ORDER FOR THE RECOGNITION OF SENATOR EAGLETON ON FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Friday next, immediately following the recognition of the two leaders or their designees under the standing order, and action on any unobjected-to measures on the legislative calendar, the distinguished Senator from Missouri (Mr. EAGLETON) be recognized for not to exceed 15 minutes.

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

THE TRANSACTION OF ROUTINE MORNING BUSINESS ON FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the conclusion of the remarks by the distinguished Senator from Missouri (Mr. EAGLETON) on Friday morning next, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to extend beyond 10:45 a.m.

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

REGULATION OF PUBLIC EXPOSURE TO SONIC BOOMS

The Senate continued with the consideration of the bill (S. 1117) to provide for regulation of public exposure to sonic booms, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of morning business on Friday next, the unfinished business, Calendar No. 42, S. 1117, be laid before the Senate.

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

LEGISLATIVE PROGRAM FOR FRIDAY, MARCH 19, 1971

Mr. BYRD of West Virginia. Mr. President, if the able assistant Republican leader has no suggestions, requests, or statements, I shall proceed to state the program for Friday.

On Friday next, the Senate will convene at 10 o'clock a.m., following the expiration of an adjournment.

Immediately after the disposition of the reading of the Journal, the recognition of the two leaders or their designees, and the transaction of any unobjected-to business on the legislative calendar, the distinguished Senator from Missouri (Mr. EAGLETON) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, not to extend beyond 10:45 a.m., following which the then unfinished business, Calendar No. 42, S. 1117, will be laid before the Senate. Time between 10:45 a.m. and 11 a.m.—if not needed for additional morning business—will be used for general debate on the bill and will be uncontrolled. Controlled time will begin running at 11 a.m.

Under the previous agreement, the consideration of any amendment, motion or appeal with respect to S. 1117 will be limited to 30 minutes, the time to be equally divided between the mover of such amendment, motion or appeal, and the distinguished manager of the bill (Mr. MAGNUSON). Amendments not germane will not be received, and time on the bill itself will be limited to 30 minutes, the time to be equally divided between the manager of the bill (Mr. MAGNUSON) and the distinguished minority leader or his designee.

Under the agreement, any Senator in control of time on the bill may allot time thereunder to Senators wishing additional time on any amendment, motion, or appeal—with the exception of a motion to lay on the table, of course.

Mr. President, a yea-and-nay vote has been ordered on S. 1117, and it should occur early in the day because of the limited time agreement.

Mr. President, I call attention once again to the fact that the calendar is clear, with the exception of the pending business, S. 1117, and it is hoped that all committees will utilize the time to report measures to the Senate for early consideration on the floor.

AUTHORIZATION TO RECEIVE MESSAGES FROM THE PRESIDENT OF THE UNITED STATES DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that messages from the President of the United States may be received and appropriately referred during the adjournment over to Friday next.

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

ADJOURNMENT UNTIL 10 A.M. FRIDAY, MARCH 19, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Friday morning next.

The motion was agreed to; and (at 4 o'clock and 51 minutes p.m.) the Senate adjourned until Friday, March 19, 1971, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 16, 1971:

IN THE DEPARTMENT OF TRANSPORTATION

Herbert F. DeSimone, of Rhode Island, to be an Assistant Secretary of Transportation.

IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The nominations beginning Donald J. Florwick, to be commander, and ending Richard A. Zachariason, to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 1, 1971.

HOUSE OF REPRESENTATIVES—*Tuesday, March 16, 1971*

The House met at 12 o'clock noon.

Rev. Bernard A. Peters, O.S.B., St. Joseph's Church, Maplewood, N.J., offered the following prayer:

Almighty God of infinite wisdom and understanding, we beseech You in these confused years to inspire the Members of this Congress with Your inspiration and care. Let them bear witness of Your principles, give them the strength and courage to form a right conscience and to follow it.

Let none of the hardships that are found in life cause faithlessness or impatience. Let them always declare themselves for the true and just. May their decisions be to their glory.

May we never forget our blessings and give thanks to Thee, from whom all blessings flow. 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.

CONFERENCE REPORT ON H.R. 4690, INCREASING PUBLIC DEBT LIMIT AND AMENDING SOCIAL SECURITY ACT

Mr. MILLS submitted the following conference report and statement on the bill (H.R. 4690) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-42)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4690) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE II—AMENDMENTS TO THE SOCIAL SECURITY ACT

INCREASE IN OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS

SEC. 201. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1969 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$16.20	$64.00 or less	----------	$76	$70.40	$105.60
$16.21	16.84	65.00	$77	78	71.50	107.30
16.85	17.60	66.40	79	80	73.10	109.70
17.61	18.40	67.70	81	81	74.50	111.80
18.41	19.24	68.90	82	83	75.80	113.70
19.25	20.00	70.30	84	85	77.40	116.10
20.01	20.64	71.60	86	87	78.80	118.20
20.65	21.28	72.80	88	89	80.10	120.20
21.20	21.88	74.20	90	90	81.70	122.60
21.89	22.28	75.50	91	92	83.10	124.70
22.29	22.68	76.80	93	94	84.50	126.80
22.69	23.08	78.00	95	96	85.80	128.70
23.09	23.44	79.40	97	97	87.40	131.10
23.45	23.76	80.80	98	99	88.90	133.40
23.77	24.20	82.30	100	101	90.60	135.90
24.21	24.60	83.50	102	102	91.90	137.90
24.61	25.00	84.90	103	104	93.40	140.10
25.01	25.48	86.40	105	106	95.10	142.70
25.49	25.92	87.80	107	107	96.60	144.90
25.93	26.40	89.20	108	109	98.20	147.30
26.41	26.94	90.60	110	113	99.70	149.60
26.95	27.46	91.90	114	118	101.10	151.70
27.47	28.00	93.30	119	122	102.70	154.10
28.01	28.68	94.70	123	127	104.20	156.30
28.69	29.25	96.20	128	132	105.90	158.90
29.26	29.68	97.50	133	136	107.30	161.00
29.69	30.36	98.80	137	141	108.70	163.10
30.37	30.92	100.30	142	146	110.40	165.60
30.93	31.36	101.70	147	150	111.90	167.90
31.37	32.00	103.00	151	155	113.30	170.00
32.01	32.60	104.50	156	160	115.00	172.50
32.61	33.20	105.80	161	164	116.40	174.60
33.21	33.88	107.20	165	169	118.00	177.00
33.89	34.50	108.60	170	174	119.50	179.30
34.51	35.00	110.00	175	178	121.00	181.50
35.01	35.80	111.40	179	183	122.60	183.90
35.81	36.40	112.70	184	188	124.00	186.00
36.41	37.08	114.20	189	193	125.70	188.60
37.09	37.60	115.60	194	197	127.20	190.80
37.61	38.20	116.90	198	202	128.60	192.90
38.21	39.12	118.40	203	207	130.30	195.50
39.13	39.68	119.80	208	211	131.80	197.70
39.69	40.33	121.00	212	216	133.10	199.70
40.34	41.12	122.50	217	221	134.80	202.20
41.13	41.76	123.90	222	225	136.30	204.50
41.77	42.44	125.30	226	230	137.90	206.90
42.45	43.20	126.70	231	235	139.40	209.10
43.21	43.76	128.20	236	239	141.10	211.70
43.77	44.44	129.50	240	244	142.50	214.80
44.45	44.88	130.80	245	249	143.90	219.20
44.89	45.60	132.30	250	253	145.60	222.70
		133.70	254	258	147.10	227.10
		134.90	259	263	148.40	231.50
		136.40	264	267	150.10	235.00
		137.80	268	272	151.60	239.40
		139.20	273	277	153.20	246.80
		140.60	278	281	154.70	247.30
		142.00	282	286	156.20	251.70
		143.50	287	291	157.90	256.10
		144.70	292	295	159.20	259.60
		146.20	296	300	160.90	264.00
		147.60	301	305	162.40	268.40
		148.90	306	309	163.80	272.00
		150.40	310	314	165.50	276.40
		151.70	315	319	166.90	280.80
		153.00	320	323	168.30	284.30
		154.50	324	328	170.00	288.70
		155.90	329	333	171.50	293.10
		157.40	334	337	173.20	296.60
		158.60	338	342	174.50	301.00
		160.00	343	347	176.00	305.40
		161.50	348	351	177.70	308.90
		162.80	352	356	179.10	313.30
		164.30	357	361	180.80	317.70
		165.60	362	365	182.20	321.20
		166.90	366	370	183.60	325.60
		168.40	371	375	185.30	330.00
		169.80	376	379	186.80	333.60
		171.30	380	384	188.50	338.00
		172.50	385	389	189.80	342.40
		173.90	390	393	191.30	345.90

I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1967 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$175.40	$394	$398	$193.00	$350.30
		176.70	399	403	194.40	354.70
		178.20	404	407	196.10	358.20
		179.40	408	412	197.40	362.60
		180.70	413	417	198.80	367.00
		182.00	418	421	200.20	370.50
		183.40	422	426	201.80	374.90
		184.60	427	431	203.10	379.30
		185.90	432	436	204.50	383.70
		187.30	437	440	206.10	385.50
		188.50	441	445	207.40	387.70
		189.80	446	450	208.80	389.90
		191.20	451	454	210.40	391.60
		192.40	455	459	211.70	393.80
		193.70	460	464	213.10	396.00
		195.00	465	468	214.50	397.80
		196.40	469	473	216.10	400.00
		197.60	474	478	217.40	402.20
		198.90	479	482	218.80	404.00
		200.30	483	487	220.40	406.20
		201.50	488	492	221.70	408.40
		202.80	493	496	223.10	410.10
		204.20	497	501	224.70	412.30
		205.40	502	506	226.00	414.50
		206.70	507	510	227.40	416.30
		208.00	511	515	228.80	418.50
		209.30	516	520	230.30	420.70
		210.60	521	524	231.70	422.40
		211.90	525	529	233.10	424.60
		213.30	530	534	234.70	426.80
		214.50	535	538	236.00	428.60
		215.80	539	543	237.40	430.80
		217.20	544	548	239.00	433.00
		218.40	549	553	240.30	435.20
		219.70	554	556	241.70	436.50
		220.80	557	560	242.90	438.30
		222.00	561	563	244.20	439.60
		223.10	564	567	245.50	441.40
		224.30	568	570	246.80	442.70
		225.40	571	574	248.00	444.40
		226.60	575	577	249.30	445.80
		227.70	578	581	250.50	447.50
		228.90	582	584	251.80	448.80
		230.00	585	588	253.00	450.60
		231.20	589	591	254.40	451.90
		232.30	592	595	255.60	453.70
		233.50	596	598	256.90	455.00
		234.60	599	602	258.10	456.80
		235.80	603	605	259.40	458.10
		236.90	606	609	260.60	459.80
		238.10	610	612	262.00	461.20
		239.20	613	616	263.20	462.90
		240.40	617	620	264.50	464.70
		241.50	621	623	265.70	466.00
		242.70	624	627	267.00	467.80
		243.80	628	630	268.20	469.40
		245.00	631	634	269.50	471.70
		246.10	635	637	270.80	473.90
		247.30	638	641	272.10	476.20
		248.40	642	644	273.30	478.30
		249.60	645	648	274.60	480.60
		250.70	649	652	275.80	482.70
			653	656	276.60	484.10
			657	660	277.40	485.50
			661	665	278.40	487.20
			666	670	279.40	489.00
			671	675	280.40	490.70
			676	680	281.40	492.50
			681	685	282.40	494.20
			686	690	283.40	496.00
			691	695	284.40	497.70
			696	700	285.40	499.50
			701	705	286.40	501.20
			706	710	287.40	503.00
			711	715	288.40	504.70
			716	720	289.40	506.50
			721	725	290.40	508.20
			726	730	291.40	510.00
			731	735	292.40	511.70
			736	740	293.40	513.50
			741	745	294.40	515.20
			746	750	295.40	517.00".

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for January 1971 on the basis of the wages and self-employment income of such insured individual and at least one such person was so entitled for December 1970 on the basis of such wages and self-employment income, such total of benefits for January 1971 or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), as in effect prior to the amendment of this subsection in March 1971, for each such person for such month, by 110 percent and raising each such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for January 1971, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for January 1971, or".

(c) Section 215(b)(4) of such Act is amended by striking out "December 1969" each time it appears and inserting in lieu thereof "December 1970".

(d) Section 215(c) of such Act is amended to read as follows:

"PRIMARY INSURANCE AMOUNT UNDER 1969 ACT

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the amendment of this subsection in March 1971.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before the date on which this subsection was amended in March 1971, or who died before such date."

(e) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970 and with respect to lump-sum death payments under such title in the case of deaths occurring in and after the month in which this Act is enacted.

(f) If an individual was entitled to a disability insurance benefit under section 223 of the Social Security Act for December 1970 on the basis of an application filed in or after the month in which this Act is enacted, and became entitled to old-age insurance benefits under section 202(a) of such Act for January 1971, then, for purposes of section 215(a)(4) of the Social Security Act (if applicable), the amount in column IV of the table appearing in such section 215(c) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under section 215(c) of such Act) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based.

(g) Notwithstanding the provisions of sections 2(a)(10), 402(a)(7), 1002(a)(8), 1402(a)(8), and 1602(a)(13) and (14) of the Social Security Act, each State, in determining need for aid or assistance under a State plan approved under title I, X, XIV, or XVI, or part A of title IV, of such Act, may disregard (and the plan may be deemed to require the State to disregard), in addition to any other amounts which the State is required or permitted to disregard in determining such need, any amount paid to an individual under title II of such Act (or under the Railroad Retirement Act of 1937 by reason of the first proviso in section 3(e) thereof), in any month after the month in which this Act is enacted, to the extent that (1) such payment is attributable to the increase in monthly benefits under the old-age, survivors, and disability insurance system for January, February, March, or April 1971 resulting from the enactment of this title, and (2) the amount of such increase is paid separately from the rest of the monthly benefit of such individual for January, February, March, or April 1971.

INCREASE IN BENEFITS FOR CERTAIN INDIVIDUALS AGE 72 AND OVER

SEC. 202. (a)(1) Section 227(a) of the Social Security Act is amended by striking out "$46" and inserting in lieu thereof "$48.30", and by striking out "$23" and inserting in lieu thereof "$24.20".

(2) Section 227(b) of such Act is amended by striking out "$46" and inserting in lieu thereof "$48.30".

(b)(1) Section 228(b)(1) of such Act is amended by striking out "$46" and inserting in lieu thereof "$48.30".

(2) Section 228(b)(2) of such Act is amended by striking out "$46" and inserting in lieu thereof "$48.30", and by striking out "$23" and inserting in lieu thereof "$24.20".

(3) Section 228(c)(2) of such Act is amended by striking out "$23" and inserting in lieu thereof "$24.20".

(4) Section 228(c)(3)(A) of such Act is amended by striking out "$46" and inserting in lieu thereof "$48.30".

(5) Section 228(c)(3)(B) of such Act is amended by striking out "$23" and inserting in lieu thereof "$24.20".

(c) The amendments made by subsections (a) and (b) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970.

INCREASE OF EARNINGS COUNTED FOR BENEFIT AND TAX PURPOSES

SEC. 203. (a)(1)(A) Section 209(a)(5) of the Social Security Act is amended by inserting "and prior to 1972" after "1967".

(B) Section 209(a) of such Act is further amended by adding at the end thereof the following new paragraph:

"(6) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to $9,000 with respect to employment has been paid to an individual during any calendar year after 1971, is paid to such individual during any such calendar year;".

(2)(A) Section 211(b)(1)(E) of such Act is amended by inserting "and beginning prior to 1972" after "1967", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 211(b)(1) of such Act is further amended by adding at the end thereof the following new subparagraph:

"(F) For any taxable year beginning after 1971, (i) $9,000, minus (ii) the amount of the wages paid to such individual during the taxable year; or".

(3)(A) Section 213(a)(2)(ii) of such Act is amended by striking out "after 1967" and inserting in lieu thereof "after 1967 and before 1972, or $9,000 in the case of a calendar year after 1971".

(B) Section 213(a)(2)(iii) of such Act is amended by striking out "after 1967" and inserting in lieu thereof "after 1967 and beginning before 1972, or $9,000 in the case of a taxable year beginning after 1971".

(4) Section 215(e)(1) of such Act is amended by striking out "and the excess over $7,800 in the case of any calendar year after 1967" and inserting in lieu thereof "the excess over $7,800 in the case of any calendar year after 1967 and before 1972, and the excess over $9,000 in the case of any calendar year after 1971".

(b)(1)(A) Section 1402(b)(1)(E) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended by inserting "and beginning before 1972" after "1967", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 1402(b)(1) of such Code is further amended by adding at the end thereof the following new subparagraph:

"(F) for any taxable year beginning after 1971, (i) $9,000, minus (ii) the amount of the wages paid to such individual during the taxable year; or".

(2) Section 3121(a)(1) of such Code (relating to definition of wages) is amended by striking out "$7,800" each place it appears and inserting in lieu thereof "$9,000."

(3) The second sentence of section 3122 of such Code (relating to Federal service) is amended by striking out "$7,800" and inserting in lieu thereof "$9,000".

(4) Section 3125 of such Code (relating to returns in the case of governmental employees in Guam, American Samoa, and the District of Columbia) is amended by striking out "$7,800" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "$9,000".

(5) Section 6413(c)(1) of such Code (relating to special refunds of employment taxes) is amended—

(A) by inserting "and prior to the calendar year 1972" after "after the calendar year 1967";

(B) by inserting after "exceed $7,800," the following: "or (E) during any calendar year after the calendar year 1971, the wages received by him during such year exceed $9,000,"; and

(C) by inserting before the period at the end thereof the following: "and before 1972, or which exceeds the tax with respect to the first $9,000 of such wages received in such calendar year after 1971".

(6) Section 6413(c)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "or $7,800 for any calendar year after 1967" and inserting in lieu thereof "$7,800 for the calendar year 1968, 1969, 1970, or 1971, or $9,000 for any calendar year after 1971".

(7) Section 6654(d)(2)(B)(ii) of such Code (relating to failure by individual to pay estimated income tax) is amended by striking out "$6,600" and inserting in lieu thereof "$9,000".

(c) The amendments made by subsections (a)(1) and (a)(3)(A), and the amendments made by subsection (b) (except paragraphs (1) and (7) thereof), shall apply only with respect to remuneration paid after December 1971. The amendments made by subsections (a)(2), (a)(3)(B), (b)(1), and (b)(7) shall apply only with respect to taxable years beginning after 1971. The amendment made by subsection (a)(4) shall apply only with respect to calendar years after 1971.

CHANGES IN TAX SCHEDULES

SEC. 204. (a)(1) Section 3101(a) of such Code (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance) is amended by striking out "and" at the end of paragraph (3), and by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) with respect to wages received during the calendar years 1973, 1974, and 1975, the rate shall be 5.0 percent; and

"(5) with respect to wages received after December 31, 1975, the rate shall be 5.15 percent."

(2) Section 3111(a) of such Code (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended by striking out "and" at the end of paragraph (3), and by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) with respect to wages paid during the calendar years 1973, 1974, and 1975, the rate shall be 5.0 percent; and

"(5) with respect to wages paid after December 31, 1975, the rate shall be 5.15 percent."

(b) The amendments made by subsection (a) (1) shall apply only with respect to taxable years beginning after December 31, 1971. The remaining amendments made by this section shall apply only with respect to remuneration paid after December 31, 1971.

And the Senate agree to the same.

Mr. MILLS,
Mr. WATTS,
Mr. ULLMAN,
Mr. BYRNES of Wisconsin,
Mr. BETTS,
Managers on the Part of the House.
Mr. LONG,
Mr. ANDERSON,
Mr. TALMADGE,
Mr. BENNETT,
Mr. CURTIS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4690) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

INCREASE IN SOCIAL SECURITY BENEFITS

The Senate amendment added to the House bill a new title II increasing social security benefits and making related changes in the OASDI program.

1. OASDI benefit increase

The Senate amendment increases regular OASDI benefits by 10 percent with a minimum primary insurance amount of $100 a month beginning January 1971.

The Senate amendment provides that families coming on the rolls after the effective date of the benefit increase, as well as families already on the rolls on such effective date, will be guaranteed the full amount of the 10-percent increase. When social security benefits have been increased in the past, the family maximum amounts have not been increased since they were based on a percentage of the worker's average monthly wage, which does not change with a benefit increase. The Senate amendment would change the basic nature of the family maximum by making it a percentage of the primary insurance amount rather than a percentage of the worker's average monthly wage. The Senate amendment would eliminate a problem which has arisen whenever social security benefits have been increased in the past. Those families whose benefits are limited by the family maximum and who came on the rolls after the effective date of a benefit increase have not shared in the percentage increase enacted. Those families on the rolls prior to the effective date of a benefit increase have been granted the benefit increase under a saving clause which has accompanied every recent benefit increase.

The conference agreement accepts a 10-percent benefit increase (including the increase in family maximum benefits) as in the Senate amendment, but with the 10-percent increase applied to the minimum benefit with a resulting minimum benefit of $70.40 rather than $100.

The Managers believe that it is not necessary to increase the minimum benefit amount beyond the 10 percent provided in the conference agreement at this time since the Committee on Ways and Means is presently considering social security legislation, and it is the understanding of the Managers that the minimum benefit is among a number of proposals included in that consideration.

Under the conference agreement each State is permitted (in determining the need of its public assistance recipients) to disregard any retroactive payment of the OASDI benefit increase provided by the bill for the months of January through April of 1971 which is expected to be paid out (by separate check) in June.

TABLE I.—ILLUSTRATIVE MONTHLY BENEFITS PAYABLE UNDER PRESENT LAW AND UNDER THE CONFERENCE AGREEMENT

Average monthly earnings	Benefit amount: Worker — Present law	Worker — Conference agreement	Couple — Present law	Couple — Conference agreement
$76	$64.00	$70.40	$96.00	$105.60
$114	91.90	101.10	137.90	151.70
$150	101.70	111.90	152.60	167.90
$250	132.30	145.60	198.50	218.40
$350	161.50	177.70	242.30	266.60
$450	189.80	208.80	284.70	313.20
$550	218.40	240.30	327.60	360.50
$650	250.70	275.80	376.10	413.70
$750	(1)	295.40	(1)	443.10

[1] Not applicable, since the highest possible average earnings is $650.

2. Increase in benefits for certain individuals age 72 and over

The Senate amendment provides a 5-percent increase in the special benefits payable to certain individuals age 72 and over who are not insured for regular benefits. This increase would be effective for January 1971 and would raise payments from $46 to $48.30 for individuals and from $69 to $72.50 for couples.

The conference agreement accepts the provision of the Senate amendment.

3. Liberalization of earnings test

Under present law, a beneficiary may earn up to $1,680 annually (or up to $140 in a month) with no reduction in social security benefits. Each $2 earned between $1,680 and $2,880 results in a $1 reduction in benefits; each $1 earned above $2,880 reduces benefits by $1. The Senate amendment would make two changes, effective January 1971:

(a) Beneficiaries could earn up to $2,400 annually (up to $200 in 1 month) with no reduction in benefits.

(b) For all earnings above $2,400, benefits would be reduced $1 for each $2 earned.

This provision is omitted from the conference substitute.

It is the understanding of the managers that the House will be considering this matter in connection with social security legislation now pending before the Committee on Ways and Means and they expect that the legislation reported out by the Committee on Ways and Means will provide for an increase in the earnings test.

4. Changes in social security taxes

The cost of the Senate amendment would be met by increasing the tax base from $7,800 to $9,000 a year, beginning January 1972, and by increasing the tax rates on employers and employees. The tax base would similarly be increased for the self-employed, although the tax rates for them scheduled in present law would not be raised.

Under present law, the OASDI tax rate is scheduled to remain at 4.6 percent through 1972 and to increase to 5 percent in 1973 and thereafter. Under the Senate-passed amendment, the rates would increase to 5 percent in 1973 (as under present law), to 5.3 percent in 1976, and to 5.6 percent in 1981.

The allocation of taxable wages to the disability insurance trust fund would be increased under the Senate amendment from 1.1 percent today to 1.25 percent beginning in 1981.

The conference agreement includes the increase in the tax base from $7,800 to $9,000 a year effective January 1972 provided under the Senate amendment.

Omission of the provisions of the Senate amendment providing a $100 minimum primary insurance amount and increasing the earnings limit reduces the cost of the amendment. Therefore, the conference agreement provides for an increase in taxes in 1976 and after from 5 percent to 5.15 percent for employers and employees. This change results in keeping the program on an actuarially sound basis.

In addition, the conference agreement omits the change in the allocation to the disability insurance trust fund.

TABLE 2.—SOCIAL SECURITY TAX RATES AND MAXIMUM ANNUAL SOCIAL SECURITY TAXES FOR EMPLOYEES, EMPLOYERS AND SELF-EMPLOYED

	Employees and employers, each: OASDI (percent)	HI (percent)	Total (percent)	Maximum tax	Self-employed: OASDI (percent)	HI (percent)	Total (percent)	Maximum tax
Present law: [1]								
1971–72	4.6	0.6	5.2	$405.60	6.9	0.6	7.5	$585.00
1973–75	5.0	.65	5.65	440.70	7.0	.65	7.65	596.70
1976–79	5.0	.7	5.7	444.60	7.0	.7	7.7	600.60
1980–86	5.0	.8	5.8	452.40	7.0	.8	7.8	608.40
1987 and after	5.0	.9	5.9	460.20	7.0	.9	7.9	616.20
Conference agreement:								
1971	4.6	.6	5.2	405.60	6.9	.6	7.5	585.00
1972 [2]	4.6	.6	5.2	468.00	6.9	.6	7.5	675.00
1973–75 [2]	5.0	.65	5.65	508.50	7.0	.65	7.65	688.50
1976–79 [2]	5.15	.7	5.85	526.50	7.0	.7	7.7	693.00
1980–86 [2]	5.15	.8	5.95	535.50	7.0	.8	7.8	702.00
1987 and after [2]	5.15	.9	6.05	544.50	7.0	.9	7.9	711.00

[1] Tax rates apply to annual earnings up to $7,800.

[2] Tax rates apply to annual earnings up to $9,000.

