connection, it is relevant to note that the correspondents of the German magazine *Stern* have reported that the CIA conducted a secret poll of Greek political attitudes in March 1967. The poll indicated that if elections were held as scheduled on May 28, the Center Union and the left would receive 63 percent of the votes. Is it far-fetched to assume that the reason for the 1967 coup was a determination to forestall such a political outcome?" Allow me to submit one or two observations on this most revealing statement. It is noteworthy that Mr. Andreas Papandreou lumps together into one figure the share of the Center Union and of EDA. Second, it is interesting to note that the 63 percent he says would have been the combined share of the two parties is actually less than the combined totals received by the Center Union and EDA in the elections of February 1964. In that election, the Center Union received more than 52 percent of the vote and the EDA a little less than 13 percent, for a combined total of almost 65 percent. Yet, in 1964, there was no effort on the part of the army to "forestall" the elections and when the Papandreou government came to power as a result of its electoral victory, there was no attempt to prevent it. Quite the contrary. Certainly something must have

changed by 1967. The change was due to the informal but very real alliance between Andreas Papandreou and the Communist-front EDA, and the instigation of anarchy, designed to bring about the four phases so precisely outlined in 1966 by Mr. Glezos.

I hope that these remarks and the statements from the preceding unimpeachable sources will suffice to restore the historical record.

2. GREECE'S STRATEGIC SIGNIFICANCE

Mr. Glezos in his speech of 25 May 1966 spoke of EDA's unalterable objective to push Greece out of NATO. This has been the objective of the Communist leadership ever since Greece became part of NATO because the removal of Greece from NATO would commensurately strengthen the position of the Soviet Union in the Balkans and in the Eastern Mediterranean.

Of course, Greece's importance to the western defense system is not new. Greece has been an anchor of western defense ever since the inception of the Greek state in 1830. Interestingly enough, Mr. Andreas Papandreou in his aforementioned article in the *New York Times Magazine* wrote: "In 1841 the British Minister to Athens, Sir Edmund Lyons, stated: 'A Greece truly independent is an absurdity. Greece is Russian or she is English; and since she must not be Russian, it is necessary that she must be English . . .'" Disregarding for the moment the cynicism and arrogance of this statement by a 19th century British diplomat, the fact remains that Greece has long been and continues to be of vital strategic importance to the Western democracies. There is no indication whatsoever that technological or political developments in recent years have changed these elementary facts of strategy and defense in the Eastern Mediterranean. If anything, the presence of the Russian fleet in the area and the explosive instability in the Middle East underscore more than ever the value of the alliance and cooperation.

Allow me to be more specific. The U.S. Sixth Fleet relies now *heavily* on Greek facilities. Access to other areas surrounding the Eastern Mediterranean has been and is being curtailed for a variety of reasons. Greece is the only place in the Eastern Mediterranean where the units of the Sixth Fleet can visit with as much ease and safety as they do visiting Norfolk or Newport.

Some argue that the Sixth Fleet is self-reliant and self-sustaining and does not need any bases in the area. This is true only in terms of a moment of crisis. For a few critical days, the units of the Sixth Fleet may be able to operate without relying on shore support. But the value of the Sixth Fleet derives primarily from its day-to-day presence in the Mediterranean. And the day-to-day presence is a long, drawn-out process which requires access to shore facilities. Our men cannot go on for months without touching port, our ships cannot sail forever and ever without repairs. On a more technical plane, we do need the extensive telecommunications (U.S.) facilities in Nea Makri, the air-base in Helenikon (under exclusive U.S. control), the facilities in Faleron and Salamis, and the incomparable Suda Bay in Crete, which can literally hide and protect our entire Sixth Fleet. One may add at this point the much too obvious fact that the day-to-day presence of the Sixth Fleet in the Eastern Mediterranean is vital to the preservation and security of Israel. Any development which tends to impair the operations of the Sixth Fleet inevitably weakens the position of Israel. Those who advocate policies which may bring about a cooling off between Greece and the United States, or at least a decision by the Greek government to discontinue for some time the daily visits of Sixth Fleet units to Greek ports are inadvertently rendering a serious disservice to NATO as well as to Israel.

Let me add that in my judgment the Greek government does not wish to discontinue the visits of the Sixth Fleet or to spoil the good relations between Greece and the United States. *Quite the contrary.* But it may be a matter of elementary self-respect to discontinue such visits if the Congress of the United States slaps the Greek government on its face. The Alliance, gentlemen, is indivisible. We cannot use the alliance as a basis for cooperation and at the same time insult and treat as pariahs the governments of our allies. Such a dichotomy is technically impossible.

There is occasionally an argument heard that because of the alleged detente in Europe, the Soviet threat no longer exists and therefore Greece is either no longer exposed to any danger or she is no longer important to the Alliance. Time here does not allow a thorough discussion of the detente or of the reduction of danger to NATO. What must be said at this point, however, is clearly this: The detente as well as the possibility of conflict with the Warsaw Pact bloc are matters which can only be assessed in a NATO context. Greece is a member of NATO. As such she is in no more and certainly no less danger than any other NATO country. And she is no more, certainly no less important to NATO than any other member of the alliance. In fact she may be more important and more exposed because she is "a frontier outpost country" like Western Germany, having common frontiers with the Warsaw Pact bloc. To speak of Greece separately as being unimportant to NATO because of an assumed detente is an absurdity, because such an argument could only make sense if one could say with equal seriousness that NATO is no longer important because of the detente. There is also a tendency by some other individuals to argue that the United States or NATO does not need Greece as much as Greece needs the United States or NATO. It is an elementary fact of life that an alliance exists because all partners agree on its validity and usefulness. *They are allies because they need each other.*

3. THE EFFECT OF THE RECENT DECISION ON MILITARY AID

The decision to cut off military assistance to Greece was justified as a sincere effort on the part of Congress to pressure the Greek government "to restore democracy to Greece." Allow me to state solemnly from this forum that the decision to block military assistance to Greece has not accelerated in the least the process of democratization. *In fact, it has undermined a serious effort to promote a political solution leading to the full and genuine implementation of the Constitution.*

I am authorized to present to this Committee for its edification statements by several former ERE and Center Union Cabinet Ministers and Members of Parliament who favor a political solution, i.e., a joint effort by the present government of Premier Papadopoulos and the political leadership.* Among them are leading members of ERE and of the Center Union. Several of them had been placed under detention, even isolation, in the early stages after the coup. Until last January, most of them rejected the possibility of a political solution, as I am in a position to know, because they suspected that Premier Papadopoulos was either unwilling or unable to pursue a political solution. Today, the ground is being set for such a political solution leading to a democratic constitutional order. These men are not dupes. They are experienced politicians who have fought all their political lives for parliamentary democracy. Names such as Katsotas or Tsirimokos have long been identified with the most uncompromising stand on freedom and democracy. Yet, they are now willing to bury the hatchet and cooperate with Premier Papadopoulos for an agreed and non-violent transition to the full implementation of the Constitution. Some of these political persons have expressed to me the suspicion that those who fear that a political solution will end their pretentions as the "leaders of resistance" may have deliberately induced the Congress of the United States, under the guise "of fighting for democracy," to take a decision which was bound to undermine the process of democratization. Whether this was a deliberate maneuver on the part of such individuals or an unfortunate coincidence, I do not pretend to know. In any event, I am afraid that Papadopoulos will have to delay now the announcement of certain crucial steps toward a political solution because understandably he does not wish, for reasons of elementary self-respect, to give the impression that he is buckling under foreign pressure—especially since he had initiated these contacts with the political leaders long before Congress had taken any action on this matter.

I am also authorized by former Foreign Minister Evangelos Averoff to remind the Committee that prior to its decision to cut off aid to Greece he had expressed on American television his unequivocal opposition against such action. Mr. Averoff was for eight years Greece's Foreign Minister under Premier Karamanlis. I regret to say that the Committee chose to ignore Mr. Averoff's admonition. Similar objections on the decision to cut off aid to Greece were voiced by other major political leaders such as Mr. Spyros Markezinis, the leader of the Progressive Party, and Mr. Pavlos Vardinogianis, a leading member of the Center Union and one of the closest colleagues of the late Sophocles Venizelos.

While I am not at liberty to be more specific in public, I can assure the Committee that the decision to cut off military aid has worked against the process of democratization. It is only because this interference was actually irrelevant, that the process has not been seriously undermined and that the action of Congress has only caused a relatively short delay.

May I add a brief parenthesis with regard to foreign intervention in Greek affairs? Since the establishment of the contemporary Greek state in 1830, foreign powers have tried to dictate policy to the Greeks. Foreign intervention was facilitated by Greece's economic and political weaknesses and her exposed strategic location. Many Greek leaders accepted foreign intervention in domestic affairs, not because they were lacking in patriotism, but because they were aware of the existing weaknesses and the need for foreign support. Needless to say that there were some Greeks who used foreign intervention as a tool for their own ambitions and intrigues. Such individuals are by no means extinct today. But today there is a change worth taking into account. Although Greece still occupies a strategically sensitive location and, therefore, she does need friends and allies, the Greek people are rapidly gaining in self-confidence and are becoming increasingly unwilling to accept foreign tutelage. Greece today wants to be a respected and valued ally, not a vassal state. Ironically, the present government has been able to turn into reality the foreign policy articulated years ago by the late Liberal leader George Papandreou. This Liberal statesman had advocated a policy of equal friendships and of alliances based on mutual respect. Today Greece is following a policy of friendship with her northern neighbors, a policy almost unthinkable a few years ago at least with some of them such as Albania or Bulgaria. She is establishing friendly ties with the new African states. She is following a policy of responsible restraint on the explosive question of Cyprus. At the same time, Greece has lived up to all her commitments within the NATO alliance, being one of the heaviest contributors in terms

* See Addendum Page 12

of national resources to strengthening the overall NATO defense structure. But Greece today is no longer the "poor relative" of earlier days. Her economy is nearing the take-off point for sustained growth, the per capita income having gone up from the equivalent of $649 in 1966 to $968 in 1971, in constant prices and with one of the lowest consumer price increases among the countries of the free world. After the war, Greece was forced by circumstances to seek American assistance. Greek blood and American weapons turned back in the early post-war years an attempt to bring Greece under Communist control. After that, there were times when American representatives mistook the necessity for co-operation as a license for intervention in Greek affairs. Such a relationship is no longer acceptable. The Greeks, in and out of government, value the alliance and cooperation with the United States highly, but they want this relationship to be based on mutual respect.

4. THE PROCESS TOWARD DEMOCRATIZATION

In your letter, Mr. Chairman, you indicated an interest in the future development of the present situation in Greece. Many well-meaning—or self-seeking—individuals have spoken against the present Greek regime which is variously referred to as "a dictatorship," a "junta," or "the colonels." The American press, with few and rare exceptions, has consistently painted a picture of an oppressive and sinister regime which has turned Greece into a land of torture and suffocating enslavement. I have no sympathy for oppressive regimes regardless of their origin or their alleged justification. In my youth days, I fought against the Fascist and Nazi oppressors of Greece which was then my country, as well as against the Communists who were trying by violence and intrigue to impose their will on the Greek people. I have been decorated in both of these struggles. Therefore, I bow to no one when it comes to devotion to democracy and freedom, especially to those who were absent from Greece when these bloody events were taking place. But I want to state here without equivocation that the picture of today's Greece presented by the American news media is grossly and outrageously distorted.

I must also repeat that for four years I have constantly and consistently endeavored to assist any effort which could promote Greece's transition to a genuine democratic system, without violence. I take this opportunity to urge all concerned to work together toward a speedy transition to the full and genuine implementation of the Constitution through a political, non-violent arrangement. However, I am also aware of the difficulties involved and the complexity of the endeavor.

We often hear the plea for the "restoration of democracy in Greece." Yet, only fools would advocate a return to the conditions of anarchy and strife which existed in Greece prior to the coup. It may be useful to remind the Committee that in the post-war period Greek democracy functioned reasonably well, primarily during the Karamanlis highly successful eight-year Premiership which set the country on the path to economic development, and maybe for a few months in 1964 under George Papandreou, before the Center Union party became a hot-bed of intrigue and rivalry. The Greek democratic system was in serious disarray by the time of the military coup in April 1967. Premier Kanelopoulos, for whom I hold the highest respect and affection, believes that he could have been able to win the elections of May 28, 1967 or at least induce a break up of the Center Union party after the election and the formation of a Kanelopoulos-Papandreou government, thus isolating Andreas and his EDA allies. This will remain one of the major ifs of modern Greek history. In any event, nothing could be said with certainty under the conditions prevailing at time, especially if EDA had put into effect the "maneuver" outlined above by Manolis Glezos. But even if we accept that a Kanelopoulos victory would have been possible, the May 28 elections would have simply prolonged the existence of a decayed political system. The Constitution of 1952, with all its serious imperfections and structural weaknesses, could not have provided the necessary framework for a rejuvenation of the democratic system. Sooner or later the country would have come to the same unhappy pass which existed in April 1967. Mr. Karamanlis, a strong leader and a genuine democrat, had tried in vain to revamp the 1952 Constitution and restore vitality to the democratic system. His efforts toward political modernization were frustrated by vested interests, and eventually he was forced in 1963 to leave Greece and become a self-exile in Paris. He left the country in disgust, forced to political retirement by many of those who today profess to acknowledge him as their leader and wish to use him and his prestige to further their own ambitions and intrigues. Four years later, the military government proceeded to draft a new Constitution. Many of Mr. Karamanlis' ideas were incorporated in the new text. The 1968 Constitution safeguards the position of the King as the impartial arbiter of the constitutional order, establishes a Constitutional Court for the authoritative interpretation of the constitutional provisions, has set the foundation for a strong executive as well as an effective legislative body, empowered also with the full authority to exercise parliamentary control. Time does not permit a thorough discussion of the constitutional provisions but it is now generally agreed by those who are familiar with the text that the Constitution of 1968 is genuinely democratic. What is now important is that the Constitution should be fully implemented as soon as possible. The question may be asked "Why has it not been?"

The argument is often heard that the military have no intention to implement their own Constitution because they want to cling to power. I think that some individuals in the military or even in the government itself may have been thinking along these lines. I also believe that there are others in the military and in the government who fear that the full implementation of the Greek Constitution will throw the country back to the throes of anarchy. On the other hand, it may also be true that certain "anti-junta" individuals or groups opposing a political solution may deliberately unleash a wave of violence the moment a political solution appears forthcoming, in order to torpedo such a development.

Nevertheless, I believe that Premier Papadopoulos is in favor of a political solution, that he realizes that such a solution can only be achieved in cooperation with political leaders, and that he is now engaged in a serious effort to bring about the conditions which will allow a political solution leading to the full implementation of the Constitution.

This is a moment of transition, an extremely delicate and complex operation which can only suffer by the intervention of well-meaning individuals whose familiarity with the situation is by necessity limited. Only politically innocents can speak of "elections tomorrow." To see how complex and involved the transition from a restrictive to a fully democratic system actually is, allow me to present a possible scenario of the various steps such a transition may involve.

As a first step one may visualize a broadening of the present government with the participation of political leaders affiliated in the past with ERE or the Center Union. Needless to say that in the event of such a governmental reorganization, neither those who will participate in the government should be regarded as "traitors to democracy" nor those who will remain outside should be treated by the government as enemies or pariahs. A second major step should probably be the lifting of martial law. If the political leadership has agreed on the political solution, any apprehension that the lifting of martial law will open the way to violent action and a return to anarchy should disappear. In any event, those few who might still try to undermine the process by engaging in violent activities will be easily isolated. After all, there has been very little violence in Greece during the last four years, partly because the overwhelming majority of the political leaders, too, rejected any thought of violent reaction against the military regime, and they exerted quietly their restraining influence.

Among the other steps that one may contemplate, I would certainly include the implementation of the law on political parties, as well as the organization of the Constitutional Court. A major objective of the law on political parties is to promote the organization of political parties with a broad popular base, founded on principles rather than on personalities and small factions. Greece has long suffered by the feudal character of the Greek party system. To promote the law's objective, several organizational measures will be required; of course, only through the actual political operations of the parties may one expect a genuine realization of the law's basic objective. But the initial organizational steps are also of vital significance. The organization of the Constitutional Court, in view of the Court's key significance in the overall constitutional order, is an extremely serious matter. The restructured government will have to appoint members of stature and competence, guaranteeing the Court's impartial and effective functioning.

Then one may visualize steps to decide on the electoral system, on the delineation of the electoral constituencies and the like. When the ground is firmly set, municipal elections may be conducted, preferably free of partisan character. The country then may move to the first parliamentary election under the new Constitution. Obviously, the steps I have outlined here may be replaced by others which may be determined as more suitable. But I have attempted to indicate that the process of transition is not an overnight affair.

Allow me to say, however, that what matters most is not the time that may be required for the full implementation of the Constitution but the unequivocal determination of Premier Papadopoulos to move seriously to the full and genuine implementation of the Constitution through a political solution, and the willingness of the political leaders to promote and support such a political solution. If, as I believe, Papadopoulos is indeed determined to seek such a political solution and move toward the full and genuine implementation of the Constitution, then anyone who, regardless of motives, opposes such a political solution inadvertently delays the democratization.

5. CONCLUSIONS

a. The record clearly suggests that Congress should refrain from any action which might exacerbate Greek-American relations since such action is very likely to delay the democratization process.

b. The question of military assistance cannot and should not be used as a leverage for pressuring the Greek government. Military assistance is not given as payment or prize for "good conduct," neither can it be withheld as punishment for "unseemly behavior." It should not be used as a club because it is bound to have the opposite effect from the one intended; namely, instead of speeding up democratization it is most likely to retard and undermine it. It should not be used as an instrument of pressure for one additional reason: Without in the least speeding up democratization, it may well weaken the bonds between Greece and the United States.

c. Greece is vital to the NATO alliance and primarily to the security and stability of the

Eastern Mediterranean and of the Middle East. Any action which undermines the cooperation between the United States and Greece, especially with reference to the Sixth Fleet, is blatantly counter-productive as it affects adversely the NATO alliance and indirectly but no less vitally the security and preservation of Israel.

Mr. Speaker, Dr. Kousoulas stated that when he was in Athens in August 1971, he talked to former Cabinet Ministers and Members of Parliament, and several had expressed their views in public and gave permission to publish their public statements of their present views on the political situation in Greece. The following are statements of those former Cabinet Ministers and Members of Parliament:

IOANNIS TSIRIMOKOS

Mr. Ioannis Tsirimokos, former Member of Parliament representing Athens, a leading member of the Center Union, brother of the late Elias Tsirimokos, the prominent left-of-center liberal, and the heir to a long family tradition of devotion to the democratic principles, made the following statement following the decision of the Committee on Foreign Relations of the U.S. House of Representatives to block military aid to Greece:

"The Greeks in their overwhelming majority fervently desire the transition, as quickly as possible, to the full constitutional order and the free Democratic parliamentary life. They honor and love the American nation and the American people because of common struggles in the defense of the free world ideals and for their sincere aid and support in the past during critical moments of our history.

All these, however, in no way signify that our people desire the direct or indirect intervention in our internal affairs. The study of our political history has taught us that, as a rule, the foreign interventions, even those of our friends and allies, have turned eventually against our National interest and to the detriment of our free political life.

The members of the Foreign Relations subcommittee of the American House of Representatives, who based their important decision on the outrageous testimony of Mrs. Margaret Papandreou and Mr. Elias Dimitrakopoulos, must be assured that both the Greek Nation and Democracy will survive and move forward, even without American military assistance, consistent with the principles and ideals of the free world."

PAUSANIAS KATSOTAS

Mr. Pausanias Katsotas, a leading member of the Center Union and a distinguished and very outspoken liberal political leader for almost three decades, made the following statement on August 3, 1971:

"On July 30, 1971, Andreas Papandreou commenting on the contacts of former political leaders with the Premier of Greece, attacked me personally and my son Spyros Katsotas, calling us traitors of the Nation and threatening to treat us like the junta itself etc. . . *Reply:* Such an accusation coming from a person which was absent from all the difficult struggles of our Nation and of our People for the preservation of freedom and of the free democratic institutions (only because we happen to disagree with his warped and unpatriotic policies) indicates extreme moral decay. We reject this severe accusation with indignation and at the same time with contempt for the odious slanderer. We are neither deserters nor have we run away. We do not beg for alms and we do not depend for our livelihood on the support of others who are working for their daily bread.

We have been and we remain Democrats.

We were among the founding members of the Center Union which I joined, with other political parties, in my capacity as the leader of the Progressive Worker-Peasant party. We believe in Freedom, Democracy, Social Justice, and Popular Sovereignty. We believe that the People, freely and without violence must determine by themselves (guided by and with respect for the laws of the country) the political and social conditions within which they wish to live and work.

Nothing can affect us or force us to change these convictions of ours.

The Greek people are the only judges—incorruptible judges at that—over the political life and activities of Political Persons. For me, in particular, who has served in the Armed Forces during all the struggles of our generation against foreign and domestic enemies, my fellow soldiers and fellow-fighters are also my judges. The Greek people have already given their answer. Without the inheritance of a political name and without financial resources I was elected between 1946 and 1967:

Member of Parliament representing Aitolocakarnania, twice;

Member of Parliament representing Athens, three times;

Mayor of Athens, once;

Member of the City Council of Athens, twelve years;

During the same period, I served as Minister of Public Order, Interior, Northern Greece, and Social Welfare.

On the other hand, the Armed Forces and our Allies have honored me, during the wars, with all the highest distinctions.

Without reservation, I approved and supported as a constructive step the decision of Spyros Katsotas [note: his son], former Member of Parliament from Aitoloakarnania:

To accept the invitation of the Premier of the country, who has held this high post for four years; to listen to his views; to discuss with him the situation and the political developments.

I am absolutely convinced (as it is shown by the public approval expressed in many forms) that my statement reflects the feelings and the expectations of the great majority of the Greek people. It is time to declare a basic truth to all concerned: The great masses of working people, whether they work with their hands or with their brains, the entire Nation, want to become masters of their own home. They want to achieve this as soon as possible by political means and not by violence. No more violent interventions.

In conclusion, I am not going to be influenced by insults or by threats. We cannot take any steps to protect ourselves and for this reason we entrust the safety of our lives to the people. But we remain calm and unmoved by threats. With our head high, we shall assist in the restoration of Democracy, of the free Democratic Institutions, and of Popular Sovereignty.

DIMITRIOS THANOPOULOS

Mr. Dimitrios Thanopoulos, former Member of Parliament (ERE), Vice-President of the Greek Parliament, and Cabinet Minister, as well as a resistance fighter during the Nazi occupation of Greece (1941–1944) made the following statement replying to Mr. George Rallis, former Member of Parliament (ERE), former Cabinet Minister, and leading political personality, who has publicly questioned the sincerity of Premier Papadopoulos in his contacts with political leaders:

". . . Mr. Rallis claims that the Premier, not following [Mr. Rallis'] prescription is using me and my colleagues simply to create certain impressions without any sincere desire to promote a democratic development.

I reply: 1. This allegation is unfair to the Premier because he has spoken categorically and in public against the establishment of a 'regime' while he denounced at the same time any tendencies to move in such a direction. In his talk with me, [Premier Papadopoulos] said clearly that the country must move toward a constitutional political development, and he sought my cooperation in this effort. Why should I doubt the sincerity of the Premier's intentions; indeed how can Mr. Rallis doubt this sincerity since he did not have the opportunity for a personal talk with the Premier? Mr. Rallis has no justification, because the practical results from the talks [of Premier Papadopoulos] with the Political World (note: the politicians) have yet to materialize. I think he ought to have a little patience.

2. Mr. Rallis' assertion is also unfair to me and to those colleagues of mine who had talks with the Premier. In assessing the present situation we, myself and the other political persons who had talks with the Premier, reached the conclusion, much earlier than Mr. Rallis [who also favors a political solution], that the interest of our Nation and of our People demands a political solution through a dialogue—especially in view of current changes in the balance of power in the Mediterranean and in the Balkans, which require more than ever that we have national unity.

Mr. Rallis should know, at least with reference to me, that my personality has been forged in difficult national and political struggles, and that my contribution in blood during those struggles for our country and for democratic freedom do not allow me to make any concession which will not serve the freedom-loving Greek People. To promote the success of the talks, we set aside, as we should, our past disappointments, complaints, fanaticisms and personal ambitions, and we have placed ourselves at the disposal of a dialogue. During the talks, we presented to the Premier our views with boldness and honesty and we believe that he, as the leader of the revolution and with the sense of responsibility deriving from his high post as Premier, must have appropriately assessed.