ACTUARIAL COST ESTIMATES

The Old-Age, Survivors, and Disability Insurance system, as modified by the conference agreement, has an estimated long-range cost that is in close balance with income. The Old-Age, and Survivors Insurance portion of the program has an actuarial imbalance of −0.06 percent of taxable payroll while the DI portion has an imbalance of −0.04 percent of taxable payroll. As a whole, the OASDI system has an actuarial imbalance of −0.10 percent of taxable payroll, which is within the acceptable limit of variation for long-range financing. Accordingly, the OASDI system as modified by the conference agreement is actuarially sound.

The combined employer-employee rate for the Old-Age, Survivors, and Disability Insurance system is compared with present law in the following table:

TABLE 3.—OLD-AGE, SURVIVORS AND DISABILITY INSURANCE

[In percent]

Calendar year	Combined employer-employee rate: Present law	Conference agreement
1971 to 1972	9.2	9.2
1973 to 1975	10.0	10.0
1976 and after	10.0	10.3

The allocation to the Disability Insurance program would under the conference agreement be exactly as under the present law—namely, 1.1 percent of taxable payroll for all future years.

The self-employed rate for OASDI will also be the same under the conference agreement as under present law—namely 6.9 percent in 1971–72 and 7.0 percent thereafter.

The following table traces the changes in actuarial balance of the OASDI system from its situation under present law, according to the latest estimates, to that under the conference agreement:

TABLE 4.—CHANGES IN ACTUARIAL BALANCE OF OLD-AGE, SURVIVORS, AND DISABILITY SYSTEM AS PERCENTAGE OF TAXABLE PAYROLL, BY TYPE OF CHANGE, INTERMEDIATE-COST ESTIMATES, PRESENT LAW AND CONFERENCE AGREEMENT

	OASI	DI	Total
Actuarial balance of present system changes	+0.29	+0.05	+0.34
$9,000 earnings base in 1972	+.25	+.02	+.27
10-percent benefit increase	−.78	−.10	−.88
Liberalized maximum family benefits	−.05	−.01	−.06
Revised contribution schedule	+.23	.00	+.23
Total effect of amendments	−.35	−.09	−.44
Actuarial balance under the conference agreement	−.06	−.04	−.10

Additional OASDI benefit payments resulting from the conference agreement, for selected years in the shortrun future, are shown in the following table, by provision:

TABLE 5.—ESTIMATED ADDITIONAL OASDI BENEFIT PAYMENTS IN CALENDAR YEARS 1971, 1972, AND 1975

[In millions of dollars]

	1971	1972	1975
General 10 percent benefit increase	$3,120	$3,572	$3,994
5 percent increase in special payments to noninsured and transitional insured persons aged 72 and over	16	14	8
Liberalized family maximum benefits	20	63	152
Total	3,156	3,649	4,154

The following table shows short-range estimates of the progress of the OASI and DI Trust Funds, combined, under present law, and under the system as modified by the conference agreement:

TABLE 6.—PROGRESS OF THE OASI AND DI TRUST FUNDS COMBINED, UNDER PRESENT LAW AND UNDER THE SYSTEM AS MODIFIED BY THE AMENDMENTS, CALENDAR YEARS 1971–75

[In billions]

Calendar year	Income		Outgo	
	Present law	Conference agreement	Present law	Conference agreement
1971	$41.9	$41.8	$35.3	$38.4
1972	45.7	47.7	36.9	40.6
1973	52.1	55.3	38.4	42.3
1974	55.3	58.9	39.9	44.0
1975	58.4	62.3	41.5	45.7

Calendar year	Net increase in funds		Assets, end of year	
	Present law	Conference agreement	Present law	Conference agreement
1971	$6.6	$3.4	$44.7	$41.4
1972	8.9	7.2	53.5	48.6
1973	13.7	13.0	67.3	61.6
1974	15.4	14.9	82.6	76.5
1975	16.9	16.6	99.5	93.1

Mr. MILLS,
Mr. WATTS,
Mr. ULLMAN,
Mr. BYRNES of Wisconsin,
Mr. BETTS,
Managers on the Part of the House.

Mr. LONG,
Mr. ANDERSON,
Mr. TALMADGE,
Mr. BENNETT,
Mr. CURTIS,
Managers on the Part of the Senate.

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 4690) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes, and further, that all points of order against the report be waived.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I think that this proposal is of such importance that it deserves an explanation before granting the privilege of waiving all points of order, as well as the immediate consideration which, of course, sets aside the 3-day rule.

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

Mr. GROSS. I am glad to yield to my friend, the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I appreciate the gentleman from Iowa, my good friend, yielding to me. I must agree, Mr. Speaker, with the comment raised by the gentleman that this is an unusual procedure that I am asking for today. I want to do this in order to obtain prompt consideration by the House on the several matters that are involved in this legislation.

First of all, Mr. Speaker, let me call attention to the fact that the debt ceiling requires immediate action, as the debt is now at the existing ceiling. It should be borne in mind that we are spending at the rate of about $4 billion a week.

Mr. GROSS. If the gentleman will pardon my interruption, did he say this Government is spending at the rate of $4 billion per week?

Mr. MILLS. That is correct. That is the rate of our spending at the present time. If we do not approve the legislation today, so that it can be promptly approved by the other body and sent to the President so he will be in a position to sign it as soon as possible, in my opinion there could be bills presented to the Treasury for the remainder of this week that the Treasury will not be able to pay.

Now, if I may proceed further, the only thing involved in the conference report itself is the increase in social security payments retroactive to January 1, 1971, of 10 percent across the board, plus a 5-percent increase for those who are 72 years of age, and not entitled to regular social security benefits. That is all that is in the conference report, except of course the financing provisions are also in it. We will raise on January 1, 1972, the existing $7,800 taxable wage base to $9,000. This was recommended by the administration to go into effect at an earlier date, but the Senate fixed it at January 1, 1972, and it was impossible for us to move it to an earlier date. That would have been beyond the power of the conference committee.

Now the reason we must have waivers of points of order on the conference report and the reason I am asking for that is because under the House rules the 10-percent social security amendment is not germane to the bill that the House passed—that bill dealt only with the debt ceiling. So anyone could make a point of order and it would have stood. Then it might have to go to the Committee on Rules and the legislation could not otherwise be considered prior to Friday. In my opinion, under those circumstances, it could not then become law until, possibly, sometime next week because the manager of the Senate conferees advised us he would not be in town after tonight. So I hope we can get this matter disposed of here so they can dispose of it on the Senate side and the President can sign it as soon as it is sent to him. We should not get into this impasse of the Treasury possibly not being able to pay its bills for the rest of the week.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. BYRNES of Wisconsin. I do not think there is any disagreement among the Members with regard to the items in this particular conference report.

In the first place, the debt ceiling provisions of the bill really were not in conference. The two Houses acted identically with respect to those items. If that is all there was involved, we would not even be considering a conference report——

Mr. MILLS. The gentleman is correctly stating the situation.

Mr. BYRNES of Wisconsin. The bill would automatically be sent to the President. We would receive the Senate message and send the bill down to the President.

The situation has been complicated by the fact that the Senate added some social security amendments. The only amendment retained by the conferees and before the House 10-percent across-the-board increase in benefits and the correlative financing, and the 5-percent increase in the special benefits paid from the general fund to certain individuals over age 72. I do not think there is anybody on this floor who would vote against the 10-percent increase retroactive to January 1. I think there is general agreement that this is desirable and that it is needed.

Under the former rules of the House, we would simply have brought the bill back to the House. Somebody could have raised the question asking us to explain why we accepted something that was not germane and we would have had to explain the situation just as we are explaining it now. We think while it is not germane, it is a matter that both Houses are in agreement on and favorable consideration in this context would expedite matters. The only reason for the present procedure is because the new rules we adopted provide a special pro-

cedure on nongermane amendments added by the Senate. If we were to follow the procedure of the new rules, it would delay both the 10-percent across-the-board social security increase and also, very importantly, the increase in borrowing authority that we know we must provide the executive branch. If we do not act now it is going to cause the Treasury some costly operations in the next few days, which we might just as well avoid by taking this procedure.

So, Mr. Speaker, I would plead with any Member of the House not to impose hurdles at this time on this most important legislation. It is important so far as both aspects of the bill are concerned—one, relating to the borrowing authority and, the other, relating to the increase in benefits for our elderly people who are dependent upon their social security check.

Mr. MILLS. Mr. Speaker, will the gentleman from Iowa yield further?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. MILLS. Mr. Speaker, I would like to make the record very clear that all that is involved in a vote on this conference report is the 10-percent across-the-board increase in social security retroactive to January 1, 1971, the increase in the special payments for persons age 72 and over, plus the tax provisions that continue to keep the fund actuarially sound. When a Member votes on this, that is all he is voting on.

Mr. GROSS. Of course, the gentleman understands that when a Member votes for this proposal, it may be construed that by indirection he is voting for an increase in the debt ceiling.

Mr. MILLS. Oh, I would not interpret it that way.

Mr. GROSS. And I voted against an increase in the debt ceiling.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I do not think that this is an appropriate rationale, frankly, I will say to the gentleman, because it if were not for the 10-percent proposal, the across-the-board increase in social security benefits, this matter would not be before the House; no further action in that area by the Congress would be needed. The only reason the issue is before the House is the 10-percent across-the-board increase.

Mr. GROSS. Yes, but the gentleman from Wisconsin is overlooking the fact that there may be a vote on the passage of this conference report, and I want the record to show that I am unalterably opposed to this increase in the debt ceiling, and so voted when that issue alone was before the House a few days ago.

I am going to withdraw my reservation of objection and will vote for the conference report only because I believe an increase in benefits to social security beneficiaries is justified. But I just do not like this method of doing business even though the Government is about to exceed the debt ceiling.

Mr. MILLS. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Arkansas, and then I will withdraw my reservation.

Mr. MILLS. I agree with everything the gentleman has said. Certainly it is only because of what the gentleman has observed that I have asked for this unusual procedure.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

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

There was no objection.

The Clerk proceeded to read the statement.

Mr. MILLS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers on the part of the House be dispensed with. We have discussed it fully.

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

There was no objection.

The SPEAKER. The gentleman from Arkansas is recognized.

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

Mr. MILLS. I yield to the gentleman from Ohio.

Mr. VANIK. I would like to ask the distinguished chairman, for my benefit and for the benefit of other Members of the House, what is planned with respect to the need for increased retirement benefits, the need for an increase in the minimum and the need to provide widows with their full entitlement?

Mr. MILLS. I appreciate the gentleman asking me that question. Let me respond hurriedly to the gentleman. We asked the Members of the Senate conference group to recede from the amendments relating to the retirement test and the minimum benefit because those matters are presently being considered in connection with H.R. 1, which is before the Ways and Means Committee. We wanted them to let us initiate any action which might be taken on these matters rather than having it initiated on the Senate side. I, of course, do not purport to say what, if any, action we may or may not take. We viewed the 10 percent as a matter of immediate urgency, or immediate necessity, but the other matters we do have time to consider later.

Mr. VANIK. I thank the gentleman.

Mr. FULTON of Tennessee. Mr. Speaker, my sentiments on this bill with the amendment to increase social security benefits by 10 percent are mixed.

On the one hand, I am delighted we have brought the matter to a final vote in the house and that these increases now are a near certainty.

On the other hand, I am very disappointed that the increase is only 10 percent. An increase of 15 to 20 percent is needed and certainly could be economically justified in the wake of inflation which has continued over the past 15 months while social security benefits have remained fixed.

Also there is no provision in this legislation to deal with the much needed rise in the minimum monthly benefit. This 10-percent increase will bring the minimum benefit to just over $70 a month which simply is not adequate. It has been pretty well established that the minimum benefit floor today should be no less than $100.

Finally, no provision is made in this legislation for a further easing of the overstringent earnings limitation which restricts annual outside earnings to $1,680. Legislation passed by the House and Senate last year would have eased the limitation of $2,000 and $2,400, respectively. However, this legislation died before final action could be taken.

Therefore, Mr. Speaker, I view this legislation which we approve today as simply a stopgap measure. We must further this year complete these unfinished tasks which are required to bring social security benefits in tune with the economics of our times. We must increase benefits an additional 5 to 10 percent; we must raise the basic minimum to no less than $100 per month; and we must ease the outside earnings limitation. I believe the committee can do this and am hopeful that we will.

Mr. ADDABBO. Mr. Speaker, I am pleased to support the 10-percent increase in social security for more than 26 million beneficiaries of social security benefits. While approval of this legislation is not as comprehensive as most of us would like, it is a further indication that the Congress is aware of the fact that our country owes a great debt to our senior citizens and proposes to take appropriate action. I am hopeful that the Ways and Means Committee in its consideration of H.R. 1 will recommend further increases and reforms, in meeting the realistic needs of our people. People living on fixed incomes are the forgotten people of the inflationary period and it is up to the Congress to restore their purchasing power and to help them meet today's high costs of living.

Though I may not agree fully with the other conditions of this conference report relative to the national debt ceiling and interest on bonds, I feel the importance of this social security increase surpasses all other considerations.

I would urge the President to act quickly to sign this legislation so that this much needed income will become available to our retired citizens.

Mr. DONOHUE. Mr. Speaker, as one who sponsored legislation to provide a 10-percent across-the-board, retroactive to January 1, 1971, increase in social security benefits with minimum payments of $100 and an increase in the income earnings limitation to at least $2,400, I intend to support this conference report on H.R. 4690 and I most earnestly urge its approval by the very great majority of the House membership.

Although the overall benefits contained in this conference report are not increased and expanded as much as

many of us would like, and have advocated, the basic increase of 10 percent and the special increase for those persons over 72 not eligible for full social security payments does offer a timely measure of financial assistance and morale encouragement to the more than 26 million Americans who need such assistance pretty desperately in this time of continuing inflation and ever higher living costs.

Also our action here today, making the increased benefits retroactive to January 1, 1971, will enable these additional benefits to reach social security recipients much earlier than they could obtain them otherwise. The representatives of the Social Security Administration have indicated that procedures would be initiated to have the higher payment checks reach the recipients on the usual June payment date and the retroactive portion would also be paid by separate check sometime in June. Needless to say, these increased benefits will be, as a matter of absolute necessity, immediately used by the recipients and our lagging and sagging economy can certainly use the strengthening impact of this increased consumer purchasing power.

Although I and many of my colleagues are impelled to support this conference measure we do not and we will not, by any means, accept this bill as the only and final legislative gesture of assistance to our older citizens who are trying to live upon social security benefits. I shall maintain my own efforts, and I am certain that many others will also, to obtain, as a matter of simple equity, an increase in minimum payments to $100 a month, the inclusion of an escalator clause tying benefit levels to the cost-of-living advances and an increase, pending complete elimination, of the earnings income limitation to at least $2,400. These are wholesome legislative objectives for the economic benefit of the people in this country who are suffering the greatest from the inflationary factors that are making it increasingly more difficult for them to live at a minimum of economic security within the wealthiest country in the world.

As we take this first step in this new 92d Congress to give a little help to so many millions of our older citizens who are experiencing tremendous difficulties in just meeting payments for the basic necessities of life, let us pledge ourselves to legislatively work together to at least obtain these limited further objectives before the first year of this new Congress has ended.

Mrs. HECKLER of Massachusetts. Mr. Speaker, just last week I addressed this body asking that it reject the notion that vitally important social security legislation be tied to any other matter.

In condemning this kind of parliamentary gamesmanship, I asked why cannot the Congress simply honor the Nation's commitment to its retired citizens free and clear of legislative maneuvering?

Today, we are faced with precisely the situation I feel we must avoid. A 10-percent increase in social security benefits is attached to the conference report on the debt limitation bill.

The increase in benefits for social security recipients is immediately and desperately needed but the other improved benefits we have worked so hard to obtain for our senior citizens are not included in the bill and we are prohibited from offering amendments to add them. These improvements include the automatic cost-of-living clause, the increase in the limitation on the national debt when it was originally before the House. The bill authorizes the largest increase in the national debt limitation since the requirements of World War II. The proposed increase of $35 billion is based on imprecise and vague substantiation and I opposed it to demonstrate my feeling that we must reorder our national priorities in such a way as to gain the greatest overall benefits from the resources available. I believe we are spending far too much on nonessential or unnecessary activities.

Nonetheless, despite the fact that the rationale for such a historic increase in the debt limitation is weak and unconvincing, I shall vote affirmatively for the pending bill because the social security increase is so desperately needed.

In announcing my vote, I want to register my complete disrespect for the parliamentary maneuvering which has joined these two totally unrelated items. Tying them together in an appalling misuse of the legislative process.

The Congress must face issues head on if it is to become more responsible. We are being unfair to older Americans and unworthy of the Congress if we must rely on a parliamentary gimmick to meet the urgent needs of social security recipients. This increase is long overdue and should not have to be brought in through the back door.

Mr. REID of New York. Mr. Speaker, I wish to go on record in support of the conference report on H.R. 4690, which includes a 10-percent across-the-board rise in social security benefits, retroactive to January 1, 1971.

I regret that I missed the vote on this important issue, due to my attendance in New York City of the funeral of Mr. Whitney Young, Jr., executive director of the National Urban League. Had I been here 30 minutes earlier, I would of course have voted "aye." I might add that I find it shocking that the House today lacked the courtesy to await the completion of funeral services prior to taking up legislation. Such hasty and impulsive procedure strikes me as a sign of the insensitivity of this body to the death of a fine and great American. Indeed, it will not reassure the poor—irrespective of color—nor indeed black Americans, for all of whom Whitney Young gave his life.

I have long supported a cross-the-board rise in social security benefits. However, let me at this time express my strong disappointment over the failure of the House conferees to rectify some of the inadequacies of our present system. I strongly commend the Senate for increasing the earnings limitation to $2,400 annually from the present $1,680. I have in the past advocated complete removal of this income limitation, as I believe that social security benefits should be treated as the end result of a bought and paid for retirement program—totally independent of present efforts to supplement it and not as something to be taken away as punishment for still wishing to be a productive member of society.

The $1,200 per year minimum in benefits for an individual and $1,800 for a couple, approved by the Senate but rejected by the conference conmittee, would not have even brought affected senior citizens up to the current official poverty levels of $1,840 per individual and $2,383 per couple per year.

The right of an individual to confidently look forward to living out his retirement years in reasonable economic comfort should be a paramount goal of our society, and I urge that in the future we face the economic plight of many of our senior citizens, and act accordingly.

Mr. MINISH. Mr. Speaker, I rise in support of the conference report providing a 10-percent across-the-board increase in social security benefits.

My colleague, Chairman MILLS of the Ways and Means Committee, has stated that comprehensive improvements in the social security system will be considered later in the session. In view of this fact, I am pleased to support today's across-the-board increase knowing full well how necessary it is for social security beneficiaries.

I, nonetheless, intend to press further for a much needed increase in the social security minimum payment, an increase in the earnings limitation, automatic adjustments in benefits, equal treatment for working wives as well as coverage of prescription drugs under medicare.

However, today's action will assure that our senior citizens receive much needed retroactive benefits to help equalize their standard of living in spite of the steep inflation they have experienced. Social security recipients have paid into the social security fund to protect themselves during their later years. Their investment in their own economic protection must not be in vain.

Mr. PICKLE. Mr. Speaker, I am pleased the bill granting the long overdue increase in social security benefits passed today and I want to take this means to register my support. Unfortunately, I was not able to be present to cast my vote in favor of the bill because my plane from Texas was delayed for over an hour. Had I been here my vote would have been a strong "aye" and I want the record to so read.

The strong vote in favor of this bill, 358 to 3, shows that Congress realizes that those on fixed incomes such as social security have suffered the most from inflation and that they need relief. The 10 percent increase is retroactive to January 1, 1971, and recipients should start getting the back payment sometime in May. The increase itself will show in the May check which is received around the 1st of June.

I regret that the House conferees did not agree to the Senate provision that would have raised the ceiling from $1,680 to $2,400 per year on the amount social security recipients can earn without reducing their benefits. I have introduced a bill in the House that would raise the ceiling to $2,400. The Ways and Means Committee will consider raising the ceil-

ing on outside earnings and the minimum payment in H.R. 1, the comprehensive social security bill, which is pending.

Again I salute the passage of the 10-percent increase as a signal from Congress that we will not allow our senior citizens to become forgotten Americans.

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to applaud the action taken by the House today in approving the 10-percent increase in social security benefits. It is on our senior citizens that our inflationary economy inflicts the severest hardships since it is this group that must remain on a fixed income in the face of rising prices. The many people for whom social security is the sole source of income must struggle to maintain an adequate standard of living. A great deal of procrastination and delay has characterized congressional action on this measure and I am most pleased that we have finally enacted legislation that is so desperately needed by our older Americans.

I feel that I must, however, register my displeasure with several omissions from this measure. At present, the outside earning limitation for those who collect social security is $1,680, a figure which I feel is grossly unfair to our many senior citizens who are physically able, and who are willing to work. By placing the limitation at such a low level, we are providing a disincentive for many to work to their maximum capabilities. I have introduced a bill, H.R. 565, which would raise this limitation to $3,000. I believe that this is a much more equitable and realistic figure and I strongly urge my colleagues on the Ways and Means Committee to include this in future social security legislation.

There is one more provision which I believe must be enacted; namely, an automatic cost-of-living escalator. My bill would provide for an automatic increase in benefits if, over a 3-month period, the cost of living increases 3 percent or more. This would help insure that our senior citizens would be able to adequately provide for themselves in times of sudden shifts in the economy. I would hope that the Ways and Means Committee would also carefully consider this recommendation.

I realize that the Ways and Means Committee will be continuing hearings on other social security measures as well as on amendments to the medicare program. In connection with this last point, I would like to draw your attention to a bill I have introduced, H.R. 3230, which would allow the services of a chiropractor to be included as an item for reimbursement under the medicare program. There are many older people who derive great benefits from chiropractic care but, at present, this is not covered by medicare. I, therefore, hope that this bill receives serious thought by the Ways and Means Committee in its future deliberations.

Mr. BADILLO. Mr. Speaker, I am pleased to support this conference report and its provision for a 10-percent increase in social security benefits retroactive to January 1. The speed with which this measure has been brought to final passage is entirely appropriate, for the inflation which continues to plague our economy strikes hardest at our older Americans living on fixed incomes.

However, I am not pleased with the fact that this conference report omits two vital provisions of the Senate-passed bill—an increase in new monthly minimum benefits of $100 for individuals and $150 for couples and an increase in the ceiling on permissible outside earnings for social security recipients to $2,400 a year. In my view, these increases were necessary and proper.

I am well aware of the argument that our social security system must remain actuarily sound—that the sanctity of the trust fund must be preserved. But I believe the time has come to go beyond that trust fund and to use general revenues to meet the urgent needs of our senior citizens.

With Senator HARRISON WILLIAMS of New Jersey, I have sponsored legislation that would bring social security benefits up to date. I sincerely hope that Congress will not rest on its laurels with the benefits contained in this conference report, but will go beyond them later this year and enact the broad revisions our social security system requires if it is truly to keep pace with the economic realities of our times.

Mr. CLEVELAND. Mr. Speaker, today, at long last, Congress is completing action on an overdue increase in social security benefits. The need for an increase is unquestioned. It is regrettable that this has taken so long, and that the increase passed is inadequate. An increase of 10 percent does not meet all of the needs of our senior citizens. The bill we act on now does nothing to raise the earnings limit; it does not provide for future automatic cost-of-living increases; and it does not sufficiently increase the current minimum level of benefits which is disgracefully low. These were all included in the bill passed by the House last May and for which I voted.

In addition to being inadequate in amount and scope, today's action is procedurally outrageous. Last year the Senate held hostage the House-passed bill providing comprehensive reforms. In fact, it delayed acting on it for so long that the bill died when the session ended in December. Now, the Senate has tacked this important issue onto a bill providing for yet another increase in the debt limit.

I have consistently voted against increases in the debt limit. My record on that is clear. But I have also consistently urged and voted for increases in social security benefits. In this case, the need of our retired citizens is so great that my choice is clear, so I shall vote for the entire bill.

I deplore the procedure used by the Senate in this case. I also deplore the fact that the Senate dawdled and procrastinated on this issue so long that after 8 months of doing nothing, it used this method of achieving an inadequate answer to a serious problem. It could have easily passed a good bill providing not only an increase, but the other needed reforms. It is a sad commentary that we act in this manner on an important issue. The need for meaningful congressional reform is again clearly demonstrated.

Mr. McCORMACK. Mr. Speaker, while I want to be recorded in support of the increase in social security benefits included in the bill before us today, I want to object to the method by which we are forced to accept undesirable legislation in order to support an inadequate increase in benefits.

It is my belief, as expressed in a letter some 55 of my colleagues and I sent to the distinguished chairman of the Ways and Means Committee, the gentleman from Arkansas (Mr. MILLS), in January, that the rate of benefits should be increased by 15 percent rather than 10. In addition, we proposed setting a minimum of $100 a month for individual payments and permitting persons receiving social security benefits to earn up to $2,400 a year without loss of some of their benefits.

It is disappointing that the conferees saw fit to drop these provisions, and I feel that before this Congress finally adjourns sine die, corrective action will have to be taken.

It would have been preferable had we been given the opportunity to debate and vote on the social security increases by themselves and not have the whole thing handed to us to take or leave. I find it particularly distasteful to be placed in a position of seemingly approving an inflationary increase in interest rates on long-term Government bonds simply because social security increases have been made part of an inseparable package.

Mr. COTTER. Mr. Speaker, I rise in support of the bill H.R. 4690. Appended to this routine bill to raise the debt ceiling are the Social Security Amendments of 1970.

I am not completely satisfied with the bill. The provision which removed the 4¼-interest ceiling on long-term bonds I opposed when the bill was in the House. This feature remains in the bill and I am still opposed to it.

The greatest concern in this bill is the increase in social security benefits. I would be less than completely candid if I said I was happy with the limited social security provisions in this bill. But I do believe that increased social security payments should be speedily enacted. Therefore, I will support this conference report which includes a 10-percent increase in social security benefits.

Mr. Speaker, I feel that H.R. 4521, which I introduced, is a better bill. It would provide a 15-percent increase in benefits, raise the permissible outside earnings to $2,500, provide an automatic cost-of-living feature, and provide a minimum payment of $100. I am hopeful that this Congress will again take up social security legislation in the near future to include these essential features.

Mr. LATTA. Mr. Speaker, I rise in support of this measure as it is the only bill before the House. It is not the bill I would like before the House today. It is the result of a conference committee's efforts and they do not always reflect the wishes of this body. Let me also point out that had it not been for the delaying tactics of the Senate, this 10-percent

social security increase would have been enacted last year.

The record is clear. On May 21, 1970, nearly a year ago, the House passed legislation which provided for the increase I trust we will approve today. In addition, the bill featured a provision for an automatic cost-of-living increase.

However, the other body delayed passage of the measure until December 29, 1970. As finally passed by the Senate it included nearly 100 differences from the version this body passed. Due to the wide range of differences, agreement was impossible in the short time the 91st Congress remained in session.

The result: further delay of the increase in social security benefits so needed by the nearly 27 million Americans depending on social security to meet their living costs.

I am disappointed at the decision of the conferees in rejecting provisions that would have increased the minimum monthly payment to $100 and that would have increased to $2,400 from $1,680 the outside income allowed without a cut in benefits.

These are matters that should be rectified as early as possible.

Our obligation to the senior citizens of America is clear.

We are talking about the people who through hard work made the United States the richest, most affluent Nation on the face of the earth. Their generation experienced the hardships of the great depression. Their generation filled the ranks of our armies in World War I, and bore the burden and the costs of, first, defeating Hitler's Germany and the other Fascist powers, and then, of containing the world ambitions of communism.

We owe them more than they are receiving.

Today they are in a desperate plight. They are caught between the fryingpan of low, fixed income and the fire of inflation. Despite the best efforts of the Nixon administration, inflation continues nearly unabated.

It is a small thing for us to increase social security benefits by 10 percent. They are entitled to much more.

Mr. Speaker, again, I emphasize the need to pass this measure. Although it is not enough, it will help a little.

Mrs. ABZUG. Mr. Speaker, I vote "yes" today on the adoption of the conference report to accompany H.R. 4690 increasing the public debt limit and including the social security amendments, because the elderly in this country so desperately need whatever assistance they can get, and they need it now.

So I reluctantly cast my vote for the 10-percent increase, for the same reason I reluctantly cosponsored legislation calling for the increase—because a 10-percent increase is better than no increase.

But the need is for a 15-percent increase in social security benefits going up to 20 percent next year; the need is for minimum payments of at least $100 a month; $120 is more realistic.

For many people social security is the only check they get after they are 65, and $100 a month scarcely approaches adequacy and is hardly a good return on a lifetime investment in the labor market.

I vote "yes" today, but I will take whatever measures are appropriate to bring the real needs of the elderly before the Ways and Means Committee to assure a 15-percent increase in social security benefits this year, and minimum payments of $120 a month.

Mr. NIX. Mr. Speaker, there are moments when I am genuinely impressed with the speed with which the House of Representatives can be moved to act on matters of urgent public importance.

Less than 24 hours elapsed from the time a House-Senate conference committee submitted and this body approved a 10-percent across-the-board increase in social security benefits. It will indeed be welcome news and bring a measure of relief to the Nation's 26 million beneficiaries, many of whom are struggling to make ends meet on limited, fixed incomes.

As pleased as I am by this action today, I must confess that I anxiously await legislation to extend and increase the base at these benefits. Unfortunately, such provisions were stricken in conference in an effort to expedite passage of the 10-percent increase and raise the Federal debt ceiling.

Specifically, I refer to such provisions as would increase the amount of outside earnings permitted without reduction of social security benefits; raise minimum benefits to $100 for individuals and $150 for couples, and make special payments to persons 72 or older who do not qualify for regular benefits. There is also the very real need to consider an early additional across-the-board boost as the 10-percent raise approved today has barely kept pace with the cost-of-living increases since the last hike in benefits.

While I sympathize with the good intentions of the Ways and Means Committee to draft comprehensive legislation to cover revenue sharing, welfare reform, and social security benefit extensions, I empathize as strongly with those we are trying to help and who need that help now.

Let us hope that today's action is a harbinger of an even broader commitment.

Mr. PEPPER. Mr. Speaker, I am gratified that the House has moved swiftly to ratify yesterday's conference committee agreement to include a 10-percent increase in social security benefits in the legislation to raise the limit on the Federal debt.

It is unfortunate that the senior citizens of America have had to wait these additional months, since the failure of social security legislation in the legislative logjam last year, for the increases which they so desperately need. The inflation since the last social security increase has virtually eaten up the 10-percent increase which we are now granting. This increase is overdue as a bare minimum for action on benefits.

We must, Mr. Speaker, look upon this action as only a first step in the fullfilment of our responsibilities to our senior citizens in the 92d Congress. We must move ahead with dispatch to more comprehensive legislation to improve the provisions of the social security program.

I will certainly insist that we provide at least another 5-percent increase in benefits retroactive to January 1 of this year. I believe it should be another 15-percent increase, for a total increase of 25 percent over the wholly inadequate level of benefits in the past.

I will also keep up my fight to see that our senior citizens are permitted to earn as much as they can without losing any of their monthly benefits. If this is not possible in this session, I will press for the highest figure we can get as an earnings limitation—whether that may be $2,000 or $2,400 or more.

I had hoped that we would, at last, raise the minimum benefit to $100 a month in the legislation we are approving today. I certainly hope we will establish this minimum for one person and a $150 minimum for a couple in the more comprehensive legislation we must enact later this year.

It is essential also, I think, that we permit widows to obtain a full benefit if they are willing to delay their retirement until age 65. This 100-percent provision is one which is overdue and should be a priority item in the next legislation.

There are many other provisions which should be improved in the social security program. We must provide a means of keeping our senior citizens abreast of the rising cost of living. But for this to be meaningful, we must first assure that the level of benefits provides a decent standard of living. That must be our first commitment—to provide a decent standard of living for our retired citizens in their remaining years—and then to provide automatic increases to preserve for them this standard of living. Anything less will be a failure in our obligation.

This Nation owes a great debt to the millions of men and women who have helped to build its great industrial and economic strength. We owe them a deep debt of gratitude for their contributions to making this a sound society as well as a strong economy. I feel, therefore, that we should repay this debt with a comprehensive social security program which will permit them to enjoy just that—security—the security to which they are entitled on the basis of their contributions to the growth and development of this great and wealthy and free land.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of this long overdue measure which provides a 10-percent across-the-board increase in social security benefits, and a 5-percent increase in special payments to persons 72 years and over. In addition, this bill provides that the 10-percent social security increase be retroactive to January 1, 1971.

This action is vitally needed. One out of every four Americans, of age 65 and over, lives in poverty; approximately 3 million more live in near poverty; and many millions of others know too well what it means to skimp along without necessities in a nation undergoing inflation.

Presently, 26 million social security beneficiaries are waiting for this increase in their benefits by $5 billion, and I am hopeful that the Social Security

Administration will expedite this matter so that the beneficiaries can get their retroactive checks by June.

Mr. Speaker, welcome as these provisions are, we must remember that today's measure is a stopgap proposal. And, we must not lose sight of the urgent need for more fundamental reforms to improve our social security program.

Mr. Speaker, adding a few dollars to social security every 2 or 3 years can provide temporary relief, but much more is needed, if we are to come to grips with these major problems.

We must increase benefits by no less than an additional 10 percent as soon as possible.

We must increase minimum monthly benefits to $100 this year and then $120 in 1972.

We must provide for automatic adjustments in social security benefits to protect the aged from inflation.

We must broaden medicare coverage to include out-of-hospital prescription drugs.

We must liberalize the disability provisions to include social security beneficiaries under 65.

We must provide hospital insurance benefits for certain uninsured groups.

We must increase the amount of money social security beneficiaries may earn and still receive full benefits.

Mr. Speaker, I support this 10-percent increase, but we must recognize it as a holding action until more far-reaching reforms can be enacted on social security and medicare.

Mr. VANIK. Mr. Speaker, the action of the House today on this proposal to increase social security benefits by 10 percent retroactive to January 1, 1971, is long overdue and complies substantially with the promise of this Congress to act on this matter early in the session.

This action today insures that increased benefit checks and the payment of the retroactive benefit will be delivered to beneficiaries in the first week of June. The check for retroactive benefits will be mailed out in a separate check later in the month of June. This delay between law and benefits results from the problem of preparing social security computers to issue checks to 26 million beneficiaries.

The 10-percent increase in social security benefits across the board will result in an increased benefit payout of $3.6 billion per year to the elderly. It is a considerable improvement over the Nixon administration's request that the social security benefit be limited to 6 percent. The cost of living of the elderly has risen well over 6 percent and is very closely related to the 10-percent increase. Meanwhile, upward pressures on the cost of living continue without Government restraint.

In my county—Cuyahoga County—there are presently about 220,000 social security beneficiaries of all types receiving between $25 and $27 million in benefits per month. The 10-percent increase, in the conference report before us today, and which will undoubtedly be approved, will mean nearly $2.7 million extra a month in Cuyahoga County alone.

As our work in the Ways and Means Committee continues on social security improvements, I will vigorously endeavor to increase the minimum payment to $100 per month and to increase the retirement test to $2,400. For the greater part, the elderly who continue to work do so because they must. They are among the working poor. Many elderly on social security are also receiving old-age assistance to supplement low social security payments. The present retirement test of $1,680 is a tremendous burden on the elderly working poor who draw low social security benefits. This group can only be reached by a higher minimum payment and an increase in the retirement test.

Elderly citizens generally continue to work because and to the extent that it is necessary for survival. Until social security benefits reach a level which can insure a decent standard of living for the elderly, it is absolutely essential to liberalize the retirement test to permit an acceptable standard of life.

It is also essential to provide a surviving spouse with 100 percent of the worker's benefit upon his death. When one of the household partners is deceased, the surviving partner is left with the full cost of household maintenance. This problem must be recognized by the Congress.

It is also my hope that this legislation will include improvements to the medicare program. The $50 deduction on medical bills prevents medical utilizations which would prevent or reduce long-term hospitalizations and long-term illness.

The hospitalization coverage should include hospital outpatient services to prevent the unnecessary hospitalization of patients in order to obtain the use of laboratory and testing services. This type of service would provide better health care and economies in the Nation's medical service.

There are also extended complaints in my community about the arbitrary cutback in allowances for medical services. In my community, where hundreds of doctors refuse new patients, where many doctors insist on an initial visit fee of $50 to $75, the medical carrier often allows only $8 on a $10 doctor's bill for an office visit. The patient pays the $50 deductible and then must pay the $2 differential on the $10 bill and in addition must pay 20 percent of the allowed payment or an additional $160. The patient thus pays $3.60 of the $10 doctor bill, while the medicare carrier pays $6.40. The paperwork in this kind of transaction may run to more than the claim. The goals of medicare should be to provide quality health service without red-tape or frustrating delay.

It is my hope that our amendments to medicare will encourage health maintenance, the prevention of illness, and a full and prompt recognition of reasonable claims for service.

Medicare must be made into an effective and viable system as a necessary step to the development of a comprehensive health program to serve all groups of citizens. This challenge must be met in the bill which Ways and Means reports out.

It is my hope, therefore, that as the Ways and Means Committee continues its consideration of H.R. 1, the Social Security and Family Assistance Plan Amendments of 1971, that these additional provisions can be considered and adopted in whole or in part.

Mr. RANDALL. Mr. Speaker, I rise in enthusiastic support of the conference report to accompany H.R. 4690. I have long and consistently worked for and supported more realistic benefits for those who must depend upon social security payments. In the recent past, I have introduced bills to increase these benefits, to liberalize the bases on which benefits are computed, and to build automatic cost-of-living increases into the social security benefit structure. My record in this area is so well established by the legislation I have introduced and the bills I have supported as to make it unnecessary for me to take this time to express how gratifying it is that a shortcut has been agreed to by which long overdue increases in social security benefits can be speeded up. Nevertheless, I cannot let this moment pass without adding my voice to those who acclaim the conference report now before the House.

At the same time, I want to make it abundantly clear why I voted for H.R. 4690—to increase the Federal debt limit—when that bill was before the House on March 3. The fact that such a desirable addition as increased social security benefits was made to this bill in the Senate has nothing to do with my vote today to agree to the conference report.

I remain as much concerned as any of my colleagues about the level of our national debt. It has never been easy for me to vote to increase the debt limit. In each of the last several years I have voted against a sufficient number of spending proposals to have made debt limit increases unnecessary, if I had been on the winning side every time.

But, if I had voted against a higher ceiling on our national debt on March 3, I could not undo the actions of those who voted to spend the money that created this debt. By voting down the bill to increase the debt limit, the Federal Government could not meet its bills as they accrue, and in private business that is called involuntary bankruptcy.

What would be a few of the consequences our country would face if the present debt limit is not increased? One good place to start is in the matter of payments to social security annuitants, which we are increasing today.

Highly qualified economists tell us that the fund from which social security payments are made is actuarially sound; that there are adequate sums deposited in that fund from deductions made in earnings and contributions by employers to meet all foreseeable demands. Nevertheless, the Social Security Administration employs thousands of persons on the Government payroll to ascertain the amount of benefits and see that benefit checks are prepared and mailed in timely fashion at the first of each month. The cost of buying or leasing and then serviceing and maintaining hundreds of big computers for use in this task is a staggering amount. Space must be purchased

or rented for housing the workers in national social security headquarters and the dozens of field service offices located throughout the country.

Without an increase in the limit, we would exceed the present debt authority, including the contingency cushion, sometime this month. There would be no money to pay these Social Security Administration workers; no money to pay the rent on the quarters they occupy; no funds for paying for the computers and other mailing machinery. It might happen there would not even be enough money to pay the salaries of the postmen who deliver the checks.

No one should conclude that this is an extreme example. Not only could such a condition occur, but it would be multiplied by other similar instances throughout the Government. For another example, payments to contractors on Government work would have to be suspended; defaults would be taken on amounts due suppliers of goods and services to our Government. Schools that are dependent upon the Federal Government for funds promised by the various aid to education enactments would be left emptyhanded, their teachers unpaid. Foreign governments, to which we have made commitments under the various aid programs voted by a majority of my colleagues—but opposed by a substantial minority including myself—would be stood up. Overseas holders of U.S. currencies would stampede our depositories with immediate demands for redemption of this currency in gold.

Our fightingmen in Vietnam, who have not been defeated by either the enemy or by those who misguidedly advocate withdrawal without honor, would be left abandoned on the battlefields by those in their Congress who, by voting against a higher debt limit, would take away their subsistence and their ammunition. A vote against the debt limit would be a cruel way to vote against the war.

Some of us who are opposed to indebtedness are prone to lose the proper perspective in which to consider the subject of the debt ceiling. To vote against raising the ceiling is not an economy vote. The money has already been spent.

Corporations hate debt. Investors look carefully before buying the stock of companies with heavy debt. But since 1946, corporate debt in America has increased from $109 billion to $861 billion, 700 percent. That increase is recognizable in the farflung production-distribution complex of the Nation, which represents the greatest industrial growth any country in the world has ever known.

But a quick look at our Federal debt will reveal it has increased from $300 billion in the first half of 1946 to about $395 billion today. Therefore, our national debt has increased only 32 percent during the same period corporate debt was increasing 700 percent.

To make this comparison the more startling, it must be remembered that while we were increasing our debt limit only 35 percent in a 25-year period, we were also experiencing the same inflationary influences at the Government level as were experienced by corporations.

Since 1946, we have fought a war in Korea, and in Southeast Asia we are now involved in the most expensive war in history. We have sent more than $120 billion in aid to foreign countries. Many billions of dollars have been spent in revolutionary new educational programs, for hospital and other medical facility construction. More than $10 billion has been spent on poverty wars and on regional development. Some $40 billion has been spent on space exploration and in putting the first and only men on the moon. All this has been done and is being done within a debt limit that has increased only 35 percent.

I did not vote for many of these programs. On the other hand, many of my colleagues did not vote for some of the programs I supported, such as large education expenditures and money for cancer and other health research. But the point is that there were a sufficient number of Senators and Representatives in favor of all these programs to obligate our Government for vast amounts of expenditures. If the Congress were to fail now to increase the Federal debt limit sufficiently to enable us to satisfy the obligations arising from all of these programs, we would be guilty of a serious breach of faith at home and abroad. Increasing the debt limit at this time is nothing more than fulfillment of our responsibilities to make the money available to pay for those programs and services undertaken by our Government under authority granted by the laws passed by a majority of this Congress.

It has been said that increasing the debt limit has become an annual, or a semiannual or biannual exercise by this Congress, that it can be expected that another request to increase the debt limit will be before the Congress within a few months or next year. That may very well be, although I devoutly hope not.

But I hereby commit myself in this public forum to join with any one of my colleagues, within the House of Representatives or within the other body of the Congress, to effect every possible cut that can wisely be made in the programs we authorize and the appropriations we make, in a sincere effort to cut Government operating costs sufficiently to not only avoid any further increases in our debt, but, hopefully, to save enough money in the next year to significantly reduce that debt.

Regardless of the depth of commitment by any Member of this Congress to the cause of economy in Government, that commitment cannot be expressed in a vote against increasing the debt limit, at this time. No matter how well meant such a vote might be, defeat of the proposal to increase the debt limit could only assign the Nation to a position of inability to meet its obligations for the first time since 1791.

Again, I want to say that I am very glad that H.R. 4690 came back to us from the other body with an amendment that will speed up increases in social security benefits paid to our elderly. I am disappointed, however, that two very important and much-needed improvements were omitted from the bill as agreed upon in conference. One of these would have increased from $1,680 to $2,400 the earnings an annuitant may receive without affecting his benefits. The amendment would have also liberalized the treatment of those earnings above the higher level for purposes of adjusting benefits. I urge that the Ways and Means Committee, in its current consideration of comprehensive amendments to the Social Security Act, should restore this much-needed provision.

In another area, I was disappointed that the conference committee made a downward adjustment in the Senate-approved amendment which would have raised minimum monthly benefits to $100. The $70.40 figure agreed upon is totally unrealistic. I am informed that increased minimum benefits is among a number of proposals now under consideration by the Ways and Means Committee, and I urge that group to fix a more meaningful figure in this respect. We should all hurry to achieve that objective.

Mr. HORTON. Mr. Speaker, I rise in support of a retroactive 10-percent increase in social security benefit payments. If we pass this bill today, and it is signed into law, we will help establish a record of responsibility for this Congress, which together with the last Congress, is demonstrating at least a willingness to prevent inflation from eating away at the living standards of the elderly who benefit from social security.

The bill before us today, as amended in the Senate, would authorize a 10-percent increase in benefit payments effective January 1, 1971, in addition to authorizing an increase in the temporary and permanent treasury debt ceilings.

As enthusiastic as I am about the necessity for this social security increase, I am fearful that we not allow this action to postpone or eliminate the even greater necessity for action on meaningful reforms in the structure and operation of the social security system, and other programs which affect the well-being of the elderly.

There are no issues before our society today that are more vital than positive responses to the needs of older Americans. Both young and old will benefit from creative national policies leading to a new era of opportunity in aging.

How our society meets the challenges of aging will have impact not only on the 20 million persons now past 65 and the million and a half reaching that age each year, but also on every citizen, including those in middle age and youth.

Goals of a new, positive national policy toward older Americans should include incomes adequate for each to live in dignity with honor and independence and increased opportunities for economic and social involvement in society's mainstream. But, first, we must all recognize the resources which older persons can bring to our Nation's growth—physical, cultural, and spiritual.

If we are to achieve a new era of opportunity in aging, we must abandon outmoded 19th century stereotypes of older people as infirm, sick, or useless. We will have to reverse today's all too common practice of rejecting persons, capable of

great contributions to themselves and others, simply because of age.

We must make both immediate action and long-range commitments, based on the facts of life as they relate to aging in the last third of the 20th century, if we are to end unjustifiable discrimination against the aged.

It is high time we admit that this nation so far has ducked the problems confronting older persons. Our hit-or-miss approach to their needs is an evasion of the issues, an evasion that ill befits our country. This avoidance of responsibility is one we can afford no longer.

So, meeting our responsibility to older Americans of today—and tomorrow—calls for the most imaginative and creative thinking possible. It will involve new attitudes toward aging by all elements of society. Above all, it will require positive action.

Past and current failure to recognize older Americans' aspirations for their country—and their need for fulfillment as individuals—is an inexcusable blight on our society. Absence of a positive national philosophy in aging, and the resulting policy vacuum, has meant second-class citizenship for countless older persons. It has forced millions into intolerable social and economic situations.

Correction of such negativism will take ingenuity and time. Too often, we have subjected the elderly to the cruel hoax of unrealistic political promises. We would be equally unfair now to imply that a new era of opportunity in aging can come overnight. But we must make a beginning—and without delay.

Older Americans deserve an immediate diligent national effort to restore to them the life choices—with dignity—which are the due of all men and women. This means expansion of work opportunities, full-time and part-time. It will involve creation of avenues for pursuit of volunteer second careers, new educational and recreational emphases—and, above all, assurance to all of decent standards of living.

Look into the past and glimpse into the future and get an indication of the magnitudes of both problems and opportunities. In 1930, we had fewer than 7 million Americans over 65. In the 40 years since, the number has grown to over 20 million. It is hard to guess what the next 40 years will bring, but continuing research and improved quality of life suggest the increase will be great.

Serious medical sicentists predict extension of lifespan to 90 or 100 years. If this occurs, how can we possibly adhere to current practices which put so many active and able persons on the shelf at 65 or 70? How can we accept the current trend to relegate persons to inactivity at even young ages?

Countless older persons today strongly resent what this antisenior policy is doing to them psychologically, economically, and socially. We dare not turn our back on the problem created by adherence to unreasonable 19th-century concepts of aging.

We speak of increased lifespan. How valid are these predictions?

It is reasonable to expect great progress against major killing and crippling diseases, as well as less dramatic but possibly no less significant gains produced by better health education and medical skills and by rising living standards.

Millions now past 65 would be dead had their lives been spent in environments such as those which faced their fathers and mothers. We cannot estimate how many now are living whose life depends on miracle drugs nonexistent 40 years ago, whose life has been preserved by surgical techniques and medical procedures unknown 40 years ago.

The fact is that we have a new generation of older Americans, unlike any of the past. It is pioneering with a new phenomenon of aging characterized by vigor and physical and mental prowess which impose new demands for fulfillment.

While special efforts should be made to help older persons as such, recognition must be given to the vital concern of this new generation of older Americans with all that happens in and to America.

The capacity and desire for continuing participation in the mainstream of life is an essential part of the current crisis in aging. It is but compounded by the numbers who are affected. Within it, however, is the potential for a whole new affirmation of life in later years for all citizens.

In creating a new era of opportunity in aging, we must give attention to both quantitative and qualitative elements of the revolution—a fresh approach to immediate needs as well as long-range plans for the future. Expansion of choices for all is essential.

Never before has the importance of purpose in life been less related to chronological age—never before so large an older population, more diversified in interests, desires, experiences, and abilities.

To the 20 million older Americans this Nation owes a great debt, but they do not ask for special treatment. They only hope for the opportunity to participate in the promise of America without discrimination. They want freedom—freedom to be involved in the life of the land they love; freedom from a second-class citizenship imposed by ill-founded misconceptions as to what aging means to an individual; freedom to persist as human beings with a dignity which should be denied to no one; and freedom to choose, a right given to all at birth, but also earned by them through lifetimes of service.

We need to instill a new concept of retirement. Retirement—and perhaps that is not the proper word—should aim at reaffirmation of life purpose—should involve renewal of activity, whether in leisure, continued employment part-time, or second careers. It should offer restoration of freedom with dignity.

Hopefully, the 1971 White House Conference on Aging called by President Nixon will reflect the wisdom and experience of older Americans. Its recommendations should call for expansion of employment opportunities, and for several other things: Creation of new mechanisms for volunteer service, adult educational facilities, better housing and medical care, new techniques in transportation, and services necessary to combat loneliness.

None of these should wait for the White House Conference, but this national meeting certainly must concern itself with them in our determination to replace a national policy vacuum in aging with a new era of opportunity.

But most immediate and fundamental to a positive policy is the obligation for an affirmative response to the primary need of all those older Americans who now endure serious income shortages.

As among younger citizens, older persons with lowest incomes and those in the lower middle-income group are hit hardest by rising living costs. They have the least economic cushion to absorb the shock of higher prices for essential goods and services. The hidden tax of inflation contributes to the more visible property taxes.

As the dominant factor in the inflationary problem, the Federal Government has a responsibility—especially to those no longer in the work force—to provide relief as fully as possible. The truth remains, however, that low- and middle-income people can never fully escape the impact of rising prices. The greatest service possible to all older Americans would be provided by success in President Nixon's objective of restoration of a stable dollar.

Concurrent with efforts to control inflation is the need for a more realistic response to the problems of the aged whose incomes by any standard are inadequate. This calls for improvement in social security—and beyond that a willingness to consider new approaches to correcting income deficiencies among older Americans.

During the last 10 years, the gap between incomes of those past 65 and younger people has widened, not narrowed. The number of persons past 65 forced to face life with inadequate incomes has increased. At the same time the burden imposed on younger workers through social security taxes has grown, and with this has come a heightened resistance to further increases.

Social security is a vital part of our Nation's life. It should be strengthened and improved.

Today, approximately 5 million persons past 65 have incomes below the poverty line. Most became poor only after retirement. Many are women. A high percentage are past 75 or 80.

It is a national disgrace that we have not yet provided assurances that none of these persons, whose contributions to the Nation's growth has been so great, should suffer want in their later years.

Few want, or expect, charity, so a national effort should be made to give them opportunity to supplement social security and pension incomes with jobs, part time or full. Job opportunities should be expanded in both private and public sectors of our communities.

Many, however, are unable to avail themselves of job opportunities. Our debt

to them is no less because of their disability or infirmity or isolation. They, too, are entitled to at least minimum standards of living in decency and dignity.