We are not impatient for the results as Mr. Rallis appears to be, because we take into account that the initiative but also the responsibility for the necessary process leading to a smooth, nonviolent transition to Democracy belong by necessity to the revolution and its Premier . . .

. . . My disagreement with Mr. Rallis and all those who believe as I do that the only path to normal political life is the path of discussion, lies precisely on this point. They are impatient and insist that their prescriptions must be followed. We are not impatient because we are convinced that the patriotism, and the Premier's high sense of responsibility for the future of our country will guide the Premier's steady steps . . . to the road of Democracy, a Democracy capable of withstanding the machinations of its enemies, and capable of serving the interests of the Greek People."

SPYROS MARKEZINIS

Mr. Spyros Markezinis, the leader of the Progressive Party, and the architect of Greece's economic recovery in the early fifties, strongly opposed, in a statement to me, the decision of the House of Representatives to block military assistance to Greece, and rejected any form of foreign intervention in Greece's domestic affairs.

EVANGELOS AVEROFF-TOSITZA

Mr. Evangelos Averoff-Tositza, for eight years Foreign Minister of Greece under Premier Karamanlis stressed, in a statement to me, that he disagrees with any effort to tie the question of military aid to Greece to the question of democratization. He is also in favor of a political solution through a dialogue between Premier Papadopoulos and the political leadership. In fact, he is the first major political figure in Greece openly to have advocated such a dialogue as early as 1968.

PAVLOS VARDINOGIANNIS

Mr. Pavlos Vardinogiannis, a leading member of the Center Union, former Cabinet Minister and Member of Parliament, who escaped to Europe the night of the military coup and

who was at a time accused with Andreas Papandreou as the leading figures in the notorious Aspida plot (allegedly a left-wing conspiratorial organization in the Greek army during 1965–66), who has now returned to Greece and who is currently a key figure in the talks of political persons with Premier Papadopoulos stated to me during my recent visit to Athens:

"Our country's interest demands that we contribute to a political solution so that our country can move, without violence, to Democracy. Blind and sterile opposition can only delay the country's transition to a democratic constitutional order. I strongly urge our American friends to refrain from the kind of intervention in our domestic affairs which may harm this process toward a political solution. Let us all be patient during this delicate period.

I also take this opportunity to voice my strong objection to the restrictions imposed on military assistance to Greece. I regard this decision as ill-advised and self-defeating."

Mr. Speaker, it also is interesting that many who have been to Greece since the military junta actually have not found Greece the land of terror that the pro-monarchy or some liberal reporters claim it to be. To be sure, Greece is a military dictatorship, born under a military junta, but then, too, Greece is an ally of ours and a member of NATO, which to many who rarely mention Communist dictatorships, find great pleasure in hitting those dictatorships that are aligned with us and the other free world nations.

Walter Trohan, a columnist for the Chicago Tribune, wrote his observations under the heading, "Greece Given Undeserved Image", which is interesting and worth calling to the attention of my colleagues in the House. The article of Mr. Trohan, which appeared in the Chicago Tribune on Wednesday, October 20, reads as follows:

GREECE GIVEN UNDESERVED IMAGE

(By Walter Trohan)

ATHENS, Oct. 19.—"Police state" is a horrid and even a frightening phrase in America. It conjures up visions of concentration camps, salt mines, wholesale arrests, and police brutality.

Yet things are seldom what they seem to be and quite often aren't what they are said to be. So it is with the military regime in Greece.

The morning after the arrival of Vice President Agnew on his good will mission to Greece, the Athens News, one of the city's two English language newspapers, carried a headline which read: "Noticeable Lack of the Common Man, Bombs, Recruited School Children Greet Agnew." The paper was not closed down. In fact, there was no government actions whatsoever, altho the story was obviously out of focus, if not downright untrue.

For example, the story itself didn't mention school children altho the headline did. School children were given the day off and urged to do what they obviously wanted to do: take a look at a son of Hellas who made it big in America. But school children had been given the same sort of holiday to greet President Eisenhower, the late French leader Charles de Gaulle and even the Yugoslav Marxist leader Marshal Tito without any mention of recruitment in the newspapers.

Two mysterious explosions damaged two American cars near the airport, before the Vice President's arrival, but there was no evidence that these incidents had any connection with the Agnew visit. Finally, crowd pictures showed many common men and women along the parade route, although some of the reporters dismissed the throngs as "sparse" or "thousands" when the number was clearly in the hundreds of thousands.

Another Athens English newspaper reported that unusual protective precautions were taken because police feared an outbreak. Yet Byron Stamapopoulos, undersecretary of information for the prime minister, assured this commentator that the protection was no more extensive than that used during other visits of important persons.

At the Athens Hilton, where the Vice President was lodged, a group of young people passed many police on their way into the hotel to present a petition against the regime of the colonels. They were stopped on their way to the Agnew suite by a Greek policeman, who asked what they wanted.

They explained they wanted to deliver a protest. He said they would not be permitted to deliver any message, even one of support, and they left satisfied. The policeman didn't even take their names, explaining he didn't want to spoil their Sunday.

Yet many American writers indicate that life here is one long spasm of fear of brutality and arrest. Many of the same writers have long been saying the same thing about Spain, but curiously enough they say nothing about Russia, where such an effort of protest would have brought prompt imprisonment.

In Iran a wire service reporter solemnly swore he knew from actual experience that one of his service's men was arrested and thrown into jail because he described the Agnew visit to the country's 2,500th anniversary as a journey into Arabian nights instead of Persian nights. He refused to accept evidence that this commentator used the same phrase the same night [because Arabian nights is the more familiar figure] without the slightest reproof.

Evidently the police state you don't like is a menace to all mankind while the police state that actually exists and operates in terror is to be accepted if you are a pseudo-liberal.

VEYSEY INTRODUCES LEGISLATION TO PERMIT SETTLEMENT OF LAND TITLE DISPUTES BETWEEN PRIVATE PARTIES AND THE FEDERAL GOVERNMENT

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, I am pleased to introduce a bill which will establish a procedure to settle hundreds of disputed land title cases throughout the Nation. My bill would waive the sovereign immunity of the Federal Government in legal actions brought to quiet title to lands in which the U.S. claims an interest.

This bill will especially benefit landowners along the lower Colorado River is California and Arizona. Many land titles in this area are an unresolvable tangle of conflicting claims by the State, the Federal Government and private landowners. Ownership is so unclear in the area that mortgages, and title insurance are not available.

The problem stems from the difficulty in tracing movements of the river that occurred many years ago. The State of California acquired large tracts of Colorado River bottom lands, including the uplands to which subject lands are now attached, under the Swamp and Overflow Act of 1850. During the 1870's the State issued patents to these upland areas to pioneer settlers. These patents describe the land based on a survey of 1874.

The property that these settlers acquired was for the most part wild, unsettled, and of relatively little value. The Colorado River flooded frequently, inundating on occasion as much as 60,000 acres, and it has been known to change its course by as much as a full mile in a single day. The river continued these wild, sudden changes along with gradual changes until the Hoover Dam was closed in 1935. Before that time the lands in question were sometimes on the east side of the river, sometimes on the west side of the river, and quite often under the river.

The law provides that when the river changes its course slowly and naturally, title to the former riverbottom land that becomes exposed cedes to the adjacent landowner. But when the river changes its course suddenly, titles remain unchanged.

Between private parties the problem of sorting out titles under these conditions would be difficult. But with the Federal Government as one of the disputing landowners, a fair solution becomes almost impossible. The Government not only has much greater resources for such litigation, but is clothed in sovereign immunity and may not consent to be sued at all.

The bill I introduce today would declare the Federal Government's willingness to cooperate in good faith in the resolution of these tangled titles. I am pleased to report that the Department of Justice concurs in the need to waive sovereign immunity in situations like this, and in fact suggested the actual language of this bill.

Under present law, title disputes between private parties and the Federal Government can only be resolved when the Government decides to sue to settle the title. Under this bill the private parties could initiate suits of their own in the Federal District Courts without regard for the jurisdictional amount. They would have 6 years from date of enactment to commence such suits.

The bill authorizes suits to settle legal questions such as accretion and avulsion, easements and mineral titles. It does not authorize suits over water rights, or equitable claims of adverse possession, or challenges to trust and restricted Indian lands. It would leave intact all State real property law relating to issues not covered in the bill.

Mr. Speaker, the courts are the traditional forum for the resolution of disputes such as this. I hope my colleagues will look into the need for this legislation and give landowners across the Nation access to the courts to settle these conflicting claims once and for all.

U.S. TRADE POLICY MUST REFLECT CHANGED WORLD CONDITIONS

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

Mr. SAYLOR. Mr. Speaker, there is conclusive *evidence that* the United States has reached an untenable position

in the world market. Our once-strong trading position has lost ground in nearly every category. The flood of imports has gone unabated so long as to undermine our whole balance of payments position. Official sleight-of-hand, statistical shenanigans to explain away our weakened international status are farcical.

Since the inauguration of the Reciprocal Trade Agreements program in 1934, the world economic picture has changed drastically. Unfortunately, our official policy of encouraging imports at the expense of American jobs, has not changed. The "free-traders" got a renewed lease on life with the Trade Expansion Act of 1962 and our competitive position has declined dramatically since that time.

We have reached the crossroads. Official policy must change. Exports must be increased and/or imports reduced. There is little hope that such a change of heart or policy will come from the State Department. In order to change the policy, Congress must act.

It is not right nor fair to the American workingman to continue unrealistic international trade policies. The national interest demands implementation of a new fair trade program.

Mr. Speaker, the Pennsylvania Steering Committee, for and on behalf of the members of the Pennsylvania congressional delegation has written letters to the President, the chairman of the House Ways and Means Committee, and the chairman of the Senate Committee on Finance, calling for prompt support of legislation to provide for a new international trade program particularly as embodied in H.R. 10914 and S. 2592.

For the information of our colleagues, I am inserting as part of my remarks, the communications referred to above signed by the chairman of our steering committee, the Honorable THOMAS E. MORGAN.

PENNSYLVANIA CONGRESSIONAL DELEGATION,
Washington, D.C., October 18, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Pennsylvania Congressional Delegation Steering Committee which speaks for the entire Pennsylvania Congressional Delegation met recently with more than five hundred representatives of Pennsylvania labor organizations and discussed the trade policies of this country and its foreign competitors along with American multi-national corporations which are undermining the American economy and unfairly eliminating the jobs of American workers.

According to information available to the Steering Committee, in recent years the bulging trade surplus which the United States comfortably enjoyed throughout the Twentieth Century has dramatically and precipitously shriveled. An annual surplus that averaged in excess of $5 billion during 1960–67 suddenly shrank to an annual average of $1.6 billion in 1968–70. The first eight months of 1971, the Steering Committee has been informed, show a deficit of almost $1 billion. At this rate, total imports may well exceed exports for 1971 as a whole by as much as $2 billion.

The Pennsylvania Congressional Delegation Steering Committee has further information that the flow of technology abroad—much of it brought about by U.S. private investment in plant and equipment overseas—has contributed to the rapid growth of imports of high-technology manufactured goods which compete directly with American products. At the present time controls on U.S. private investment overseas are loose, inadequate, and not related to trade and production. Moreover, U.S. tax laws have tended to exacerbate the problem, providing incentives to American industry to exploit cheap labor in other countries both by supplying motives for direct foreign investment and by encouraging the export of partially finished products for further processing and/or assembly, taxing only the value added when the product is re-imported for sale at home.

Included in information furnished the Steering Committee by the Bureau of Labor Statistics, between 1966 and 1969 present U.S. foreign trade policies produced the equivalent of a net loss of 700,000 American jobs. Estimates of foreign employment engaged in processing goods for export to the United States under provisions of Section 807 and 806.30 of the Tariff Act totaled 121,000 in 1969.

Mr. President, it is the opinion of the Pennsylvania Congressional Delegation that the United States cannot continue its foreign trade policies, oblivious and unconcerned about the changes that are taking place in international business and commerce. It is extremely essential that the Government promote the welfare and protect the security of the American people by adopting a policy that will permit the further expansion of trade and at the same time enhance the achievement of national goals and purposes.

The Pennsylvania Congressional Delegation in their consideration of the nation's trade policies is cognizant of the efforts being made by you and commends you for the success to date. However, we recommend a more vigorous and basic continuation of a general reassessment of existing trade relationships, including the inequitable treatment of American products in international trade. In making this recommendation, the Delegation firmly believes that any delay in coming to grips with this serious problem will weaken our domestic industry and further imperil the jobs of American workers.

Your favorable consideration of this plea by the Pennsylvania Congressional Delegation for a new national policy on foreign trade will be appreciated.

Respectfully yours,
THOMAS E. MORGAN,
Chairman, Steering Committee.

PENNSYLVANIA CONGRESSIONAL DELEGATION,
Washington, D.C., October 18, 1971.

Hon. RUSSELL B. LONG,
Chairman, Senate Committee on Finance, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: At a recent meeting of the Pennsylvania Congressional Delegation Steering Committee, which speaks for the entire Pennsylvania Congressional Delegation, the bill, S. 2592, "Foreign Trade and Investment Act of 1972," was discussed in great detail.

According to information available to the Steering Committee, the inescapable fact is that some of America's most vital industries are being hurt by the uncontrolled flood of foreign goods and ironically a not considerable part of these imports is being produced by U.S. financed firms competing in American markets with domestic companies. Textiles and shoes, electronics, glass and automobiles, steel, rubber, toys and desk calculators, mining, farming, fishing—new and old industries—are all suffering because of massive imports.

The Pennsylvania Congressional Delegation Steering Committee has further information that on the basis of Bureau of Labor Statistics figures, it is estimated that some 700,000 U.S. workers lost their jobs between 1966 and 1969 because of imports and sales by foreign subsidiaries of American firms competing with U.S. made products.

To stop the further loss of jobs in the United States, it is the consensus of the Pennsylvania Congressional Delegation that Congressional action should be taken immediately to provide a policy which would maintain an equitable balance between our domestic and international interests.

The Pennsylvania Congressional Delegation respectfully requests that your committee schedule immediate hearings on S. 2592, "Foreign Trade and Investment Act of 1972," and similar bills now pending.

Thanking you for your consideration of this request and with best wishes.

Sincerely yours,
THOMAS E. MORGAN,
Chairman, Steering Committee.

PENNSYLVANIA CONGRESSIONAL DELEGATION,
Washington, D.C., October 18, 1971.

Hon. WILBUR D. MILLS,
Chairman, House Committee on Ways and Means, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: At a recent meeting of the Pennsylvania Congressional Delegation Steering Committee, which speaks for the entire Pennsylvania Congressional Delegation, the bill, H.R. 10914, "Foreign Trade and Investment Act of 1972," was discussed in great detail.

According to information available to the Steering Committee, the inescapable fact is that some of America's most vital industries are being hurt by the uncontrolled flood of foreign goods and ironically a not considerable part of these imports is being produced by U.S. financed firms competing in American markets with domestic companies. Textiles and shoes, electronics, glass and automobiles, steel, rubber, toys and desk calculators, mining, farming, fishing—new and old industries—are all suffering because of massive imports.

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The Pennsylvania Congressional Delegation respectfully requests that your committee schedule immediate hearings on H.R. 10914, "Foreign Trade and Investment Act of 1972," and similar bills now pending.

Thanking you for your consideration of this request and with best wishes,

Sincerely yours,
THOMAS E. MORGAN,
Chairman, Steering Committee.

FOUR FEET FROM THE DOOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. PRYOR) is recognized for 60 minutes.

Mr. PRYOR of Arkansas. Mr. Speaker, yesterday morning I read with great sorrow and dismay the tragic account of 15 elderly people who lost their lives in another nursing home fire. The setting for this particular catastrophe was Honesdale, Pa. It was yet another in a continuing series of horror stories which are becoming ofttimes synonymous with the American nursing home.

I went to Honesdale yesterday in an attempt to ask why—and with the hope that the story of Honesdale will not be repeated.

I found there a good town, good people—all who were shocked and asking, "How could it happen here?"

Upon interviewing the manager of the home, I found a cooperative and direct individual who struggled to explain away a holocaust.

Yes, there were a lot of reasons given—but none can justify the cold fact that 15 helpless old people, the youngest being 73, met death in an unforgiveable way in a night of terror.

Mr. Speaker, subsequent to a tragedy such as Honesdale, it seems only too natural for everyone to look around to seek someone to blame. From all indications, there will be the usual investigations, reports, accusations, and hearing until finally no one will listen any longer. The dead will be buried and the horrors of an October night in Honesdale will be blurred.

It does not take long. Who, for example, remembers or talks any longer of Marietta, where 32 elderly patients died in a similar fire? That was less than 2 years ago.

Or Baltimore, where food poisoning meant death last year for 28 senior citizens in a nursing home, or even the September fire in a Salt Lake City nursing home, where six met death?

It is too late to place blame on anyone else than ourselves, and on a system which perpetrates confusion and gross inefficiency which ultimately results in chaos. Such is the situation which shrouds the events of Honesdale and makes this case a typical example of elderly care in thousands of America's nursing homes. "It was such a nice place," said one of the stunned local citizens, as we shuffled through the charred ruins. "They seemed to enjoy living here," proclaimed another.

But what about a closer examination of the Honesdale fire?

What standards did this home meet? Was it safe? Was the tragedy avoidable? How many more Honesdales will there be? What are we going to do about it?

First only one person, a licensed, practical nurse, was on duty at the Geiger Nursing Home. When unable to make contact with the local fire station, she ran for help, thus leaving the entire home's population of elderly and feeble patients alone. There are no Federal regulations to require this home to have any additional help on duty, Mr. Speaker.

Second, the rooms were not equipped with any call system to the nurses' station. It is uncontroverted now that the fire began in or near the gas dryer which was in close proximity to the patients' rooms.

Was it possible that the patients themselves knew first of the fire, and, unable to make their voices heard, could have signaled the nurse on duty and provided adequate warning? Possibly, but only with adequate communication systems to the nurses' station. For Honesdale, no Federal regulation required call systems.

I did see lying on the floor of a patient's room a tiny dinner bell, charred and almost melted—the manager explaining that it was all they could afford.

Third, at least one of the victims was found tied to her bed. "She had a broken hip" was the only explanation.

Does not such a physical condition require truly skilled care? No sir, not at Honesdale—the Federal regulations are silent as applied to the quality or degree of care to be given in this type of home.

Fourth, had this particular nursing home been recently inspected for potential fire hazards? Yes, in fact, as recently as October 2, 1971.

The question, however, is who performed this inspection?

What were the qualifications of that inspector? Was he trained sufficiently to recognize those possible dangerous areas which are potential hazards in a nursing home? Did he meet the very high standards necessary to perform his duty?

It is my understanding that one of the members of the local volunteer fire department had performed a recent fire inspection, and the degree of his training or individual skill at this time remains unknown.

Mr. Speaker, the facts of this tragedy speak eloquently for themselves.

Basically, the Geiger Home was a one-story, 18-bed nursing unit wing of the building of unprotected wood-frame construction built in 1959 and attached to an existing two-story wood-frame farm dwelling.

There were no fire doors or fire walls separating hazardous areas such as the laundry room from patient areas.

All patient rooms opened off a central corridor. Interior finishes comprise ½-inch gypsum wallboard and cane-fibered acoustical tile ceilings along the main corridors.

The wall surfaces were either ½-inch gypsum wallboard or plywood paneling.

Floor finishes were either asphalt tile or sheet vinyl.

Each patient room had a standard hollow-core, wood door, highly combustible.

There was no automatic sprinkler system and fire detection systems were nonexistent.

No smoke doors were provided throughout the building.

There was no evidence of exit signs indicating the route to exit doors.

There was no fire alarm system in the building.

The behavior of the materials and finishes indicates that the fire traveled the entire length of the nursing unit producing considerable heat, dense smoke, and carbonized particles.

The entire corridor system, floor to ceiling, including patient rooms, were either completely burned out or damaged by extremely heavy smoke and carbonized deposits.

Investigation of the cause of the fire, which originated in a laundry room adjacent to the nursing unit, has narrowed down the probability of a malfunction in the natural gas clothes dryer.

The interiors of all rooms in the 1959 addition were affected. Many doors to patient rooms were completely burned out, offering almost no fire protection to the occupants.

An inspection of the building identified many violations of the basic principles of fire safety essential to providing a reasonably fire-safe nursing home, to wit:

First, the building was an unprotected wood-frame structure;

Second, the building was not subdivided into two or more fire sections by smokestop partitions; and

Third, corridor partitions provide less than 1-hour fire resistance.

Fourth, extensive use of interior finish materials such as plywood paneling and combustible acoustical tile produced hazardous conditions.

Fifth, the structural system utilized required automatic sprinkler protection throughout the building, but none existed.

Sixth, the building lacked a fire alarm system.

Seventh, hazardous areas such as the laundry were not segregated from the nursing unit.

Eighth, the nursing home lacked sufficient personnel to alert the patients, alert the fire department, attempt to extinguish the fire, and evacuate the patients.

The Pennsylvania fire safety standards are extremely weak in many fire protection features when compared with Federal standards such as those promulgated under the medicaid program. These Federal standards require that after January 1, 1970, any skilled nursing home utilized as a provider of medical assistance must comply with the 21st edition of the Life Safety Code. The following comments illustrate some of the differences between the Life Safety Code and the Pennsylvania standards:

First, the Pennsylvania standards permit combustible construction types in a multistory nursing home. The Life Safety Code requires that all institutional buildings of two or more stories shall be constructed of at least 2-hour fire resistive construction, precluding the use of combustible construction in the structural assembly.

Second, the Life Safety Code requires a fire alarm system be provided in all institutional buildings. The Pennsylvania standards require a fire alarm system only in certain multistory buildings based on patient occupancy.

Third, the Life Safety Code requires automatic sprinkler protection throughout all institutional buildings of combustible construction, including unprotected noncombustible construction. The Pennsylvania regulations require sprinkler protection only in certain hazardous areas such as storage room, workshop, or basement areas.

Fourth, the Life Safety Code requires that each floor used for institutional sleeping rooms, unless provided with a horizontal exit, shall be divided into at least two fire sections by a smokestop partition. No more than 150 feet of corridor length without smokestop partitions or horizontal exits is permitted. The Pennsylvania standards do not contain specific compartmentation requirements for nursing homes.

Fifth, the Life Safety Code requires that smoke doors in smokestop partitions may be held open only by an elec-

tric hold-open device and shall close by activation of the sprinkler system; or by a complete smoke detection system; or by a local smoke-detection device located adjacent to each side of the door opening. The Pennsylvania regulations are silent on smoke-door requirements for nursing homes.

Mr. Richard Amerikian, a nationally known expert and fire safety consultant for the U.S. Public Health Service, was also at the scene yesterday. He said:

> There is no possible way this structure could be justified for use as a nursing home. It does not incorporate one single protection feature. The building is a fire trap.

Mr. Speaker, Mr. Richard Stevens of the National Fire Protection Association has called nursing homes the most hazardous of all types of occupancies. Again and again we have the truth of this statement brought home to us by terrible tragedies, yet we are not moved to action. We, at all levels of the Government, fail to do the things we know how to do—and out of humanity and simple public responsibility should do—for the safety of the most vulnerable and most helpless of our citizens.

A year and a half ago, in March of 1970, I addressed the House of Representatives on the lessons we should have learned from the tragic fire in the Harmar House Nursing Home in Marietta, Ohio. My colleagues will recall that this was a medicare extended-care facility in which 32 aged patients lost their lives. I pointed out that medicare fire-safety standards were inadequate and that enforcement was lax and often relied on local nursing home inspectors who are not qualified in fire safety.

Mr. Speaker, the Harmer House fire showed clearly the inadequacy of the medicare fire safety standards and showed clearly what actions the Department of Health, Education, and Welfare should take to strengthen them. In late February, about 6 weeks after the fire, the Social Security Administration sent a letter to State agencies advising them that at some unspecified future date new regulations would be issued incorporating in medicare the standards for flammability of floor covering which had been in Hill-Burton standards for years. In the meantime, State agencies were asked to write to nursing homes and find out how many had unsafe carpeting.

Mr. Speaker, in my speech in March, 1970, I said of this timid and temporizing action:

> This process will take even more months."
> Why wait? Why temporize with this issue of fire safety?—If the Bureau of Health Insurance cannot act now when the terrible deaths of 32 helpless people are fresh in our minds, when will it act?