Toward that end, Mr. Speaker, I have introduced several bills which would provide some relief to our senior citizens. These bills would increase widow's and widower's insurance benefits; eliminate the existing reduction in benefits on account of other governmental pensions; provide a substantial liberalization of the retirement test; provide an automatic standard-of-living increase in benefits to social security and railroad retirees; reduce the rates of tax imposed on self-employment income for purposes of old-age, survivors, and disability insurance; include prescribed drugs among services covered under the supplemental medical insurance program for the aged; amend the Railroad Retirement Act to provide a full annuity to any individual completing 30 years' railroad service; eliminate the 6-month waiting period for disability insurance benefits for those with permanent disabilities; reimburse beneficiaries for expenses incurred as a result of delay in their benefit checks; increase the number of years disregarded in computing social security benefits; provide for optional payment of social security taxes for individuals aged 65 and over who are employed; and provide for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system.

Mr. Speaker, I have discussed in more detail, the need for these measures in two recent weekly columns I prepared for newspapers in my district. I should like to insert these at this point in the RECORD to more fully explain my support for this legislation.

ARE WE RETIRING THE ELDERLY TO PASTURES OF POVERTY?

(By Congressman FRANK HORTON)

With all the emphasis on reform in the way government deals with important public problems, the terrible plight of America's twenty-two million senior citizens has been swept under the rug.

In terms of housing, health care and income security, older Americans have suffered grave indifference almost amounting to abuse at the hands of the public at large and the government. A few generalities outlining the scope of senior citizens' problems will serve to set the stage for the importance of immediate reforms:

1. One in every four Americans over 65 in the United States is living in poverty. The only way to avoid hardship for these people is to provide a meaningful income security program for the elderly most of whom do not have work as an alternative income source.

2. The Social Security program is still held out as an insurance program, despite the fact that the vast majority of enrollees receive less in benefits than they contribute to Social Security tax payments.

3. Medicare pays less than half of the health costs of the elderly—costs which have grown by leaps and bounds over the past few years.

4. With some happy exceptions, the quality of care offered in many homes for the aged and nursing homes ranges from inadequate to inhuman.

5. Reforms in every aspect of public policies toward the elderly have been recommended for years, but for the most part, patchwork, temporary, inadequate and undignified solutions are all that has emerged from Congress.

Of these ills, the problems with the Social Security system are the most serious. This system is basically the same today as when it was created in the 1930's.

All Social Security funds are derived from a regressive payroll tax on employers and employees. The tax is "regressive" because those earning $7,800 per year pay the same amount as those earning $50,000, $100,000 or more per year.

I feel that the Social Security system is the best means of combating poverty among the elderly, and that new dimensions of the program designed to provide income security should be financed out of the general fund, not out of social security taxes. It is not fair to take funds from the payroll tax which will not be repaid as benefits to those paying the tax. The broader income security programs should not be financed by a regressive tax.

The general fund is made up of revenue collected from the more equitable and progressive individual and corporate income taxes.

Since my service in the mid-1960's on the National Task Force on Problems of the Aging, I have stressed the need for several far-reaching Social Security reforms.

Tragically, the 91st Congress failed to pass into law a bill which would have made a beginning toward needed reform. Any further delay in modernizing the outdated provisions of this program will mean that more thousands of senior citizens will face loss of their homes because of inadequate income and further years of hopeless retirement into poverty.

In next week's column, I will outline the specific reforms that will be contained in my comprehensive Social Security bill.

PROPOSED ACTION ON PROBLEMS OF THE ELDERLY

(By Congressman FRANK HORTON)

Last week, I outlined the problems of poverty and neglect which afflict millions of older Americans. These problems cannot be solved with words or good intentions.

The only way action will be taken and the proper priorities placed on helping the elderly and the social security taxpayer is for the people to demand this action from their elected representatives.

Each year since coming to Congress, I have tried to respond creatively to the problems of the tens of thousands of retired people in my district. Each year, further research into the problem has led me to introduce new legislation containing new ideas for tackling the poverty and neglect of older people.

Most of my efforts have been geared toward revamping the outdated social security system, which functions basically the same way today as in the 1930's.

Any reforms contained in social security bills Congress has passed usually tinker with the outskirts of the real problems. We have not yet provided the comprehensive reforms necessary to take older Americans out of poverty and out of "the beggar's role" when it comes to their need for income, food, health care, and housing care.

This year, I will introduce the most far reaching social security reform bill of my Congressional career. It will include concepts I have proposed in past years in addition to new ones which constituents have recently brought to my attention.

The three main provisions of this bill are a substantial liberalization of the retirement test, automatic standard-of-living increases, and a new broader based income security program for the elderly which will be financed out of the general fund not out of social security payroll taxes.

One way to provide the needed income security is to eliminate the unfair retirement test which penalizes recipients who earn more than $1,680 per year after they reach the age of eligibility. The effect of this earnings penalty is to withhold benefits from the income elderly who need them the most, while still paying full payments to those who have no need to work because they have substantial investments, dividends, private pension payments and other non-work incomes.

I have suggested that social security income level limitations be changed to include income from all sources, not just earned income, and that no benefit penalties be imposed unless the recipient receives over $7,000 per year in total outside income. This reform would have to be gradually implemented so as not to penalize those receiving full benefits under present provisions.

I have long proposed that social security benefits be increased automatically as real income and the cost of living move upward during periods of inflation. Recipients should not be forced to ask Congress for benefit increases needed to keep pace with inflation. My plan, called "standard-of-living" increases, would allow the elderly to share in the purchasing power gains of the rest of the economy and would not limit them to "nearly keeping up" with inflation.

Other provisions of my comprehensive social security reform bill include: (1) remove social security tax penalty for the self-employed; (2) increase widow's benefits; (3) eliminate six-month waiting period for permanent disabilities; (4) include prescribed drugs under Medicare; (5) extend standard-of-living increases and retirement test liberalizations to railroad retirees; (6) allow workers over 65 the option of not paying further social security taxes and (7) provide a benefit increase retroactive to Jan. 1, 1971, commensurate with standard-of-living increases since the time of the last benefit adjustment.

To make these proposals law will require the support of my constituents and my colleagues. They are vital to the well-being of America's twenty-two million elderly.

Mr. Speaker, we must insist on the certainty of economic independence based on a decent minimum standard of living for all older persons. For those senior citizens who wish to work, we must insure their freedom to do so without restriction or penalty. In short, we must provide all older Americans security with freedom and dignity.

Our national purposes, long neglected, must include acknowledgment that age is no barrier to useful, satisfying experiences. We must strive to create maximum choices for older Americans, in work and leisure, with dignity and honor.

Mr. Speaker, reforms contained in the bills I sponsored will serve those ends.

Mr. BIAGGI. Mr. Speaker, swift approval of the across-the-board 10-percent social security increase by Congress and the President is essential. The some 26 million predominantly older Americans who depend on these payments for their main source of income cannot be told to wait any longer.

This measure, however, should be considered only a bare bones minimum—an emergency measure. These are numerous other important changes that must be made in the law such as elimination of the outside earnings limitation, raising death benefits and establishing a formula for automatic cost-of-living increases.

Over the past years inflation has taken a heavy toll in terms of purchasing power of the dollar. The $100 a month wage in the thirties barely buys bread

today. Yet, the average payment under social security for most individuals even after this increase will only be about $130.

The changes sent to the President also provide for a 5-percent increase in payments for some 600,000 Americans over the age of 72 who were not able to qualify for social security, but were in dire need of assistance.

I would like to take a few minutes today to comment on some urgently needed changes.

OUTSIDE EARNINGS LIMIT

The first is the elimination of the outside earnings limitation. The Senate had approved a $2,400 cutoff in the emergency bill, but Members of this body prevailed in the conference committee and the figure was dropped back to the original $1,680.

This provision is a real travesty. It keeps many older Americans in poverty when they could be out earning extra money to help improve their standard of living. Their skills in many cases would also provide essential services in the marketplace.

I am presently working with the Senior Citizens of America and Staff Builders, Inc., to gather 1 million signatures on a petition to Congress calling for the elimination of the outside-earnings limitation. I hope this body will listen to the plea of these retired citizens.

MINIMUM PAYMENT INCREASE

Mr. Speaker, we must also recognize that a certain minimum income is necessary to sustain life today. Raising the present minimum payment from $64 to $100 would be a step in the right direction. Yet, Members of this body have balked at providing even this modest increase to those in need.

Another essential feature that should be built into the law is an automatic cost-of-living increase. This would guarantee social security recipients that their payments would at least keep pace with inflation. Such a provision was approved by both Houses last year but failed to pass in the end-of-session rush. I sincerely hope that such a proposal will be included in any new measure that comes out of Congress this year.

DEATH BENEFITS INCREASE

In a few weeks I will be introducing a measure calling for an increase in the lump-sum death benefits payment. Present law provides for a payment three times the monthly benefit up to a maximum of $255. This figure has not changed since 1951 despite the fact that funeral costs have skyrocketed.

For comparison purposes the average prices for adult funerals selected in the years 1958 through 1969 run from $661 to $926. These figures do not include charges for a vault, cemetery, or crematory expenses, monument, or marker costs or miscellaneous items such as an honorarium for the clergyman, flowers, additional transportation charges, burial clothing, or newspaper notices.

My bill would raise the lump sum benefit to $750, eliminating the provision pegging it to the monthly payment. This in itself represents the minimum cost for a funeral. It would recognize that certain costs are the same for all persons regardless of income. Without a doubt such a change is long overdue.

COSTS OF SUCH INCREASES

I would be less than candid if I did not talk about the costs of the present increases and any future increases in social security benefits. The bill before us today would call for imposing the present 10.4-percent employer-employee tax on the first $9,000 of income rather than the first $7,800 as under the present law.

Any increases in the minimum, in death benefits, in regular payments, or other provisions of the law would certainly call for an increase in the contributions. Already the law provides for a jump in the tax in small increments from 10.4 to 11.8 percent by 1987. A higher cut may be needed if the system is to continue to pay for itself.

Social security is the primary old age and retirement insurance for most Americans. For many others it is an essential aid when disability strikes. The medicare provisions have assured the elderly of protection in case of catastrophic illness.

Insurance is an important investment, but one that many Americans fail to make. The Government has provided this protection through social security. Unlike many other Government programs, social security payments come out of a trust fund that is supplied by employer-employee contributions and by earnings on investments made with the contributions.

Such a program embodies the American spirit of mutual help and assistance. It preserves the traditional commitment of all Americans to the belief that working for one's own security is far preferable to a public handout.

Moreover, these people are the backbone of the Nation. They took this country through two world wars and a great depression. When America was at its crossroads, these were the people who selected the right road to follow. They worked hard and their life was hard, but they pulled through. I know. My mother is 77 and still has the independent spirit that kept her going through the difficulties of the first half of this century.

Through improvements in legislation we who are still in the work force can keep the many proud Americans who have retired still proud of those traditions that have made this country great.

Mr. DORN. Mr. Speaker, I am pleased to support the 10-percent increase in social security benefits. This is a timely action for the 26 million social security beneficiaries, especially in view of the severe burden that the recent inflation has placed on our senior citizens.

Most of our senior citizens must live off a fixed income, and for them a rise in benefits is an absolute necessity.

Mr. Speaker, we owe a great obligation to this generation of senior citizens. It was they whose taxes made our World War II effort possible. It was they who saved hard money only to see its purchasing power later eroded. I enthusiastically support this 10-percent increase, and I hope the Congress will proceed expeditiously to consider a bill I have sponsored which would allow women to retire at age 62 with full social security benefits. I also support House action to provide for a higher monthly minimum payment and an increase in the ceiling on permissible outside earnings for social security recipients. I hope today's timely House action is indicative of future action.

Mr. MILLS. Mr. Speaker, I have no further requests for time.

The SPEAKER. Does the gentleman from Wisconsin desire to use any time?

Mr. BYRNES of Wisconsin. Mr. Speaker, I have no requests for time.

Mr. MILLS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 360, nays 3, answered "present" 1, not voting 68, as follows:

[Roll No. 20]

YEAS—360

Abbitt	Clark	Goldwater
Abernethy	Clausen, Don H.	Gonzalez
Abourezk	Clay	Goodling
Abzug	Cleveland	Grasso
Adams	Collier	Gray
Addabbo	Collins, Ill.	Green, Oreg.
Alexander	Collins, Tex.	Griffin
Anderson, Calif.	Conable	Griffiths
Anderson, Ill.	Conte	Gross
Andrews, Ala.	Corbett	Gude
Andrews, N. Dak.	Corman	Hagan
Archer	Cotter	Haley
Arends	Coughlin	Halpern
Ashley	Culver	Hamilton
Aspin	Daniel, Va.	Hammer-schmidt
Aspinall	Daniels, N.J.	Hanna
Badillo	Danielson	Hansen, Idaho
Baring	Davis, Ga.	Hansen, Wash.
Barrett	Davis, Wis.	Harrington
Begich	Delaney	Harsha
Belcher	Dellenback	Harvey
Bell	Denholm	Hastings
Bennett	Dent	Hathaway
Bergland	Derwinski	Hawkins
Betts	Devine	Hays
Bevill	Dickinson	Hébert
Biester	Dingell	Hechler, W. Va.
Blackburn	Donohue	Heckler, Mass.
Blanton	Dorn	Henderson
Blatnik	Dow	Hicks, Mass.
Boland	Downing	Hicks, Wash.
Bolling	Drinan	Holifield
Bow	Duncan	Horton
Brademas	duPont	Hosmer
Brasco	Dwyer	Howard
Bray	Edmondson	Hull
Brinkley	Edwards, Ala.	Hungate
Brooks	Edwards, Calif.	Hunt
Broomfield	Esch	Hutchinson
Brotzman	Evans, Colo.	Ichord
Brown, Mich.	Evins, Tenn.	Jacobs
Brown, Ohio	Fascell	Jarman
Broyhill, N.C.	Findley	Johnson, Calif.
Broyhill, Va.	Fisher	Johnson, Pa.
Buchanan	Flood	Jonas
Burke, Fla.	Flowers	Jones, Ala.
Burke, Mass.	Flynt	Jones, N.C.
Burleson, Tex.	Foley	Jones, Tenn.
Burlison, Mo.	Ford, William D.	Karth
Burton	Forsythe	Kastenmeier
Byrnes, Wis.	Fountain	Kazen
Byron	Fraser	Keating
Cabell	Frelinghuysen	Kee
Caffery	Frenzel	Keith
Carey, N.Y.	Frey	Kemp
Carney	Fulton, Pa.	King
Carter	Fulton, Tenn.	Kluczynski
Casey, Tex.	Fuqua	Koch
Cederberg	Galifianakis	Kuykendall
Celler	Gallagher	Kyl
Chamberlain	Garmatz	Kyros
Chappell	Gaydos	Landrum
Clancy	Gettys	Latta
		Leggett

Link	Peyser	Springer
Lloyd	Pike	Stafford
Long, Md.	Podell	Staggers
Lujan	Poff	Stanton, J. William
McClory	Powell	Stanton, James V.
McCloskey	Preyer, N.C.	Steed
McClure	Price, Ill.	Steele
McCollister	Price, Tex.	Steiger, Ariz.
McCormack	Pucinski	Steiger, Wis.
McDade	Purcell	Stephens
McDonald, Mich.	Quie	Stratton
McEwen	Quillen	Stubblefield
McFall	Railsback	Stuckey
McKay	Randall	Sullivan
McKevitt	Rarick	Symington
McKinney	Reid, Ill.	Talcott
McMillan	Reuss	Taylor
Madden	Rhodes	Teague, Calif.
Mahon	Roberts	Teague, Tex.
Mailliard	Robinson, Va.	Thompson, Ga.
Martin	Robison, N.Y.	Thompson, N.J.
Mathias, Calif.	Rodino	Thone
Mathis, Ga.	Roe	Tiernan
Matsunaga	Rogers	Udall
Mayne	Roncalio	Ullman
Mazzoli	Rooney, N.Y.	Van Deerlin
Meeds	Rooney, Pa.	Vander Jagt
Michel	Rosenthal	Vanik
Mikva	Roush	Veysey
Miller, Calif.	Roybal	Waggonner
Miller, Ohio	Runnels	Waldie
Mills	Ruppe	Wampler
Minish	Ruth	Ware
Mink	Ryan	Watts
Mizell	St Germain	Whalen
Monagan	Sarbanes	Whalley
Montgomery	Satterfield	White
Moorhead	Saylor	Whitehurst
Morgan	Scherle	Whitten
Morse	Scheuer	Widnall
Mosher	Schneebeli	Wiggins
Moss	Schwengel	Williams
Murphy, N.Y.	Scott	Wilson, Bob
Myers	Sebelius	Wilson, Charles H.
Natcher	Seiberling	Winn
Nedzi	Shipley	Wolff
Nelsen	Shoup	Wright
Nichols	Shriver	Wyatt
O'Konski	Sikes	Wylie
O'Neill	Sisk	Wyman
Passman	Skubitz	Yates
Patman	Slack	Young, Fla.
Patten	Smith, Calif.	Young, Tex.
Pelly	Smith, Iowa	Zablocki
Pepper	Smith, N.Y.	Zion
Perkins	Snyder	
Pettis	Spence	

NAYS—3

Ashbrook	Crane	Schmitz

ANSWERED "PRESENT"—1

Lennon

NOT VOTING—68

Anderson, Tenn.	Fish	Murphy, Ill.
Annunzio	Ford, Gerald R.	Nix
Baker	Giaimo	Obey
Biaggi	Gibbons	O'Hara
Bingham	Green, Pa.	Pickle
Boggs	Grover	Pirnie
Byrne, Pa.	Gubser	Poage
Camp	Hall	Pryor, Ark.
Chisholm	Hanley	Rangel
Clawson, Del	Helstoski	Rees
Colmer	Hillis	Reid, N.Y.
Conyers	Hogan	Riegle
de la Garza	Landgrebe	Rostenkowski
Dellums	Lent	Rousselot
Dennis	Long, La.	Sandman
Diggs	McCulloch	Stokes
Dowdy	Macdonald, Mass.	Terry
Dulski	Mann	Thomson, Wis.
Eckhardt	Melcher	Vigorito
Edwards, La.	Metcalfe	Wydler
Eilberg	Minshall	Yatron
Erlenborn	Mitchell	Zwach
Eshleman	Mollohan	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Baker.

Mr. Macdonald of Massachusetts with Mr. Hogan.

Mr. Dowdy with Mr. Landgrebe.

Mr. O'Hara with Mr. Reid of New York.

Mr. Giaimo with Mr. Eshleman.

Mr. Rostenkowski with Mr. Erlenborn.

Mr. Hanley with Mr. Wydler.

Mr. Vigorito with Mr. Fish.

Mr. Byrne of Pennsylvania with Mr. Sandman.

Mr. Edwards of Louisiana with Mr. Minshall.

Mr. Green of Pennsylvania with Mr. Gubser.

Mr. Pickle with Mr. Hall.

Mr. Pryor of Arkansas with Mr. Lent.

Mrs. Chisholm with Mr. Helstoski.

Mr. Nix with Mr. Bingham.

Mr. Anderson of Tennessee with Mr. Del Clawson.

Mr. Long of Louisiana with Mr. Rousselot.

Mr. Dulski with Mr. Diggs.

Mr. Dellums with Mr. Rees.

Mr. Yatron with Mr. Stokes.

Mr. Boggs with Mr. Gerald R. Ford.

Mr. Biaggi with Mr. Grover.

Mr. Eilberg with Mr. Conyers.

Mr. Mollohan with Mr. Metcalfe.

Mr. Colmer with Mr. Thompson of Wisconsin.

Mr. Gibbons with Mr. Pirnie.

Mr. Murphy of Illinois with Mr. Riegle.

Mr. Melcher with Mr. Camp.

Mr. de la Garza with Mr. Dennis.

Mr. Obey with Mr. Rangel.

Mr. Eckhardt with Mr. Mitchell.

Mr. Zwach with Mr. Terry.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days within which to extend their remarks in the RECORD on the conference report.

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

There was no objection.

SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF LABOR, 1971

Mr. MAHON. Mr. Speaker, pursuant to the order of the House yesterday, I call up the joint resolution (H.J. Res. 465) making a supplemental appropriation for the fiscal year 1971 for the Department of Labor, and for other purposes, and I ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 465

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1971, namely:

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES AND EX-SERVICEMEN AND TRADE ADJUSTMENT ACTIVITIES

For an additional amount for "Unemployment compensation for Federal employees and ex-servicemen and trade adjustment activities," $50,675,000.

Mr. MAHON. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Texas is recognized for 5 minutes.

Mr. MAHON. Mr. Speaker, this is a joint resolution providing an additional appropriation for unemployment compensation for Federal employees and ex-servicemen in the sum of $50,675,000 for the current fiscal year 1971.

The subcommittee headed by the distinguished gentleman from Pennsylvania (Mr. FLOOD) studied this request and conducted the hearings on it. I yield to the gentleman from Pennsylvania for further explanation.

Mr. FLOOD. Mr. Speaker, this is an urgent matter that should be acted upon by Congress as soon as possible. Funds for this appropriation—unemployment compensation for Federal employees and ex-servicemen—were actually exhausted last week. This resolution includes $50,675,000 which is the exact amount of the request. However, the departmental witnesses testified that this will not be sufficient to pay all claims for the rest of the fiscal year. They plan to mortgage the 1972 fiscal year funds to make up the difference. They have this authority during the last quarter of the fiscal year.

While I suspect that previous estimates for fiscal year 1971 have been purposely estimated on the low side, I do not know of any way to prove it. However, we all know that unemployment has gone up considerably during this fiscal year. Of direct impact on this program, the number of ex-servicemen drawing unemployment compensation during July 1970 was 80,000 and it went up to 130,000 in February 1971. Likewise, the number of Federal employees drawing unemployment compensation went up from 30,000 to 37,000 during the same period.

Mr. Speaker, I include some additional pertinent statistics in the RECORD at this point:

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES AND EX-SERVICEMEN

1970 appropriation	$187,930,000
1971 appropriation to date	266,400,000
Current estimate	317,075,000
Proposed supplemental	50,675,000
Federal employees	(8,400,000)
Ex-servicemen	(42,275,000)
Average weekly benefit—fiscal year 1971:	
Federal employees	51.17
Ex-servicemen	52.15

	Presently available	Revised estimate	Change
Number of weeks compensated:			
Federal employees	1,442,000	1,600,000	+158,000
Ex-servicemen	3,270,000	4,050,000	+780,000

	July 1970	February 1971
Total unemployment among Federal employees and ex-servicemen:		
Federal employees	30,000	37,000
Ex-servicemen	80,000	130,000

(Mr. FLOOD asked and was given permission to extend his remarks and include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Speaker, last year the Congress adopted a most important bill, the occupational health and safety bill. I would like to address a question to the distinguished chairman inquiring as to whether or not any funds have been appropriated under this bill, and, if not, what is the intention of the committee with reference to appropriating sufficient funds so that the law which is to take effect on April 28, 1971, may actually be put to work?

Mr. MAHON. The gentleman has asked a significant question. There will be a supplemental bill to be reported within the next several weeks which will deal with that request and with many others which we expect to receive shortly. We did not want to couple action on the request for the occupational health and safety program with this highly emergency action which is required today. The unemployment compensation account is exhausted. Prompt action is required.

I yield to the gentleman from Pennsylvania (Mr. FLOOD) for comment.

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

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

Mr. FLOOD. Mr. Speaker, that is a very important question my friend, the gentleman from New Jersey, has asked. We did conduct hearings on this. The fact that one appropriation is not included in this emergency House joint resolution under no circumstances indicates we do not recognize the import of what the gentleman refers to.

We would hope in a few weeks—I would hope in 2 weeks—that this could be before the committee for action in the supplemental bill. This resolution is merely to take care of a real emergency, but I would like my friend to understand the subcommittee appreciates the problem. As Chairman MAHON said, it will certainly be in the second supplemental bill. That is a matter of 2 weeks or so now.

As far as the hiring of the employees to carry out the new law, there have been 150 assigned to this already. In addition to that, the Davis-Bacon Act has been set aside. All those employees could be assigned at once to this problem. We will meet this problem with a supplemental appropriation very soon.

Mr. DANIELS of New Jersey. Mr. Speaker, I would like to thank the chairman of the committee and the chairman of the subcommittee for those explanations.

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

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

Mr. MICHEL. Mr. Speaker, I appreciate the chairman yielding.

I would address myself to this question with respect to the Occupational Health and Safety Act. I think we ought to make clear for the record that if that act is to be implemented on April 28, and without funds to back up that proposal, the administration is considerably handicapped in being able to put on board the kind of competent people that will be needed to make sure we do not get ourselves into the position on this act as we did on the mine safety legislation where the thing got bogged down because we did not come up with money quickly enough to coincide with the enactment date.

Mr. Speaker, as the chairman of our full committee and chairman of our subcommittee have indicated, there is a real emergency with respect to the $50,675,000 requested for Unemployment Compensation for Federal employees, ex-servicemen, and trade adjustment activities. This will bring the total for this fiscal year for former Federal employees and ex-servicemen up to $305,175,000. There are currently 37,000 Federal workers unemployed and 137,000 ex-servicemen. With respect to the latter, it may be interesting to note that the average length of time that our returning veterans are on unemployment compensation today is about 11½ weeks, and that is an increase of 2½ weeks over what it was a year ago. Federal employees are currently on unemployment compensation on the average of 19 weeks.

There is nothing we can do about this particular item except to ante up the money or find ourselves in default of fulfilling our obligation to our ex-servicemen and unemployed Federal workers under the law.

I must say, Mr. Speaker, that during the hearings on this supplemental that I expressed considerable concern over the faultiness of the estimates that were submitted to us in justification of this appropriation in the regular bill nearly a year ago. It was quite obvious to us then that what was being asked for in the regular bill was never going to be adequate to meet our obligation, I urge the support of the resolution.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the distinguished chairman of the Appropriations Committee yield?

Mr. MAHON. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. At what point does the supplemental come to the floor of the House? Do we know that now?

Mr. MAHON. No; we have not received the estimates from the administration. We will get those requests, I am assured, in the near future. Then we can see what requests are forthcoming and then we can make a determination as to when we can bring the legislation before the House.

Mr. STEIGER of Wisconsin. Will the distinguished chairman yield further?

Mr. MAHON. I am glad to yield further.

Mr. STEIGER of Wisconsin. I appreciate very much the gentleman's honest answer to that question. I do want to make clear my own concern, one I share with the distinguished gentleman from New Jersey, about making available the supplemental request of $10.9 million to the Department of Labor for implementation of the Health and Safety Act. I would hope there would be a willingness on the part of the HEW-Labor Subcommittee and of the full committee to consider this matter just as quickly as possible in order to give the Department tools with which to take action on this bill effective April 28.

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

(By unanimous consent, Mr. MAHON was allowed to proceed for 1 additional minute.)

Mr. MAHON. Mr. Speaker, the pending resolution would appropriate $50,675,000 for ex-servicemen and former employees of the Government. It is urgently needed. At the appropriate time I shall ask for a rollcall vote on the resolution.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I am disturbed by the history of this legislation. If I understand the figures correctly, $199.5 million was appropriated in the regular budget for the fiscal year 1971. Then Congress last December approved a supplemental of $55 million. Now we are asked to approve still another supplemental of $50 million.

It seems to me there is something wrong with the estimating apparatus in the executive branch of the Government, when it cannot do better than provide an estimate which winds up with supplemental requests totaling more than 50 percent of the original budget asking.

I attach no blame whatever to the Appropriations Committee. The Appropriations Committee is carrying out a job that it has to do in terms of providing the unemployment compensation funds for ex-servicemen and Federal employees.

But it seems to me to be almost incomprehensible that they cannot do a better job than to underestimate by 50 percent their requirements.

If I understand the timing correctly, the troop withdrawals in Vietnam were announced before the regular budget was adopted last year. Therefore, they had a pretty good idea of the number of servicemen who would be brought back and discharged as a result of the withdrawals.

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

Mr. GROSS. I am glad to yield to my friend from Illinois.

Mr. MICHEL. The gentleman from Illinois is just as much concerned as the gentleman from Iowa. I raised a question in the hearings. I pointed back to the RECORD of over a year ago, when I suggested that the estimates might be faulty. Predicting a 4-percent unemployment rate for the year 1970 seemed to me to be somewhat ridiculous. I actually made the point in the RECORD, with respect to the request for increased amounts of money for the estimators, that perhaps we ought to do away with the estimators for 1 year, do our own prognosticating and save the administrative costs.

I agree with the gentleman wholeheartedly. We are in a real box when we sit there listening to the testimony of estimates that prove to be 50 percent off and come in here in good faith with the best figures available to us from the professionals.

Mr. GROSS. I thank the gentleman very much for his observations.

I want to reiterate that I attach no

blame whatever to the Committee on Appropriations. They must rely on estimates given them by representatives of the administration. I agree with the gentleman from Illinois that if they cannot do better than that on their estimates, perhaps we ought to dispense with some of the estimators.

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

Mr. STEIGER of Wisconsin. Mr. Speaker, in order to give the house a more complete understanding of the importance and urgency of the supplemental request of $10,900,000 for the implementation of the Occupational Health and Safety Act I want to include as a part of my remarks the statement by the Under Secretary of Labor, Laurence Silberman, before the Senate Appropriations Committee at this point:

WORKPLACE STANDARDS ADMINISTRATION
SALARIES AND EXPENSES

(Statement by Laurence H. Silberman, Under Secretary of Labor before the Senate Appropriations Subcommittee)

Mr. Chairman and Members of the Committee, the supplemental budget request for fiscal year 1971 is for $10,900,000. This is to cover the Department's start-up costs for implementation of the Williams-Steiger Occupational Safety and Health Act of 1970, which becomes effective April 28 of this year. In enacting this law, both the Congress and the President have recognized the critical need for rapid and effective action to reduce occupational injuries, illness, and fatalities which are taking such a heavy human and economic toll. The Department is now doing everything it can to be prepared to handle its responsibilities, but the timely appropriation of this supplemental budget request is essential if we are to make a successful start at meeting the many goals of the Act.

We are establishing a separate Administration headed by a new Assistant Secretary to carry out the Department's responsibilities under the Act. However, the Department has been planning for implementation of the Act since long before its passage by Congress, and we have been able to commence action rapidly within the present organization.

Since the President signed the Act on December 29, Department Task Forces have been at work with the following objectives:

1. Promulgation of an "initial standards package" on or about April 28: The "initial standards package" will consist of construction, maritime, and general industries safety and health standards. The package is before compiled from established Federal standards and national consensus standards as required by the Act.

The setting of construction safety standards has been expedited in order to promulgate them prior to April 28.

2. Commence National Program Staffing: The Department has initiated intensive recruitment efforts to meet the responsibilities placed upon it on the effetcive date of the Act, April 28, 1971. We are presently recruiting and training to increase the existing safety field structure of 150 to 540 by June 1, 1971. We plan to supplement the National Headquarters Staff by 245 new positions by June 1st. After the addition of this staff the June 1st deployment including existing Bureau of Labor Standards staff will be:

	Total	New staff
National headquarters and field support staff	465	245
National field operations staff	540	390
	1,005	635

National recruiting efforts to date have produced approximately 4,000 applicants representing all position skills anticipated by the new Safety and Health Program. For the National Headquarters Staff we are presently recruiting the full new complement of 245—of which 105 have been placed on board. The balance of this requirement will be on board by June 1st. The additional 390 field positions are being recruited—125 by March 31, 125 by April 15 and 140 by May 15. This is to allow for 4 weeks specialized training in Washington prior to field assignment.

As of this date total additional staff recruited and on board or reporting is 105 in the National Headquarters and 45 in the field. We expect no difficulty in meeting our staff build-up requirements either in quantity of recruits or quality of skills on the job.

3. Commence action with the States to produce maximum State participation in the program; it is the Administration's intention to achieve maximum participation by the States. I would like to submit for the record documents which have been mailed to every governor.

At this time it is difficult to predict just how many States will qualify for planning grants before the end of this fiscal year, and our estimate may exceed our requirements for this purpose. However, we feel that it is necessary to have the funds available on a contingency basis so that no legitimate application will have to be denied for lack of funds. We would like to have this Committee provide two-year appropriation language for the Grants operations so that any unused funds would remain available in 1972.

4. Inform employers and employees of their responsibilities: The Department has already produced fact sheets, factbooks, radio and TV spots and slides and made available copies of the Act across the country. Hundreds of thousands of these documents have already been distributed and this information effort is only a beginning. As the program matures, specific education and training approaches will be developed for employers to eliminate unsafe conditions and for employees to avoid unsafe acts.

Numerous appearances and contacts have been and are being made with trade associations, industry and labor groups and others to enlist maximum organized support to achieve the purposes of the Act.

5. Create a statistical "yardstick" to enable effective compliance planning and to provide a measurement of the success of the program: Looking ahead to the passage of the Act, the Department requested in 1969 the development by the American National Standards Institute of a new approach to recordkeeping and reporting injuries and illnesses. This new system has been received and will be the basis of the Secretary's recordkeeping requirements which it is planned to activate July 1, 1971.

6. Activate the National Commission on State Workmen's Compensation Laws to evaluate State programs: While this Commission will be independent, the Department has been given fiscal and organization responsibility and a package plan has been developed which upon appointment of the Commission will enable it to commence its work immediately. It is expected that the nominees to the Commission will be announced in the near future.

7. Coordinate with HEW to assure maximum program effectiveness: An extensive information exchange is taking place between the two Departments and will continue. Coordination of research and field efforts is essential.

8. Create the Occupational Safety and Health Review Commission to carry out adjudicatory functions under the Act: The Commission is requesting a separate supplemental appropriation of $100,000 to cover its initial staffing needs. Because of the time lag in cases reaching a point requiring hearings and review, the workload is not expected to become too significant until Fiscal Year 1972.

It should be noted that the Department has already committed substantial resources to this program. It was necessary and essential that these resources be reprogrammed within the Workplace Standards Administration. We believe our action in this regard properly reflects the commitment of Congress and of this Administration to activate this vital program as rapidly as possible.

It should also be noted that without this supplemental no funds can be available for planning documents or other grants to the States and such funding is a necessary ingredient to provide them with the incentive to assume responsibility.

The Act of course requires additional program efforts above and beyond those mentioned. We believe, however, that we have selected our immediate priorities correctly and that the actions we are taking will produce the results desired. It goes without saying, however, that the funds requested are essential if we are to cover the reprogrammed resources and continue implementation action in the balance of this fiscal year.

This request also includes a relatively minor non-occupational safety matter. The appropriation language currently authorizes transfer of an amount not to exceed $32,000 from the appropriation to the Longshoremen's and Harbor Workers' Compensation Trust Fund. This request includes a change in the language to authorize transfer authority not to exceed $150,000 in order to insure continued solvency of the trust fund. No additional funds are requested for this purpose.

We have a very big job to do and very little time which to do it. Your approval of this supplement is respectfully requested.

U.S. DEPARTMENT OF LABOR,
Washington.

DEAR GOVERNOR: The enactment of the Williams-Steiger Occupational Safety and Health Act of 1970 (PL 91-596) gives the Nation a new and important instrument for curtailing the human and economic waste that stems from injuries and illnesses arising out of work situations. I am writing to enlist your support in a cooperative effort between the Federal Government and the States to achieve the objectives of this legislation.

I am sure that you and your staff have already given serious thought to the provisions of the Act and the role your State will play in its implementation and administration. As you know, Congress declared its purpose and policy to be "encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws." A primary objective of the Department's current planning is to facilitate State effort and participation under the Act. We are giving highest priority to the development of procedures which will enable the States to continue their current programs and to assume as quickly as possible the role envisioned for them by the Act. The purpose of this letter is to provide you with an initial outline of our program plans in order that you may initiate such action as you believe necessary in your State.

We contemplate issuing a package of basic safety and health standards on or immediately after April 28, 1971, the effective date of the Act. As the Act is written, these standards will preempt existing State standards and programs unless specific action is taken. Therefore, it is necessary quickly to enter into agreements under Section 18(h) of the Act with States wishing to continue administration and enforcement of their standards pending approval of a State program plan

under Section 18(b). Enclosed is a document setting forth the general procedures for making application for 18(h) agreements, on the basis of which you may proceed to prepare and submit applications.

In mid-March we will provide you materials for planning grants under Section 23(a) along with the guidelines and criteria for State program plans under Section 18(b). First priority will go to grant applications for the development of State program plans, the development of statistical systems, and the review of State needs and responsibilities which will lead to a decision on whether the States should develop and submit a program plan. We will be prepared to issue the planning grants immediately after the effective date of the Act and would wish to have all initial grants issued by June 1971.

Our overall objective is to have approved State programs under 18(b) in operation no later than July 1972. This will necessitate the submission of State program plans by early 1972 in order that final action can be completed by May 1972 and funding arranged by the start of this fiscal year.

It would be helpful if you would designate the agency or agencies which will work with this Department in administering the provisions of the Williams-Steiger Occupational Safety and Health Act in your State. We intend to work closely with such agencies and to keep them informed of our activities.

In particular, would you let us know as soon as possible what agency you are designating to be responsible for the injury and illness statistics program. A comprehensive program of statistics is now being developed. To provide for the participation of your State in the planning at this initial stage, the Bureau of Labor Statistics will contact your designee to provide information and technical assistance in making application for statistics planning grants and otherwise developing a statistics program.

I look forward to working closely with you and your staff in the implementation of this important new legislation.

Sincerely yours,

_____,

Secretary of Labor.

PROCEDURES FOR APPLICATION FOR 18(h) AGREEMENTS UNDER WILLIAMS-STEIGER OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (PUBLIC LAW 91-596)

Section 18(h) of the Williams-Steiger Occupational Safety and Health Act (P.L. 91-596) provides that the Secretary of Labor may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State until final action is taken by the Secretary with respect to a plan submitted by a State under Section 18(b) of the Act, or two years from the date of enactment (which will be December 29, 1972) whichever is earlier.

While a State will be required to indicate its intent to submit a plan under Section 18(b) for the Secretary to enter into a Section 18(h) agreement, the State need not express such intent until it has had an opportunity to become familiar with the specific regulations, guidelines and criteria to be issued by the Secretary to determine the acceptability of Section 18(b) plans. Accordingly, States will be invited to apply for a Section 18(h) agreement without an immediate expression of intent to submit a plan under Section 18(b). However, in order for the Section 18(h) agreement to continue in effect, the State will be required to make such expression of intent within sixty days of issuance of regulations, guidelines or criteria for State plans. In addition, the State will be required to submit its plan within nine months following its filing of a notice of intention to file such a plan.

States wishing to apply for a Section 18(h) agreement will submit their request to the Secretary. The request should include:

(1) A brief description of each standard or standards which the State or a political subdivision thereof wishes to continue to enforce, including citations to statutes and regulations. This description shall include a statement of the occupational safety and health covered by each such standard, specifying the scope of the coverage of the standard with respect to such matters as industry, establishment size, and locality;

(2) The names, addresses and telephone numbers of the agency or agencies of the State or of a political subdivision thereof responsible for administering and enforcing the standard or standards, and the standard or standards each such agency is responsible for administering enforcing;

(3) The name, address and telephone number of the head of each such agency;

(4) A description of the program for administering the standards, including a statement of the authority, enforcement machinery and procedures used by each agency referred to in subparagraph (2);

(5) The dollars and approximate man-years allocated within each agency designated in (2) above to the administration and enforcement of each standard to be covered by the agreement during the previous fiscal period and the current fiscal period, and a description of the fiscal period.

Upon acceptance of a State's application, the Secretary may execute a written agreement with the State, in accordance with Section 18(h). These written agreements, among other things, will:

a. Permit the continued enforcement of the standard or standards referred to in the agreement by the State or the political subdivision of the State;

b. Require the State or the political subdivision of the State to maintain at least its current level of enforcement;

c. Terminate on December 29, 1972, or upon the Secretary's taking final action on a plan submitted under Section 18(b), whichever is earlier:

d. Terminate if the State does not file a notice of intent to submit a Section 18(b) plan within sixty days of the issuance by the Secretary of Labor of the regulations, guidelines or criteria for Section 18(b) plans, or if the State does not submit a State plan under Section 18(b) within nine months of its filing of such notice of intent.

The Section 18(h) agreement will not restrict the enforcement authority of the Secretary of Labor in the State with respect to standards issued under Section 6 of the Williams-Steiger Act. However, the agreement will provide for coordination of enforcement activity between the State and the Secretary. The agreement will also require the agencies of the State or of the political subdivision thereof to make such reports as may be required by the Secretary on their activities performed under the terms of the agreement.

In States where agencies responsible for the administration and enforcement of the standards covered by the agreement are not under the direct cognizance of the Governor, the Governor will take the necessary action to assure that such agencies will implement and adhere to the agreement.

Mr. Speaker, the statement by Mr. Silberman pinpoints clearly the real effort being put forth by the Department of Labor to implement the Health and Safety Act promptly. It would be a real tragedy if the Congress failed to respond to the needs so clearly put forth by the Department of Labor. I urge action on the supplemental request just as soon as possible.

GENERAL LEAVE TO REVISE AND EXTEND

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members speaking on the resolution be permitted to revise and extend their remarks.

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

There was no objection.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

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

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

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

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

Mr. MAHON. 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 356, nays 0, not voting 76, as follows:

[Roll No. 21]

YEAS—355

Abbitt	Burton	Edwards, Ala.
Abernethy	Byrnes, Wis.	Edwards, Calif.
Abourezk	Byron	Esch
Abzug	Cabell	Evans, Colo.
Adams	Caffery	Evins, Tenn.
Addabbo	Carey, N.Y.	Fascell
Alexander	Carney	Findley
Anderson, Calif.	Carter	Flood
	Casey, Tex.	Flowers
Anderson, Ill.	Cederberg	Flynt
Andrews, Ala.	Celler	Foley
Andrews, N. Dak.	Chamberlain	Ford, William D.
	Chappell	
Archer	Clancy	Forsythe
Arends	Clark	Fountain
Ashbrook	Clausen, Don H.	Fraser
Ashley		Frelinghuysen
Aspin	Clay	Frenzel
Aspinall	Cleveland	Frey
Badillo	Collier	Fulton, Pa.
Baring	Collins, Tex.	Fulton, Tenn.
Barrett	Conte	Fuqua
Begich	Corbett	Galifianakis
Belcher	Corman	Gallagher
Bell	Cotter	Garmatz
Bennett	Coughlin	Gaydos
Bergland	Crane	Gettys
Betts	Culver	Giaimo
Bevill	Daniel, Va.	Goldwater
Biester	Daniels, N.J.	Gonzalez
Blackburn	Danielson	Goodling
Blatnik	Davis, Ga.	Grasso
Boland	Davis, Wis.	Gray
Bolling	Delaney	Green, Oreg.
Bow	Dellenback	Griffin
Brademas	Denholm	Griffiths
Brasco	Dent	Gross
Bray	Derwinski	Gubser
Brinkley	Devine	Gude
Brooks	Dickinson	Hagan
Broomfield	Dingell	Haley
Brotzman	Donohue	Halpern
Brown, Mich.	Dorn	Hamilton
Brown, Ohio	Downing	Hammer-schmidt
Broyhill, N.C.	Drinan	
Broyhill, Va.	Duncan	Hanna
Buchanan	duPont	Hansen, Idaho
Burke, Mass.	Dwyer	Hansen, Wash.
Burleson, Tex.	Eckhardt	Harrington
Burlison, Mo.	Edmondson	Harsha

Harvey	Mayne	Scheuer
Hastings	Mazzoli	Schmitz
Hathaway	Meeds	Schneebeli
Hawkins	Michel	Schwengel
Hays	Mikva	Scott
Hébert	Miller, Calif.	Sebelius
Hechler, W. Va.	Miller, Ohio	Shipley
Heckler, Mass.	Mills	Shriver
Henderson	Minish	Sikes
Hicks, Mass.	Mizell	Sisk
Hicks, Wash.	Mollohan	Skubitz
Hillis	Monagan	Slack
Holifield	Montgomery	Smith, Calif.
Horton	Morgan	Smith, Iowa
Hosmer	Morse	Smith, N.Y.
Howard	Mosher	Snyder
Hull	Moss	Spence
Hungate	Murphy, N.Y.	Springer
Hunt	Myers	Stafford
Hutchinson	Natcher	Staggers
Ichord	Nedzi	Stanton,
Jacobs	Nelsen	J. William
Jarman	Nichols	Stanton,
Johnson, Calif.	Obey	James V.
Johnson, Pa.	O'Konski	Steed
Jonas	O'Neill	Steele
Jones, Ala.	Passman	Steiger, Ariz.
Jones, N.C.	Patman	Steiger, Wis.
Jones, Tenn.	Patten	Stephens
Karth	Pepper	Stratton
Kastenmeier	Perkins	Stubblefield
Kazen	Pettis	Sullivan
Keating	Peyser	Symington
Kee	Pike	Talcott
Keith	Podell	Taylor
King	Poff	Teague, Calif.
Kluczynski	Powell	Teague, Tex.
Koch	Preyer, N.C.	Thompson, Ga.
Kuykendall	Price, Ill.	Thompson, N.J.
Kyl	Pucinski	Thone
Kyros	Purcell	Tiernan
Landgrebe	Quie	Ullman
Landrum	Quillen	Van Deerlin
Latta	Railsback	Vander Jagt
Leggett	Randall	Vanik
Lennon	Rarick	Veysey
Lent	Reid, Ill.	Vigorito
Link	Reid, N.Y.	Waggonner
Lloyd	Reuss	Waldie
Long, Md.	Rhodes	Wampler
Lujan	Roberts	Ware
McClory	Robinson, Va.	Watts
McCloskey	Robison, N.Y.	Whalen
McClure	Rodino	Whalley
McCollister	Roe	White
McCormack	Rogers	Whitehurst
McDade	Roncalio	Whitten
McDonald, Mich.	Rooney, N.Y.	Widnall
McEwen	Rooney, Pa.	Wiggins
McFall	Rosenthal	Williams
McKay	Roush	Wilson, Bob
McKevitt	Roy	Winn
McKinney	Roybal	Wolff
McMillan	Runnels	Wright
Madden	Ruppe	Wylie
Mahon	Ruth	Wyman
Mailliard	Ryan	Yates
Martin	St Germain	Young, Fla.
Mathis, Ga.	Satterfield	Young, Tex.
Matsunaga	Saylor	Zablocki
	Scherle	Zion

NAYS—0

NOT VOTING—77

Anderson, Tenn.	Eshleman	Pelly
	Fish	Pickle
Annunzio	Fisher	Pirnie
Baker	Ford, Gerald R.	Poage
Biaggi	Gibbons	Price, Tex.
Bingham	Green, Pa.	Pryor, Ark.
Blanton	Grover	Rangel
Boggs	Hall	Rees
Burke, Fla.	Hanley	Riegle
Byrne, Pa.	Helstoski	Rostenkowski
Camp	Hogan	Rousselot
Chisholm	Kemp	Sandman
Clawson, Del	Long, La.	Sarbanes
Collins, Ill.	McCulloch	Seiberling
Colmer	Macdonald, Mass.	Shoup
Conable		Stokes
Conyers	Mann	Stuckey
de la Garza	Mathias, Calif.	Terry
Dellums	Melcher	Thomson, Wis.
Dennis	Metcalfe	Udall
Diggs	Mink	Wilson, Charles H.
Dow	Minshall	
Dowdy	Mitchell	Wyatt
Dulski	Moorhead	Wydler
Edwards, La.	Murphy, Ill.	Yatron
Eilberg	Nix	Zwach
Erlenborn	O'Hara	

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Gerald R. Ford.
Mr. Rostenkowski with Mr. Erlenborn.
Mr. Annunzio with Mr. Price of Texas.
Mr. Dowdy with Mr. Baker.
Mr. Hanley with Mr. Grover.
Mr. Macdonald of Massachusetts with Mr. Hogan.
Mr. Moorhead with Mr. Sandman.
Mr. Charles H. Wilson with Mr. Mathias of California.
Mr. Bingham with Mr. Diggs.
Mr. Blanton with Mr. Del Clawson.
Mr. Anderson of Tennessee with Mr. Camp.
Mr. Collins of Illinois with Mrs. Mink.
Mr. Biaggi with Mr. Burke of Florida.
Mr. Byrne of Pennsylvania with Mr. Thomson of Wisconsin.
Mr. Green of Pennsylvania with Mr. Conyers.
Mr. Long of Louisiana with Mr. Minshall.
Mr. Udall with Mr. Stokes.
Mr. Edwards of Louisiana with Mr. Kemp.
Mr. Pryor of Arkansas with Mr. Fish.
Mr. Helstoski with Mr. Dellums.
Mr. Rees with Mr. Rangel.
Mr. Fisher with Mr. Hall.
Mr. Dulski with Mr. Wydler.
Mr. Eilberg with Mr. Conable.
Mr. O'Hara with Mr. Mitchell.
Mr. Murphy of Illinois with Mr. Nix.
Mr. Gibbons with Mr. Eshleman.
Mr. Mann with Mr. Pirnie.
Mrs. Chisholm with Mr. Dow.
Mr. Pickle with Mr. Wyatt.
Mr. Seiberling with Mr. Zwach.
Mr. de la Garza with Mr. Pelly.
Mr. Sarbanes with Mr. Metcalfe.
Mr. Stuckey with Mr. Riegle.
Mr. Colmer with Mr. Dennis.
Mr. Melcher with Mr. Shoup.
Mr. Rousselot with Mr. Terry.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file two privileged reports on House Joint Resolution 223 and House Joint Resolution 468.

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

There was no objection.

AUTHORIZING CLERK TO RECEIVE MESSAGES AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until tomorrow, the Clerk be authorized to receive messages from the Senate and the Speaker be authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, is there to be an adjournment of the House without a meeting tomorrow?

Mr. O'NEILL. No. The House will meet tomorrow.

Tomorrow we will bring up for 2 hours of debate the appropriation bill for the Department of Transportation, including the SST, and there will also be 2 hours of debate on the 18-year-old vote measure. It was agreed last week that there would be no rollcalls. The rollcalls will take place on Thursday.

Mr. GROSS. My attention was centered on the request that the Speaker be given permission to dispose of legislation despite the adjournment of the House. This is not an ordinary request, when going over from day to day.

Mr. O'NEILL. This is just the usual procedure we have always followed in the past, to allow the Speaker later today to sign legislation in order that it may be sent to the White House.

Mr. GROSS. Well, I would not say this is an ordinary request. That request is not made every day.

Mr. O'NEILL. No. I did not say it is made every day, but I will say nobody in this House knows the rules better than the gentleman from Iowa, and he knows that it is a customary request.

Mr. GROSS. I thought perhaps there was a plan for adjournment tomorrow that I knew nothing about.

Mr. O'NEILL. There is not. When the House adjourns today it adjourns until tomorrow.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

ANNOUNCEMENT OF PROGRAM

The SPEAKER. The Chair would like to state that even though we will only consider the general debate on the appropriation bill on the Department of Transportation, according to the schedule, if we conclude at an appropriate time, we might consider having the general debate on the so-called 18-year-old vote joint resolution.

PERSONAL ANNOUNCEMENT

Mr. HILLIS. Mr. Speaker, I was unavoidably detained at the airport returning from my congressional district in Indiana and was unable to vote on the conference report on H.R. 4690. If I would have been present I would have voted "aye."

I certainly want to be on record as being in favor of this bill which will increase the social security benefits by 10 percent and will be retroactive to last January.

It is important that Congress recognize the fact that our senior citizens are having a difficult time making ends meet.

We should all acknowledge this problem and work to help these older Ameri-

cans. I pledge that I will do everything possible in this area.

It is also my hope that Congress will act on the proposal which would set up an automatic cost-of-living increase in the social security program.

REV. BERNARD A. PETERS

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

Mr. MINISH. Mr. Speaker, today we had the distinction of listening to Father Bernard A. Peters deliver the opening prayer.

Father Peters is not only the highly esteemed pastor of St. Joseph's Church in Maplewood, N.J., but a long-time friend as well.

Reverend Peters was born and attended school in Newark, N.J. A graduate of St. Benedicts Preparatory School in Newark, he thereupon attended St. Anselm's College in Manchester, N.H.