Mr. Speaker, when I spoke those words I was impatient with bureaucratic delay. Today I am appalled as I report to you the incredible fact that a year and a half later no new fire safety regulations have been issued by the Department of Health, Education, and Welfare. It is true that a notice of proposed rulemaking was published for comment in September, 1970, but this, of course, had no force.

The medicare fire safety standards in force today are the same inadequate standards issued in 1966; the same standards which allowed highly flammable carpet on the floor at Harmer House; the same standards which allowed the 244-foot uninterrupted corridor through which the smoke and flame spread to claim 32 lives.

Mr. Speaker, the Geiger Nursing Home, which I visited yesterday, was not a medicare home. It was not, technically, a medicaid home, although most of the patients were welfare recipients and federally assisted patients. But the tragedy of this home again holds up the mirror so that we can see our failures.

The Pennsylvania code is less strict in many ways than the National Fire Protection Association's Life Safety Code which is required by law in the medicaid program, yet only by virtue of the "grandfather clause" in the code could it pass under State law. I am not yet prepared to say whether there was some Federal responsibility for the fire and safety conditions in this home. We do know that Federal funds were being used through the old-age assistance program to pay for the care of some of the patients who died there and to pay for welfare patients in similar homes throughout the country. I am looking into this aspect of the matter and will have more to report on it within a few days.

Today I ask, how many more? How many more times will we stand in the charred and acrid ruins of nursing homes making our investigations, followed by our reports and speeches, before we act?

How many more of our elders will end their lives in terror before the institutions of Government begin to do, forthrightly and effectively, the things we know how to do to afford them safety?

Mr. Speaker, there is another element in this tragic episode, another piece of human tragedy which rears its ugly head every time we hear of another calamity in American nursing homes.

It is perhaps the ultimate irony in a society which we so easily call "civilized" and "democratized." It is the devastating truth that our nursing homes and our elderly themselves have become capitalized and commercialized to such an extent that they are viewed as potential dollars rather than human beings.

Mr. Speaker, in the last year and one-half I have come to the floor of Congress and pleaded not only for institutional changes within these Halls, but I have come also to speak of changes which should be made on State and Federal levels. Inevitably, in each instance, those calls for action were answered not by legislative response nor by administrative response, nor even, in fact, by judicial response. They were answered by a press release emanating from the industry spokesmen, the American Nursing Home Association and whichever State nursing home association was involved in the tragedy so described.

Mr. Speaker, yesterday afternoon I went to Honesdale, Pa., at my own expense, and carried with me experts in the field of nursing home regulations in general and fire safety in particular.

Upon my arrival at the scene of the loss of 15 lives, of two pairs of husband and wife, of people whose birth reached as far back as 1879, I was greeted by a former public relations man who now serves as executive director of the Pennsylvania Association of Nursing and Convalescence Homes.

Only 1 month ago in a hearing in Harrisburg, Pa., his association had opposed the implementation of fire safety regulations which would meet, meet existing Federal standards. In words that should shock any American who feels that individual life is infinitely more valuable than property, the industry staked out its position on fire safety.

It is almost chilling to recall words recited only a month before yesterday's tragedy and to note how terribly wrong, how inconceivably misconceived the arguments of the profit-oriented industry spokesmen were in opposing those regulations.

In opposition to a proposed new regulation requiring water sprinkler systems in buildings such as those of wood frame construction, the industry spokesman said, "the best safeguard is a nurse on duty."

Mr. Speaker, on the night of October 19, 1971, there was a nurse on duty and 15 lives were lost.

There was no sprinkler system.

In opposition to regulations which would apply minimal Federal standards to all nursing homes in the Commonwealth of Pennsylvania, the industry said that there should be more State emphasis on "bootleg" facilities which "in no way provide adequate" safety facilities for patients.

Mr. Speaker, on the night of October 19, the Geiger Nursing Home was a member of the Pennsylvania Association of Nursing and Convalescence Homes which in no way provided adequate safety facilities for patients, and 15 lives were lost.

In opposition to regulations which would have prohibited the Geiger Nursing Home from continuing its operations, the industry said that those regulations would cost the members of his organization in excess of $21 million a year.

Mr. Speaker, on the night of October 19, 15 people were lost and there is no way to compute that cost.

Forgive me if I am morally indignant.

Forgive me if after 2 years of listening to the industry's catcalls and the industry's barbs and the industry's phrases and their excuses and their calls for delay—forgive me if I now ask the industry how many more lives, how many more lives?

Mr. Speaker, I could not help but notice the sudden presence and "concern" of officials of the nursing home industry as they suddenly appeared on the scene of the previous night's tragedy.

They finally came, I imagine for the first time, to inspect the charred remains of the Geiger Nursing Home, after the fact. It was too late. They came to inspect the facility, after the disaster, and after they had testified only 1 month ago against stricter fire standards for the State of Pennsylvania.

Mr. Speaker, yesterday, as I walked through what was once a nursing home,

alive with the voices and the concerns, and even the sorrows of 15 older people, I was struck by the fact that so few of us here have ever visited a nursing home either before a tragedy or after. As one who has visited homes, I know of no better way to understand the daily desperation of older Americans and to see it written on the faces or, worse yet, to see nonexistent remains.

All of the Members of this House and all compassionate Americans could not be there yesterday, and I would like to report to you today by leading the Members of this House on a tour of what was, only 72 hours ago, the home of 15 older Americans.

The stench of burnt flesh and the burnt structure permeated everything surrounding the Geiger Nursing Home. But more than the mere stench of the aftermath of this deadly holocaust, the poignant human reminder stayed on long after the smell was gone.

As one walked through what was once a hall, and looked right and left, one saw charred bells, the home's excuse for a call system, laying pitifully on decimated night tables.

One saw hair brushes, melted plastic figurines, and a set of false teeth, giving reminder to the humanity that once existed only a few hours before.

Perhaps more than anything else, two things stick out in my mind this morning as I recall all of what I saw yesterday in terms of human loss.

The first was that picture indelibly printed on my mind of a bed, the charred remainder of which was fully blackened, save for the outline of a human body.

The second was a mental picture I can only create because I was not there on the night of October 19. And that was of a woman whose body was found 4 feet from the door of the Geiger Nursing Home, who was desperately trying to escape from the devastation surrounding her.

Mr. Speaker, each of us is one day closer to that day, and the tragedy is that we are still no closer than 4 feet from the door.

Mr. Speaker, I am presently working on three proposals to attack the present situation as I have described it. I will submit them for consideration within the next few days.

First, I will propose that 200 Federal fire inspectors be immediately hired, providing a 6-week training program by the Public Health Service, and working under the direction of the Department of Health, Education, and Welfare. I have been told that there are many hundreds of engineers, who are extremely qualified for these positions, now unemployed and could be utilized in this field.

Second, I will propose legislation making applicable all existing Federal fire standards to all nursing homes in America, which receive Federal aid or house patients who receive any form of Federal assistance.

Third, I will propose legislation which will require that all nursing homes and convalescent care institutions must meet Federal standards as defined by title XIX of the Social Security Amendments, if these homes care for patients or recipients who receive any Federal assistance or moneys from the Federal Government whatsoever.

There is no time to further compromise or delay or to engage in ritualistic rhetoric.

We must act now.

CACHE NATIONAL FOREST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. McKAY) is recognized for 15 minutes.

Mr. McKAY. Mr. Speaker, today I have introduced a bill authorizing and directing the Secretary of Agriculture to acquire up to 23,000 acres of land for inclusion in the Cache National Forest. This land lies in the area of my district known as the Middle Fork Canyon on the Ogden River in Weber County, Utah. My bill is in response to the need to protect a valuable watershed in an area of Utah where the need for good culinary and irrigation water is growing. The need for the action proposed in my bill has been recognized by the Weber County Commission, the Ogden City Council, and various civic and conservation groups in our area. These groups recognized the Middle Fork area as a key watershed for Pine View Reservoir and a principal source of Ogden's culinary water supplies. The inclusion of this area in our national forests would also preserve the natural habitat of fish and game.

The watershed is threatened by private development. Efforts by the county to restrict this development can provide temporary relief. But the only realistic, long-term solution is to place the land within the national forest system.

Currently the Forest Service owns 4,000 acres of the land in question. The rest of it is in private ownership, although, for the most part, undeveloped.

My bill would authorize $3,450,000 to be expended to acquire the land. This figure is adequate according to knowledgeable appraisals of the current value of the land involved. However, unless action is taken expeditiously, the cost may increase. I believe the passage of this legislation is the only possible solution to our problem. I can find no current authorizations under which the Forest Service could act to acquire this land.

At this time may I introduce two resolutions in support of this measure:

BOARD OF COUNTY COMMISSIONERS,
WEBER COUNTY, UTAH

A resolution relating to conservation of water, wildlife and other natural resources of the Cache National Forest in the proximity of Pine View Reservoir and environs

Whereas, the Board of County Commissioners of Weber County are mindful of the critical importance of conserving and protecting the natural resources with which the County of Weber is so generously endowed; and

Whereas, the drainage area of the Middle Fork of the Ogden River, as shown on the map hereto attached, is recognized as a principal charge source for artesian wells in a densely populated section of Weber County and any pollution of such drainage area would pose an immediate and serious threat to the purity of such water supply and to the quality of water flowing into Pine View Reservoir, which serves as a source of culinary water for a large number of Weber County residents; and

Whereas, it is patently necessary to exercise special control over the aforesaid area of drainage, which measures about 20,000 acres, to guard against spoliation and pollution of surface and sub-surface waters which would inevitably result from random development; and

Whereas, it is also clearly desirable and in the general interest of all the people of the County, State and Nation to preserve the integrity of the environment of the area, to maintain it in a natural and undeveloped state, to protect the native wildlife which presently flourishes in healthful and beautiful surroundings, to prevent erosion and to minimize the threat of loss to forest and range fire in an area as vulnerable to such loss as it is rich in beauty and natural resources.

Now therefore, to forestall and avoid those dire consequences which may ensue should unbridled use and development of the Middle Fork drainage area take place and recognizing both the scope and urgency of the problem, the Board of Commissioners, on behalf of the people of Weber County, resolve and declare it appropriate to propose acquisition by the Government of the United States of that land in the area which is now privately owned, consisting of about 16,000 acres, the same thereupon to be placed under the jurisdiction of the United States Forest Service together with those remaining lands in the area already so held, and that action to that end be initiated with all due speed.

A RESOLUTION

Relating to the preservation of the watershed, prevention of pollution which would endanger the culinary water of Ogden City, and the conservation of wildlife in the drainage area of the Middle Fork of the Ogden River in Weber County, Utah

Whereas the drainage area of the Middle Fork of the Ogden River is recognized as the principal charge source for the artesian wells which are the primary supply of culinary water for the City of Ogden and any pollution of this area will pose a serious threat to the purity of this water supply and to Pine View Reservoir, which is also a source of culinary water for Ogden City and other Weber County areas, and

Whereas less than 4,000 acres of the approximately 20,000 acres in this drainage area are presently in the Cache National Forest and the remainder in private ownership, it is obviously necessary to exercise special control to guard against spoliation and the pollution of surface and subsurface waters which would inevitably result from random development, and

Whereas we understand that developments are being considered in this Middle Fork drainage area which would ultimately result in severe pollution of the surface and subsurface waters draining from it. Now, therefore, to forestall and prevent the serious consequences which may ensue should unrestricted use and development of the Middle Fork drainage take place the Board of Directors of the Weber County Watershed Protective Corporation hereby resolve that the approximately 16,000 acres in the area which is now privately owned be acquired by the Government of the United States and placed under the jurisdiction of the U.S. Forest Service with the intent that grazing be permitted under Forest Service control and that action to that end be taken promptly.

HON. MAURICE H. THATCHER: THE LAST MILESTONE

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, on October 16, 1971, I was one of the principal speakers in a notable program at the annual meeting of the Panama Canal Society of Washington, D.C., on the general subject of the major modernization of the Panama Canal.

One of the participants was former Representative Maurice H. Thatcher of Kentucky, now in his 102d year, the last surviving member of the Isthmian Canal Commission, who was a member of the House Committee on Appropriations, 1923–33, served with great distinction, and has been signally honored by the Congress in the naming of the impressive bridge across the Panama Canal at Balboa as the Thatcher Ferry Bridge. Mr. Thatcher also served as civil Governor of the Canal Zone, 1910–13.

In addition to introducing the first speaker, Senator STROM THURMOND, at the meeting, Governor Thatcher presented a moving poem that he inscribed to the builders, operators, and defenders of the Panama Canal and their guests.

As I know that other Members of the Congress will enjoy this latest poetical composition of Governor Thatcher, I shall read it to the House:

THE LAST MILESTONE

(By Maurice H. Thatcher)

Twelve months and more beyond my hundredth year—
And I survive! I seek to carry on
The many tasks I have, with mind yet clear
And mem'ry firm, and nought of zeal agone—
So far as I can note. Kind friends assurance make
That these dear attributes with me remain
With undiminished force. Meanwhile I take
Some liberties with Nature's role to gain
The goals that I have set for usefulness,
Which toil and dedication may achieve.
My hope has been that modest deeds might bless
Some most in need, and worthy to receive.
Thus have I wrought and I have sought to know
How best to serve a world of care and woe.

Inscribed to the Builders, Operators and Defenders of the Panama Canal and Guests at Panama Canal Society's Luncheon, October 16, 1971.

ALLEVIATE UNEMPLOYMENT BY HALTING THE EMPLOYMENT OF ILLEGAL ALIENS

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

Mr. DANIELSON. Mr. Speaker, I want to discuss a bill which I have introduced that is designed to help prevent aliens who have entered the United States illegally from taking jobs away from U.S. citizens and legally admitted permanent residents.

The bill has what I consider a unique approach. All previous proposals along this line would make a criminal out of the alien and also the employer who knowingly hires an illegal alien, with fines and imprisonment as a deterrent.

Maybe he should be considered a criminal, but in my opinion, that is not an effective way to proceed. From a practical standpoint, criminal convictions are almost impossible to obtain.

There are 3,500 border patrol agents, immigrant inspectors, and investigators in the Immigration and Naturalization Service. They are to be commended for apprehending as many illegal immigrants as they do—420,000 in fiscal 1971.

More Immigration Service staff is not the answer, however. We need the active, dedicated cooperation of the employer, and my bill is designed to obtain that cooperation.

I do not mean this to be an attack on Mrs. Banuelos, the President's appointee to the Treasurer's post, who received so much recent press coverage when a number of illegal aliens were picked up working at her Los Angeles plant. Actually, I first introduced this bill on September 21—long before that case came to light. I only want to point out that White House Press Secretary Ron Ziegler emphasized that the employer who hires these aliens is doing nothing illegal. That is true.

Well, my bill would not make it criminal, either, or even civilly illegal. But it is designed to make it very costly. It would deny employers who hire aliens who they know are here illegally, the right to deduct the aliens' salary as a business expense for Federal income tax purposes. This would give employers a real, significant, motive to inquire as to citizenship and immigration status.

The matter of proving criminal action is illustrated by one case, which Federal immigration officials in Los Angeles investigated at my request. Employees at two plants were questioned and 53 deportable aliens were discovered. Allegations that a number of employees at one of these plants had paid supervisors amounts ranging from $350 to $750 to obtain their jobs were investigated by the district attorney. It was not possible to obtain legally admissible evidence to prove those allegations, and it appears that—even if it was true—there is little that could be done other than to prosecute them for operating an employment agency without a license.

It is not beyond the realm of possibility that the illegal alien would be willing to pay that kind of money for a job—at so much a week on payday—although I doubt if many of them could get it together in cash at one time. Under normal circumstances, a Mexican laborer earns the equivalent of $2 for a full day's work in Mexico. In an unskilled job in this country, he can earn between $10 and $15 a day.

The jobs they take are unskilled work. The people they are cutting out of work are our own hard-core unemployed, where the unemployment rate is the highest. In my own district they are taking the jobs from the people who most urgently need those very jobs—unemployed Mexican Americans.

And this is the reason that I feel it is extremely important that we do something and do it fast.

PUBLIC SERVICE EMPLOYMENT ACT NEGATED

Congress appropriated $1 billion for public service employment, which is supposed to create 173,000 jobs. About 10 percent—$100 million—was allocated to California—or about 17,300 jobs for our State. More than 90,000 of the illegal aliens picked up this past year were in California.

Obviously, it would seem, these aliens were holding more jobs than we are creating with the Public Service Employment Act. In other words, effective legislation that would prevent illegal aliens from taking jobs from citizens and legally admitted permanent residents would be more valuable in California than the Public Service Employment Act.

Nationwide, there are roughly 5 million unemployed. A conservative estimate of 500,000 illegal aliens holding jobs in this country would indicate that unemployment rates could be cut by 10 percent if they were effectively prevented from going to work here.

I might also mention that there are approximately 350,000 unemployed veterans of the Vietnam war. We can safely say that there are more illegal aliens working in this country than there are unemployed veterans.

These figures must necessarily be estimates. We know how many aliens are apprehended, but we do not know how many are not discovered.

Estimates of the number of illegal aliens actually in the United States run between 1 and 10 million. With more than 420,000 deportable aliens located in the United States in fiscal 1971, it is hard to believe that the figure is not at least more than 2 million. This allows for four escaping detection for each one that is located.

Most of the aliens located are not officially deported—an action which would make them subject to imprisonment if they were located in the United States subsequently. Only 16,893, less than 5 percent, of the 345,353 located in fiscal 1970 were deported. There were another 303,348 who were "required to depart" from the United States. That means they are loaded on a bus and taken to the gate back to Mexico. Many of them return almost immediately and many employers rehire the same aliens who have been apprehended a few days earlier while in their employ.

An anecdote to illustrate this can best be given by quoting from a letter I received several weeks ago from the Los Angeles Immigration Office as a result of a complaint about illegal aliens working in a small restaurant which I forwarded to them. The letter reads, in part:

> Investigators apprehended three aliens illegally in the United States in their employment at the cafe. Two other aliens, also illegally in the United States and also employed by the same cafe, were apprehended at a nearby motel. The only employee left at the cafe is a United States citizen waitress.

I can sympathize with the breakfast customers the next morning, but the

point of this story is that I received a report about a week later that claimed that every one of the aliens who had been apprehended at the cafe were back at work.

It is a tremendous problem to attempt to solve simply by seeking out individual aliens and taking them to the border.

I intend to try and enlist the aid of the only person who can really solve the problem—the employer.

Figures concerning aliens apprehended is as follows:

STATISTICS RELATED TO ILLEGAL ALIENS

Total number of deportable aliens located in the United States:

Fiscal year 1970, 345,353.

From Mexico: Fiscal year 1970, 296,801.

Fiscal year 1971, 420,126—almost 22 percent increase over 1970.

Fiscal year 1971, 348,178 (83 percent of total).

Total number of deportable aliens located who had entered the U.S. without inspection (surreptitious border-crossers):

Fiscal year 1970, 244,492.

From Mexico: Fiscal year 1970, 243,826.

Fiscal year 1971, 317,822.

Fiscal year 1971, 312,943 (98.5 percent of total).

Southwest Region—Fiscal year 1971:

Total: 330,527 located, of these 298,858 had entered without inspection.

California: 90,623 located, of these 76,827 had entered without inspection.

Texas: 193,122 located, of these 176,951 had entered without inspection.

Arizona: 40,302 located, of these 38,852 had entered without inspection.

Balance from New Mexico, Nevada, Oklahoma, Colorado, Wyoming, and Utah 6,480 located, of these 6,228 had entered without inspection.

1961–1971 total illegal aliens apprehended in the United States:

1961	88,823
1962	92,758
1963	88,712
1964	86,597
1965	110,371
1966	138,520
1967	161,608
1968	212,057
1969	283,557
1970	345,353
1971	420,126

A NEW SAVE OUR JOBS COMMITTEE

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

Mr. BURKE of Massachusetts. Mr. Speaker, today I have filed with 28 cosponsors the Foreign Trade and Investment Act of 1972. The bill was originally filed as H.R. 10914 on September 28, 1971, by myself in the House and as S. 2592 by my distinguished colleague in the Senate, Senator VANCE HARTKE of Indiana. Since then, I have been besieged with inquiries and requests for copies of the legislation from all over the country, which confirms my original opinion when I filed the bill that it was indeed a far-reaching proposal with tremendous significance for this country's economy. Support has been received from citizens across the Nation—businessmen and workers alike. Our Nation has been conducting its foreign trade arrangements off the top of its head for too long now, with a resulting patchwork of policies and legislation and agencies and without any clear overall direction from the top. Everything that has happened recently has led to a near-unanimous consensus that the time has come for a total reexamination of our Nation's trade policies.

Those who have been quick to dismiss the deteriorating balance of trade figures of recent months by pointing to the tremendous return on the Nation's overseas investments are missing the whole point behind our concern over the trade figures. Our concern stems from the fact that behind these figures there is a tremendous toll in the form of American jobs which are being lost to foreign competition. The fact that there is a tremendous return from our foreign investments probably indicates more than any other available statistic one of the principal causes for the loss of businesses in this Nation.

The other opinion which continues to crop up in editorials in free trade publications is that America's balance-of-trade figures are bad, because American industry has lost its competitive technological edge over foreign competition. In other words, American industry has to be highly capital-intensive if it is to compete against the obviously lower wages available in foreign markets. The editorials go on to chide American business for not having kept pace with technological advances and not investing nearly as much as should be invested in modern plants and machinery. Again, one of the principal reasons that this investment has not been made has been that the major corporations in this country have increasingly preferred to invest overseas, because of the much more attractive rate of return available over there than in the more competitive American market. The reason billions of dollars of return have flowed back into our economy from our overseas investments is that billions of dollars have flowed out of our economy each year into foreign investments, instead of being invested in this country.

So, it is completely inaccurate for those who are behind the propaganda of the free trade lobby to argue that we are ignoring the total balance-of-payments picture in filing this legislation. On the contrary, we are taking the whole picture into consideration and do not like what we see.

I am, therefore, very happy today to be able to refile H.R. 10914 with 25 cosponsors. I feel that this is landmark legislation and this is an historic day for the American economy. If I may, I would like to announce that, in effect, this House has a new informal ad hoc committee with the refiling of this legislation, a committee whose ranks, I am sure, will grow in the weeks ahead. Today, I am proud to announce the following charter members of the House of Representatives Save Our Jobs Committee and this will serve to reflect what is happening all over the country. The following are the distinguished charter members of this committee, drawn from both sides of the aisle and from across the Nation:

FRANK ANNUNZIO of Illinois.
RAY BLANTON of Tennessee.
FRANK J. BRASCO of New York.
JAMES A. BYRNE of Pennsylvania.
CHARLES J. CARNEY of Ohio.
SHIRLEY CHISHOLM of New York.
JAMES C. CLEVELAND of New Hampshire.
JOHN H. DENT of Pennsylvania.
THADDEUS J. DULSKI of New York.
JOSHUA EILBERG of Pennsylvania.
SEYMOUR HALPERN of New York.
WILLIAM D. HATHAWAY of Maine.
KEN HECHLER of West Virginia.
LOUISE DAY HICKS of Massachusetts.
ED JONES of Tennessee.
SPARK M. MATSUNAGA of Hawaii.
RALPH H. METCALFE of Illinois.
CARL D. PERKINS of Kentucky.
BERTRAM L. PODELL of New York.
MELVIN PRICE of Illinois.
ROMAN C. PUCINSKI of Illinois.
TENO RONCALIO of Wyoming.
ROBERT L. F. SIKES of Florida.
JOHN M. SLACK of West Virginia.
ROBERT O. TIERNAN of Rhode Island.
JOE D. WAGGONNER, JR., of Louisiana.
GUS YATRON of Pennsylvania.

NATIVE LAND CLAIMS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. BEGICH) is recognized for 30 minutes.

Mr. BEGICH. Mr. Speaker, although I am still experiencing great joy and satisfaction as the result of the action taken yesterday on the Alaska Native land claims bill, I believe there are some matters of importance that could not come directly before the House yesterday because of time limitations, but which are so important as to merit a place in the record of this historic event for Alaska. In the largest sense, it is very important to me that proper perspective be lent to this legislation, and this is the thrust of my remarks.