Father Peters was ordained in Manchester in 1927. Thereafter, he taught at St. Benedict's Prep, becoming pastor of St. Joseph's Church in Maplewood in 1943.

He has done an impressive and dedicated job both within the community and at St. Joseph's Church, and I am pleased and honored to welcome Father Peters to the Halls of Congress.

THE NEED FOR PRIVACY LEGISLATION

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

Mr. KOCH. Mr. Speaker, there are now 53 House cosponsors of my bill, H.R. 854, which would protect the right of privacy for our citizens.

This week the Secretary of Health, Education, and Welfare, Elliot L. Richardson, told the Senate Subcommittee on Constitutional Rights, chaired by Senator SAM ERVIN:

> We may need to consider affirmative regulation of this technology if present judicial processes prove inadequate in protecting our privacy.

Reasonable men will disagree on the legitimate role and the scope of the role the Government has in collecting information on its citizens. But I submit that everyone would agree that once that information has been collected, there must be some mechanism whereby the individual citizen can be apprised of what has been collected and, further, that there be some controls on how that information may be dispensed.

H.R. 854 would act as a check, to a large degree self-executing, on governmental recordkeeping. Under this bill, each agency maintaining records concerning any individual would have to, first, notify the individual that such a record exists; second, notify the individual of all transfers of such information; third, disclose information from such records only with the consent of the individual or when legally required; fourth, maintain a record of all persons inspecting such records; fifth, permit the individual to inspect his records, make copies of them, and supplement them.

The bill provides exceptions in cases of national security and investigations for purposes of criminal prosecutions, as well as safeguards for informants. Initially it would cause some inconvenience to Government officials, but the benefits of creating a system of protection are eminently worth this cost.

H.R. 854 is not the whole answer. Some types of surveillance and data collection should be forbidden absolutely—and I put Army surveillance of civilian political activity in that category.

I hope that the House Government Operations Committee will hold hearings on this bill and that some of our colleagues will become sponsors of it when it is next introduced on March 18.

I am appending to this statement the article written by Richard Halloran of the New York Times which appeared in that paper today on this subject:

RICHARDSON SAYS: DATA BANKS MUST BE CONTROLLED

WASHINGTON, March 15.—The Secretary of Health, Education and Welfare, Elliott L. Richardson, said today that the nation "must develop the means of controlling the potential for harm inherent" in the Government's computerized data banks of information on citizens.

Mr. Richardson told a Senate subcommittee, "We may need to consider affirmative regulation of this technology if present judicial processes prove inadequate in protecting our privacy."

Only last week Assistant Attorney General William H. Rehnquist said the Justice Department "will vigorously oppose any legislation" that would impair the Government's ability to gather such information.

Mr. Rehnquist said, 'Self-discipline on the part of the executive branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering."

TO DEFINE AND PROTECT

Mr. Richardson, while not recommending specific legislation, said that "statutes designed to define and protect an individual's rights in computerized information storage and exchange can be enacted" if present safeguards are not adequate.

It seemed evident that the Nixon Administration had not arrived at a position on the issue. Spokesmen for the Justice Department and for H.E.W. said Mr. Rehnquist and Mr. Richardson each spoke for his department only.

Mr. Richardson appeared before Senator Sam J. Ervin Jr.'s subcommittee on Constitutional Rights, which has been investigating the Government's widespread collection, storage and dissemination of information about individuals.

Senator Ervin, who said that H.E.W. "probably maintains more personal data on individuals than any other Federal department," questioned the increasing use of the Social Security number to identify citizens.

He noted, "The social security card states on its face that it is not to be used for identification purposes, except for Social Security and income tax purposes."

Yet, he said, citizens are required to submit their Social Security numbers on voter registration affidavits, telephone company records, credit applications, arrest records, military records, driver's licenses, death certificates and other forms.

Some Federal agencies are permitted by Presidential Executive order issued in 1943 to use the Social Security number for identification. Some state laws require the number for a driver's license or other documents. Banks, credit bureaus and other private concerns may also require them. Mr. Richardson said, "It is not illegal for a non-Federal organization to use the Social Security number in its record keeping system."

Mr. Ervin read several letters from irate citizens protesting the demands on them to furnish their Social Security numbers. Said one man from Indiana:

"I bought a car, paid cash, but the dealer would not give me title to it until I gave him my Social Security number. It made me so mad I gave him a phony number out of the air."

He continued: "I took my dog to the vet to get his toe nails clipped. Cash deal $3. He insisted I make out a credit report with my Social Security number. I refused. He settled for $3."

TWO VIEWS DISCUSSED

The man from Indiana concluded: "Since I have lost my personal identity (name) I will sign off with only my number. Punch your computer if you want to know who I am."

Mr. Richardson said, "The potential for invasion of privacy or breach of confidentiality of information lies not in the use of the number itself, but rather in how the organization uses computerized collections of data which are indexed by the number."

He also testified, "Two conflicting kinds of pressures and concerns have developed" over the use of Social Security numbers. Some believe, he said, that "current number issuance procedures should be tightened to make the number more reliable as an identifier."

"On the other hand," he said, "concern is expressed about increased risks of invasion of privacy that may result from the existence of a universal identifier, particularly in computerized data exchange." Such an identifier would be assigned to a person at birth and would follow him until death.

Senator Ervin noted that some citizens favor the universal identifier. He quoted from a letter written by a man in Maryland who said:

"There is no one that I can see who would not want a number except a crook. It is my opinion that everyone at birth should be given a Social Security number and told that they will be watched for honesty for the remainder of their lives."

BOB DOLE SPEAKS FOR HIS PARTY

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

Mr. LEGGETT. Mr. Speaker, followers of Republican Party campaign strategy were recently treated to what must be described as a spectacular falling out among thieves.

It centered around a 1970 campaign advertisement, run in more than a dozen newspapers at a cost of several hundred thousand dollars, which attacked eight Democratic candidates for the U.S. Senate. This advertisement, which accused the Democratic candidates of association with heroin pushers, was widely acclaimed as the dirtiest trick of the campaign. Seven of its eight targets went on to win.

Several weeks ago, we heard District of Columbia Republican Chairman Carl Shipley, who signed the ad, claim it was

put together by the White House, and we heard the White House deny it. We heard Mr. Shipley claim the ads were run "with the knowledge and consent of the Republican candidates in each case," and we heard the candidates deny it—although several of them refused to repudiate it at the time it came out.

Amidst the frantic finger pointing it is particularly interesting to note Mr. Shipley's admission that he regrets the ad, not because it dragged the American political fabric through the mud, but because it "got a negative reaction." In other words, no blow is too low if it works.

Two nights ago, the Republican National Chairman, Senator BOB DOLE, gave a speech which seemed to indicate his intention to carry on in the best Shipley tradition.

Evidently assuming that public hysteria and gullibility have not decreased since the days of the Nixon-Voorhis and Nixon-Douglas campaigns, Mr. DOLE accused Senator MUSKIE of kicking off his presidential campaign in Moscow.

Evidently assuming that nobody had heard or read Senator MCGOVERN's statement on the bombing of the Capitol, Senator DOLE tried to tell his audience Senator MCGOVERN had said the bombing "was the price we had to pay for the war in Vietnam."

Evidently having no use for the fine American tradition in which the most eminent lawyers have defended the most controversial defendants, Senator DOLE condemned Ramsey Clark as a "left-leaning marshmallow" for agreeing to defend Philip Berrigan.

Evidently regarding a desire to halt the arms race as un-American, Senator DOLE condemned Senator HUMPHREY for praising the recent Soviet suspension of new ICBM deployment.

Mr. Speaker, I would like to make a prediction. I predict that in 1972 the American people will express their desire for an administration of integrity and competence. And I further predict that after the election the same folks who are now frantically trying to dissociate themselves for the Shipley advertisement will then frantically try to dissociate themselves from Senator DOLE.

PERSONAL STATEMENT

Mr. GIAIMO. Mr. Speaker, on rollcall No. 20 today I was inadvertently delayed in getting to the floor of the House. Consequently, I did not vote on this rollcall, which was on the conference report on the debt ceiling with the increases in the social security benefits. If I had been here, I would have voted "yea" on that conference report.

ADEQUATE INCOME

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, I am deeply concerned about the current fiscal crisis facing the Nation's cities. New York City is particularly hard hit—and I am appalled when I see that the board of education has run $36 million short of its current fiscal budget; that New York cannot provide a cost-of-living wage increase for city employees; and that at the same time, New Yorkers are being asked to pay more and higher prices for fewer and poorer municipal services.

Yet the crises in our cities has had a positive effect: In focusing our attention on ways of counting city and State expenses and revenues, the huge discrepancy and the continuing state of crisis has thrust upon us the chance to reform our present grossly inadequate and degrading system of welfare. It has given us an opportunity not just to federalize welfare for the fiscal relief of cities, but to strengthen and improve it for the fiscal relief of people, most especially those people unable to support themselves.

The present welfare system—a system providing only subsistence level payments, a system rooted in indignity, must be scrapped. There are many proposals for its reform. The problem is that the projected income of many of these plans is too low to be adequate. They therefore continue many traditional aspects of welfare programs not conducive to the freedom of those who must use the system to survive.

Any minimum income plan which replaces the present system must be reasonable, providing between $4,000 and $6,500 for a family of four. The plans must be related to the reality of the cost of living. Bureau of Labor Standards statistics show that in December 1970, the average lower level living cost for an urban family of four was $6,960. In New York City, where the cost of living is not average, the figure is higher. Under these conditions, these facts of life, a Federal guarantee of $6,500 is clearly necessary.

Mr. Speaker, any Federal subsidy, whether we call it income maintainence or federalized welfare is inadequate, if it does not begin, at the very least, at the $4,000 level.

Last week I indicated to members of the New York City delegation that I would find it difficult to support any bill which provides less. At this point in the RECORD, I wish to include a copy of that letter.

MARCH 12, 1971.

Hon. HUGH CAREY,
Washington, D.C.

DEAR HUGH: The purpose of this letter is to amplify the concerns I raised at the March 2nd meeting of the New York City Caucus and to set down in writing my views on the necessary elements of any plan for federalized welfare.

As I indicated at the meeting, I believe that any Federal takeover of the welfare system must incorporate a specific commitment to adequate income, must eliminate the onerous work requirements of H.R. 1, and must reinforce and strengthen the legal rights of welfare recipients.

Specifically, I believe federalized welfare should include the following features:

1. *Grant Levels of Between $4,000–$6,500 for a Family of Four in 1972.* In addition single individuals should be guaranteed an income of at least $2,500.

2. *Steps Leading to Adequacy of Income Consistent with Increases in the Cost-of-Living, by 1976.*

3. *Maintenance of Present Benefit Levels in New York City.* In cases where present benefits exceed those which would be provided under a federal plan, New York State should be required to supplement Federal payments up to present payment levels.

4. *Cost-of-Living Variations According to Geographical Area.*

5. *Recipients' Right of Refusal of Any Job.*

6. *Recipients' Right to Retain Assets,* such as a home, household goods, personal effects, etc.

7. *Protection of Legal Rights of Welfare Recipients.*

8. *Mandated Emergency Assistance Whenever Needed.*

9. *Application for Assistance through Declaration.*

10. *Job Protection for Present New York City Welfare Employees.*

I base these suggestions upon the combined recommendations of a number of organizations, including the Committee on Income Maintenance, The National Council of Churches Crusade against Hunger, The League of Women Voters, and The National Welfare Rights Organization. These groups believe, as I do, that federalized welfare must provide an adequate income for poor people as well as fiscal relief for the cities.

I hope that the New York City delegation will not support any bill which does not include, at a minimum, the elements listed above.

Sincerely,

BELLA S. ABZUG,
Member of Congress.

SOCIAL SECURITY INCREASE

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

Mr. LENT. Mr. Speaker, although I was inadvertently detained in my congressional office and did not cast a vote on rollcall No. 20, the social security increase bill, I would most certainly have voted for the bill had I been present. The passage of this important measure which provides our Nation's much-deserving Senior Citizens a 10-percent social security benefit increase retroactive to January 1, 1971, has been long overdue. It is heartening to me that this Congress has chosen to make the benefit increase one of the first and most important orders of business.

HOUSE JOINT RESOLUTION 465

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

Mr. PRICE of Texas. Mr. Speaker, I regret I was unable to personally vote on House Joint Resolution 465, a bill to make a supplemental appropriation for unemployment compensation payments for former servicemen and Federal employees. At the time the vote was taken, I was meeting in my office with constituents on a matter of importance to the 18th Congressional District of Texas.

Had I been able to cast my vote on the proposal, I would have voted to grant this supplemental appropriation as unanimously requested by the House Appropriations Committee. I would have done

so because at the present time, Federal funds allotted for veterans and Federal employees unemployment compensation are exhausted. This notwithstanding, claims on these funds are still being made. These claims are legal ones; the Government is obligated to make unemployment compensation payments to qualifying veterans and Federal employees. For this reason, the supplemental request is a valid one and should, without delay, be approved by Congress.

APPOINTMENT AS MEMBERS OF U.S. DELEGATION OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of Public Law 86–42, the Chair appoints as members of the U.S. delegation of the Canada-United States Interparliamentary Group the following Members on the part of the House: Mr. GALLAGHER, of New Jersey, chairman; Mr. JOHNSON of California; Mr. RANDALL, of Missouri; Mr. MORGAN, of Pennsylvania; Mr. KYROS, of Maine; Mr. STRATTON, of New York; Mr. MEEDS, of Washington; Mr. HARVEY, of Michigan; Mr. HORTON, of New York; Mr. BUCHANAN, of Alabama; Mr. MCEWEN, of New York; and Mr. VANDER JAGT, of Michigan.

APPOINTMENT AS MEMBERS OF U.S. GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of Public Law 689, 84th Congress, as amended, the Chair appoints as members of the U.S. Group of the North Atlantic Assembly the following Members on the part of the House: Mr. HAYS, of Ohio, chairman; Mr. RODINO, of New Jersey; Mr. CLARK, of Pennsylvania; Mr. BROOKS, of Texas; Mr. BURTON, of California; Mr. ARENDS, of Illinois; Mr. DEVINE, of Ohio, Mr. CORBETT, of Pennsylvania; and Mr. MATHIAS of California.

APPOINTMENT AS MEMBERS OF U.S. DELEGATION OF MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of Public Law 86–420, the Chair appoints as members of the U.S. delegation of the Mexico-United States Interparliamentary Group the following Members on the part of the House: Mr. NIX, of Pennsylvania, chairman; Mr. WRIGHT, of Texas; Mr. JOHNSON, of California; Mr. GONZALEZ, of Texas; Mr. DE LA GARZA, of Texas; Mr. MOSS, of California; Mr. KAZEN, of Texas; Mr. FRELINGHUYSEN, of New Jersey; Mr. THOMSON, of Wisconsin; Mr. STEIGER of Arizona; Mr. WIGGINS, of California; and Mr. LUJAN, of New Mexico.

NATIONAL PARTNERSHIP IN EDUCATION ACT

The SPEAKER. Under a previous order of the House the gentleman from Illinois (Mr. PUCINSKI) is recognized for 1 hour.

(Mr. PUCINSKI asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, today I have introduced the National Partnership in Education Act which calls for the assumption by the Federal Government over a 3-year period of one-third of the cost of elementary and secondary education to save the Nation's school districts from financial disaster.

The act provides for gradually increasing Federal grants for every elementary and secondary school student in the country.

I introduced this bill because, as chairman of the General Subcommittee on Education, I know the financial crisis facing almost every school district in America.

New York City is laying off 10,000 teachers; Chicago is $58 million short of funds to keep its schools open the remainder of this year; every large city is in desperate financial straits. Budget deficits, teacher layoffs, reduced services are the rule, rather than the exception, in practically every school district in America.

While it is true that such crises have heretofore primarily been State and local matters, the increasing mobility of school students from one district to another has enlarged the Federal responsibility and made these crises a Federal concern.

Host communities should not be saddled with the rising costs of educating children whose families have exercised the Federal constitutional right of movement from one community to another for whatever reason.

I am also introducing this bill as a result of extensive hearings which I chaired during 1969 and 1970, on the "Needs of Elementary and Secondary Education for the Seventies." These hearings, conducted by the General Subcommittee on Education, reviewed the present status of our educational system, analyzed future trends, and considered changes in the role of the Federal Government.

Throughout our hearings, the subcommittee heard again and again of a growing disillusionment with our public schools. Many witnesses suggested alternatives such as storefront schools, tuition vouchers, and "schools without walls." Almost every witness before the subcommittee appealed for greater flexibility in the schools and for more accountability for funds and scholastic results from administrators and teachers.

On a number of occasions I myself have urged fundamental changes in our schools and have enthusiastically endorsed both the need for greater flexibility and for more accountability. But from all of the testimony and policy papers presented to the subcommittee, I have come to the belief that there are two fundamental defects in our educational system which must be corrected before any really significant change can occur.

The first defect is that, as a nation, we simply do not finance elementary and secondary education adequately, and second, the resources which we do expend are spent in a manner which assures that richer children will be better educated, and at less comparative expense to their parents, than will poor or middle-income children.

The United States likes to pride itself on its support of education, but the facts speak differently. Our country is spending from all sources and from all levels of government a little more than 6 percent of its national income on education while Canada and Israel are spending 9.6 and 9.2 percent, respectively. In fact, most of the other highly industrialized countries are spending far more than the United States; for example, Denmark 8.1 percent, Sweden 7.9 percent, Netherlands 7.6 percent, and the U.S.S.R. 7.1 percent.

Furthermore, of the total amount which we are spending on education a disproportionate share is going for higher education. Last year we spent more than $2,100 on every college student and only $700 on every elementary and secondary school student. Of course, some expenses involved in higher education may be greater, such as dormitories and more sophisticated science laboratories, but an expenditure three times greater per student does not make sense when we consider that less than 20 percent of our children ever attain a college degree and especially when we consider the enormous importance of the early years in all children's intellectual and personal development.

I believe that we should not only increase our expenditures on education but also that we should increase our spending on elementary and secondary by decreasing our support of higher education.

Inadequate funding, however, is only part of the problem. Equally important is correcting the pattern of maldistribution of our resources which has resulted in an outright bias in favor of richer, more easily educated children. I have reached this conclusion after a careful analysis of the data on local, State, and Federal expenditures for education, and these data have shown me that all three levels of funding are heavily weighted in favor of the wealthier school districts.

The first level of funding, and the most important, is the local. Even though there has been recently some movement to increase State financing of elementary and secondary education, local sources nationally still provide more than 52 cents of every dollar spent.

Since almost all of these local funds come from the real property tax and since there are great disparities in property wealth between school districts, more than half the funds for elementary and secondary education are raised on an inherently unequal basis. In the New York metropolitan area, for instance, the richest and the poorest school districts are Manhasset and Levittown. In 1967, the property valuation in Manhasset was more than five times that of Levittown, yet Levittown taxed itself at a rate of 50 percent higher than Manhasset and raised only one-fourth the local revenues. Levittown raised $338 per pupil against Manhasset's $1,252.

The simple result of this reliance on local sources for school revenue is that

wealthy school districts can raise great sums for education by taxing themselves at a modest rate, while poor or middle-income districts must use higher rates to raise fewer dollars. In other words, children who happen to be unfortunate enough to be born in a poor or middle-income community are going to be offered a poor education and thereby be condemned to repeating the same cycle with their children.

Another result of the reliance on property taxes is a taxpayers' revolt which is imperiling all further increases in aid to education. Last November, for instance, Ohio voters defeated 72 percent of the new money issues on the general election ballot while 60 percent of the bond issues were being defeated in California. Long Island voters after defeating 47 of their school districts' budgets still had to accept a property tax increase of more than 15 percent in order to keep their schools open.

Consequently, many schools have had to curtail services because of bond defeats and increasing expenses. Brookfield, Ill., fired seven teachers, a librarian, and a guidance counselor from its high school. Los Angeles eliminated 3,500 staff positions, shortened the school day, and dropped interscholastic athletics. Youngstown, Versailles, and other cities in Ohio have had to close down entirely for months after repeated defeats of tax referendums and bond issues.

Unfortunately, recent studies have found that present State and Federal sources, which provide the other half of the cost of education, do not provide the needed relief. In fact they even reinforce the pattern of more dollars being spent in richer districts with the result that poorer districts must put an even greater reliance on propety taxes if they want an adequate education.

A recently released Harvard study, "The Effects of Revenue Sharing and Block Grants for Education," found that although various State formulas consider local need the total effect of State aid is to reinforce local disparities in wealth. The study further found little hope for change in this pattern in the future. These findings are particularly distressing because of the increasing sentiment for greater State support of education. If this support is to be granted in the same form as in the past, then it too will only serve to make it easier for the very affluent to have a good education for their children at a minimal expense.

We must not, however, simply scold the States. We in the Federal Government also have been guilty of many of the same faults. A Syracuse University study released 3 weeks ago, "Federal Aid to Education: Who Benefits," found that most Federal educational programs were actually giving more aid per student to affluent school districts than to poor ones.

Studies conducted by the U.S. Office of Education have confirmed this finding. In fiscal 1969, for instance, Los Angeles with almost 15 percent of the public school enrollment in California and more than 20 percent of the poor children received only 2 percent of the Federal funds for equipment and textbooks under title III of the National Defense Education Act. Philadelphia with 13 percent of the public enrollment in Pennsylvania and more than 25 percent of the poor children receive less than 2 percent of the Federal funds for vocational education allotted to Pennsylvania.

Poor counties have also been subject to the same neglect. Dallas County, Ala., one of the poorest counties in the United States, has 2 percent of the public school enrollment in Alabama and more than 3 percent of the poor children, and yet in 1969 it received only 0.18 percent of the instructional equipment and textbook funds under title III of the National Defense Education Act. Apache County, Ariz., also one of the poorest in the country, has 3 percent of the public school enrollment in Arizona and 8 percent of the poor children and yet it received only 0.19 percent of the textbook funds and 1.8 percent of the Federal vocational education funds allotted to Arizona. The same injustice occurred in Bell County, Ky., which has 2.4 percent of the poor children in Kentucky and yet it only received 0.09 percent of the title III, NDEA funds allotted to Kentucky.

The only exception to this pattern of inequitable distribution was found by the Syracuse study to be title I of the Elementary and Secondary Education Act. The reason for this exception is simple: under title I, unlike most other Federal education programs, State departments of education have almost no discretion over the distribution of Federal funds among school districts. Title I explicitly sets out in the law the intrastate formula for apportionment, a formula which is based on need as measured by the number of poor children. This formula, in addition to focusing educational services on disadvantaged children, has been found by the Harvard study and others to have a definite equalizing effect on the distribution of funds among school districts.

From these facts I have reached the conclusion that the Federal Government must greatly increase its expenditures for elementary and secondary education and must provide explicitly in the law for the distribution of those funds.

Therefore, I propose in the National Partnership in Education Act that the Federal Government increase its support from the present 6 percent of expenditures to at least 33⅓ percent within 3 fiscal years. And I propose that these funds be distributed according to a precise formula which takes the money down to the school district level.

The bill provides, explicitly, that each school district is to receive a Federal grant for every school-age child and that this grant will vary according to four factors. The first factor is the reimbursement rate: that is, the rate at which the Federal Government will assume the cost of education. This rate will be 10 percent for fiscal 1972, 20 percent for fiscal 1973, and 33⅓ percent for fiscal 1974.

The second factor is the school district's need which will be measured by the number of poor children which it has. This criterion has proved to be an accurate gauge of need under title I and thus has the advantage of being easily understood and administered.

The third factor is the average local and State expenditure per pupil in the State in which the school district is located. The national reimbursement rate—as modified by the fourth factor—will be multiplied against this expenditure in order to determine the Federal grant per pupil. The use of the average expenditure within the State will achieve some equalization of resources since richer districts will be spending more than the State average and poorer and middle-income districts less.

The fourth factor is the average per capita income within the State as compared with the national per capita average. This factor will be used to increase the national reimbursement rate for poorer States and decrease it for wealthier States. Consequently, some equalization of resources will be achieved between the States.

I believe that this formula will lead to an equitable distribution of Federal general aid funds both between States and between school districts within States. Our objective is to achieve a fair opportunity for an education of high quality to every child regardless of which region of the country or which area of the State he resides in.

A further objective is to achieve the same opportunity for every child regardless of whether he attends a public or a private school. Therefore, a major component of the act is the provision that local school districts may enter into purchase of services agreements for the benefit of private school pupils who otherwise would be attending public schools.

School districts will receive Federal grants per pupil for all the children within the district, those in private as well as in public schools. The amount of the entitlement which is attributable to the number of private school children will be used by the public school authorities for paying the salaries of teachers of secular subjects in the private schools. Four States—Pennsylvania, Connecticut, Rhode Island, and Ohio—are presently funding this type of program, and many others are considering its enactment.

Private school children deserve this support and must receive it in any fair Federal general aid law. We all know of the crisis in private school finances. In the last 5 years the Catholic schools alone have lost almost a quarter of a million students because of the closing of parochial schools or the curtailment of classes for financial reasons.

The probable cost on a national basis of absorbing parochial students is staggering. President Nixon estimated that—

> If most or all private schools were to close or turn public, the added burden on public funds by the end of the 1970's would exceed $4 billion per year in operations with an estimated $5 billion more needed for facilities.

Economically it only makes sense that it would cost much less to help keep the private schools open than to pay for the public education of their children if they were to close.

But more important than the economics are the human values involved. As a nation which prizes the freedom of its citizens above all, we cannot logically restrict the free choice of more than 8 million parents who want their children to attend private schools.

Finally, I would like to comment on the relationship of this bill to present programs and to the President's revenue-sharing proposals. I have estimated that the National Partnership in Education Act will cost $3.4 billion for fiscal 1972, $6.8 billion for fiscal 1973, and $12 billion for fiscal 1974. And it is only proper to discuss where this money is going to come from.