In 1867, as the United States was consummating the purchase of Alaska from Russia, it undertook a solemn responsibility to the Native people of Alaska. Simply stated, the responsibility was to leave undisturbed the Native's possession, use, and occupancy of Alaskan land. Over 100 years have passed since that time; Alaska has progressed from a territory to statehood, and the original responsibility has been recognized and reiterated time and time again. Still, disturbance of the original land rights has taken place, and the United States has not acted to finally resolve the problem of permanent protection for the the Alaska Native's land.

The House of Representatives has the opportunity to discharge a responsibility of long standing—the settlement of the Alaska Native land claims. Although the issue is far more complex in 1971, and the pressures from all sides are greater, the duty remains as clear as ever. It is to insure that the Indians, Aleuts, and Eskimos of Alaska are protected in the use, occupancy, and possession of their land.

Congress has struggled with the general issue since the early 1900's, and has struggled with the Alaska Native land claims, as presently stated, for several years. It is no incident of chance that

H.R. 10367 now comes before the 92d Congress. Rather, it is the product of years of deliberation and hard work.

In 1971, nearly 20 percent of Alaska's population is composed of Natives, a total of 55,000 people. As a group, they constitute one of the least known, least understood, and most deprived minorities in the United States. An understanding of this statement is essential as consideration of the Alaska Native land claims bill is undertaken today.

Consider the following statements: Among Alaska Natives, more than one-half of the work-force is jobless most of the year. The median income for rural Alaska Natives is about $1,000 per year, and one of every three persons has no income at all. As shocking as these figures are, they understate the level of poverty in Alaska because of the higher cost of living.

In the area of education, less than 50 percent of adult Natives have completed the sixth grade. Native youngsters who continue past the eighth grade are faced with the prospect of attending schools hundreds and sometimes thousands of miles from their home and family during each school year through grade 12.

The health problems of Alaskan Natives are staggering. The life expectancy remains less than 35 years. The death rate of Alaska Natives from pneumonia and influenza is 10 times that of white Alaskans. Ear and upper respiratory diseases, dental problems, and mental health problems remain at deplorably high levels, far above all normal comparison groups.

In housing, it is safe to unequivocally state that Native village housing is the most primitive and substandard of any Indian housing in the United States. Over 90 percent of all village dwellings are so substandard as to demand immediate replacement. Water supply and waste disposal facilities are adequate in only a few villages. But for its location in the State of Alaska and in the United States, rural Alaska would qualify as an undeveloped nation under any international definition.

The Natives are not the only Alaskans with substantial needs. The situation throughout the State for all citizens is no better. In simplest terms, Alaska is at a depression level in many respects. Unemployment is as high as 20 percent and higher in some areas, and 10 percent is a common level throughout the State. The small businessmen of Alaska feel the pinch first when there is no work and money is not circulating. They are feeling that pinch now.

There is strong evidence that the State of Alaska will begin to experience substantial budget deficits before 1980 without a change in the economic situation. In a State where so many social and economic needs exist, a financial shortage will intensify all problems.

The situation before Congress is one which presents an important dual opportunity to all of us, Mr. Speaker. The opportunity is to recognize and compensate the long-standing land claims of Alaska's Natives, and to do so in a way which will permit both the Native people and the State of Alaska to move forward again. I believe H.R. 10367 is a bill which can do this in the very highest sense.

I am certain that many Members are well aware of the history of this legislation, Mr. Speaker. For years, it has remained an unresolved issue which obviously had to be cleared to complete the pattern begun with the Statehood Act. At the beginning of the 92d Congress, in spite of the needs of the Alaska Natives, and in spite of the economic situation in Alaska, the issue had a surface appearance as diverse and ominous as ever before.

The positions of those groups and interests it is my privilege to serve were spread over a wide range. On the issues of land, money, and administration, the three main elements of the legislation, the opinions of the Alaska Natives, the State of Alaska, the Alaska business, mining, and environmental communities, the diversity of views would stagger nearly any elected official.

Yet, there was a common factor within every view. It was the desire to settle the claims and to do so with equity for the Alaska Natives.

I believe my colleagues should see the positions which were considered as this bill was constructed. In doing so, I believe you will appreciate the nature of the compromise effected by the Interior Committee. Although it has the classic shortcoming of all compromises, which is that everyone is a little bit unhappy, it is a legislative compromise of the highest order.

First, I place on the record the views of the Alaska State Chamber of Commerce. These representatives of the Alaska business community have given great time and effort to this issue, and have contributed a great deal. I think you will find their views useful in your own analysis of this legislation.

The material follows:

VIEWS OF THE ALASKA STATE CHAMBER OF COMMERCE, OCTOBER 14, 1971

The Alaska State Chamber of Commerce, meeting with representatives of the Chambers of Commerce of Anchorage, Fairbanks and Juneau in an effort to further the resolution of the land claims of Alaska's native citizens, reaffirms its position in support of a monetary compensation totaling $925 million and an initial land settlement of between 9 million and 10 million acres, plus any additional land grants to be made in the wisdom of Congress after the State of Alaska has had the opportunity to exercise the land selection rights granted under provisions of the Statehood Act of 1958.

A 10-million-acre grant, as endorsed by the Chambers for the initial native selection, surpasses in size the total area of the State of Maryland and eight other states of the United States.

In restating this position, the Alaska business community has been accused of engaging in "last minute political broadsides" which threaten to kill chances for congressional approval of Alaska native land claims legislation.

This charge is false.

The Chambers believe it is important to set the record straight. That record shows that the business community consistently has moved over the years from an initial conservative approach to one considerably more generous in order to reach a compromise acceptable to all the people of the state.

In the face of these moves by the Chambers and business community over the years, there has been little response toward compromise by those supporting the position of the native groups.

On the other hand, the published positions of the statewide business community shows this:

1. In December 1969 the Greater Anchorage Chamber of Commerce, in a telegram to the Alaska congressional delegation, affirmed its support of an early and just settlement of the Alaska native land claims but specifically went on record in opposition to revenue sharing by the state in the monetary settlement.

2. On January 6, 1970, the Alaska State Chamber said, "To merely oppose existing proposals is not enough. Positive and constructive recommendations must be formulated by reasonable Alaskans to bring about resolution of these issues that will help, not harm, our Alaskan way of life." At the same time, the State Chamber called attention to its formal position, adopted in December 1969, covering these six points:

a. An equitable and just monetary compensation by the federal government as a final settlement for any lands taken—with the recipients to have a strong voice in the management of the funds received.

b. Conveyance of title to all lands in present use and occupancy.

c. Granting of such additional contiguous lands for native village expansion as may be determined to be reasonable by administering the lands granted. Minerals would remain under the administration of present authorities.

d. No sharing of state revenues derived from royalty provisions of the Alaska Statehood act.

e. No special tax privilege on income from monies granted or lands conveyed.

f. No lands to be set aside, or special privileges granted for hunting, fishing or berry picking.

3. On July 31, 1970, the Greater Anchorage Chamber of Commerce took an official position on the first bill to pass the Senate (S1830). With respect to that bill, the Chamber opposed continuation of the existing land freeze for another five years and objected to the language in the bill which deprived the state of the right to initiate litigation to contest the act, under penalty of reinstating another land freeze.

4. On April 16, 1971, the Greater Anchorage Chamber liberalized its previous position and stated it would support participation in a monetary settlement by the State of Alaska "in order to expedite a settlement and extinguishment of Alaska native land claims equitable to all Alaskans."

This positive action showed a willingness on the part of the business community to move in a direction to resolve the issue of monetary compensation, to be more consistent with what the natives themselves were asking.

In the same statement, the business community recognized and supported the need to protect each village site with a land freeze confined to an area of 36 square miles around each village. In addition, the new position supported the continuation of existing special subsistence rights for natives.

5. On September 24, 1971, the Alaska State Chamber of Commerce supported in principle the monetary provisions of HR 10367, the present bill that was voted out of the House Interior Committee in August, providing for total compensation of $925 million, including revenue sharing by the state.

In earlier positions, the Alaska State Chamber of Commerce had not specifically spelled out a total acreage allocation, but it generally was understood that no more than four million acres would be involved. How-

ever, the September 24 position—endorsing a settlement of between 9 million and 10 million acres—more than doubled the land grant favored by the business community—further proof of the continued effort on the part of the Chambers to reach an accord on this vital issue.

Furthermore, it was at this same time that the Chambers—in addition to 9 million and 10 million acres of the initial native selections—endorsed the selection of additional land by the native groups *after* the state had the opportunity and time to complete its land selection entitlement under the Alaska Statehood Act.

Thus, reviewing the record, the business community—as represented by the Chambers of Commerce throughout the state—has moved to conciliate wherever possible in order to get a fair, yet reasonable settlement.

The Chambers of Commerce have responded to each proposed bill through several sessions of Congress, modifying its position in favor of a more generous settlement. But the Chambers have never arbitrarily changed their positions at the last minute, as some have charged.

In reaffirming its present position, the Chambers believe it imperative to point out the following facts:

The House bill presently under consideration purports to grant up to 18 million acres on a priority basis to the native villages, after which the state would have the opportunity to complete its land selection program granted under the Statehood Act for the benefit of all Alaskans, native and non-native.

However, if one examines the language of the bill, it can readily be seen that each village would be protected by a withdrawal of up to a maximum of 345,600 acres, out of which the village could select and obtain title up to a maximum of 184,320 acres, depending on population and location of the village.

The withdrawal provisions, when extended to all of the qualifying villages, would effectively preclude state selection in all but very limited amounts, until the villages had completed their selections. In other words, this would effectively perpetuate the land freeze for a period of up to five years.

A continuation of the land freeze under any formula always has been and still is opposed by the business community and, we believe, by a majority of Alaskans—because it totally destroys wise and orderly land management and planning for the benefit of every citizen of the State of Alaska.

As an example of the magnitude of the land grants proposed in the House bill, compared with the population centers of Alaska, it is worth noting that Anchorage—the largest city in the state, with a population of more than 50,000—occupies only 10,560 acres. Under provisions of the present House bill, a village with between 25 and 99 residents would be granted an area more than nine times that of the City of Anchorage.

In summary, the business community position, through its Chambers of Commerce, favors granting the natives a monetary settlement of $925 million and up to 10 million acres in priority selection plus any additional land grants to be made in the wisdom of Congress *after* the State of Alaska has had the opportunity to exercise the land selection rights granted under provisions of the Statehood Act of 1958.

Settlement of the claims is very important to all the people of Alaska, but settlement *at any price* is not in the best interest of all the people of this state or the people of the United States.

Next, I would like the Members to consider two important communications from the Association of Village Council Presidents, an Alaska Native regional organization that reflects much of the thinking of the village Natives. They have been firm in their advocacy of the Native position from the local viewpoint and the following documents give real insight into those feelings:

AVCP, INC.
Bethel, Alaska.

The Congress of the United States of America, Washington, D.C.:

The Association of the Village Council Presidents Inc., in their annual meeting, September 10, 11, 12, 1971 reaffirm their support of Alaska Federation of Natives Pursuit of: 60 million acres of land, $500,000,000.00 cash, and 2% overriding royalty in perpetuity.

AVCP, Inc. also request retention of all subsistence rights. Relating to the recent bill that was passed by the Sub-Committee of the Insular and Interior Affairs (Committee Print #2). AVCP, Inc. finds and justifiedly disapproves of the Village Land Selection provision for our villages shall have exceeded already the authorized land allocations when the ruling is exercised.

AVCP, Inc. also disapproves of discriminatory time limitations provided for those Villages situated on Federal Reserve Lands, i.e.: 1 year for Villages on Federal Reserve Lands, 5 years for Villages on non-federal lands.

AVCP, Inc. also determines that if AFN Pursuits are not met by Congressional Legislation; that the U.S. Government does not make the Monetary Compensation to AVCP, Inc. whatever the amount is; that we be allowed to retain our Regional Claimed Land in its totality.

PHILIP GUY,
President.

KWIGILLINGOK, ALASKA,
September 27, 1971.

President RICHARD NIXON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: We the Natives of this Corporation (Lower Kuskokwim Coast Corporation) held a special meeting on September 25, 26, 27, 1971. Discussing the land we filed for as Lower Kuskokwim Coast Corporation, and have received the sealed certificate of this Corporation for the land we have, and of this Corporation we formed as Lower Kuskokwim Coast Corporation.

We have just realized how the land claims are going to be settled taking our rights to live off the land. We do not want our rights to be taken away and we will not let that happen. Our ancestors had this land and they are buried in this land now and it now continues to be our land. Therefore, we the Natives of this Corporation will not give up our rights in living off this land, which contains 3,192.1 square miles which is not very much. We cover many acres of land when we hunt and fish for subsistence use, for because what we hunt and fish for subsistence use does not stay on one location. Therefore, we the Natives of this Corporation will keep the land as we have used it before. Also we are to have the title that indicates this area as it was filed under Article III of our Articles of Incorporation, and described on the enclosed sheet which shows the area we have Incorporated for. Therefore, we the natives of this Corporation will not give up our rights to live off the land as long as we live and will be inherited by our children. Since we the natives of this Corporation are native of State of Alaska from the time before white people came here we have right to live as we please and use and live off the land.

The don't go from job to job and we do not have any trades that we can earn money and live by. So that is how we feel about this land for we are its people. And have ancestors that lived before us. We have just recently found out from A.V.C.P. meeting that our hunting and fishing rights are going to be taken away when land claims are settled. And we the natives of this Corporation will keep our hunting and fishing rights since we live off this land until this day. This is how we the jobless natives are going to live with what little land we are given when land claims are settled. If our rights are taken away from us.

Since it is hard for us natives of this Corporation to live in a small area and hunt and fish and also hunt sea animals. How are we going to survive as human being? If we are limited and unable to go to places where we can hunt and fish. For example you white people cannot live without jobs, we can not live without hunting and fishing rights. So we will not let our hunting and fishing rights go since we can't live without eating. So! we are wanting you knowing that you hold the highest position of Presidency of United States. And in your campaign you stated that you understand the problems of Alaskan people.

Respectfully,

TOMMY PHILLIPS,
President.
JESSE GUNLIK,
Secretary.

In addition to these views, Mr. Speaker, I would like to make notice of two additional expressions of opinion which bring perspective and insight to a consideration of this legislation.

The first is the entire matter of the Udall-Saylor amendment, about which this chamber held lengthy discussion. I need say no more at present on the substance of the amendment, except to generally characterize it. Such a characterization, to be accurate, must cite the amendment as being grounded in the best notions of public environmental policy. But from the viewpoint of many, it also represents a most extreme application of such policy and a lack of balance with other interests. Still, this amendment acted as a strong pressure on the bill.

At the same time, the Kyl amendment, a less extreme but certainly valid approach, was continuously opposed by the Alaska Mining Association. Their position saw even the Kyl amendment as too extreme. The point is, of course, that the final legislation, bearing the Kyl amendment, is a compromise, and in a certain sense, was essential to avoid extremes. As such, each extreme is disappointed.

This pressure pattern applied to every section of the legislation, and in the final analysis, I believe the compromise of the pressures is a fine one. The debate of the bill upheld the quality of the compromise to a very large extent.

One final note seems absolutely essential, Mr. Speaker. In the heat of debate, the distinguished gentleman from Arizona (Mr. UDALL) stated that the Alaska Natives, in agreeing to H.R. 10367 "have been had." I recognize without question that this statement, made in the spirit of advocacy by a man who is as closely associated with Indian rights as any man here, did not intend to carry the extreme meaning which it may seem.

Still, I think it is crucial to dispute these statements in the strongest terms and to do so immediately, for they do not conform in any way to the real facts. If I may, I would advance a brief rebuttal.

First, such a statement assumes that the Natives of Alaska and their leadership are not able to adequately decide the questions before them as this settlement

is considered. Nothing could bear less relation to the truth. The Alaska Federation of Natives, with or without this settlement and its benefits, will be a force of wisdom and reason in Alaska in the future just as they have for years past. My experience with Native Alaskans, from the chosen leaders to the residents of remote villages, has given me a strong impression that this is not a people that can be "had."

Second, I believe that the nature of the men who labored on this bill forecloses the possibility that such a charge can be true. On the committee and subcommittee are men, too numerous to name, who can in no way be said to have any but the best interests of the Natives as a first priority. Similarly, the men associated with this legislation on behalf of the Natives, such as Mr. Ramsey Clark and the Honorable Arthur Goldberg, are men of strong commitment and great wisdom. In no way do I suggest that any remarks made were intended to dispute these statements I am making, but I feel it must be clear that their presence forecloses the possibility of injustice.

Third, I find that numerous remarks relating to the treatment of the Natives in this bill had the intent of subordinating the State of Alaska. What may have been seen as the Natives being "had" could be far more accurately described as the expression of concern and wisdom by Alaska's Natives for the State in which they are all citizens. I do not find it hard to believe that Alaska's Natives cooperated in a land selection plan which answered critical needs of the entire State. As a matter of fact, it is a gesture which can, and very likely will, help greatly to insure that the bill becomes a unifying experience for the State.

Finally, I come to the matter of the bill itself and must ask, is it a bill in which the Natives are "had" and which could be entered into only on poor advice? Unequivocably, I must say the answer is "No." H.R. 10367 is the most generous Alaska Native claims bill ever passed by either the House or Senate. It is a bill which not only compensates generously but distributes compensation equitably among all Natives, and with every incentive to self-determination. Finally, it is a bill which bows very deeply to the rural Native village, the one level of Native organization with social, economic, and cultural integrity over the long run of history.

Mr. Speaker, I appreciate the opportunity to make these remarks as I believe they relate to the most important event in Alaska in a decade. It is an event of social significance, of economic significance, but most of all, of human significance. I thank the Members for their consideration.

COSMETICS UNDER FIRE—FACTS AND FALLACIES

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

Mr. KLUCZYNSKI. Mr. Speaker, I would like to call to the attention of the House a speech delivered by G. S. Kass, vice president, Alberto-Culver Co., delivered before Cosmetics Industry Buyers and Suppliers Association, Thursday, October 14, 1971, New York:

COSMETICS UNDER FIRE—FACTS AND FALLACIES

(By G. S. Kass)

The day I accepted the invitation to speak before this group, I was hot under the collar. This was not due to the temperature of my office. I had just finished reading an article in the June issue of Today's Health, a publication of the American Medical Association, entitled "The Ugly Truth About Beauty Aids." It is a rehash of unsupported and distorted charges that have recently appeared in the press. It is replete with erroneous conclusions, wild accusations, outright falsehoods and gross distortions.

The August 13th Wall Street Journal, in an article on the "New Journalism," noted that many publications mix fiction with fancy so that the reader has a hard time knowing what he can believe. Some news media, consumer groups, and some government officials have declared open season on the cosmetic and toiletries industries. Acting out of sheer ignorance in the name of consumerism or in the search for headlines, they are undermining consumer confidence and laying siege to our industry by demanding laws to regulate almost every facet of it. It is time that we fought back. Let me start with the Report of the National Commission on Product Safety, which was presented to the President and Congress in July 1970. Part II of the Final Report (Identification of Product Hazards, Senate Report No. 225) devotes only one small paragraph to cosmetics. It makes the statement: "Cosmetics, according to the United States Department of Health, Education & Welfare, injure 60,000 persons (mostly women) so severely as to restrict activity for one day or require medical attention."

This has been quoted by some members of Congress, syndicated columnist Jack Anderson, the news wire services, Today's Health, the Wall Street Journal and numerous others. Incidentally, the FDA gets only about 250 complaints per year of cosmetic injury, but more about that later.

The Report is a most interesting document and I will refer to it several times this afternoon. It is interesting because of other statements it makes (and which the news media ignored) and for what it doesn't say. The Report calls the injury figures a "statistical estimate." (DHEW Injury. Estimates, 1968, Appendix D, Supplemental Studies, Volume I).

The following are direct quotes from the DHEW Reports filed with the Commission:

"The statistical estimates given are those injuries associated with consumer products and are not necessarily caused by the consumer product. In many injuries there may be a combination of circumstances which results in injury, thus, no one factor can be called the cause. The present state of the art and available studies limit our knowledge about the precise involvement of consumer products."

"It should be clearly understood that these estimates are not based on actual counts or surveys of the whole United States. Thus, these estimates have an unknown error attached. Thus, we cannot say how right or how wrong we may be."

The final item from the Report is this direct quote:

"As noted above, the estimates presented leave much to be desired."

Although I am critical of some aspects of the Report, these are honest statements made by honest men. But I wouldn't say the same for those who quoted the 60,000 figure out of context. It is my opinion that the 60,000 hypothetical injury figure is exaggerated. Further, it includes ingestion by children (data from the National Clearinghouse for Poison Control Centers), misuse and abuse of products, and injuries from broken glass. If you interpret all of those direct quotes as I do, then the following type of injuries must also be included in the 60,000 guesstimate:

The injured toe resulting from a dropped jar of cold cream;

The cut finger when the bottle of cologne broke on the bathroom sink;

Mrs. Jones' black eye when Mr. Jones threw her the plastic tube of shampoo from the shower and hit her in the eye; and

The broken arm when Miss Smith slipped on a bar of soap in the tub.

Our industry is accused, either directly or by implication, of poisoning the public with mercury preservatives, spreading cancer with hair dyes, causing brain damage with hexachlorophene, and spreading disease with contaminated products. Oh yes, we are also accused of killing people with hair sprays.

One of the worst examples of journalistic prostitution is the Today's Health article. Among the many untruths and distortions is the following:

"Another potential hazard in the cosmetic area is with hair spray products. Damage to the eyes or respiratory tract may result from careless spraying of contents. And inhalation of the aerosol propellant has taken more than 50 lives in the past four years."

Since 1950, when hair sprays were first introduced, eye damage has been almost nil and extensive clinical studies have been unable to confirm respiratory damage from incidental inhalation of these products. The article, perhaps deliberately, conveniently failed to mention that all of the deaths resulted when young people intentionally inhaled an aerosol product (most were not hair sprays) to get "high" as some of them do in glue sniffing. The writer in effect said that people who use hair spray are risking death. Jack Anderson's syndicated column of August 6 was another prime example of muckraking. It too attacked hair sprays with distorted facts and half-truths.

Not long ago a community newspaper, in the laudable interest of Fire Prevention Week, carried a photograph of a fireman with an ignited spray from an aerosol can. The caption warned that thousands of deaths—yes thousands—each year were caused by ignited sprays. Actually, the number cited was close to the total number of deaths from all fires annually in the country.

On investigation we learned that the figure was the vivid figment of the imagination of some fire prevention zealot. The editor kindly carried a correction, but we all know that corrections do not catch up with errors. And further, anyone who has been on the inside of issues that become newsworthy knows that inaccuracies proliferates as stories are repeated and rewritten and that scare stories are built on the most superficial and frequently misinterpreted data. The bad publicity generated by unsupported allegations can never be corrected by press releases or denials.

In our present consumerist era both government bureaucrats and the press seem to be in competition to frighten the public about exaggerated or imaginary hazards in every item of use that contributes to better living.

Alexander Woollcott used to lament that everything he liked was either illegal, fattening or immoral. Now we're told it's also dangerous.

Is there a serious safety problem? Does our industry give lip service to safety in callous disregard of the consumer? I would like to present the facts in proper perspective.

It is the "in thing" to be accused of mercury pollution, and it may even be unpatriotic to possess a mercury thermometer. A mercury compound (phenyl mercuric acetate) has been used for many years at very low levels as a preservative in some cosmetics. Although there is not one shred of evidence that such use has been harmful,

its already limited use has been further curtailed by the industry and it is rapidly being phased out. Until a few years ago, when a chemist found high levels of mercury in Canadian fish, no one was aware of the fact that mercury compounds were an environmental hazard. Since mercury had never been considered a dangerous contaminant of food or drug products, no standards for its limitation had been established. Mercury compounds have been used extensively as drugs for many years and still are. They find use as laxatives (calomel), diuretics (Mersalyl) and the popular antiseptics Mercurochrome and Merthiolate. Mercury is also used with silver as a dental filling.

Will consumerism hysteria eventually legislate these out of existence on the unproven assumption that mercury in any form is dangerous? I have no ax to grind because I haven't used mercury preservatives in 30 years; but, I strenuously object to irresponsible accusations against those few manufacturers who have used them in some products and have now taken them out or are in the process of doing so as part of our environmental housecleaning.

I shall be very brief on the subject of hexachlorophene which is under thorough investigation by Givaudan Corporation and by the FDA. A statement released by the FDA on April 1, 1971 concludes: "At this time and on the basis of information now available, the FDA plans no regulatory action concerning Hexachlorophene." Hexachlorophene has been used for close to 25 years as an effective antimicrobial agent in cosmetics and toiletries without adverse effects on the vast majority of users. It wouldn't be a bacteriostat if it were totally non-toxic. Its toxicological properties have been known for years. If additional clinical investigations now under way reveal that continued use of hexachlorophene poses a health problem, then its use should be restricted. But its condemnation by headline hunting writers, before the facts are in, is inexcusable. I commend the FDA upon its restraint in this matter.

What always seems to be missing in attacks on specific ingredients, whether it be cyclamates, saccharin, monosodium glutamate, 2,4-TDA, or hexachlorophene, is the matter of dosage. There are many substances that are dangerous in large doses but which are safe and beneficial in small doses. The medical literature has reported illness, and even death, from the ingestion in large amounts of cocoa, mustard, nutmeg, rhubarb, tea, tomato juice and licorice. It may come as a surprise to know that toxicity tables show estimated toxic doses for table salt and granulated sugar. Here again, too much of a good thing can be dangerous.

Early in September 1970, I received a phone call from a writer for the National Observer. He said he was interested in toxicity and irritation problems of hair dyes. I spoke with him at some length—not once did he mention the words tumor or cancer. He did ask about the use of the chemical 2,4-toluenediamine, which we refer to as 2,4-TDA. I told him that this compound found little use in hair dyes and it was only used at very low levels and that the Alberto-Culver Company had never used it. On September 14, 1970, the National Observer printed a first page story with the headline "Cancer Suspect Is Confirmed In Many Hair Dyes." This article was a complete distortion of what the writer was told.

The basis of his charge is that some years ago investigators in Japan found that mice fed or injected with large doses of 2,4-TDA developed tumors. What the story failed to mention was that 2,4-TDA had been used for many years in very small amounts in some shades in some brands without the slightest evidence of tumor or cancer producing potential. Also not mentioned was the fact that 2,4-TDA injected or fed to mice or rats had no relevance to its use in hair dyes. In hair dyes this compound can only be used in the presence of certain other reactive chemicals. When mixed with the developer, it becomes a completely different molecule in minutes. The writer deliberately set out to write a sensational exposé in total disregard of the facts.

In the past five years there have been approximately 35 recalls of cosmetics and toiletries because of microbial contamination. In determining whether or not a product is contaminated, two yardsticks are normally used. One is the number of organisms or count per unit weight or volume, and the other is whether or not the organism is a pathogen (disease causing) or a non-pathogen. Apparently there is a double standard—one for food and one for cosmetics. The public has been led to believe that a cosmetic is contaminated if it contains any microorganisms. Grade A milk can contain 20,000 organisms and frozen dairy desserts up to 50,000 organisms per gram—and this is with FDA approval! Many of our processed and unprocessed food products harbor high levels of microorganisms. Yet, most of these products are not—let me repeat—not unsafe. The FDA has set limits for microorganisms in food but as yet it has not set such limits for cosmetics and toiletries. What I am saying is that food products do not have to be free of microorganisms to be sold as long as the numbers do not exceed a proscribed level and they are relatively free of pathogens.

Both the FDA and the medical profession take a dim view of the presence of any microorganisms in cosmetics and this is understandable. I am also unalterably opposed to the presence of any microorganisms in these products. For the past ten years my company has monitored each day's production to insure the absence of microorganisms. However, most cosmetics are not manufactured under sterile conditions. They are, or should be, made under sanitary conditions. Although the total absence of microorganisms is a continuing objective, some products can be expected to contain a number of innocuous organisms unless adequately preserved or processed under sanitary conditions. We live in an environment literally swarming with microorganisms—the food we eat, the air we breathe, the soil around us, on our skin and hair or clothing and on every surface around us. These include microorganisms with the potential of causing illness. We are protected most of the time by the body's natural defense mechanism.

A product should be considered contaminated only if it contains harmful organisms or such a large number of innocuous organisms as to indicate the failure of the preservative system or poor sanitation in manufacture. The preservative must protect the product during manufacture and while in use. There has been no reported spread of infection by cosmetics in the general population. Manufacturers are continuing efforts, through improved manufacturing procedures, to achieve total elimination of microorganisms from their products. A recent survey bears this out. There certainly is no cause to wildly accuse the cosmetic industry of endangering the health of the consumer.

Many of the incidents cited in criticism of the cosmetic and toiletries industry are those involving contact dermatitis. Contact dermatitis may be either primary irritation or allergic sensitization. What is the difference? If a substance of a given concenrtate in a given vehicle is applied to the skin in a given manner and for a given length of time, and irritation results in the majority of individuals who have had no previous exposure to that substance, then that substance is a primary irritant under the conditions specified. Strong acids, alkalis and certain solvents are primary irritants. Some substances, such as detergents and even water can be primary irritants to some people. This will depend on the severity of the exposure and the duration. With few exceptions, which I will comment on shortly, cosmetics are not primary irritants.

Many of the alleged injuries resulting from the use of cosmetics are actually allergic contact dermatitis or in lay language—allergies. Skin allergy results from a substance which does not produce a skin reaction on normal skin on first exposure, but it may do so on a subsequent exposure in some few individuals. Here the problem is not with the product but with the individual using that product. Two questions need answering: First, how serious is the cosmetic allergy problem? Secondly, what can our industry do about it to help the consumer?

According to a conservative estimate recently released by the National Institute of Allergy and Infectious Diseases, one of the national institutes of health, approximately 31 million Americans, or fifteen of every hundred, suffer from one or more significant allergies. The Institute further breaks down these figures to hay fever, asthma and other allergies. It is the "other allergies" which are important here. Eight and one half million people suffer from other allergies which include atopic (allergic eczamatous) dermatitis, drug allergy and food allergy. This 4% of the population includes those who are allergic to cosmetics.

Esther Peterson, Lyndon B. Johnson's Consumer Advisor, speaking before the CTFA in Florida acknowledged, "Most cosmetics can cause no harm to anyone and if they make women feel better, that's wonderful." "But," she said, "If there is any cosmetic which contains anything which can hurt you or me, then I say that the manufacturer should not be allowed to sell it without a clear warning."

What Mrs. Peterson apparently does not understand is that there is no substance to which some person may not be allergic to. If we take Mrs. Peterson literally, every bottle of milk, package of cocoa, carton of eggs, box of detergent, article of clothing and cosmetic container would carry the warning: "This product may be harmul to some individuals." Why single out cosmetics to carry this warning? A recent paper in the Journal of the AMA reported that the incidence of allergy to aspirin is 27 per million. The argument I will immediately get from those attacking our industry is that people who are allergic to eggs, aspirin, etc., know what they are allergic to and can thereby avoid using the offending product. People who are allergic to cosmetics do not know what in the product is causing the problem and, therefore, do not know what to avoid. So there is now a great hue and cry over the failure of our industry to list ingredients on the label. We are accused of jealously guarding our trade secrets in callous disregard of consumer safety.

Virginia Knauer, President Nixon's Consumer Advisor, is also critical of labeling practices. She says: "I find it difficult to understand why commonly occurring ingredients are not listed on cosmetics labels to facilitate the purchasing decisions of consumers, a fraction of whom may be sensitive to a particular ingredient." In my opinion, complete ingredient listing would result in little benefit—if any. Assuming Mrs. Customer is allergic to Brand X, what ingredient is causing her difficulty? Is she going to spend the time and money with an allergist to screen all of the components? Of course not.

Again, let us look at the overall problem in proper perspective. Modern cosmetics and toiletries are for the most part highly complicated products. The cosmetic chemist has hundreds of ingredients, both natural and synthetic, available to him. The simple glycerine and rosewater hand lotion of yesteryear has given way to highly sophisticated lotions which may contain as many as 15 or more ingredients. The fragrance alone may consist of 15 or more ingredients. Hand

lotions are comparatively simple products when compared to perfumes or hair dyes.

Of the 60,000 alleged cosmetic injuries hypothesized, according to the National Commission on Product Safety, 20,000 are attributed to perfume and colognes. If this figure is valid, and I doubt it, let's deduct a reasonable number for injuries attributed to broken glass and to ingestion by small children. The bulk of these injuries must be due to contact dermatitis. A fine perfume may contain 30 or more ingredients. How could listing the ingredients help a user who might be allergic to some component, unless she spent the time and money to determine the allergen?

Ingredient listing is certainly not the answer. Obvious offending compounds have been eliminated from their products by most manufacturers but the search continues for even safer products. There are some cosmetics (hair straighteners, permanent waving products, etc.) which may contain potentially irritating substances for which no suitable substitute has as yet been found. The instructions and labels of these products do carry detailed and adequate warnings and precaution to protect hypersensitive users and to minimize injury due to misuse. It is impossible to produce a consumer product with zero risk. No amount of legislation or cautionary labeling will eliminate the misuse of a cosmetic or an occasional adverse reaction by a hypersensitive or allergic user. Certainly—safety testing as well as effective quality control is a must.

Again, let's put the subject in a proper perspective. Is contact dermatitis from cosmetics really a serious problem? I doubt it. Many years ago, my company set up a consumer complaint file. This file has always been open to the FDA. I feel very strongly that complaint files should be made available to the government. If the incidence of injury or irritation is so high as to cause the manufacturer to withhold the files from FDA inspection, then the product involved should not be on the market. My company also keeps statistical data on the incidence of alleged harmful effects per million units of product sold. I use the word "alleged" because we very often find upon investigation that the product was not the cause of any irritation or injury. The incidence level for Alberto-Culver products ranges from only a few per million to less than one per ten million. This low rate is true for other brands as well.

I mentioned earlier that, according to published reports, the FDA receives approximately 250 complaints of cosmetic injury per year. This doesn't measure up very well against that 60,000 figure. Why the disparity? I have heard the argument from various sources, including the FDA, that most complaints of cosmetic injury or irritation are never reported. This may have been the case at one time, but the growth of consumerism plus the increasing liberal attitude of the courts and juries in product liability cases has converted the silent consumer into a very vocal complainant. Contrary to popular belief, I am convinced that most cosmetic injuries, whether real or imagined, are reported to the manufacturer.

I would like to make it very clear that I am not denying that some people are injured by cosmetic products. Yes—product contamination by microorganisms has been a problem in the industry. Yes—some hypersensitive individuals may react adversely to certain products. And yes—the safety of some cosmetic ingredients have been questioned and they are under investigation. The industry is engaged in a diligent effort to resolve these problems which have been blown up out of all proportion to the facts. Rep. Rogers (D-Fla.) speaking in Washington on June 21, 1971, before an aerosol conference sponsored by the CSMA said: "As we move into emotion packed consumer areas (we should) make sure that the facts aren't distorted as they sometimes are." My quarrel is only wtih those who are guilty of such distortions.

We live in a technological society that is rapidly changing. Investigative tools and techniques are available today that we did not have yesterday and which may be made obsolete by better ones tomorrow. There are a great many dedicated cosmetic scientists who are constantly striving to develop new, better and safer cosmetics and toiletries. The attacks against the industry are also attacks against these professionals. The attacks are irresponsible and unwarranted.

I will let the Report of the National Commission on Product Safety present the final proof of cosmetic safety. There is an appendix to this Report (DHEW Injury Estimates, Appendix D, Supplemental Studies, Volume I). It lists 24 major categories of consumer products. The Report estimates total injuries at 20 million. In this list, cosmetics rank as the fourth safest consumer product. Only plantings (trees and shrubs), incinerators and personal care appliances such as razors, brushes and combs are listed as producing fewer injuries. The Report claims that drugs and medicines account for 540,000 injuries annually and that clothing—yes clothing—caused 200,000 injuries (other than burns). Where are the headlines? Clothing injures 200,000 each year! What is wrong with this report in addition to the unreliability of the estimates? The figures do not relate to product usage. That is what is wrong.

Cosmetics and toiletries is a 10 billion dollar business. This translates roughly into about 15 billion packages. If the 60,000 figure is correct, and I doubt it, the incidence of cosmetic injuries is not more than 4 per million packages of product sold. This is a phenomenal safety record surpassing all other consumer products in the Report. I would like to see the news media put a headline on that!

The cosmetics-toiletries industry has a "phenomenal safety record surpassing all other consumer products" listed by the National Commission on Product Safety, a veteran chemis-executive said today.

The speaker, Gus S. Kass, vice president, research and development, Alberto Culver Company, addressed the Cosmetic Industry Buyers and Suppliers Association at the New York Hilton Hotel. He spoke on "Cosmetics Under Fire—Facts and Fallacies."

Mr. Kass, who has been identified with the cosmetics-toiletries field for some thirty years, challenged consumer groups, certain reporters and columnists and some government officials who he said "have declared open season" on the industry.

He pointed out that several critical articles on hair sprays, for example, have cited deaths and injuries as caused by these products. Speaking of one article, he said:

"Since 1950, when hair sprays were introduced, eye damage has been almost nil and extensive clinical studies have been unable to confirm respiratory damage from incidental inhalation of these products. The article, perhaps deliberately, failed to mention that all of the deaths resulted when young people intentionally inhaled on aerosol product (most were not hair sprays) to get 'high' as some do in glue sniffing."

An ultimate source of such mis-information, he said, was the Report of the National Committee on Product Safety.

This report carries an estimate of 60,000 persons per year injured by cosmetics "so severely as to restrict activity for one day or require medical attention."

Mr. Kass said that in his opinion the estimate's data included incidences of misuse and abuse of products and accidents. He pointed out that the Food and Drug Administration receives reports of only about 250 cases per year of cosmetic injury.

Further, he quoted the Product Safety Report as follows:

"It should be clearly understood that these estimates are not based on actual counts or surveys of the United States . . . . Thus we cannot say how right or how wrong we may be. . . . As noted above, the estimates presented leave much to be desired."

The same report, he pointed out, estimates that drugs and medicines account for 540,000 injuries annually and "that clothing—yes clothing—caused 200,000 injuries (other than burns)."

He concluded:

"What is wrong with this report, in addition to the unreliability of the estimates? The figures do not relate to product usage. That is what is wrong.

"Cosmetics and toiletries is a 10 billion dollar business. This translates roughly into about 15 billion packages. If the 60,000 figure is correct, and I doubt it, the incidence of cosmetic injuries is not more than 4 per every million packages of product sold. This is a phenomenal safety record surpassing all other consumer products in the Report. I would like to see the news media put a headline on that!"

PHOSPHORUS IN DETERGENTS

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

Mr. KLUCZYNSKI. Mr. Speaker, I want to compliment Senator WILLIAM B. SPONG for the service he rendered to consumers throughout the United States by holding hearings before the Subcommittee on Environment of the Senate Commerce Committee to clarify the detergent mystery.

In recent weeks consumers have been utterly confused by public statements from Government officials, including the Surgeon General, which seemed to say that consumers should disregard the pollution caused by phosphate detergents and return to using those detergents because of certain hazards involved with nonphosphate detergents. The impression consumers received was that all nonphosphate detergents were harmful.

I am pleased to note that the Surgeon General corrected this impression in his testimony October 1, 1971, when he said:

Let me take this opportunity to make it very clear that not all low-phosphate or nonphosphate home laundry products are highly caustic.

During the past few years, vast publicity has been given to the fact that phosphate detergent products are harmful to our environment. Most sewage treatment facilities are inadequate to filter out phosphates. These phosphates, thus, pollute the waters of our Nation with resultant destruction of plant and animal life.

Mr. Speaker, I am proud to report through the leadership of the distinguished mayor of Chicago, Richard J. Daley, the city of Chicago has moved decisively and effectively to elminate the problem caused by phosphate detergents. Submitted herewith are statements of Mayor Daley and H. W. Poston, Commissioner, Department of Environmental Control before the Senate Subcommittee on Environment on October 1, 1971.

In addition, Mr. Speaker, I am happy

to point out that several Chicago concerns are successfully marketing non-phosphate detergents which are as safe to use as the leading phosphate detergents and just as effective in cleaning. Such products are marketed by Sears, Carsons, Marshall Field, Montgomery Ward, and Armour-Dial, Inc.

STATEMENT BY H. W. POSTON

I am H. W. Poston, Commissioner of Environmental Control for the City of Chicago. I am pleased to testify before your Committee today to present Chicago's views with respect to the problem of phosphorus in detergents and the effects of phosphorus on water quality.

My remarks will focus on the following (1) why phosphorus in detergents is a problem, (2) what the City of Chicago has done to tackle this problem, and (3) the Surgeon General's recent "advice" to housewives to use phosphate detergents and its implications. I will also comment on the use of "treatment" facilities, as proposed by the federal government, for the removal of phosphorus from detergents.

Detergents containing phosphorus are a problem because they pollute our lakes, rivers and streams. Phosphorus dumped into waters causes them to age much more rapidly than nature intended, and if they continue to age in this manner—to die. All scientific evidence supports this view. Nor does the federal government dispute this scientific truth.

Bodies of water like Lake Michigan retain a large percentage of man-made phosphorus and require more than 100 years to flush themselves clean. The elimination of phosphorus at the source; that is, out of the detergent package, is an absolute necessity for the survival of such bodies of water.

There are many examples where a marked reduction in the aging process has occurred whenever a diversion of sewage effluents from a lake has been purposely made. Lakes Monona, Waukesa and Kegonsa at Madison, Wisconsin and Lakes Washington and Green in Seattle are examples where noticeable improvements have taken place.

However, in the Illinois River near Peoria, Illinois, large blooms of algae are present, caused by wastes discharged—among them from detergents with phosphorus.

For the Lake Michigan Basin alone, approximately 4.5 million people, 70% of the basin population, discharge their sewage into the lake or its tributaries. For the Lake Erie Basin about 9.3 million, or 87% of the United States basin population, discharge their sewage into the lake or its tributaries. Large numbers of people contribute to the pollution problems of our lakes and rivers.

The present amount of phosphorus from detergents in sewage effluents discharged into Lake Michigan and its tributaries from the States of Illinois, Indiana, Michigan and Wisconsin, is estimated to be over 5,000,000 pounds per year.

Chicago and surrounding communities depend upon Lake Michigan for water, for domestic and industrial use, for recreation, fish and wildlife, for shipping, in addition to its aesthetic qualities. The commitments made by the city to its lake have benefitted all of the states bordering Lake Michigan and not just Chicago alone. Chicago has done the following:

Was the first and only city on the Great Lakes to divert all its sanitary sewage from the lake and the first to provide biological treatment for its sanitary waste.

Was the first city on Lake Michigan and the Great Lakes to make a major commitment to the prevention of overflows from combined sewers by an underground storage and conveyance plan presently under construction.

Since 1967, Chicago has enforced its Harbor Pollution Control Ordinance requiring holding tanks on all pleasure craft using its harbors. The city has continued to enforce its ordinance despite the recent federal announcement that new less stringent federal laws might prevail.

The International Joint Commission Advisory Committee on Water Pollution Control in its 1969 Report on Pollution of the Lower Great Lakes, singled out eutrophication (accelerated aging) as the most serious water pollution problem of those lakes and recommended a program of phosphorus control to reduce the adverse effects of phosphorus on water quality and water use. Subsequently, the International Joint Commission adopted this report making it an international treaty. The recent government position on phosphorus in detergents violates this international agreement.

Studies by the city's Department of Water and Sewers in 1970 showed an increase in the phosphorus concentration in Lake Michigan well above the threshold required for nuisance algae growth.

The recent study by Dr. Charles Powers, conducted for the federal government on the phosphorus input of Lake Michigan, shows that if the phosphorus intake isn't reduced drastically, Lake Michigan has little chance of making it to the 21st century. Phosphorus from detergents will kill it off before then. The study shows that nearly 3.5 times as much phosphorus is being discharged into Lake Michigan as was earlier estimated by federal officials.

Recognizing all of these problems and looking for the most immediate, economical and positive relief, the Environmental Control Committee of the Chicago City Council held public hearings on phosphorus in detergents. These extensive public hearings called for by Mayor Richard J. Daley, conducted in August of 1970, brought out the following valid points:

Detergents accounted for about 60% of the phosphorus discharged into the lake.

The city was also concerned on the effects of phosphorus discharges to downstream communities on the Illinois River System.

Phosphorus is the only controllable nutrient.

Removal at the source is the most effective, quickest and economical solution. It is a preventative rather than a curative measure. Conventional sewage treatment cannot accomplish this.

Safe alternatives to phosphorus bearing detergents would be available to the consumer which would also clean and have a comparable cost.

Canada had successfully limited phosphorus in detergents on August 1, 1970.

These points were valid at the time of the public hearings and time has increased their validity.

With the completion of the hearings at which 35 witnesses testified, the Environmental Committee of the City Council recommended an ordinance to the City Council. The ordinance limited the percent of the element phosphorus in detergents to 8.7% by February 1, 1971, and completely bans phosphorus in all cleaning products by June 30, 1972. With passage of the ordinance Chicago became the first city in the nation to enact anti-phosphorus legislation.

Despite the outcry from members of the Soap and Detergent Association, such as the prediction that housewives would purchase their cleaning products outside of Chicago, that the housewife would be penalized, that the time limitation was impossible to meet, that there would be no products on the shelves of stores, Chicago's first step in its ordinance has been met successfully.

There has been no public outcry from the consumer, the requirements of the ordinance have been met, and safe, good cleaning non-phosphorus detergents are available. Phosphorus free detergents are available in all Chicago stores and supermarkets. Four of Chicago's leading department stores, Sears, Carsons, Marshall Field and Montgomery Ward sell non-phosphorus detergents manufactured under private label for their customers. Obviously they are meeting the demands of the consumer.

As a result of Chicago's action, 47 municipalities along with the states of New York, Connecticut, Indiana and Maine have also passed similar anti-phosphorus legislation. Similar legislation is pending at various stages of passage in many additional municipalities and states.

On September 15, 1971, Surgeon General Steinfeld gave the American housewife this advice concerning the environment, the safety of her children and the uncertainty in regard to NTA. He stated, "My advice to the housewife at this time would be to use the phosphate detergent. It is safe for human health."

However, before giving this advice, Dr. Steinfeld agreed that "not all non-phosphate detergents are highly caustic." At the same press conference neither Dr. Charles Edwards of the FDA, nor the Surgeon General, could come to an agreement as to whether so called "caustic" substances posed a "real" or "potential" health hazard. Whatever kind of a hazard they thought existed could be handled by proper packaging and proper labeling.

We have never opposed labeling a product if it presented a health hazard. Therefore we can't understand the insistence of the Surgeon General to use only detergents with phosphorus.

Results of tests conducted by independent laboratories showed that a non-phosphorus detergent posed no more safety hazards to users than phosphorus detergents now on the market.

The tests measured the effect on skin, stomach and eyes. The laboratories strictly followed testing methods of the Federal Hazardous Substances Act and simulated actual use conditions on human volunteers and animals.

The tests were conducted as part of a study by the Research and Development Department of Armour Dial, Incorporated. Tested were Triumph, an Armour Dial product, a phosphorus free detergent, along with Tide XK, Intensified Tide, Bold, Wisk, All and Cheer, all containing phosphorus.

Both types of detergents caused mild to moderate stomach irritation after 24 hours of ingestion, but the liquid, phosphorus detergent, was more severe. Following FHSA standards and employing more stringent standards, the laboratories found that the phosphorus detergents caused equal and sometimes greater injury to the skin. In tests, where the detergents were placed on the skin for periods up to one hour, the results indicated that both types were only slightly irritating. Both detergents produced similar damage when placed on the eyes of test animals. Patch tests on eight volunteers showed that the phosphorus detergents produced more skin irritation than the phosphorus-free detergent. There was no difference in irritation levels when the volunteers immersed their hands in solution three times a day for one week. Although the tests' results were comparable, only the phosphorus-free detergent had a caution statement on the label.

The study concluded that safe and effective non-phosphorus detergents are currently available. "Innuendoes to the contrary are unwarranted and misleading," the report stated. The report refutes soap industry testimony that an acceptable phosphorus substitute is not available.

Other independent laboratory tests by De Soto, Incorporated and Gateway Industries, Incorporated have shown that non-phosphorus detergents on the market are no more toxic than some of the principal phosphorus formulated detergent products on the market as measured by skin, eye, oral toxicity and ingestion testing procedures in accordance

with the Federal Hazardous Substance Labeling Act.

We suggest that if there is a real concern about the health of human beings that enzymes now being used primarily with phosphorus detergents be investigated. According to a report published in the July Journal of the American Medical Association, enzymes used in household laundry can contribute to respiratory ailments among workers in plants manufacturing the so called stain-removing material. Respiratory cases have also been reported by consumers. A study group of the American Academy of Allergy has reported that detergents containing enzymes, which have led to illness among industrial workers, are a potential danger to the public health.