First of all, let me say that I believe that the President has the core of a good idea in both his general revenue sharing and in his special revenue sharing for education proposals. As regards the latter I believe that the time is ripe for reducing the duplication present in some of the categorical programs and for streamlining the administration of all programs. But from the drafts of the President's proposal which I have seen I do not have much faith in his approach to achieving these goals. The basic thrust of these drafts is to turn almost all of the Federal elementary and secondary money over to the States with very few strings attached. From my prior discussion of present distribution by State departments of education of both State and Federal funds I can only believe that this approach will lead to the wealthier school districts receiving more money and to the downgrading of programs which Congress has been declaring as areas of national concern for the last 15 years.

Regarding the President's general revenue-sharing proposal, I must admit to grave doubts about its effectiveness. In particular, I find three faults with it:

First. The funds are distributed to the States and to local governmental bodies without any restrictions as to their use. Administration spokesmen have been claiming that since presently 40 percent of the funds within the States are being expended for education that education has a "good chance" of receiving 40 percent of these funds. But unfortunately, that is all it has, a good chance. Once the funds are distributed, the States and the local governments are the sole determinants of their use, and education must vie with powerful highway lobbies and agricultural interests for its share. And if history is to be any guide, education will not do well.

Second. Although the President's proposal provides that a certain percentage of the funds must be distributed to local governments within the States, local school districts are explicitly excluded from the category of eligible recipients. So the schools, if they want any of these funds, must go hat in hand to the cities and counties for a share. And again, I believe that their chances are not good.

Third. I object to the President's proposal because in his intrastate distribution there is no weight given to need. In fact, the formula is heavily weighted in favor of the rich. The formula provides that the money is to be distributed on the basis of the local government's share of the total amount of local tax revenue raised within the State. In other words, a town with a tremendous industrial tax base or with very affluent residents—which is thereby able to raise great sums of local moneys with little effort—would receive a proportionately greater share of this revenue-sharing money than a town with a poor population and a small tax base. The rich get richer and the poor get poorer. This approach is simply indefensible.

For these reasons I do not believe that the President's revenue-sharing proposals are adequate. They plainly will not meet our needs. Therefore, my proposal would take some of the money which the President has allotted for his general revenue sharing and some of the money which would be saved by a consolidation of programs and put it into a program which will provide massive, direct aid to local schools for improving the education of their pupils. This is revenue sharing in its best form, a distribution based on need directly to local bodies concerned with the problem. I am certain that by carefully redirecting the revenue-sharing funds and some existing programs we can fund this bill without any new burden on the Treasury.

Alexis de Tocqueville stated more than a century ago that the secular faith of Americans was education. This faith has produced one of the finest educational systems in the world, but we are imperiling that system by not providing adequate funds and by providing present funds in an inequitable manner. I believe that passage of the National Partnership in Education Act will correct those deficiencies and will make the best education available to all children.

Mr. Speaker, I am including with my remarks a copy of the National Partnership Act of 1971, a table of reimbursement to the respective States for the first year, and a copy of the entitlement formula.

I am also enclosing an article which appeared in yesterday's New York Times which shows the enormity of the financial crises facing the Nation's school systems.

The additional material follows:

H.R. 6179

A bill to authorize assistance to local educational agencies for the financial support of elementary and secondary education, 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 National Partnership in Education Act of 1971.

DECLARATION OF POLICY

SEC. 2. The Congress finds that, despite the great efforts of States and of local educational agencies, the opportunity for an education of high quality is being denied to many children. The Congress further finds that such denial results both from the widely varying financial abilities of States and local educational agencies and from an unequal distribution of resources, both within and between States. It is therefore the policy of the United States that the Federal Government shall provide each local educational agency with resources which, when supplemented by State and local funds, will be adequate to provide an excellent elementary and secondary education for all children.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) For the fiscal years 1972, 1973, and 1974, there are hereby authorized to be appropriated such sums as may be necessary to pay the amounts authorized under sections 4 and 7(b).

(b) For the same fiscal years there is also authorized to be appropriated an amount equal to not more than 2 per centum of the amount appropriated for each such year under (a) above. The Commissioner shall allot this amount of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for such grants, and shall set the maximum amount which their local educational agencies shall be eligible to receive.

GRANTS TO LOCAL EDUCATIONAL AGENCIES

SEC. 4. (a) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the maximum grant which a local educational agency in a State shall be eligible to receive under this Act for any fiscal year shall be an amount equal to the Federal grant per pupil multiplied by the adjusted number of children in the school district of such agency.

(b) In any other case the maximum grant for any local educational agency in a State shall be determined on the basis of the aggregate maximum amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate maximum amount shall be equal to the Federal grant per pupil multiplied by the adjusted number of children in such county or counties, and shall be allocated among these agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner.

(c) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the maximum grants for those agencies among them in such manner as it determines will best carry out the purposes of this Act.

(d) For purposes of this section, the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands or the Trust Territory of the Pacific Islands.

APPLICATIONS FROM LOCAL EDUCATIONAL AGENCIES

SEC. 5. (a) Any local educational agency which desires to receive for any fiscal year the grant to which it is entitled under section 4 must submit to the appropriate State educational agency an application which contains—

(1) an assessment of the educational needs of the children enrolled in the schools of such agency and its plans for meeting those needs with funds provided under this Act;

(2) an evaluation of the effectiveness, including objective measurements of educational achievement, of programs and projects funded in the preceding fiscal year from funds provided under this Act;

(3) such other information as the State educational agency may reasonably need to enable it to perform its duties under this Act; and

(4) assurances that—

(A) to the extent consistent with the number of children in the school district of the such agency who are enrolled in private non-

profit elementary and secondary schools, such agency has made provision (after consultation with the appropriate private school officials) for a purchase of services program or, if such a program is not feasible in one or more of the private schools (as jointly determined by the public and appropriate private school officials), such other arrangements as dual enrollments which will assure adequate participation of such children;

(B) (i) the control of funds provided under this Act and title to property acquired therewith shall be in a public agency for the uses and purposes provided in this Act, and that a public agency will administer such funds and property; (ii) the funds provided under this Act shall not be commingled with State or local funds; and (iii) Federal funds made available under this Act will be so used as to supplement and, to extent possible, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this Act;

(C) it will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such applications; and

(D) no more than 25 per centum of the funds received under this Act in any fiscal year will be used for capital outlay and debt service.

(b) The State educational agency shall not finally disapprove in whole or in part any application for funds under this Act without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing.

ASSURANCES FROM STATES

SEC. 6. (a) Any State which desires to participate under this Act shall submit through its State educational agency to the Commissioner an application, in such detail as the Commissioner deems necessary, which provides satisfactory assurance that—

(1) except as provided in section 7(b), payments under this Act will be used only for programs and projects which have been approved by the State educational agency pursuant to section 5(a) and which meet the applicable requirements of that section, and that such agency will in all other respects comply with the provisions of this Act, including the enforcement of any obligations imposed upon a local educational agency under section 5(a); and

(2) the State educational agency will make to the Commissioner (A) periodic reports (including the results of objective measurements required by section 5(a)) evaluating the effectiveness of programs and projects assisted under this Act in improving educational attainment, and (B) such other reports as may be reasonably necessary to enable the Commissioner to perform his duties under this Act (including such reports as he may require to determine the amounts which the local educational agencies of that State are eligible to receive for any fiscal year).

(b) The Commissioner shall approve an application which meets the requirements specified in subsection (a), and he shall not finally disapprove an application except after reasonable notice and opportunity for a hearing to the State educational agency.

PAYMENTS

SEC. 7. (a) (1) The Commissioner shall, subject to the provisions of section 8, from time to time pay to each State the amount which the local educational agencies of that State are eligible to receive under this Act.

(2) From the funds paid to it pursuant to paragraph (1) each State educational agency shall distribute to each local educational agency of the State which has submitted an application approved pursuant to section 5(a) the amount for which such application has been approved, except that this amount shall not exceed the maximum amount determined for that agency pursuant to section 4.

(b) The Commissioner is authorized to pay to each State amounts equal to the amounts expended by it for the proper and efficient performance of its duties under this Act (including technical assistance for the measurements and evaluations required by section 5), except that the total of such payments in any fiscal year shall not exceed—

(1) 1 per centum of the total grants made to local educational agencies of such State within that fiscal year; or

(2) $150,000, or $25,000 in the case of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands, whichever is greater.

(c) No payments shall be made under this Act for any fiscal year to a State which has taken into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

ADJUSTMENTS

SEC. 8. (a) If the sums appropriated for any fiscal year for making the payments provided in this Act are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under section 4 for such year, allocations shall be made to local educational agencies on the basis of computations, in accordance with that section, as reduced rotably. In case additional funds become available for making payments under this Act for that year, such reduced amounts shall be increased on the same basis that they were reduced.

(b) In order to permit the most effective use of all appropriations made to carry out this Act, the Commissioner may set dates by which State educational agencies must certify to him the amounts for which the applications of educational agencies have been or will be approved by the State.

WITHHOLDINGS

SEC. 9. Whenever the Commissioner, after reasonable notice and opportunity for hearing to any State educational agency, finds that there has been a failure to comply substantially with any assurance set forth in the application of that State approved under section 6, the Commissioner shall notify the agency that further payments will not be made to the State under this Act (or, in his discretion, that the State educational agency shall not make further payments under this Act to specified local educational agencies affected by the failure, until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this Act, or payments by the State educational agency under this Act shall be limited to local educational agencies not affected by the failure, as the case may be.

JUDICIAL REVIEW

SEC. 10. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its application submitted under section 6 or with his final action under section 9, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

DEFINITIONS

SEC. 11. For purposes of this Act—

(a) (1) The term "adjusted number of children" for any local educational agency or county for a fiscal year means a number equal to the sum of (i) the number of children who are aged five to seventeen, inclusive, in the school district of the agency or in the county, as the case may be, (based on the latest available data from the Department of Commerce) and (ii) the number of children who are counted for that fiscal year for purposes of section 103(a)(2) of title I of the Elementary and Secondary Education Act for which such agency is responsible for providing free public education;

(2) The term "Federal grant per pupil" for any particular State means the product obtained by multiplying the State and local current expenditure per public school pupil by the product obtained by multiplying the national reimbursement rate by the quotient obtained by dividing the national per capita income by the State per capita income;

(3) The "national reimbursement rate" shall be 10 per centum for the fiscal year ending June 30, 1972, 20 per centum for the fiscal year ending June 30, 1973, and 33⅓ per centum for the fiscal year ending June 30, 1974.

(b) (1) The term "Commissioner" means the Commissioner of Education;

(2) The term "current expenditures" means expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay and debt service, or any expenditures made from funds granted under title I, II, or III of the Elementary and Secondary Education Act of 1965;

(3) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law; and the term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12;

(4) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency hav-

ing administrative control and direction of public elementary or secondary schools;

(5) The term "nonprofit" as applied to a school means a school owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

(6) The term "per capita income" means the per capita personal income of a State and the United States determined by the Commissioner on the basis of data for the fiscal year preceding the fiscal year for which the computation is made available from the Department of Commerce;

(7) The term "State" means the fifty States, the District of Columbia, Puerto Rico, Guam, American Samoa, The Virgin Islands, and Trust Territory of the Pacific Islands; and

(8) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools.

GENERAL PROVISIONS

SEC. 12. (a) Section 422 of the General Education Provisions Act is amended by inserting "the National Partnership in Education Act;" after "the International Education Act of 1966;".

(b) The prohibition contained in section 302(d) of Public Law 81–874 shall not apply to programs and projects conducted under this Act.

STUDY OF DATA

SEC. 13. The Secretary of Health, Education, and Welfare shall conduct a study of the needs for accurate income and population data for every local educational agency and alternative methods for obtaining such data. This study and his recommendations shall be included in the study of allocation of funds required under section 102 of the Elementary and Secondary Education Amendments of 1969 (P.L. 91–230).

NATIONAL PARTNERSHIP IN EDUCATION ACT: STATE ALLOTMENTS AND PERCENTAGES

	Allotment	Percent
	$3,469,203,246.43	100.000000
Alabama	66,879,899.45	1.927817
Alaska	4,829,600.79	.139214
Arizona	27,822,699.45	.801991
Arkansas	41,169,009.14	1.186699
California	261,391,011.64	7.534612
Colorado	31,660,872.45	.912627
Connecticut	41,895,622.86	1.207644
Delaware	7,677,163.62	.221295
Florida	86,472,677.72	2.492580
Georgia	75,951,848.72	2.189317
Hawaii	12,725,487.44	.366813
Idaho	12,705,621.59	.366241
Illinois	163,745,711.25	4.719980
Indiana	79,899,437.20	2.303106
Iowa	55,464,456.32	1.598766
Kansas	40,545,629.12	1.168730
Kentucky	61,099,846.63	1.761207
Louisiana	78,677,687.50	2.267889
Maine	18,621,584.10	.536768
Maryland	58,731,360.55	1.692935
Massachusetts	82,592,046.80	2.380721
Michigan	157,918,752.00	4.552018
Minnesota	77,829,774.12	2.243448
Mississippi	57,449,054.55	1.655973
Missouri	73,565,158.16	2.120520
Montana	15,290,764.72	.440757
Nebraska	26,290,444.32	.757910
Nevada	3,933,572.58	.113385
New Hampshire	9,967,275.08	.287307
New Jersey	118,381,584.49	3.412357
New Mexico	23,247,028.20	.670097
New York	409,665,188.79	11.808625
North Carolina	95,536,620.80	2.753849
North Dakota	13,786,215.56	.397389
Ohio	156,065,152.32	4.498588
Oklahoma	43,346,703.76	1.249471
Oregon	39,005,668.98	1.124341
Pennsylvania	213,240,246.30	6.146663
Rhode Island	15,900,104.22	.458321
South Carolina	15,978,161.44	1.555924
South Dakota	14,902,181.16	.429556
Tennessee	65,512,211.66	1.888394
Texas	171,869,565.40	4.954151
Utah	18,045,496.86	.520163
Vermont	8,354,949.44	.240832
Virginia	77,725,409.31	2.240440
Washington	52,736,692.80	1.520138
West Virginia	44,146,065.60	1.272513
Wisconsin	82,062,362.67	2.365453
Wyoming	7,256,034.72	.209156
District of Columbia	11,632,532.08	.335308

NATIONAL PARTNERSHIP IN EDUCATION ACT—ENTITLEMENT FORMULA

Federal grant per pupil × Adjusted number of children = School district entitlement

$$\left[\text{National reimbursement rate (10 percent)} \times \frac{\text{National per capita income}}{\text{State per capita income}}\right] \times \text{State and local expenditure per public school pupil} = \text{Federal grant per pupil}$$

Children aged 5 to 17 living in school district + Title I children = Adjusted number of children

[From the New York Times, Mar. 15, 1971]

FINANCIAL PROBLEMS PLAGUE SCHOOLS ACROSS THE NATION

(By David E. Rosenbaum)

WASHINGTON, March 14.—New York City is not alone; the school system of nearly every large city in the country is in desperate financial straits, and budget deficits, teacher layoffs and reduced services in the schools are the rule rather than the exception.

In Chicago, school officials have warned that more than 4,000 teachers and other employes will not be rehired in June unless an additional $58-million is forthcoming from the state.

The Los Angeles Board of Education was forced to trim $20-million from its budget at the beginning of this school year. It reduced the high school day from six to five instructional periods and dismissed about 500 substitute and provisional teachers and 1,000 other employes.

Philadelphia schools may have to close three or four weeks ahead of schedule this spring for lack of the $6-million a day it costs to keep the schools open.

In Detroit, nearly 200 substitute teachers were dismissed recently as part of an $11-million budget cutback, and, according to school board spokesmen, the result is that there are as many as 40 pupils in some classes.

PROBLEMS OUTSIDE CITIES TOO

In New York, the school board has managed to avoid severe reductions in schools staffs and services only by shifting $25-million of this year's costs into next year's budget. The state Senate and the Education Commissioner, Ewald B. Nyquist, are investigating what the Senate called the city's "disastrous educational crisis."

Chicago, Los Angeles, Philadelphia and Detroit are, after New York, the largest cities in the country.

But the problem is not limited to the biggest cities. A number of medium-sized school systems, including those in Youngstown, Ohio, and Santa Barbara, Calif., are in serious financial trouble.

Many suburbs, including Wilmette and Niles Township in the Chicago area, have laid off teachers. And even rural areas—the entire State of Montana, for example—are facing reductions in staff and services.

But it is in the largest cities where the problem is most severe and where solutions seem the hardest to come by. From Boston to Seattle, big-city school officials are nearly unanimous in forecasting disaster unless additional sources of revenue are found.

"We've reached an extremely critical point in the history of the public schools," said Dr. Mark R. Shedd, superintendent of public schools in Philadelphia. "Federal, state and local governments are either going to have to fund the schools or close them down.

NO MONEY, NO SCHOOLS

"We've got no more fiscal rabbits to pull out of the hat. If we don't have the money, we can't operate the schools. It's as simple as that. And until legislators face up to this problem you will have inadequate schools, inadequately funded."

Reports from the country's largest cities show that the school systems vary widely in the percentage of their budgets that comes from local property taxes, in the salaries they pay their teachers, in their teacher-pupil ratios and in their per-pupil expenditures.

Some of these city school boards have taxing authority. Others depend on the city to levy their taxes. In some districts, enrollment is increasing; in others, it is decreasing.

But nearly all of these large systems have one characteristic in common: their expenditures are growing enormously each year, and taxpayers are increasingly unable or unwilling to pay for the rising costs.

The school budget in most cities has doubled or even tripled in the last 10 years. In Baltimore, it went from $57-million in 1961 to $184-million this year. In New Orleans, it went from $28.5-million 10 years ago to $73.9-million this year. In Boston, the budget rose from $35.4-million in 1961 to $95.7-million now.

RISE IN TEACHERS' PAY

The increasing cost of public education is attributable partly to inflation and partly to an increased demand for services. But mostly it can be laid to the rapidly rising salaries of teachers.

Over the decade, in many cities, teachers' salaries caught up with those in other professions. In Philadelphia, for instance, the average annual teacher's salary went from $5,000 a decade ago to $11,300 today.

While in most cities the collective bargaining agent for teachers, wherever there were unions or associations, became increasingly powerful over the decade, school systems without collective bargaining kept pace with the salary increases. In St. Louis, for example, the average salary rose from $7,557 five years ago to $10,500 this year.

While costs are increasing, most cities have a tax base that is dwindling or, at best, only creeping upward.

"We see no increased revenue but continuing increased expenditure," said James Potter, chief fiscal officer in the San Francisco school system. "Any time you have a salary increase of 1 per cent, it costs an additional $800,000."

A spokesman for the Philadelphia school system said that operating costs were increasing at a rate of 15 to 20 per cent a year. Half the budget comes from property taxes, and real estate valuation has risen only about 1 per cent a year, he said.

TAXPAYERS' RESISTANCE

At the same time, there is growing resistance to rising taxes among taxpayers. In Seattle, for example, the odds are overwhelming that a March 23 referendum on a special levy for schools will be defeated. In Ohio, only 29 per cent of the proposals for a school tax increase were approved last year.

Bond issues for schools are also being re-

jected at a record pace. According to the Investment Bankers Association, only 48 per cent of school bond issues were approved at the polls last year, compared to 77 per cent in 1965.

Nowhere does the situation appear so grim as in Detroit. In addition to dismissing the 192 substitute teachers, all of whom taught on a regular basis, plumbers, carpenters and other tradesmen who work in the schools have been placed on a four-day week, and officials are considering the possibility of sending elementary pupils home at noon on Fridays. The deficit is nearly $30 million in a budget only a fraction the size of New York's.

Mrs. Mary Dickerson, a member of the Detroit Board of Education, has suggested that the schools continue to spend what is needed to maintain the present level of teaching and services until the money is gone. Then, when the schools are shut down, she says, the Michigan Legislature, which is dominated by rural and suburban interests, will be forced to come to the rescue.

The situation will be even more serious next year, when, it is expected, teachers will win at least a 5 per cent pay increase, and during the next year the school board will have to ask the voters to renew a property tax levy that expires in June, 1972. Many school officials believe the millage campaign will likely fail, depriving the schools of $25 million in local taxes.

Dr. Orlando Furno, assistant superintendent of schools in Baltimore, who conducts an annual survey of the relative expenditures on education in various cities and communities, believes that Americans are simply going to have to accept lower quality education.

"Americans have the philosophy that we're the biggest and the richest country in the world, and we can provide everything," Dr. Furno said. "Well, we can't. It's a mistaken notion. If we keep asking for more and more, and if we won't cut back, I hate to think what will happen."

COMPARATIVE STATISTICS ON PUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN 15 LARGE CITIES

	Fall 1969				1969–70		
	Enrollment	Classroom teachers	Pupil-teacher ratio	High school graduates, 1968–70	Estimated annual current expenditure per pupil in average daily attendance	Estimated average annual salary: Total instructional staff (including administrators)	Estimated average annual salary: Classroom teachers
Baltimore	192,150	9,854	19.6	7,483	$862	$9,346	$8,998
Boston	97,859	4,346	22.5	3,914	768	9,500	9,300
Chicago	562,196	23,046	24.4	21,082	972	11,990	10,400
Cleveland	150,734	6,449	23.4	6,210	880	9,410	9,220
Dallas	159,820	5,929	27.0	8,070	570	9,400	7,800
Detroit	[1] 292,931	[1] 10,020	29.2	[2]	[3] 722	[2]	[2]
Houston	236,861	8,840	26.8	10,982	535	7,954	7,837
Los Angeles	654,201	30,291	21.6	33,513	775	10,600	10,350
Milwaukee	132,461	5,060	26.2	7,141	$940	$9,700	$9,394
New Orleans	111,939	4,151	27.0	5,049	676	7,950	7,700
New York	1,123,165	60,691	18.5	56,102	1,300	10,300	9,800
Philadelphia	294,381	11,965	24.6	12,967	1,144	12,000	10,000
San Francisco	92,242	4,798	19.2	5,291	1,107	11,100	10,900
St. Louis	113,391	3,975	28.5	4,180	936	10,171	9,878
Washington, D.C.	149,054	7,403	20.1	5,144	[4] 1,023	11,075	10,660

[1] Fall 1968 date.
[2] Data not available.
[3] Data for 1967–68.
[4] Estimate.
Source: U.S. Office of Education.

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

Mr. PUCINSKI. I yield to the gentleman from Indiana.

Mr. MYERS. In the earlier remarks the gentleman made reference to the amount of money being appropriated now and spent by the Federal Government, which is sent directly back for elementary and secondary education. Does the gentleman have that figure there?

Mr. PUCINSKI. Six percent.

Mr. MYERS. That was all categories?

Mr. PUCINSKI. All categories.

Mr. MYERS. How much Federal money now goes back for elementary and secondary education?

Mr. PUCINSKI. Of the total cost of public education in the United States the local governments provide roughly 52 percent. The State governments provide roughly 41 percent. The Federal Government provides between 6 and 7 percent, 6.3 percent.

Mr. MYERS. What total number of dollars would that be?

Mr. PUCINSKI. Our title I program, which is exclusively elementary and secondary education, is roughly $1.5 billion. All told, for all elementary and secondary programs—title II, title III, vocational education and various other programs—it runs somewhere in the vicinity of $3.3 billion. If you include $1.2 billion for higher education, total Federal aid to education came to $4.5 billion.

Mr. MYERS. The gentleman made reference to revenue sharing. Is the gentleman aware that in the President's proposal there is also special revenue sharing?

Mr. PUCINSKI. Yes, I am aware of that. This is why I do not dismiss the President's revenue-sharing proposal entirely. I believe that much can be said in its defense. I intend in due time to say it.

But I believe as we look at the maldistribution of Federal programs and State programs, and even in some instances local programs, that we can, after considerable dialog, discussion, and debate, find a better way of disturbing the revenue sharing the President has in mind both for special revenue sharing and general revenue sharing. I believe that we can adopt the concepts in this bill without disturbing too much the President's main thrust.

I am hopeful the administration will look at this bill and realize that we have here a formula which could help 18,000 school districts in America. Those who need that help more urgently would get more help. Those who need it less urgently would get less help.

I believe if my colleague will study the bill and the formula he will find this is an honest effort to try to find a workable compromise between the President's main concept of revenue sharing, yet writing in some standards that will distribute this Federal aid to those communities which need it most urgently.

I underscore that I do not quarrel with the President's initiative. I believe it is a bold concept and one that is long overdue, and he is to be congratulated for initiating it.

Mr. MYERS. Of course, I must confess I do not thoroughly understand the proposal, and I shall look into it further.

I believe the President's concern is this: not only in education but in all categories as they currently exist today, national standards, under the Federal programs, must be applied to Cook County, Ill., the same as to Lake County, Ind., or some place in Mississippi or anyplace throughout the country. This is the objection. The problem in Cook County, Ill., is quite different from that in some smaller rural counties, not only in education but also in other areas.

I believe this is the concern. We want to make sure that in special revenue sharing that not only so much money is spent in the area of elementary and secondary education but also there is an opportunity to provide some differences in the program.

I did observe that the gentleman also said he felt more money was being spent today in higher education than needed to be.

Mr. PUCINSKI. That is right.

Mr. MYERS. And he observed that the Governor of Illinois made a proposal in his budget that less be spent on higher education and more be spent on elementary and secondary education I think the gentleman will support that view.

Mr. PUCINSKI. I think, as I said in my remarks and just as you said, we are now spending $2,100 a year for higher education per student from all sources. We are only spending $700 for elementary and secondary education. Yet, less than 20 percent of our youth ever attain a college degree. However, the youngsters we have to prepare for life with verbal skills; career development, and the other things they have to have in order to prepare

themselves for the world of work are being shortchanged. This bill tries to do the very thing that my colleague talked about; namely, to recognize that there are different needs in different communities. Working together with the President in his basic concept of revenue sharing, we hope to redistribute this money in a way that will help those who need it most urgently.

Under our present distribution formula under the Federal programs, as you know, the rich get richer and the poor get poorer. Then you ask yourself why the vast middle-income America is so disappointed. These people read about programs that are passed in this Congress and they try to get these programs for their children at their local level, only to find for all sorts of reasons that they do not qualify. We whet their appetite through the mass media and excite them into thinking that some kind of help is coming, and then they find they do not qualify for these programs. They do not qualify for Headstart, they do not qualify for title I or for compensatory education or for cultural programs. Their kids do not get a chance to hear the symphonies. All of these educational aids are generated in this country but most of these programs never get to that vast middle-income America. To a great extent, as a matter of fact, the programs never get to the poor people, either. So there is disillusion with it.