We have no evidence that these charges have been investigated and that leading phosphorus detergent manufacturers have completely eliminated them. The only evidence we have seen is the elimination of enzymes from the packaging and advertising. The question of the health aspects of the use of enzymes deserves the government's closest scrutiny.

While we have always maintained that the removal of phosphorus at the source is the most expedient solution, the Environmental Protection Agency now proposes grants for advanced waste treatment facilities by providing $500 million. This does not take into account the amount the individual taxpayer will be charged. We must take strong objection to this incomplete, expensive, time consuming, curative method as contrasted to the preventive no cost, immediate solutions of cutting off the source of the pollutant. Monies, when and if appropriated by federal agencies, trickle down very slowly for the ground breaking ceremonies.

Let us assume that everything would happen as fast as the administration has stated. First, a study of the area to determine the limiting nutrient would have to be made. One complete weather cycle would have to elapse before the study could be completed.

We in Chicago have been following the difficulties the North Shore Sanitary District encountered with the expansion plan at its Clavey Road treatment plant north of Chicago. This district oversees the operation of five treatment plants in neighboring Lake County, Illinois, which spews 35 million gallons of sewage daily into Lake Michigan.

In 1968, the district embarked on an $95 million expansion program after being directed to stop dumping into the lake by the summer of 1972. Voters approved a $35 million referendum with matching state and federal funds for the remaining costs.

Effects of dumping this sewage into the lake were felt during the summer of 1969 when the beaches in the county were closed due to high bacteria counts. These beaches have remained closed ever since.

Opposition to the expansion began to build by citizen groups and public officials in the area. Pickets brought to a halt construction at the site in late 1970.

State hearings on the odor and air pollution, dumping into the lake and charges that the district did not meet state water quality standards were re-opened. The district was ordered to proceed with the expansion after these hearings. It also received authority to issue an additional $55 million in bonds without a public referendum to complete the expansion. Citizen groups then threatened to appeal this order in the State Appellate Court.

Already put behind schedule by legal battles and civic opposition, the district planned to proceed, but only ran into another impasse.

Federal officials differed with state pollution officials on the size of the expansion, thus endangering $36 million in federal matching grants for the district and further delaying the expansion before agreement was reached.

Completion of this needed facility was set back one year because of the opposition. A year in which the death of Lake Michigan was accelerated.

It is difficult to comprehend the rationale behind the recent federal decision to advance funding of treatment plants instead of a ban on phosphorus in detergents. The Clavey Road incident is an example of the time and effort expended just to expand an existing plant.

The Metropolitan Sanitary District of Greater Chicago presently spends $10 to $14 million annually for treatment. For phosphorus removal, the Metropolitan Sanitary District estimates that chemical costs alone would exceed $18,000,000 each year and capital costs for equipment would exceed $50,000,000. Additional sludge handling cost would amount to $9.000,000, making an annual estimated operating cost of $27,000,000—double the Metropolitan Sanitary District's present annual operating costs. Assuming that advanced treatment plants would remove up to 98% of the phosphorus, something that has never been accomplished, there still remains the problem of where to put the sludge from this removal operation.

In addition to these costs, treatment costs for drinking water are increased substantially in bodies of water where algae growths are profuse.

The administration said in a press conference that "the cost should be borne by the individual who is creating the waste, and not by the country as a whole. "We are in complete agreement with this statement except that the wrong individual has been singled out. It is the manufacturers of the phosphate detergents who are creating the waste—therefore, they should pay for the cleanup by eliminating phosphates from the box.

STATEMENT BY RICHARD J. DALEY

I wish to thank the subcommittee for this opportunity to present testimony on the use of phosphates in detergents.

In a statement issued on September 15, 1971, federal enviornmental and health officials emphasized that phosphates are a leading contributor to water pollution. This is consistent with all of the credible studies done on this subject. At the same time the federal officials urged each state and city with a limitation or ban on phosphates in detergents to reconsider its position because:

1. The government would help finance removal of phosphates at sewage treatment plants; and

2. Phosphate detergents are the safest thing in terms of human health.

At my request our City Council Committee on Environmental Control held extensive public hearings in August of 1970 on the use of phosphates in detergents. These hearings covered the suggestions now made by federal officials. The evidence clearly established the basis for the enactment by the City Council of our present ordinance limiting the phosphorus content of detergents to 8.7%, effective February 1, 1971 and banning phosphorus from detergents effective June 30, 1972.

Experience and study since the enactment of our ordinance leads us to one conclusion and that is to urge these federal officials to reconsider and enact national legislation removing phosphates from detergents and to provide proper safeguards for the consumers.

The federal officials proposal to build local sewage treatment plants in lieu of removal of phosphates at their single largest source is ill advised and ineffective for the following reasons:

1. In Chicago alone the capital improvements would cost $50 million and would require annual operating costs of $20 million. The taxpayers should not be burdened with these costs when removal at the source is feasible and the money can be used more effectively for education, housing, mass transportation, police and fire protection and many other essential services.

2. Sewage treatment plants require 10 to fifteen years or longer to complete. Dr. Charles Powers recently presented a study to the E.P.A. stating that Lake Michigan would be dead by 1990 if its phosphate intake isn't reduced and that its shoreline would be choked by algae in less than fifteen years.

A sewage treatment plant built at considerable expense may be useless if the body of water it is intended to preserve is irreparably damaged prior to completion.

3. Experience has shown that local residents do not encourage the expeditious construction of sewage treatment plants. A prime example is the heated controversy in Highland Park, Illinois. I am speaking of the efforts of the North Shore Sanitary District, north of Chicago in Lake County, Illinois.

To prevent the dumping of raw sewage in the Lake, the district launched an expansion program to stop dumping in the Lake by 1972. Voters approved a $35 million referendum to cover improvements for sewage treatment at one of its plants. Matching money was also available through state and federal channels.

Even though voters approved the expenditure, and even though the beaches along the north shore were shut down because of polluted water, opposition developed and forced new hearings on the proposal to further delay it. Today, it is tied up in litigation and no solution is expected in the immediate future.

This program envisioned only expansion but citizens opposed it. People objected to treatment facilities being located near them. Objections would likely be more vigorous in the building of completely new treatment plants. In any case, site selection will almost certainly mean long delays.

4. Another area near Chicago, Du Page County, is an example of local residents defeating a bond issue for sewage treatment. Without matching local funds federal assistance is not meaningful.

5. Even after plants could be built, the federal proposal does not include the enormous costs of disposing of chemical sludge which remains after treatment. Disposal of the sludge opens up the problems of contamination of sub-surface waters and causing run-offs into surface waters. The phosphates are still around to cause additional problems.

The statement by the Surgeon General that phosphate detergents are the safest in terms of human health is difficult to accept.

The implication presented to the public by the country's chief health officer was that non-phosphate detergents are too dangerous to use in the home. He said, "the safest thing in terms of human health would be to use a phosphate detergent." This was the message conveyed by the press, and the public could be expected to conclude that non-phosphates were now a hazard.

The next day, September 16, the Surgeon General appeared before the House Public Works Committee and said "not all non-phosphates are hazardous."

His second statement was too late. It received little attention. In the past few days, the damage has been compounded by the newspaper advertisements of a phosphate detergent manufacturer who is capitalizing on the Surgeon General's first statement.

Obviously, there are many products in the home that if improperly used are dangerous, even fatal. For example, over fifty children died last year from swallowing liquid furniture polish and similar products. The point is that many products, in this case detergents, should not be swallowed, rubbed in the eyes or otherwise misused. A carving knife is dangerous in some cases and clearly kitchen knives should be kept out of the

hands of children. It is my hope that one of the most dangerous devices ever kept at home, handguns, will not be manufactured under new federal legislation.

Unless the government is going to take a product off the market—and obviously household products such as furniture polish will not be banned—then it seems to us that labeling is the sensible answer in the case of detergents. We agree with Dr. Charles Edwards of the F.D.A. that any problem presented by non-phosphate detergents "can be handled adequately with proper labeling and proper packaging." Even the mildest form of detergent, with or without phosphate, is injurious to health when misused. Rather than label products simply as hazardous or dangerous, it is our hope that all detergent packages whether they contain phosphates or not would carry the name of every ingredient used in the product.

The labeling can also include first aid instructions in the event of accidental or deliberate misuse of the detergent.

Independent laboratory tests have clearly established that non-phosphate detergents are as safe or safer than leading phosphate detergents which have been on the market for a long time.

Chicago has many reasons for desiring the immediate reduction or removal of phosphates from detergents.

First, Chicago's primary objective is to prevent Lake Michigan from dying, to maintaining the highest level of water quality, and to keeping it available for the full complement of uses for this and future generations. Lake Michigan is Chicago's most valuable natural resource. However, even now in certain local areas, Chicagoans are being deprived of the full use and enjoyment of lake front beaches because of the presence of noxious algal growth.

Second, Chicago desires to improve its rivers and to be a good neighbor to downstream communities on the Illinois River system. Chicago wants to limit additions of phosphates to its rivers, thus minimizing water quality problems now. We do not want to put unnecessary phosphates in surface waters and we do not want other communities to put unnecessary phosphates into Lake Michigan, which threatens the life of the Lake.

Third, the aesthetic quality of Chicago's water supply is at times adversely affected by the presence of tastes and odors due to algae and diatoms in the raw lake water. In addition, these organisms increase Chicago's water treatment costs. The growth of these algae and diatoms is stimulated by the presence of phosphates in the lake.

Since the passage of the ordinance on October 14, 1970, Chicago has experienced no problems of public health significance nor have we witnessed any movement on the part of housewives to return to high phosphate detergents. On the contrary we have received letters of praise regarding our action to control phosphorus in detergents.

Based on the experience of the City of Chicago under its phosphorus control ordinance and the testimony presented at the public hearings held by the House Committee on Government Operations, Conservation and Natural Resources Subcommittee, and the Chicago City Council Committee on Environmental Control on the matter of phosphorus in detergents, and on the 1970 Report of the International Joint Committee on Pollution of the Lower Great Lakes, I strongly urge the Congress to take positive action to eliminate phosphorus from detergents in the interest of preserving and improving the quality of America's surface waters.

I don't believe we should underestimate the intelligence of the American housewife and the capability of American industry.

We can have clean water and safe detergents and we can have both now. I urge the Congress to enact legislation banning phosphates from detergents, to require labeling informing consumers of the contents of all detergents and to provide labeling informing consumers of first aid procedures in the event of misuse.

FEDERAL GOVERNMENT IS POWERLESS AT HANDS OF AUTO MAKERS

(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, the Federal Government appears powerless to help persons seeking relief from automobile defects. In response to many complaints I have received from constituents, the Federal Trade Commission—FTC—has informed me that it can no longer attend individually to the complaints of automobile owners which apparently come in in such volume that tne FTC cannot cope with them.

In fact the FTC has composed a form letter which they are sending to Congressmen in response to automobile complaints. This letter is a statement of the Commission's legal impotence to help car owners.

New and tougher legislation is required since the true policy among auto manufacturers continues to be "Let the Buyer Beware." The issuance of this form letter is nothing more than dropping the pretense that there is or ever was a recourse in the Government for people who have been sold defective goods by automobile companies.

Mr. Speaker, for the information of my colleagues I would like to include the text of the FTC letter:

FEDERAL TRADE COMMISSION,
Washington, D.C., September 30, 1971.

Hon. JOHN G. DOW,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DOW: This is in reference to your recent communication regarding the motor vehicle experiences of one of your constituents.

The Commission is very much concerned over the problems of automobile advertising, poor warranty servicing, and defective automobiles upon which no meaningful corrective maintenance can be conducted, for which both dealers and manufacturers absolve themselves from liability. The Commission has conducted an extensive investigation into the subject of manufacturers' and dealers' sales practices and performance under motor vehicle warranty instruments. It has published a Report on Automobile Warranties outlining its determinations and recommendations regarding the matter. Enclosed is a press release describing the contents of the Report. This Report recommended that Congress enact a new and comprehensive Automobile Quality Control Act which would provide for minimum standards of quality, durability and performance for motor vehicles.

Additionally, the Commission supports the enactment of S. 986, which would provide minimum disclosure standards for consumer product warranties and define minimum Federal content standards for such warranties. The standards proposed by this legislation would have beneficial effects upon motor vehicle and other consumer product warranty problems. As I stated in my testimony in support of this legislation:

"The Commission believes that informative, accurate, clear and fairly written warranties, backed up by warrantors who deliver what they promise, are essential to our free market economy, and that legislation to insure these consumer rights is necessary."

As you are aware, the Commission lacks authority to act as a private attorney on behalf of your constituent. If he desires to pursue legal remedies, I suggest he consult a local attorney who might be able to render assistance to him in this matter.

I appreciate your bringing this matter to the attention of the Commission and regret that we are unable to assist your constituent directly in resolving his problem. I am returning the enclosures to your communication herewith.

With kind personal regards,

Sincerely,

MILES W. KIRKPATRICK,
Chairman.

Enclosures.

The Federal Trade Commission Act lays down a general prohibition against the use in commerce of "unfair methods of competition" and "unfair or deceptive acts or practices." There is nothing more unfair or deceptive than a wide-range of so-called warranty claims which the purchaser of an automobile finds impossible to enforce.

I have files full of such incidents with little or nothing accomplished to resolve the problems. It is grossly unfair for manufacturers to advertise the reliability of their products and then disclaim responsibility for defects.

Correspondence with automobile manufacturers on behalf of my constituents appears to be useless. Inevitably, they tell me that warranty problems are a matter that is strictly between the buyer and the local dealer. Often enough the dealers disown the problems as well, claiming they are the responsibility of the manufacturer.

The party left holding the bag is the consumer.

I am checking out avenues of redress at the level of state government in New York State and if I find no satisfaction there I will press for stronger Federal legislation to protect car buyers.

END THE WAR TREND CONTINUES TO GAIN VOTING STRENGTH

(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, as one of seven Congressmen who voted against the first major appropriation for the Vietnam War in May of 1965, I see some encouragement in the trend of voting during this 1st session of the 92d Congress.

The vote on Tuesday was only 23 shy of bringing about the change necessary in this body to assure a swift end to the tragic conflict in Southeast Asia.

While I would have preferred to see a victory on the vote to set a 6-month deadline on withdrawal, I and many of my colleagues who have fought a lonely fight for many years are encouraged.

The Christian Science Monitor carried an article this morning by Peter C. Stuart which I would like to insert in the RECORD for the information of my colleagues. I hope it will spur the efforts to bring the Vietnam War and our Southeast Asia adventurism to an end.

HOUSE ANTIWAR VOTE—ONLY A MATTER OF TIME

(By Peter C. Stuart)

WASHINGTON.—U.S. Rep. John C. Kluczynski—the husky, conservative Democrat whose

South Side Chicago constituency embraces, among other things, the old stockyards and the home of Mayor Richard J. Daley—had never voted against the Vietnam war.

He did so for the first time Oct. 19. No speech. No press releases. Just quietly cast his vote, discarding a record of unbroken support for the war under four presidents.

The conversion of Representative Kluczynski and at least 16 of his colleagues who had stuck with the war until this week pushed the House of Representatives within just 23 votes (4 percentage points) of fixing a six-month deadline for American military pullout from Indo-China.

HANDWRITING ON WALL

The effort failed this time, 215 to 192 on a procedural motion, but the handwriting was etched plainly on the House chamber's damask walls: It's probably only a matter of time before Congress sets a termination date for American involvement in the war, unless the President first does so himself.

The voting trend is unmistakable. The House, which in 1964 ratified the war-escalating Gulf of Tonkin resolution 416 to 0, has voted on war deadlines four times this year. While losing, the proposal has steadily gained strength:

April 1—260 to 122 (68 percent to 32 percent).

June 17—254 to 158 (62 percent to 38 percent).

June 28—219 to 175 (56 percent to 44 percent).

Oct. 19—215 to 192 (53 percent to 47 percent).

The House actually adopted an end-the-war measure in August when renewing the draft, but the toothless amendment sets no withdrawal deadline.

Now that a date-setting provision seems within reach, antiwar congressmen may be expected to try again at least a fifth time this year. The Senate poses no obstacle, for it has consistently approved such riders.

There will be two early opportunities: when the military procurement bill (which the proposal Oct. 19 would have amended) returns from a House-Senate compromise conference, and when Congress takes up the foreign-aid bill.

The propelling force is a smoldering congressional impatience. "Our responsibility now," said Rep. Robert L. Leggett (D) of California, speaking of President Nixon's war role, "is to help him and lead him out."

Restiveness of Capitol Hill is quickened by a series of recent developments:

The one-man reelection of South Vietnam President Thieu. "That election was a real travesty of everything we've said we were fighting for over there," charged one congressman who abandoned his war support this week, Rep. Otis G. Pike (D) of New York.

A Viet Cong peace proposal linking release of American war prisoners to setting a pullout deadline.

"Aftershock" from the so-called Pentagon papers, once-secret documents analyzing the roots of American involvement in Indo-China.

POLLS BACK HOME

Many congressmen also are finding a withdrawal of indefinite length "uncomfortable to live with as a political issue," reports a Capitol Hill liaison for Common Cause, the citizen lobby which worked hard for the House rider.

Rep. Kluczynski found himself among the uncomfortable ones. "All the mail was for it," explained an aide. Polls back home confirmed it.

An antiwar group, Business Executives Move for Vietnam Peace, polled 1,143 of Mr. Kluczynski's constituents door to door this summer. It found that 8.6 percent of them favored ending the war this year and vowed to vote against their congressman if he failed to act accordingly. In a precinct just three blocks from Mr. Kluczynski's home, his constituents lined up against him 156 to 12.

When the 11-term congressman abruptly switched against the war, so did the last other hawkish holdout among Chicago Democrats, Rep. Frank Annunzio.

Others deserting the war for the first time included several conservative Democrats in powerful leadership positions: Edward A. Garmatz of Maryland, chairman of the Merchant Marine and Fisheries Committee; Joe L. Evins of Tennessee, chairman of the Select Committee on Small Business, and B. F. Sisk of California, a member of the Rules Committee.

GOP SWITCHERS

Republican converts breaking not only with their past records, but with their party and President include William B. Widnall of New Jersey (ranking member of the Banking and Currency Committee), Mark Andrews of North Dakota, and Tim Lee Carter of Kentucky.

The provision winning their support was an amendment to a $21 billion military-hardware bill, declaring it "the policy of the United States" to withdraw its military forces from Indo-China within six months, subject to release of American prisoners of war.

The provision was known as the Mansfield amendment in the Senate, which adopted it Sept. 30, 57 to 38. In the House its sponsor was Charles W. Whalen Jr. (R) of Ohio, an Armed-services Committee member emerging increasingly as a leader of Republican antiwar forces.

STRATTON BILL WOULD INCORPORATE THE NAVAL ORDER OF THE UNITED STATES

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

Mr. STRATTON. Mr. Speaker, the Naval Order of the United States is an organization "dedicated to the memory of the great U.S. naval commanders and their companion officers and shipmates who have served this Nation in time of war and to the preservation of the tradition of the sea services."

In its charter the order states it will carry out those goals by working "to encourage research and publication of literature pertaining to naval art and science, and to establish libraries in which to preserve all documents, rolls, books, portraits, and relics relating to the Navy and its heroes of all times and, in general, to further and support the moral and spiritual well-being of the officers and men of the U.S. Navy and U.S. naval policy."

Since its inception in 1891 the order has grown to 4,500 members across the country and has broadened in scope so greatly that incorporation of the organization by Congress has now obviously become necessary. It is for this reason that on Monday I introduced H.R. 11304, legislation formally to incorporate the Naval Order of the United States.

Such incorporation is necessary to protect the members and officers of this great organization in their dealings, as well as to afford protection for its name and insignia. In addition, a congressional charter for the order would be appropriate in recognizing the order's uniquely national character and its contributions to the history and to the defense posture of the Nation. Since the group has now been in existence for 80 years, there is clearly no question as to its permanence.

Surely this is a worthy cause. Incorporation would benefit not only those who are members of the order or also former or present members of the U.S. Navy, but it would also help all Americans who are quite properly proud of America's great naval tradition. The names and stories of those great men who served their country at sea in time of war, and the documents and artifacts from great naval battles would be a source of pride and inspiration to all Americans.

I urge my colleagues to support the incorporation of the Naval Order of the United States so that these services to the Nation will be continued on an even greater level.

KENNETH E. BUHRMASTER, NATIONAL PRESIDENT OF THE NATIONAL SCHOOL BOARDS ASSOCIATION

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

Mr. STRATTON. Mr. Speaker, the other day in my home district in New York the people of the Schenectady area paid tribute to Kenneth E. Buhrmaster, who has been for many years a member and president of the Scotia-Glenville School Board in Schenectady County and who this year is serving as president of the National School Boards Association.

Ken Buhrmaster's service in that position has been of the highest quality and his dedication to education has received national recognition.

Only the other day Mr. Buhrmaster, in his capacity as president of the National School Boards Association, met at the White House with President Nixon and received national headlines for telling the President of the need for a greater commitment to higher education. Shortly thereafter the Washington Post ran its leading editorial in support of the remarks which Mr. Buhrmaster made at that time.

Mr. Speaker, Ken Buhrmaster has been a friend of mine for many years. It is a real pleasure for me to salute his service to his community and to his country and to join in paying tribute to him for the tremendous leadership which he has been providing not only to Schenectady County but to the entire Nation in his capacity as president of the National School Boards Association. Under leave to extend my remarks I include a number of articles on Mr. Buhrmaster, including an editorial from the Schenectady Gazette of October 5 and an editorial from the Washington Post of October 9:

[From the Schenectady (N.Y.) Gazette, Oct. 5, 1971]

FITTING TRIBUTE

Kenneth E. Buhrmaster this week is receiving the plaudit and appreciation of his native Village of Scotia for his 23 years of successful effort in raising the standard of education not only in the Scotia-Glenville

school district but in New York State as well. We heartily concur with this most deserved honor, and herewith doff our editor's cap in recognition of his enviable accomplishments.

The citizens of Scotia and the Town of Glenville may count themselves fortunate to have a man such as Mr. Buhrmaster in their midst. It is not often that an individual can contrive a way to allot his time so that he is able to devote nearly a quarter century of civic service despite a crowded schedule of private business. Mr. Buhrmaster has done this while earning the respect of his community for his fair dealings and shrewd judgment.

A 1937 graduate of Syracuse, where he was a leader in student activities, Mr. Buhrmaster returned to Scotia and became associated with his father in business. Presently, he is president of the J. H. Buhrmaster Co., fuel and heating suppliers, and chairman of the board of directors of the First National Bank of Scotia. His civic interests have led him far afield. He is a former director and officer of the Schenectady County Chamber of Commerce and is vice president of the Schenectady Industrial Development Council. He is a member of the Schenectady County Fund Raising Review Board; Scotia Rotary, of which he has been president, and the Schenectady YMCA, which he has served as director, vice president and trustee.

It was in 1948 when he consented to be a candidate for the Scotia School Board—and his election that year began his still active role in the field of education. He became the school board president in 1950 when centralization was achieved in that district and the need for astute leadership was so pressing. He served as board president from 1950–53 and again from 1956–61, never having left the board since his election 23 years ago.

His contributions to education on a state level are too numerous to detail. However, it should be mentioned that he became president of the New York State School Boards Association in 1961 and received its Distinguished Service Award in 1965. And also that last year he was named president of the National School Boards Association and was honored by the New York State Teachers Association with the Alfred E. Smith Award for outstanding service in education in this state.

The week-long "Tribute to Ken Buhrmaster" will culminate this Saturday night with a program and reception at the Scotia-Glenville High School. State Comptroller Arthur Levitt will be guest speaker.

But the more lasting tribute will be a scholarship fund which will be established in Mr. Buhrmaster's name for the benefit of deserving Scotia students. This will perpetuate the spirit of his continuing efforts in behalf of unrestricted learning.

S-G Citizens Plan Buhrmaster Tribute

Scotia.—Glenville citizens are planning a "Tribute to Ken Buhrmaster Week" next month.

Kenneth E. Buhrmaster, chairman of the First National Bank of Scotia Board and president of the J. H. Buhrmaster Co., was elected president of the National School Boards Association this year.

For nearly 25 years, the Scotian, who attended Scotia schools and Syracuse University, has been active in school district affairs being first elected to the local board of education in 1948. Almost 10 of these years were spent as president.

Besides his S-G work, he has been president of the New York State School Boards Association, chairman of the New York State Educational Conference Board, a member of the New York State Employes Retirement System advisory board and is now serving as president of the State Teachers Retirement Board.

As part of the tribute, a scholarship fund in Buhrmaster's name will be established. Contributions may be made to Scotia-Glenville Central School, Box 1156, Scotia.

Plans for the special week, beginning Oct. 3, include a community wide reception at 8 p.m. Oct. 9, when State Comptroller Arthur Levitt will be the main speaker.

Scotia Rotarians and the S-G Jaycees will honor Buhrmaster at their regular meetings that week while the Lions and Kiwanis Clubs plan a joint testimonial dinner. Special ceremonies are also being planned by the school system.

John E. O'Connor is general chairman of the tribute with Charles H. Betts, Warren O'Neal, Charles Van Wormer and Palmer Welch on the coordinating committee.

Others include John Roylance, representing the Rotary; Seth Siskin Kiwanis; Edward Brooks, Lions, Thomas LaViolette, Jaycees; Supervisor Gilbert E. Smith, Glenville; Mayor John A. Ryan, Scotia; Bernard McGivern and Dr. Nelson Rust, professions; Mrs. Edith Hogan Grose, publicity; Superintendent Clyde O. Eidens and board president Richard G. Livingston, schools; Mrs. Mary Agenes Truax and Robert Boquist, reception and program; Mr. and Mrs. Frank Riegert, finance and invitations; John Brennan, businesses; and the Rev. Harold Schut, churches.

Community invitations will be distributed by Jaycees and members of the various PTA's this week.

[From the Washington Post, Oct. 9, 1971]

Financing the Public Schools

It is possible, without being absurdly romantic about it, to glimpse a rebirth of hope for the country's public schools in the meeting that took place last Thursday at the White House between national education leaders and President Nixon. There was a fervent expression of that hope in a post-conference comment by Kenneth E. Buhrmaster, president of the National School Boards Association, representing some 16,000 local boards of education around the country, that "we in the conference this morning really believe that the outlook for education is far better than it has been for a long, long period of time."

Or, as another educator put it, "At least there was a meeting." There has been no previous meeting of this kind since Mr. Nixon moved into the White House. On the contrary, there has been a long winter of discontent on either side. The President vetoed two appropriation bills for federal aid to education because he considered them excessively expensive. And he has talked in extremely hostile terms about a need for major reforms in the organization and administration of the public schools—and in teaching techniques as well—before he will back federal aid on any expanded scale. He proposed two commissions on aid to education—one to study financing, the other to recommend fresh approaches to the task of teaching.

The trouble with educational study commissions is that school children keep growing up while the commissions study. They attend overcrowded, understaffed, inadequate schools; and a failure to educate them in the present can never be repaired in the future. Educators who face this failure look to the federal government as the only source from which help can come. They know that money is not the only answer; but they also know that it is one imperative answer. So they have reacted to Mr. Nixon's rejection of their pleas with bitter resentment.

U.S. Commissioner of Education Sidney P. Marland Jr. arranged last week's meeting in an effort to bridge the widening breach between the President and the school men. Apparently it achieved a degree of rapprochement. Common concern about school financing was spurred by the recent decision of California's Supreme Court that reliance on local property taxes as the chief source of school funds resulted in a denial of the equal protection of the laws guaranteed by the Fourteenth Amendment. If the local property tax is unconstitutional as well as manifestly inadequate, alternative sources of revenue must be found.

Mr. Buhrmaster of the National School Boards Association said after the meeting that the educators proposed an increase in the level of federal aid from the present 7 per cent of the educational budget to about 40 per cent. No doubt it would take a considerable span of time to raise the federal contribution so dramatically. But in simple truth there is no other way to give the public schools the financing they so desperately need. The division eventually ought to be in the nature of 40 per cent from the federal government, 40 per cent from the state governments and 20 per cent from local communities.

Increased federal funding can usefully be made a lever to bring about some much needed reform of state patterns in the apportionment of school funds. Federal funding should give the states an incentive to improve their own equalization formulas in the light of the California ruling.

In bringing about the face-to-face meeting between the President and the educators, Commissioner Marland gave a demonstration of how useful the Office of Education can be. It is an agency that has an immensely important role to play in the modernization and development of the American school system. It ought to be given significant new resources if it is to fulfill its proper role in promoting educational reform.

Reform is in the air—and in the minds of the school authorities all over the country. The President need have no fear on that score. He needs to understand, however, that federal assistance is the key to reform, that adequate funding is its indispensable lubricant. The public schools, for so long a vital force in American democracy, are now themselves in desperate need of revitalization. They deserve a high priority in the President's calculations.

S–G To Honor Buhrmaster

"A tribute to Ken Buhrmaster" week is being planned in the Scotia-Glenville community from Oct. 3–9.

Buhrmaster, a lifelong resident of Scotia and active in school affairs since 1948, this year was elected president of the National School Boards Association.

"For some time I have felt it appropriate for some one person, or group, to take the initiative in arranging a testimonial to an outstanding individual in our community, namely Kenneth E. Buhrmaster," said John E. O'Connor, general chairman of the tribute week.

Highlight of the week will be a program and reception for Buhrmaster on Saturday evening, Oct. 9 at 8 p.m. at the Scotia-Glenville High School. Guest speaker will be State Comptroller, Arthur Levitt. Invitations to join in the community tribute will be delivered to residents' homes during the week of Sept. 14. The affair will be open to all with no admission charge. Invitations will be distributed by the Scotia-Glenville Jaycees, and the PTA's.

A scholarship fund will be established in Buhrmaster's name. Contributions will be accepted and checks may be made out to Scotia-Glenville Schools and mailed to P.O. Box 1156, Scotia, New York 12302. Details of the scholarship will be announced at a later date by the scholarship committee.

Scotia Rotary Club plans to honor Buhrmaster at its regular Tuesday noon luncheon meeting. Scotia-Glenville Jaycees will honor him at their regular meeting. The Scotia Lions Club and the Scotia Kiwanis Club plan a joint testimonial dinner meeting during

the week. During that week the Scotia-Glenville schools will also honor Buhrmaster.

Buhrmaster was educated in the public schools of Scotia and graduated from Syracuse University in 1937. He was first elected to the Scotia School Board in 1948 and continued on the Scotia-Glenville School Board upon his centralization. He was president from 1950 to 1953 and again from 1956 to 1962, and is still a member of this board.

His school activities include past president of the New York State School Boards Association, chairman of the New York State Education Conference Board, a member of the advisory board of the New York State Employees Retirement System, and presently is president of the New York State Teachers Retirement Board.

Buhrmaster is president of the J. H. Buhrmaster Co., Inc., and chairman of the board of First National Bank of Scotia.

Buhrmaster and Mrs. Buhrmaster, the former Flower Sheldon have two sons, Louis H. and James R., and a daughter, Lois Ann (Mrs. David Gerlach).

Serving with O'Connar on the coordinating committee are Charles Betts, Warren O'Neal, Charles Van Wormer, and Palmer Welch.

Committee chairmen include John Roylance, Rotary; Seth Siskin; Kiwanis; Edward Brooks, Lions; Tom LaViolette, Jaycees; Gilbert Smith, Town of Glenville; John Ryan, Village of Scotia; Bernard McGivern and Dr. Nelson Rust, professions; Mrs. Edith Hogan Grose, publicity; Clyde Eidens and Richard Livingston, school system; Mrs. Mary Agnes Truax and Robert Boquist, reception; Frank Riegert, finance; Mrs. Frank Riegert, invitations and special gifts; John Brennan, businesses; and the Rev. Harol Schut, churches.

KENNETH. E. BUHRMASTER

A lifelong resident of Scotia, New York, Mr. Buhrmaster was born on June 19, 1915. He was educated in the public schools of Scotia and graduated from Syracuse University in 1937, where he was President of the Men's Student Senate, Commodore of the Crew, and active in both honorary and social fraternities. He is a member of Theta Chi, Phi Kappa Alpha, The Mohawk Club and the Scotia Methodist Church.

He was first elected to the Scotia School Board in 1948 and continued on the Scotia-Glenville School Board upon its centralization. He was President from 1950 to 1953 and again from 1956 to 1961, and is still a member of this Board. He was elected an area Director of the New York State School Boards Association in 1953 and became its President in 1961. He was the recipient of this Association's 1965 Distinguished Service Award. In 1966 he was elected a Director of the National School Boards Association, representing the Northeastern States. In 1968 he was elected Secretary-Treasurer, in 1969 Second Vice President, in 1970 First Vice President and in 1971 President. He was honored by the New York State Teachers Association with the 1966 Alfred E. Smith Award for outstanding service in education in New York State.

From 1963–1969 he was Chairman of the New York State Educational Conference Board; a body of ten educational organizations that works cooperatively for the enactment of educational legislation in New York State. He is a member of the Advisory Board of the New York State Employees Retirement System and was appointed in 1967 by Comptroller Arthur Levitt a member of the New York State Teachers Retirement Board. In 1968 he was elected President of this Retirement Board, a position he still holds. The assets of this retirement system exceed $3 billion.

He is Vice Chairman of the New York State Bankers Association Retirement System. He has been Chairman of Group Five of the New York State Bankers Association and a member of the Council of Administration of the State Association.

He was a member of the New York State Regents Appointed Committee on Education Leadership, studying the makeup, requirements and responsibilities of the school board member, college and university trustees and presidents. In 1966 he was appointed by Governor Rockefeller to represent New York State on the Education Commission of the States and in 1968 was appointed by the Governor to the Council of the State University of New York at Albany.

Mr. Buhrmaster is President of the J. H. Buhrmaster Company, Inc., fuel and heating equipment suppliers of the Schenectady area and Chairman of the Board of Directors of the First National Bank of Scotia, which has several branches in the Capital District. He is a former Director and Officer of the Schenectady Chamber of Commerce and presently is Vice President of the Schenectady Industrial Development Council. He is also a member of the Schenectady County Fund Raising Review Board. Other community affiliations of Mr. Buhrmaster include Scotia Rotary, of which he has been a member and President, the Schenectady Y.M.C.A., which he has served as Director, Vice President and Trustee.

Mr. Buhrmaster and Mrs. Buhrmaster, the former Flower Sheldon, have two sons, Louis H. and James R., who are affiliated with the J. H. Buhrmaster Company, and a daughter, Lois Ann. Both Mr. and Mrs. Buhrmaster, their two sons and their daughter are graduates of Syracuse University. The family has been active in the American Field Service Student Exchange Programs. In 1962 their son, James, was an exchange student in Sweden. In the 1962–63 school year, they were the host for a French student; and again, in 1965–66 they were the host family for a German student. Hobbies of the Buhrmaster family include sailing and travel.

RURAL JOB DEVELOPMENT ACT

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

Mr. SEBELIUS. Mr. Speaker, I appreciate this opportunity to discuss rural development legislation, legislation that is vital to all citizens, rural and urban, farmer and consumer, Republican or Democrat.

The urgency for prompt action on this legislation is revealed by the growing number of bills introduced in the 92d Congress and the impressive list of cosponsors.

Today, I am reintroducing legislation referred to as the Rural Job Development Act which has the bipartisan support of over 50 Senators and Representatives.

As the principal sponsor of the Rural Job Development Act in the House of Representatives, I am honored to have been joined today by the following cosponsors:

LIST OF COSPONSORS

1. Mr. Nick Begich.
2. Mr. Tom Bevill.
3. Mr. Garry Brown.
4. Mr. James Broyhill.
5. Mr. Elford A. Cederberg.
6. Mr. Don H. Clausen.
7. Mr. James C. Cleveland.
8. Mr. Pierre S. DuPont.
9. Mr. Marvin L. Esch.
10. Mr. Charles S. Gubser.
11. Mr. James A. Haley.
12. Mr. James Harvey.
13. Mr. Elwood Hillis.
14. Mr. Walter B. Jones.
15. Mr. Earl F. Landgrebe.
16. Mr. Robert L. Leggett.
17. Mr. Alton Lennon.
18. Mr. John Y. McCollister.
19. Mr. K. Gunn McKay.
20. Mr. John L. McMillan.
21. Mr. Howard W. Robison.
22. Mr. Harold Runnels.
23. Mr. William A. Steiger.
24. Mr. Guy Vander Jagt.
25. Mr. Carleton J. King.
26. Mr. Roger H. Zion.

Everyday we hear of the crisis in our Nation's cities. Crime escalates, pollution threatens the health of urban life, complexities of everyday affairs multiply, and the quality of life in general continues to decline. No one disputes the severity and crucial nature of the urban crisis, but there is another and equally important related crisis in this country: The declining economy and eroded vitality of rural America.

The time has come for Congress to recognize that problems in our urban areas are linked directly to the suffering and economic disparity in our rural areas.

While increased farm income should be our No. 1 goal in improving conditions in rural and urban America, there are steps the Government can take to help establish and maintain an attractive standard of living in our rural areas.

Enactment of the Rural Job Development Act would be a most constructive and positive step toward realizing a more reasonable and health rural-urban balance.

This bill provides tax incentives, including a 7-percent credit on machinery and real property, an accelerated depreciation allowance, and a tax deduction equal to 50 percent of the wages paid to workers in training, to attract new enterprises to rural areas. In order to qualify, the business would have to demonstrate that it would not be closing a comparable enterprise in another area, and agree to hire at least 50 percent of its work force among residents of the area where it locates.

Provisions of the bill would apply in "rural job development areas." These would be counties outside the standard metropolitan statistical areas and where 15 percent of the families in the area have incomes under $3,000 or employment has declined at a rate of more than 5 percent during the past 5 years. Indian reservations would also qualify.

Another bill I recently introduced, H.R. 11009, would complement the intent of the Rural Job Development Act. This bill is similar to legislation drafted by the distinguished chairman of the House Agriculture Committee, W. R. "BOB" POAGE.

The principal provisions of the bill are:

First. Expand the authority of the Farmers Home Administration, enabling it to make loans, primarily insured loans, for the purpose of industrial development and general rural development. This would include assistance for such projects as community centers, including fire and rescue equipment purchases. The FHA also would be permitted to give special consideration to young farmers to help them obtain farm financing.

Second. Expansion of Soil Conservation Service authority so that it could share in the cost in creating municipal and industrial water supplies, and in car-

rying out projects for soil and water pollution abatement and control.

Third. Establishment of a mandatory priority in the location of new Federal facilities and offices so that first preference would go to rural areas and communities of not more than 10,000 population.

In discussing this legislation, I want to reemphasize that we must work together to find solutions to the dual crisis in rural and urban America. United, we can reverse the flow of rural people to metropolitan areas and initiate a reverse migration.

I am hopeful that the record of the 92d Congress will show that we acted to meet this challenge.

WARD SINCLAIR ANALYZES DEVELOPMENTS IN THE COAL FIELDS

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

Mr. HECHLER of West Virginia. Mr. Speaker, Ward Sinclair has written one of his customarily brilliant pieces of reporting and synthesis in the following article appearing in the October 18 Washington Post:

BOYLE ON THE SPOT IN MINERS' STRIKE

(By Ward Sinclair)

There were no frenzied rallies, no hurried collection of a strike-benefits fund, no mounting of picket lines and no official declarations of a strike.

But on Sept. 30, from New Mexico to Appalachia, unionized coal miners shut off their high-speed machines and quietly left the underground pits and strip mines.

Their three-year contract with the soft-coal industry expired that day. And since then, following an inviolate union tradition of "no contract, no coal," the men of the United Mine Workers of America have remained away from the mines.

As a breed, coal miners are remarkably independent. And as a strike, this walkout has its remarkable aspects, including the fact that the men have stayed off the job a full two weeks without a cent of income—not even strike benefits from their wealthy union.

Precisely when and on whose terms the nearly 100,000 UMW members will return to work is anyone's guess. "Not a single pound of coal will be mined" without a contract, union president W. A. (Tony) Boyle said last week as he issued a no-progress report on negotiations.

Later reports from the union and the Bituminous Coal Operators Association, the industry's bargaining arm, indicated the contract talks remained on dead center, with the likelihood of a lengthy stalemate.

Despite a gentle prod last weekend from President Nixon, who said there is "no reason why a settlement should not be reached," the BCOA clearly is in no hurry to rush into a new contract. The coal stockpile is nowhere near a danger level, with electric utilities reporting as much as 80 days supply on hand.

Boyle is accusing the coal operators of hiding behind the administartion's economic freeze and the uncertainty of Phase II as a pretext for stalling negotiations.

The opeartors, for their part, aren't talking publicly. Their pre-negotiations stance indicated the union would be in for some hard bargaining. All the emphasis was on fast-rising opearting costs and an "alarming" drop in productivity.

The makeup of their negotiating team gives another hint. They brought in R. Heath Larry a hard-nosed bargainer who is a vice president of U.S. Steel as well as BCOA board chairman, to head a five-man team. In 1968 Boyle and George Judy, then head of BCOA, worked out many contract details personally, with Judy sometimes visiting Boyle at his hospital bedside.

Behind the tough line of the operators and the apparently solid union ranks, however, lies another story. The man on the spot is neither the militant coal miner nor the unyielding coal operator. It is the embattled Tony Boyle, whose waning prestige and control in the union are squarely on the line.

Contract negotiation is just one of Boyle's immediate problems. His bargaining work has been interrupted by pretrial proceedings in the government's conspiracy-embezzlement case against him. Another federal suit, seeking to nullify Boyle's 1969 re-election on grounds of fraud, is being tried here at the same time.

Within the union and on its fringes, Boyle faces an increasingly restive and hostile membership—the harvest of an autocratic hierarchy's decades of aloofness toward health, safety and democratic procedure, as well as its coziness with the coal operators.

Even though the UMW, unlike many unions, in theory has no-rank-and-file ratification of contracts, miners have made it plain that they—and not Boyle or his hand-picked wage policy committee—will decide when work resumes.

Boyle, president since 1963 when he got the nod from the late John L. Lewis, has heard these rumblings before. But this time it is different. The dissidents now are organized and the flaws of the past are clearly perceived.

While Boyle has met with his policy committee in distant New York, unhappy miners throughout the coal fields have had their own meetings and have come up with basic demands that include.

A six-hour day;

A wage increase from the present $37 to $50 a day;

Guaranteed pensions for retired and disabled miners and widows;

Paid sick leave;

Improved grievance procedures;

Greater authority for UMW safety committees in the mines;

A boost in the industry's pension-fund contributions from 40 cents a ton to $1;

Contract negotiation on a one- or two-year basis rather than three as is now the case;

Rank-and-file ratification.

Boyle has pledged himself to seek the $50-a-day wage (he hasn't mentioned a reduced work-day) and a doubling of the pension fund royalty payments to 80 cents a ton. A royalty increase would be the first since 1952.

The Welfare and Retirement Fund has been in serious trouble since 1969 when Boyle, during the heat of his re-election drive, engineered a $35-a-month boost in pensions for 70,000 retired miners. At present rates of spending and income, the fund will be insolvent in 1974.

The union is convinced that the operators can pay the cost. It argues that U.S. miners are the most productive in the world and that the industry's net profits increased by 100 per cent last year alone.

"Between 1958 and 1964 the operators were pleading poverty, with some justification, and we went along with them in those bad days," says Justin McCarthy, editor of the UMW newspaper. "Now we think we ought to share the good days with them."

Joseph Moody, president of the BCOA, has termed "alarming" a decline in productivity in underground mines during the past two years. In fact, there has been a decline, but coal continues to pour from the earth at near-record levels. Last year's production was a 23-year high.

Mechanization in the past 20 years, which the UMW has not resisted, has made American mines a model of production efficiency, at the same time creating new and greater health hazards—most notably, the epidemic of black lung disease caused by the breathing of fine coal dust.

The underground work force between 1952 and 1965 declined from some 251,000 to 92,000. Man-hours worked during that same period declined 59 per cent, yet production decreased only 7 per cent.

Union negotiators are raising some of the other issues—sick pay, the grievance setup, tougher safety practices—but little or no information is getting back to men in the field. Rank-and-file restiveness grows apace.

The anti-Boyle feeling has two focal points. One is political, stemming from the late Joseph (Jock) Yablonski's ill-starred reform drive against Boyle in 1969. Yablonski followers, Miners for Democracy, claim the support of a majority of active miners, who want more from the negotiations then Boyle seems to be proposing.

The other focal point is a social one, evolving from a long and sordid history of governmental, industrial and union indifference toward health and safety conditions that make mining the most hazardous occupation in the country.

That protest has solidified under the banner of the Black Lung Assn., a grass-roots movement of union men active and disabled—that has spread from its 1969 beginnings in West Virginia into six other coal-producing states. Its efforts are aimed at improving compensation benefits for ailing miners and educating them on the dangers of mining—an area in which the men believe their union has abandoned them.

Both organizations openly and regularly are pressuring Boyle, a fact which makes today's united ranks somewhat deceiving.

Mike Trbovich of Clarksville, Pa., chairman of Miners for Democracy, accuses Boyle of failing to assert leadership because of his delay in formally calling a strike. Unless he releases strike benefits from some of the $75 million in UMW assets, Trbovich says, Boyle's motives will remain in doubt.

"Are you going to let the men stay out until they starve and then call them back on the pretext that the lousy deal you worked out with management is the 'best contract obtainable'?" Trbovich asked Boyle in an unanswered letter.

His point on strike benefits is not lost on the miners, who knows their union has been generous with other troubled labor groups, extending as far as the phosphate workers of Tunisia. As recently as last year, UMW leaders loaned striking electrical workers $500,000. In 1968 the steelworkers got an outright contribution of $50,000 to a strike fund.

"Whether we go back depends entirely on the contract Boyle brings us," Trbovich said this week. "What we want is the right to approve the contract. We want better wages but the men out here are looking mostly at the fringe benefits—sick pay, better pensions for the retired and guaranteed pensions for disabled men who can't work at any age."

TRIBUTE TO TOM BETHELL

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

Mr. HECHLER of West Virginia. Mr. Speaker, Ernest B. Furgurson wrote a very perceptive column in the October 20, 1971 Washington Daily News concerning a most remarkable American, Tom Bethell:

COAL PATROL

(By Ernest B. Furgurson)

When you wander the hills of eastern Kentucky, the people you meet are country people. The ones without money, who are in the great majority, tend to wear overalls or old Army clothes. The ones who have a little more usually wear starched khakis and hunting caps. All of them look at you suspiciously, no matter how closely your accent approximates their.

One spring afternoon, I drove thru the mountains of Letcher County, flecked with redbud, wrecked cars and the scars of strip mining. In Whitesburg I stopped into the office of the Mountain Eagle, a weekly paper that may be unique in the country.

There behind the desk was a young man with glasses, not wearing overalls or hunting clothes—or even the green eye-shade of an old-fashioned country editor. He had on a beat-up green sweater like any Harvard undergraduate, and when he spoke it was clear he had not originated within 500 miles of Letcher County. He wasn't suspicious.

He was Tom Bethell, from Boston, indeed not long out of Harvard. As a book editor in Boston after college, he had read about wildcat strikes in the coal fields and come down to find out something about them. He met Tom Gish a man "doing the kind of thing I admire. He had independence, complete control for editor of his paper, he didn't care what anybody thought of him and he managed to hang on to both his honesty and his modesty." The man and his crusading paper inspired Mr. Bethell so much that he formed the habit of coming down two or three times a year to work with Mr. Gish, writing for The Eagle free of charge while learning about the hills.

Eventually, after switching jobs a couple of times, Mr. Bethell went to Whitesburg full-time, working gratis for The Eagle and for small pay for the Appalachian Volunteers, a community organization founded mostly by OEO. He became deeply involved in the strip-mining controversy and other sadnesses of the mountain people.

With time, he saw there in Appalachia the people were constantly "on the receiving end of everything bad—poor congressional representation, the industries ganging up on them, the Interior Department falling down on its job of helping them." So he decided the place he could do the most for them was in Washington.

Here he set up an office he called Appalachia Information, with the intention of putting out several news-sheets about issues that matter to the mountains. But money was short. With the help of a foundation, and a few individual contributors, he was able to start just one occasional publication, about what is happening in the coal industry. He called it Coal Patrol.

For a year here in the National Press Building, he has been doing reporting nobody else does. Coal Patrol is a vigilant and well-informed eye on the regulatory agencies; on legislation affecting mine safety and stripping abuses; on the mismanagement of the United Mine Workers; on aspects of the industry and miners that nobody else is aware of.

Mr. Bethell wrote a long and detailed expose of last year's Kentucky mine disaster in which 38 died. His reporting headed off an Interior Department plan to propagandize miners with the idea that they, rather than the companies, are responsible for most accidents. He would like to issue an annual report summing up what has happened on all his battlefronts this year.

But he is out of money. He makes a living of sorts mainly from free lancing and consulting, not from the newsletter. He is trying to raise funds from the foundations, but they are skittish because he is not a bland, play-it-safe reporter. If cash is not forthcoming, Coal Patrol may cease to exist.

I need not add that in that case the bell will toll for thee and me, not just for Tom Bethell.

THE UNITED STATES MUST HAVE ARMED SUPERIORITY

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

Mr. RANDALL. Mr. Speaker, this past week I was attracted by the title of an editorial which appeared in one of the newspapers in our congressional district, the Democrat-News, Marshall, Mo. The title of that editorial read, "Arms Superiority, a Must for U.S." The very first paragraph pointed out that if the Cuban missile crisis or its equivalent occurred at the present time it would be the United States, not Russia, that would have to back down. This thought was so challenging that I had to read on.

In the following paragraphs the editorial goes on to say that Jane's Fighting Ships reports Russia is now a first-class seapower, while the United States has only an aging fleet. As Adm. Hyman Rickover recently stated, the United States seems to be purposely adopting a posture of weakness.

Robert Hotz, the editor of Aviation Week and Space Technology, points out in one of his five-part series, the United States has for far too long basked in our Cuban missile triumph when we forced the Russians to retreat. That happened because at that time we had superior strategic power. Today we have let ourselves be lulled into complacency by the presence of our Minuteman and Polaris missile forces as well as the series of Apollo landings.

This hard-hitting editorial by reviewing the article by Mr. Hotz refers back to the unwise decisions made by the "whiz kids" during the days of Secretary of Defense Robert Strange McNamara.

One other question also quite properly raised is whether we can afford continued spending in Vietnam, Laos, and Cambodia to stop communism in Southeast Asia when what we really need is to spend whatever is necessary to maintain or regain the strategic military superiority over our world rivals. The editorial most fittingly concludes with the observation that a non-Communist Southeast Asia would have been of little or no help to President Kennedy in 1962 when Khrushchev challenged us right at our own front door unless at that time we had the strategic muscle to demand the withdrawal of Russian missiles in Cuba.

Our friend, Pete McCoy, is to be highly commended for the excellent editorial which he has written and which appears in his paper on Friday, October 15. It is a well-written, hard-hitting commentary which should be taken to heart by all of us.

ARMS SUPERIORITY A "MUST" FOR U.S.

If another Cuban missile crisis or its equivalent were to occur in this decade, it could very well be the United States that would have to back down.

The authoritative Jane's Fighting Ships reports that Russia is now a first-class seapower, equalling if not surpassing the United States with its aging fleet. That well-known gadfly, Adm. Hyman Rickover, complains that for the first time a world leader, the United States, is deliberately adopting a posture of weakness.

The International Institute for Strategic Studies reveals that the U.S.S.R. now exceeds the United States in intercontinental ballistic missiles, military manpower and defense spending (15 to 20 percent of its gross national product compared to a 4 percent for the United States; China spends 12 percent).

Other quarters point to a growing anti-technology spirit in America by the defeat of the supersonic transport and opposition to a space shuttle, as well as congressional resistance to funding advanced weaponry, such as the B–1 bomber.

Aviation Week & Space Technology magazine has begun a special five-part series "detailing the growing nature of the Soviet Union's techo-military threat."

For the past decade, says editor Robert Hotz, we have basked in our Cuba missile triumph in which Russia retreated in the face of the superior strategic power of the United States. We have been soothed by the success of great technological plunges that produced the Minuteman and Polaris missile forces and the Apollo manned moon landing.

But during the last half of the 1960's, he says, U.S. technogical effort diminished substantially "primarily because of the insatiable financial demands of the war in Southeast Asia but also because of some incredible top-leveled management decisions by Defense Secretary Robert McNamara and his 'whiz kids.'"

The Asia war, says Hotz, required only peripheral new technology while it squandered national funds on expendable equipment.

The insatiable financial demands, if not the squandering, continue.

During recent debate in the Senate over the 21-billion military procurement bill, administration pressure forced war critics to abandon a proposed limit of $200 million in aid to Laos and to agree to a $350-million limit, and also to omit any restriction on an additional $143 million budgeted for bombing the Ho Chi Minh trail.

Now $493 million may be so tiny a sum these days as to be almost a negative amount. Yet it represents about $165 for every one of Laos' nearly three million people.

It could give one million young Americans an immediate $493 bonus for joining the Army. It could buy almost four $100-million nuclear submarines or one $493-million super-supersub or that much worth of new weapons development.

The question is not whether the United States should or should not spend $493 million in Laos this year (plus millions more in South Vietnam and Cambodia) in an attempt to stop communism in Southeast Asia, or whether it can afford to. Congress has decided that it should and can.

The question is whether the United States can afford not to spend every other dollar necessary to ensure that it maintains, or regains, its technological and strategic military superority over all rivals.

The completely non-Communist Southeast Asia would have been of little help to President Kennedy in 1962 when Nikita Khrushchev challenged the United States right at its front door.

REPUBLICAN TRICKLE DOWN

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

Mr. MADDEN. Mr. Speaker, most of the news media and recognized top economists are not predicting optimism in the Nixon-Secretary Connally solution of this typical Republican depression.

The following article in the New York Times is typical comments in the daily press:

BOSSES, LITTLE TOUCHED BY FREEZE "SMILING ALL THE WAY TO THE BANK"

It's nice to be a boss while President Nixon's freeze prevails, judging from an article carried in the Sept. 12 New York Times.

"Hundreds of the nation's most highly paid executives may be smiling all the way to the bank with their paychecks in coming months, notwithstanding President Nixon's wage freeze and whatever may follow it," said Times' writer Michael C. Jensen in the paper's financial sections.

Jensen added that "not only will they continue to receive salaries and bonuses that in many cases exceed $200,000," but "they also stand to benefit" from such items as:

"Liberalized tax laws that allow them to keep higher percentages of their earned income; stock options that become more attractive as the stock market booms, unlimited dividends from stock already owned, and increased bonus payments that will apparently be allowed if they are tied by an established formula to higher company earnings."

Jensen wrote further that "although the present freeze has been ballyhooed as a general hold-down in salaries and wages, it appears that highly paid executives will suffer less than most."

DO NOT FIGHT COMMIES?

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

Mr. RANDALL. Mr. Speaker, because I was impressed with an editorial which appeared in one of the newspapers of our district, the Lexington Advertiser News, published in Lexington, Mo., I have asked unanimous consent that the content of the editorial be included as extraneous matter in connection with my present remarks.

The title of the editorial was what first attracted my attention because there were only three words, "Don't Fight Commies." Such a title caused me to take the time to read the content of the editorial because at first I thought there was a typographical error.

What I hope to emphasize by these remarks is that, first, there are Communists, period. Next, there are a few very naive Americans who prefer to believe there is no Communist threat to our freedom. Third and last, the Communists want us to believe that they are not seeking to enlarge their power or control in the so-called uncommitted and undeveloped countries of the world. As to this last point we should know better after what has just happened in Chile.

Our very able editor in Lexington, when he selected the heading for the editorial no doubt had in mind the admonition of the cartoon appearing in the St. Louis Globe Democrat which portrayed two generals in the Pentagon with one saying to the other, "Soon as we fight Communists, we're unpopular." Well, whether unpopular or not, to fight it, the Communist threat remains. We must exert a constant continuous effort if we are to avoid being lulled into a sleep with dreams of false security. We are indebted to the editor Charles G. Coy for his hard-hitting comments. The editorial follows:

[From the Lexington Advertiser News, Oct. 13, 1971]

DON'T FIGHT COMMIES

The St. Louis Globe-Democrat had a cartoon the other day showing two high ranking officers in a Pentagon car. One was saying to the other: "Soon as we fight communists, we're unpopular."

What is upsetting about the cartoon is the truth in it. That is not to say that communists are under every bed. They are not.

That is not to say the communists have taken over the White House, the Senate, the House or the Supreme Court. They have not. But they are around.

They have the second largest industrial production in the world in the USSR. They did take over Cuba in the 1960s. They just took over Chile.

They are the Number One Power in Asia—Red China fears.

They would take over the world—surely no one can contradict this statement—they would take over the world if we were not strong enough to stop them. . . . As we stopped them in Berlin with the airlift; as we stopped them in Korea; as we are now stopping them in South Vietnam; as our supplies helped stop them in India; as our CIA stopped them in Guatemala; as our supplies helped stop them when Israel defeated the Arab nations supplied by the USSR. . . .

Just because there are not communists under every bed does not mean there are not communists. There are.

There is more. We believe the American anti-everything people are marking the end of (a) US domination in the air, (b) on the sea (our Navy is now second to the USSR) and (c) on the ground (where discouragement and lack of support at home characterize too much of our military). This is what the communists want.

Yet, so very many well-meaning, intelligent, educated able Americans are convinced that there is no communist threat to freedom on earth.

TAKE PRIDE IN AMERICA

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

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Historically, there have been many factors which have contributed to America's greatness. In 1787 Oliver Evan's flour mills began to do the work formerly requiring dozens of men and animals. This first automation facilitated cheaper, better flour "untouched by human hands."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CORMAN, for Thursday, October 21, on account of official business;

Mr. FISH (at the request of Mr. ARENDS), after 4 p.m. for the balance of day, on account of official business;

Mr. RAILSBACK (at the request of Mr. ARENDS), after 4 p.m. for the balance of the day, on account of official business;

Mr. COUGHLIN at the request of Mr. ARENDS), after 4 p.m. for the balance of the day, on account of official business;

Mr. BIESTER (at the request of Mr. ARENDS), after 4 p.m. for the balance of the day, on account of official business;

Mr. PETTIS (at the request of Mr. GERALD R. FORD), for today, on account of official business;

Mr. MCKEVITT (at the request of Mr. GERALD R. FORD), for October 26, 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:

(The following Members (at the request of Mr. HOGAN), to revise and extend their remarks, and to include extraneous matter to:)

Mr. STEIGER of Wisconsin, today, for 20 minutes.

Mr. ESCH, today, for 20 minutes.

Mr. SHOUP, today, for 5 minutes.

Mr. KEMP, today, for 5 minutes.

Mr. EDWARDS of Alabama, today, for 5 minutes.

Mr. BURKE of Florida, today, for 30 minutes.

Mr. VEYSEY, today, for 10 minutes.

Mr. SAYLOR, today, for 10 minutes.

(The following Members (at the request of Mr. DENHOLM) to revise and extend their remarks and include extraneous matter:)

Mr. PRYOR of Arkansas, for 60 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. MCKAY, for 15 minutes, today.

Mr. FLOOD, for 10 minutes, today.

Mr. DANIELSON, for 10 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. BEGICH, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PASSMAN in three instances and to include extraneous material.

Mr. BETTS and to include extraneous matter.

Mr. GUBSER to include extraneous matter with his remarks made today on H.R. 10670, in the Committee of the Whole.

Mr. LEGGETT and to include extraneous material on his remarks in the Committee of the Whole today on H.R. 10670.

Mr. RANDALL in two instances and to include extraneous matter.

Mr. MATSUNAGA, to revise and extend his remarks immediately prior to the adoption of the rule for consideration of H.R. 8787.

(The following Members (at the request of Mr. HOGAN) and to include extraneous matter:)

Mr. MCKINNEY in two instances.

Mr. QUIE in two instances.

Mr. SCHWENGEL.

Mr. HOGAN in five instances.

Mr. CARTER.

Mr. PETTIS in two instances.

Mr. SCHNEEBELI.

Mr. HOSMER.

Mr. WYMAN in two instances.

Mr. SCHMITZ in three instances.

Mr. VEYSEY in two instances.

Mr. ROUSSELOT.

Mr. MICHEL.

Mr. DERWINSKI in two instances.

Mr. BIESTER.

Mr. TEAGUE of California.

Mr. SPENCE in two instances.
Mr. REID of New York.
Mr. STEELE in five instances.
Mr. COLLIER in five instances.
Mr. PRICE of Texas in two instances.
(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)
Mr. VAN DEERLIN in two instances.
Mr. EDMONDSON in three instances.
Mr. FLOOD in two instances.
Mr. BEGICH in five instances.
Mr. GONZALEZ in two instances.
Mr. DRINAN in three instances.
Mr. FULTON of Tennessee in two instances.
Mr. DE LA GARZA in two instances.
Mr. RARICK in three instances.
Mr. HAGAN in three instances.
Mr. FOUNTAIN in two instances.
Mr. KLUCZYNSKI in three instances.
Mr. EDWARDS of California.
Mr. WALDIE in six instances.
Mr. DANIELSON.
Mr. BEVILL.
Mr. HARRINGTON in two instances.
Mr. MOLLOHAN in two instances.
Mr. RONCALIO in four instances.
Mrs. CHISHOLM in five instances.
Mr. GALIFIANAKIS.
Mr. BYRNE of Pennsylvania.
Mr. JAMES V. STANTON.
Mr. DULSKI in eight instances.
Mr. HELSTOSKI.
Mr. RODINO in three instances.
Mrs. GRIFFITHS.
Mr. MOORHEAD in six instances.
Mr. BINGHAM in three instances.
Mr. ROGERS.
Mr. BIAGGI in 10 instances.
Mr. JACOBS in two instances.
Mr. MURPHY of New York in two instances.
Mrs. HICKS of Massachusetts in two instances.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9844. An act to authorize certain construction at military installations, and for other purposes; and

H.J. Res. 923. Joint resolution to assure that every needy schoolchild will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with House Concurrent Resolution 429 of the 92d Congress, the Chair declares the House adjourned until 12 o'clock noon on Tuesday, October 26, 1971.

Thereupon (at 5 o'clock and 17 minutes p.m.), pursuant to House Concurrent Resolution 429, the House adjourned until Tuesday, October 26, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1227. Under clause 2 of rule XXIV, a letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision of lodging, food and beverage, merchandising, guide, and related facilities and services for the public within Oregon Caves National Monument, Oreg., for the 15-year period ending October 31, 1986, pursuant to 67 Stat. 271, was taken from the Speaker's desk and referred to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EDWARDS of California: Committee on the Judiciary. H.R. 8389. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions and facilities; with amendments (Rept. No. 92–581). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDWARDS of California: Committee on the Judiciary. H.R. 9180. A bill to provide for the temporary assignment of a U.S. magistrate from one judicial district to another (Rept. No. 92–582). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDWARDS of California: Committee on the Judiciary. H.R. 9323. A bill to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes (Rept. No. 92–583). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 658. Resolution providing for the consideration of H.R. 9212. A bill to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes (Rept. No. 92–584). Referred to the House Calendar.

Mr. HOLIFIELD: Committee on Government Operations. Report on recall procedures of the Food and Drug Administration (1st report) (Rept. No. 92–585). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on public access to reservoirs to meet growing recreation demands (2d report) (Rept. No. 92–586). Referred to the Committee of the Whole House on the State of the Union.

Mr. SIKES: Committee on Appropriations. H.R. 11418. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–587). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK:

H.R. 11389. A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of California:

H.R. 11390. A bill to authorize financial support for improvements in Indian education, and for other purposes; to the Committee on Education and Labor.

By Mr. ASPINALL (for himself and Mr. SAYLOR):

H.R. 11391. A bill to authorize additional funds for land acquisition within the area known as Piscataway Park in the State of Maryland; to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Massachusetts (for himself, Mr. ANNUNZIO, Mr. BLANTON, Mr. BRASCO, Mr. CARNEY, Mrs. CHISHOLM, Mr. CLEVELAND, Mr. DENT, Mr. DULSKI, Mr. EILBERG, Mr. HATHAWAY, Mr. HECHLER of West Virginia, Mrs. HICKS of Massachusetts, Mr. JONES of Tennessee, Mr. MATSUNAGA, Mr. METCALFE, Mr. PERKINS, Mr. PODELL, Mr. PRICE of Illinois, Mr. PUCINSKI, Mr. RONCALIO, Mr. SIKES, Mr. SLACK, Mr. WAGGONNER, and Mr. YATRON):

H.R. 11392. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. HALPERN, Mr. TIERNAN, and Mr. BYRNE of Pennsylvania):

H.R. 11393. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. CELLER (for himself, Mr. BROOKS, Mr. HUNGATE, and Mr. MCCLORY):

H.R. 11394. A bill to create an additional judicial district in the State of Louisiana, to provide for the appointment of additional district judgeships, and for other purposes; to the Committee on the Judiciary.

By Mr. COTTER:

H.R. 11395. A bill to amend the Tariff Schedules of the United States to apply to certain typewriters the rate of duty which applies to parts of typewriters; to the Committee on Ways and Means.

By Mr. DANIELSON (for himself, Mr. CORMAN, Mr. DELLUMS, Mr. FLOWERS, Mr. GONZALEZ, Mr. HARRINGTON, Mr. LUJAN, Mr. MANN, Mr. MAZZOLI, Mr. RAILSBACK, Mr. RARICK, Mr. ROYBAL, Mr. VAN DEERLIN, and Mr. CHARLES H. WILSON):

H.R. 11396. A bill to amend the Internal Revenue Code of 1954 to disallow deductions from gross income for salary paid to aliens illegally employed in the United States; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 11397. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. DORN (for himself, Mr. ROBERTS, Mr. MONTGOMERY, Mr. HAMMERSCHMIDT, Mr. SAYLOR, and Mr. SCOTT):

H.R. 11398. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 11399. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. FISH:

H.R. 11400. A bill to amend title 38 of the United States Code to authorize the enrollment of eligible veterans in a course offered by an institution which has changed its location; to the Committee on Veterans' Affairs.

By Mr. FULTON of Tennessee:

H.R. 11401. A bill to declare the policy of Congress and to define the powers of Federal courts with respect to transportation or assignment of students to achieve racial balance in the public schools; to the Committee on the Judiciary.

By Mrs. GRASSO (for herself and Mr. BRADEMAS):

H.R. 11402. A bill to authorize a national summer youth sports program; to the Committee on Education and Labor.

By Mr. McKAY:

H.R. 11403. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the boundaries of the Cache National Forest in the State of Utah; to the Committee on Interior and Insular Affairs.

By Mr. MONAGAN:

H.R. 11404. A bill to establish the Government Program Evaluation Commission; to the Committee on Government Operations.

By Mr. QUILLEN:

H.R. 11405. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 11406. A bill to amend the Economic Stabilization Act of 1970, as amended, to exempt any individual whose earnings are substandard or who is amongst the working poor or near poor from any wage freeze under that act, as amended, and amendments thereto and regulations issued thereunder pursuant to Executive Order 11615; to the Committee on Banking and Currency.

By Mr. SARBANES:

H.R. 11407. A bill to provide for the establishment of a national cemetery in the State of Maryland and to provide for the care and maintenance of said cemetery; to the Committee on Veterans' Affairs.

By Mr. SEBELIUS (for himself and Mr. BEGICH, Mr. BEVILL, Mr. BROWN of Michigan, Mr. BROYHILL of North Carolina, Mr. CEDERBERG, Mr. DON H. CLAUSEN, Mr. CLEVELAND, Mr. DU PONT, Mr. ESCH, Mr. GUBSER, Mr. HALEY, Mr. HARVEY, Mr. HILLIS, Mr. JONES of North Carolina, Mr. LANDGREBE, Mr. LEGGETT, Mr. LENNON, Mr. MCCOLLISTER, Mr. MCKAY, Mr. MCMILLAN, Mr. ROBISON of New York, Mr. RUNNELS, Mr. STEIGER of Wisconsin, and Mr. VANDER JAGT):

H.R. 11408. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. SHRIVER (for himself and Mr. WINN):

H.R. 11409. A bill to amend the Occupational Safety and Health Act of 1970 to exempt small farmers from its requirements; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas:

H.R. 11410. A bill to amend title 38 of the United States Code relating to basic provisions of the loan guarantee program for veterans; to the Committee on Veterans' Affairs.

By Mr. VEYSEY:

H.R. 11411. A bill to permit suits to adjudicate disputed titles to lands in which the United States Code to authorize the Committee on the Judiciary.

By Mr. CELLER:

H.R. 11412. A bill to amend title 18 of the United States Code to authorize the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released; to the Committee on the Judiciary.

By Mr. ESCH (for himself and Mr. STEIGER of Wisconsin):

H.R. 11413. A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability, and for other purposes; to the Committee on Education and Labor.

By Mr. MIKVA (for himself, Mr. MATSUNAGA, Mr. MITCHELL, Mr. MOORHEAD, Mr. PEPPER, Mr. PODELL, Mr. PREYER of North Carolina, Mr. REID of New York, Mr. RANGEL, Mr. RIEGLE, Mr. ROSENTHAL, Mr. ROY, Mr. RYAN, Mr. SCHWENGEL, Mr. WOLFF, Mr. LINK, and Mr. DENHOLM):

H.R. 11414. A bill to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. ADAMS, Mr. ASPIN, Mr. BADILLO, Mr. BEGICH, Mr. COTTER, Mr. DRINAN, Mr. DELLUMS, Mr. EDWARDS of California, Mr. EILBERG, Mr. ESCH, Mr. FLOOD, Mr. FOLEY, Mr. FORSYTHE, Mr. FRASER, Mr. FRENZEL, Mr. GALLAGHER, Mrs. GRASSO, Mr. GUDE, Mr. HALPERN, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. HORTON, and Mr. KEATING):

H.R. 11415. A bill to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 11416. A bill to amend the Federal Aviation Act of 1958 to provide for the regulation of rates and practices of air carriers and foreign air carriers in foreign air transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. SPRINGER) (by request):

H.R. 11417. A bill to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corp., for the purpose of purchasing railroad equipment, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES:

H.R. 11418. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

By Mr. GUDE (for himself, Mr. FRASER, Mr. DUNCAN, Mr. MCCOLLISTER, Mr. MOSHER, Mr. WALDIE, Mr. RANGEL, Mr. PEPPER, Mr. HARVEY, Mr. DRINAN, Mr. RIEGLE, Mr. BYRNE of Pennsylvania, Mr. DOW, and Mr. BURTON):

H. Con. Res. 435. Concurrent resolution expressing congressional recognition of a declaration of general and special rights of the mentally retarded; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDE (for himself, Mr. JONES of Tennessee, Mr. MCDADE, Mr. HELSTOSKI, Mr. ROSENTHAL, Mrs. HECKLER of Massachusetts, Mr. LINK, Mr. ROE, Mr. HORTON, Mr. BURKE of Florida, Mr. KLUCZYNSKI, and Mr. MCKINNEY):

H. Con. Res. 436. Concurrent resolution expressing congressional recognition of a declaration of general and special rights of the mentally retarded; to the Committee on Interstate and Foreign Commerce.

By Mr. HANLEY:

H. Con. Res. 437. Concurrent resolution to protect the domestic specialty steel industry; to the Committee on Ways and Means.

By Mr. THONE:

H. Con. Res. 438. Concurrent resolution urging units and individual members of the armed services to engage in civic works; to the Committee on Armed Services.

By Mr. HOWARD:

H. Res. 659. Resolution expressing the sense of the House with respect to disclosure of the results of the national nutrition survey; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ROYBAL presented a bill (H.R. 11419) for the relief of Carlos R. Johnson, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

148. The SPEAKER presented a petition of Larry H. Bogle, Long Beach, Calif., relative to the admission of the Peoples Republic of China to the United Nations, which was referred to the Committee on Foreign Affairs.

SENATE—*Thursday, October 21, 1971*

The Senate met at 12 o'clock noon and was called to order by Hon. LLOYD BENTSEN, a Senator from the State of Texas.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, rule over the deliberations of this body, to Thy glory, and for the good of this Nation.

Make us mindful of all veterans, the causes they served and the Nation's obligation to them. Be especially near those who bear in their bodies the wounds of battle or in their spirits suffer the deeper trauma to the inner being. Be with the lonely, the homeless, and those who feel neglected, to comfort and sustain them. May the days we celebrate assure each one of them that a compassionate and concerned people remember them with gratitude. And may this time renew in all the people a determination henceforth to eschew the stern arbitrament of the sword, to resolve conflicts by adjudication, and to bring in the reign of peace with justice.

We pray in the name of the Prince of Peace. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).