I believe when a community like Willamette, Ill., which is a suburb of Chicago——

Mr. MYERS. A very rich area, too.

Mr. PUCINSKI. One of the wealthiest communities in this country—has to lay off 14 teachers because they ran out of money, and then at the other extreme, you see the very poor districts shutting down their school, shortening their school terms, and jeopardizing their accreditation because they, too, have run out of money, you sense the enormity of the problem. I say that we have a problem all across the board. There are 18,000 school districts in America that have a crisis.

Why do I say that this is a Federal responsibility? Historically this has been a local responsibility, but with the tremendous mobility of our country, where one out of every five families in America moves every year, this has created vast problems all over our country. I submit that the host community should not be saddled with the full expense simply because Americans exercise a constitutional right of movement. I do not want to take away that constitutional right. I am not suggesting in any way that we jeopardize it, but I do say that we must recognize as a republic of 50 States with this tremendous mobility of families that we have to look at many of our problems from a national standpoint rather than from a local standpoint.

Mr. MYERS. If the gentleman will yield for one further observation?

Mr. PUCINSKI. I yield to the gentleman.

Mr. MYERS. The cases you have presented here are certainly evidence not only in the field of education but in other areas where we have grants made in certain fields which are administered on a Federal level. There has to be a new way for distributing these funds, and probably revenue sharing would be one of the ways.

Mr. PUCINSKI. I underscore that. I have no quarrel with the basic concept of revenue sharing. All I am saying is I hope we will be able to find some system that will be more equitable in its distribution of our resources. I am sure that we can do this. We certainly have no quarrel with the idea.

Mr. MYERS. I might not disagree with that, but I have some serious reservations on the matter of trying again to tell the local communities where and how the money must be spent, because this creates problems that you speak about of, for example, having to lay off 14 teachers in one place or 200 teachers some place else. We have to give the local communities the right to make local decisions.

Mr. PUCINSKI. My colleague has made a very good point. I want to make it as clear as I can and as concisely as I can that there is nothing in this bill that tells a community how it must spend its money. Most of our categorical grant programs do.

This bill merely recognizes the fact that our school districts across the country are faced with an enormous financial crisis.

This bill proposes that the Federal Government accept as a national policy a part of the responsibility for educating young Americans and providing this education for young children all over America, because we never know where these children will wind up.

Mr. MYERS. Mr. Speaker, if the gentleman will yield further, we have already partly done that.

Mr. PUCINSKI. We have done it in many categorical programs. I just got through holding hearings this morning on this subject with the very distinguished Commissioner of Education before our committee. We were going into how some $75 million has been spent to help certain schools in the country undergoing the problems of integration.

Everyone agrees, the Commissioner, the General Accounting Office, and the Washington Research Project, that there has been some bad management in some of these programs. However, I was very pleased to hear the Commissioner say today that they have taken steps to correct this.

But what happens is when you try to tell people at the Federal Government level what they must do or what they can do or what they cannot do, you run into these problems.

The legislation does not go into that at all. This legislation proposes to do to a great extent what we have done in the impacted areas bills, Public Laws 815 and 874, wherein the Federal Government undertakes to pay one-half of the cost of every child who has been brought into a community by virtue of some Federal activity—an Army base or Government installation. Under Public Laws 815 and 874 we determine how many such children there are in that school district and what it costs to educate them and how much is one-half of that. Then we prorate that against what the Committee on Appropriations has appropriated and the Federal Treasury sends a check into that school board. That check is added to the general finances of the local school board. There is no further action. They can use that money for janitors or windows or teachers or counselors or clerks or whenever or for whatever they want to use it for.

What I envision in this bill is the same kind of general aid with no strings attached.

I think the local people know what the problems are. I think the local school boards know what the problems are and I know that especially the elective school boards are very sensitive to the needs of the community. Their biggest problem is lack of money. All I say in this bill is let us follow somewhat the President's revenue-sharing concept.

That is the main thrust of the bill, and write into it a formula which provides for a far more equitable distribution of the money. But once that money arrives in that local school district as far as this gentleman is concerned the Federal control stops right there.

Mr. MYERS. Mr. Speaker, if the gentleman will yield for one final question, the gentleman made reference to the fact that we are now spending 6 percent of our gross national product on all types of education. Does the gentleman know what that might have been at the turn of the century, in 1900—what percentage of the gross national product was expended on education?

Mr. PUCINSKI. No; I am sorry that I cannot give the gentleman those figures.

Mr. MYERS. I do not know either.

Mr. PUCINSKI. Dollarwise it might have been very low but percentagewise I do not know. We did not get into the business of Federal aid to education except for the land-grant colleges in higher education, of helping elementary schools, until the Smith-Hughes Act, dealing with vocational education, some 50 years ago.

But the big thrust came first of all with the impact bill, the 815 and 874, and then the NDEA—the National Defense Education Act—when sputnik shook the whole world, or at least our own Nation, and Congress rammed through the National Defense Education Act. But our involvement in helping local communities with Federal funds is a relatively new phenomena. Of course, the land-grant colleges go back many years.

Mr. MYERS. I thought the statement made by the gentleman was that we spent 6 percent of our gross national product on education from all sources and at all levels, and that would include, I presume, private education?

Mr. PUCINSKI. That is correct.

Mr. MYERS. As well as State contributions and local contributions?

Mr. PUCINSKI. That is correct. We spend in this country only about 6 percent of our gross national product as

compared to 9.2 percent in Israel and I believe it is 8.4 percent in Denmark, and so on. We do not spend as much money on elementary and secondary education as people generally believe. They look at a local budget or a State budget, and they say, well, 40 percent of the State and local tax revenue is spent on education. That looks like a very impressive figure.

But if you look at the total amount spent on education in relation to the gross national product, or the total wealth of the country, not just the taxes that are collected, but the total wealth of the country, you will find we are not spending as much as some Americans think we are on education.

Mr. MYERS. I think the gentleman will agree that this is not necessarily a reflection on the quality of education, or the quantity of education, because there are some things in the GNP now that were not in it 30 or 40 years ago, and the GNP has grown rather rapidly, but still there are other elements that are growing in our society which take part of that percentage, and we still could have a very fine—and I think we do have—a very fine educational system in this country. I think the gentleman will agree with that.

Mr. PUCINSKI. I agree.

Mr. MYERS. But the total percentages are not necessarily reflective of a downgrading or a deemphasis on education.

Mr. PUCINSKI. I think the gentleman is right in defending the basic school system in America. With all its faults and shortcomings it still offers America's youngsters a broad preparation for life in a very complicated world. And certainly the things that children have to learn today are vastly more than their parents had to learn, or their grandparents had to learn. It is a much tougher job to teach today. There are many factors involved. But I agree with the gentleman. I think that on total we have one of the finest educational systems in the history of mankind. But what is happening is that, because of the cost-push forces at play against the existing system, that the system is deteriorating.

As in the examples when a school has to drop 14 teachers; when a school has to drop a counselor, when a school has to drop a librarian; when a system like the one in New York City has to lay off 10,000 teachers; when a system like that at Chicago is faced with curtailing the services of 4,000 teachers; when you bring down the statutory requirement of 178 days of school year down to 150 school days; when you have to increase the size of the classes in the classrooms beyond the capacity of the teacher to handle a class like that—when you have all of these forces brought to play then we are deteriorating what has been the finest educational system in the world. You cannot indict the system, because America has made more progress in every single field of human endeavor than any other nation in the world, and that progress has been made posible by our educational institutions.

Those institutions I believe have done very well in a complex society. But all I am saying in my bill is that the system is now at the breaking point, the system is at the crash point, the system is at the point of no return. I am really amazed at the ingenuity of our educators in keeping the system going under these fantastic social pressures that have beset the system in the last decade, and I think that we owe our educators a mandate of gratitude.

But I can tell you this, and that is that we in the Congress had better take a hard look at our educational system. I wish I could get every one of my colleagues to read the transcripts of the hearings we held on the educational needs in 1970, because I think if my colleagues would read that transcript we would have no problem in getting this legislation through. This is a very modest bill.

It is a very modest bill, in a nation that has a trillion-dollar gross national product. I happen to agree with Bob Shultz that we are going to reach $1,065,000,000,000 gross national product in 1971. I think he has proven to be a pretty good prophet.

Here is a nation surging to a trillion-dollar economy by the end of this decade—in the next 100 months America is going to reach a $2 trillion economy. No one in the wildest stretch of their imagination ever dreamed that this Republic of ours could reach that kind of plateau of achievement. So, we are going to stand in this well and quibble about $3½ billion this year and $6½ billion next year and $12 billion for 1974 to give the educators the tools they need to keep this trillion-dollar economy going and to produce the kind of manpower we are going to need in a $2 trillion economy?

When I look downrange and I see the enormous problems that lie ahead for this country over the next 100 months in the wake of this fantastic surge to a $2 trillion economy, I tell you that we have to give our educators the help they need because the only thing that can destroy America is the failure to produce the kind of Americans who can provide the kind of leadership and the kind of judgment and guidance and technology in that surge forward. That is why I am making my appeal in this bill.

Mr. MYERS. Mr. Speaker, if the gentleman will yield again, the gentleman referred to his home city of Chicago and the problems they were having in curtailing the number of days as well as the number of teachers, and combinations of everything, in order to balance the budget. Did not the school board in Chicago totally ignore the matter of resources as they increased the salaries that were paid to teachers? I think we all recognize, certainly, that we want to pay teachers and are very glad to pay them everything we can, but in this did they not totally ignore the realities as they ordered that, and did not know where the money was going to come from—did they not really cause their own problems?

Mr. PUCINSKI. It is, if you will think of it, like General Motors use their bargaining judgment at the bargaining table when General Motors signed a contract with the UAW for the next 3 years to say that they have the money stashed away in the bank. Does the gentleman think that or did they say with any degree of absolute, indisputable, and unequivocal certainty that they are going to be able to meet those payrolls? Certainly, Chicago as a corporate entity and the school district sitting at the bargaining table was in no different position than management is at that very beginning table.

While it is true that they did not have the funds at that time, they were confronted with the prospect of a complete shutdown of the school system—which they do not want—and so they had to opt out—on a wing and a prayer—and they signed the contract and kept the schools open. Then they prayed like all school administrators all over the country that somewhere, somehow a miracle would occur that would give them that extra money.

This is happening all over the country. But now when teachers were let out—teachers have to pay rent and teachers have to send their kids to school and teachers are not much different from everybody else and they are caught in the cost-push squeeze and that is what happened in Chicago.

But I must tell my colleague that I am grateful to him for his questions because as I look downrange—and I do not share that cynicism and that skepticism of those who think the country is falling apart and who think that somehow or other this whole Republic is going to come tumbling down. I do not share that skepticism. Certainly, we have problems and we are going to have problems as we surge forward to this $2 trillion economy by 1980. There are going to be enormous problems. But I comfort myself by the fact that these are problems that are the result of our successes as a society and not the result of our failures.

When I was a kid I stood in the breadlines. We had a lot of people who were unemployed. We saw the whole country coming apart. We had problems then and they were problems that came about because of our failures as a society. But in the decade of the seventies we are going to have problems which I am pleased to say are going to arise because of the successes of our society. They are going to be great shortages of help and manpower and shortages of schools and the necessary equipment we need in our society when you have this fantastic surge to a $2 trillion economy.

But the greatest shortage we will have will be in decisionmakers, people who are capable intellectually of comprehending what is happening, and evaluating that information properly as intelligent human beings. That is why our educational system is so important. It may not be important in totalitarian countries, but the keystone of freedom is education.

Freedom is a very complicated thing, as my colleagues see every day on the floor of the House. Freedom is a very complicated thing. Our Government, as a free society, is the most complicated government on the face of the earth. No nation in the world has as complex a

government structure as we have. People who come to Washington watch our Government in action, and they cannot understand it because it is a tremendously complex machine that gives the individual the greatest degree of freedom and opportunity.

The survival of this freedom within this complex structure depends upon how well the American child is educated to understand its complexity. If the American is incapable of understanding the complexity of the society in which he lives as a free man, that society will collapse. That is why I say education is so important.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

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

Mr. MILLER of California. I think what the gentleman is telling us is that we had better go back to the great Founding Father, Thomas Jefferson, and study what he had to say about education. It is strange that only now are we coming to accept his theory that any man who is capable of absorbing education should not be denied that education. It should be made available to him even at a cost to the public.

Let us take a look at what has taken place. Perhaps one of the greatest technological groups ever put together was NASA. Future historians will understand what has taken place in the decades of the 1960's and the 1970's. This was only possible because we had the great expertise coming out of American education through its university system to put together the type of knowledge and technique that would make going into space a success. These, together with American industry and American labor, brought it about. But primarily it was the work of education.

Where does education start? Does it start when a man is handed a paper conferring upon him a degree of doctor of philosophy? Does it start when he graduates from high school? Rather, does it not start from the time he enters the primary school?

We in California are very proud of the space effort and the things that we developed there. They have come under a lot of criticism. Many people are very jealous of us. But one of the reasons we were able to do what we did do was that we had a very good educational system built on effective primary and secondary grades in the schools and on up to the university level. This is what we cannot lose. This is what we must have throughout the country.

If the gentleman will bear with me for a minute, I would like to point out that I have a bill that has been in committee for a few years.

I confess it has not gotten very far, but I am still going to press it. It deals with the way in which we would make block grants to universities so they do not fall behind—and every university in this country today is pressed for finances. The records will show those universities we consider the most stable are being hit, and their reserves are being eroded away. When this happens, if we allow it to happen, we will do what others have not been able to do to us militarily or in any other way. If we build our democracy on a basis of education and support that education, this country is safe from now on out.

Mr. PUCINSKI. I believe it is safe to state here that no one in this Chamber knows more about the value of education than the distinguished gentleman from California (Mr. MILLER) who is chairman of the Space Committee, and who has done so much to provide national leadership at times when it was rough going, at times when there were those who questioned the value of the space program. I remember well the many speeches the gentleman made in support of the program, in particular in support of the spinoffs. All the wealth of knowledge that is being generated and used in so many different ways results from these spinoffs. Some people look at the space program and equate it to two men walking on the moon, but they do not see the myraid ways in which the fantastic knowledge that has been generated in every field of social and scientific endeavor has resulted from this program.

So I welcome the remarks of my colleagues on this special order in a plea for greater help for education. I also thank the gentleman from Indiana (Mr. MYERS) for the contribution he is making this afternoon, and I thank him for his participation in our discussion.

Mr. MYERS. Mr. Speaker, will the gentleman yield further?

Mr. PUCINSKI. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Speaker, the gentleman from California made a very interesting observation about what education has provided. He referred to the question: Where does education start?

I think we might also ask another question: Where does education stop?

The gentleman mentioned Thomas Jefferson as a great American who supported education. Another great American, from the home State of the gentleman in the well, who also supported education, was Abraham Lincoln. But if we judge by the number of dollars spent on the education of Mr. Lincoln, Abraham Lincoln, was definitely a failure, because we did not spend very much money on educating Abraham Lincoln. But I think that did not deny him the gifts and talents to raise him to the very necessary level of leadership this Nation needed in his time. So there are other criteria for judging education than the number of dollars spent on education. While that is important, there are other criteria.

Mr. PUCINSKI. Mr. Speaker, the gentleman from California made an interesting point about where education begins. We have ample evidence before our committee that the average human being learns in the first 5 years of his life 40 percent of the knowledge he will use in the remainder of his life. He learns the habits and foundations and observations and the development of intellectual processes in his development in the first most critical 60 months.

So we have seen that while it is important to spend money on all phases of education, as the gentleman from Indiana (Mr. MYERS) raises the question, there are, of course, other criteria. As we surge forward into this $2 trillion economy I speak of by 1980, we have evidence that the average breadwinner in this country, the average worker in America will change skills four times in his working lifetime. Many people spend a lifetime on one skill today, but in these next 100 months it will not be uncommon to see people skilled in one craft or trade or job having to learn another entirely new skill because of changing technologies.

So we have to give the children of this country this basic educational experience. We have to develop in them the intellectual capacity and the capability to face and meet the needs of the decade of the 1970s. That is why I believe the bill I have introduced today is timely and is not exorbitant and is not pie-in-the-sky. It addresses itself to a problem being experienced by 18,000 school districts in America, and basically it places trust in those individual school members that as far as their own community is concerned, they are the keepers and guardians of the educational standards of that community.

All we want to do is to give them some financial help so that they can do a better job.

I thank my colleagues for participating in this special order.

FINANCIAL DEALINGS OF FEDERAL JUDGES AND JUSTICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 15 minutes.

Mr. RAILSBACK. Mr. Speaker, I am today introducing legislation on behalf of myself and several of my colleagues who share the concern that the integrity of the men and women who serve as Federal judges and justices be revitalized insofar as financial conflicts and dealings are concerned.

The cosponsors of this legislation were each cosponsors of identical bills in the 91st Congress and are in agreement that there is still a need to improve the confidence of the citizens of this country in the financial dealings of our justices and judges on the Federal bench.

In recent years we have seen controversy arise over the financial dealings of Supreme Court Justices and of nominees to that Court. To a less publicized extent we have observed questions raised concerning judges of other Federal courts.

We have taken note of the efforts of both the bench and bar to study the subject and undertake various efforts to control the financial dealings of judges, and yet we feel there is more that needs to be done.

The salary of the Chief Justice of the Supreme Court of the United States is $62,500 per year. Associate Justices have a salary of $60,000 per year. Other Federal judges and judges of the courts of appeal receive salaries of $42,500, while

district court judges are paid $40,000 per year. And these positions are not described as part-time jobs, they are obviously full-time jobs with a salary set high enough to hopefully eliminate the need or reliance upon outside income.

Part of the reason in providing for a substantial salary for our judges is so that they would not have to hold a part-time job, practice law in their spare time, or speak, write, lecture, teach, or otherwise offer their services for hire in order to support themselves and their families. We had the hope, I believe, that they would be full-time judges.

Under the legislation we have again submitted, we would prohibit Supreme Court Justices and Federal judges from practicing law or earning outside income unless specific advance approval coupled with full and complete disclosure was obtained from the appropriate authority. In addition, we would require that there be an annual disclosure or statement of income by each Justice and judge to be kept on file with the Judicial Conference and available for public disclosure under proper regulations.

The purpose and intent is not to prevent talented and dedicated men and women of stature from sharing their insights and observations through public speaking or otherwise. The desire is only to prevent financial conflicts and the resultant deteriorating public confidence in our judges.

We have specifically provided, for instance, that where the services are in the public interest or are justified by exceptional circumstances and where the services will not interfere with the judicial duties, that upon appropriate advance application to the Judicial Council or other authority, a judge can obtain approval to accept some compensation for a particular outside activity.

We believe our bill is fair and reasonable and we would welcome the cosponsorship of any of our colleagues who might wish to join us in this effort.

Those joining with me in sponsoring this legislation at this time are JOHN ANDERSON, GEORGE ANDREWS, EDWARD BIESTER, CHARLES GRIFFIN, RICHARD ICHORD, ROBERT MATHIAS, ABNER MIKVA, BILL NICHOLS, ALBERT QUIE, WILLIAM RANDALL, WILLIAM SCOTT, and KEITH SEBELIUS.

TAKE PRIDE IN AMERICA

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

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. American agricultural abundance is a powerful force for world peace. More than $5.7 billion in farm products were exported in 1969. The value of our farm exports since World War II exceeds $100 billion. The United States is the world's largest exporter of agricultural products. Fifty-seven million acres of our 300 million harvested are exported.

LIMIT TEXTILE IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, I rise at this time to introduce for consideration by this body a bill to limit the importation of textile products manufactured by low-wage foreign competitors.

As everyone in this Chamber is aware, the Japanese textile industry has recently proposed a unilateral restriction on the level of textile products it will export to the United States.

It must be just as well known, Mr. Speaker, that the Japanese proposal, setting its "restricted" rate of exports to the United States at the highest level in history, is nothing more than a declaration of "open season" on American textile markets and textile jobs.

Even more important, although this proposal was made by the Japanese textile industry and not the Japanese Government, that Government's inference that this proposal should and would be acceptable to the American people has resulted in a breakdown of 2 years of serious negotiations between the United States and Japanese Governments.

These actions have dramatized the need for effective legislation placing quotas on the importation of textile products to this country.

For this reason, I am introducing today, as I did in the 91st Congress, a bill designed to protect our domestic textile jobs against cheaply made imports, but still permitting our trade partners to maintain a growing share of our markets, at a rate proportionate to the overall growth of the textile industry in America.

The bill also provides for quotas to be set on electronics imports, reverting them to the 1967–68 level.

Under the terms of my proposal, any country not participating in domestic textile markets under prior trade agreements would be subject to specific limitations on shipments to the United States.

These limitations would be set, by category, during 1971 to equal the average amounts that entered the United States in 1967–68. After 1971, the level of imports would be adjusted up or down annually to reflect increases or decreases in domestic consumption.

Japan has trade limitation agreements with Canada and with 10 European countries, pertaining specifically to textiles. I cannot understand why the Japanese will not accept a reasonable agreement, such as the one I have outlined with the United States, especially since they will be able to participate in a percentage increase of the growing American market.

I believe my proposal is as reasonable and as logical as any yet introduced. It is extremely unreasonable and illogical to continue on our present course.

Approximately 100,000 textile jobs have been lost by American workers since 1967, with 10,000 being lost in North Carolina alone.

What is the reason for this startling rise in textile unemployment? The reason for loss of textile jobs, unlike those in other industries, is not because of increased efficiency of production. The American textile industry has long been regarded as the standard of efficiency in production.

The reason is simply that American textile manufacturers cannot hope to compete with foreign imports, when they are faced with a disparity of textile wages that borders on the ridiculous.

American textile workers, on the average, earn seven times as much in wages as do their Japanese counterparts. Certainly, no one seeks to lower American wages to match Japanese standards. It would be difficult, indeed, for a man to feed and clothe and house his family on 35 cents an hour in America today.

Clearly, the answer lies in an effective system of regulation of textile imports, and this legislation provides just such a system.

The Japanese unilateral proposal on textiles is completely unacceptable. The President has said as much, and in no uncertain terms, as have the textile manufacturers and textile workers throughout America.

The President has pledged his wholehearted support for effective textile import legislation. Both management and labor within the textile industry have pledged similar support. The majority of Members of this House gave their support to similar legislation in the last Congress. I strongly urge my colleagues to pledge their continued support, as I have pledged mine, and let us work together to see this measure passed at the earliest possible date.

SPECIAL REVENUE SHARING FOR MANPOWER

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

Mr. QUIE. Mr. Speaker, I am pleased to introduce today the bill to carry out the recommendations of President Nixon for special revenue sharing for manpower.

Joining me in sponsoring this legislation is one of the ablest and hardest working Members of this House, MARVIN ESCH—who as ranking member on the Select Labor Subcommittee carries the principal responsibility on our side for shaping manpower legislation—and a distinguished group of colleagues. We are sponsoring this bill not merely because the President requested its enactment, but also because we deeply believe that it is sound legislation.

At the outset, I want to pay tribute to the imagination and farsighted leadership of President Nixon. Quietly—without the great public fanfare which has accompanied far less sweeping proposals in recent years—he is proposing a second American revolution; a revolution

which would utilize the more efficient and more equitable taxing powers of the Federal Government to support vital governmental programs, but with most power of decision about the shape of those programs returned to the governmental levels where they actually operate and where people who are affected by them can have some voice in their operation. This truly is "power to the people." It is also a more effective way to use our total governmental system to serve people. The President stated the proposition in the opening paragraph of the message which preceded this proposal.

> We have an opportunity to build on the strengths of the federal system, and by so doing to forge a strong new partnership in which each level of government does what it does best, and in which each function of government is lodged at that level at which it can best be performed.

President Nixon's message deserves more than routine attention, because it makes a compelling case for dramatic change in the management of the Nation's manpower programs. It gives many of the specifics of what virtually everyone who is well-informed in this field concedes: that the existing hodgepodge of categorical programs has become enmeshed in redtape and trivial requirements at all levels that a significant proportion of the funds and energies are wasted.

Many people who have serious reservations about the concept of special revenue sharing fear a loss of Federal leadership. If I really felt that the talents of the very able men and women in the Department of Labor and other Federal agencies would be lost to these programs, I would share that concern. But I feel that this fear is unjustified and, quite to the contrary, that this bill would free a lot of expert people from the hopeless task of attempting to oversee 10,000 separate local manpower programs and permit them to begin to exercise some real leadership in giving technical assistance to State and local sponsors of these programs.

Indeed, the leadership problem cuts both ways. At the State and local level much of the time of our best people in the manpower field is taken up in responding to detailed Federal requirements rather than to serving the people the programs are intended to help.

The enactment of this legislation would make available a vast reserve of our most precious national commodity: the time of able people.

Mr. Speaker, this bill is not based upon a philosophical exercise about the proper roles of levels of government; it is based upon practical necessity. This Nation is too large and diverse, local conditions change too rapidly, and the needs of people often are too immediate to permit the detailed operation of programs such as manpower training from Washington, D.C.

While the President's proposal has revolutionary implications for the uses of Federal powers in responding to national needs, it is not a radical departure from propositions we have overwhelmingly approved in this House.

Just as in the manpower legislation—H.R. 19519—which we passed last year by voice vote: it would get rid of over a dozen narrow, categorical programs and replace them with a single, flexible authority; it would decentralize program administration to the States and major cities or urban areas; it would reduce the number of "prime sponsors" of programs from 10,000 to approximately 450; and it would permit—in an even more flexible way, without percentage limitations—so-called public service employment where and to the extent that is judged by local administrators to meet local needs.

Where are the major differences between this proposal and the House-passed comprehensive manpower bill?

First, this bill goes one step further and drops the weapon of Federal approval of locally designed programs, substituting requirements for complete public disclosure of the nature of the programs and the details of their administration; and

Second, this bill removes the Federal Government entirely from the operation of programs—including the Job Corps—and projects it into the vital areas of research and development, leadership training, program evaluation, and technical assistance.

I believe that these further steps are ones we ought now be prepared to take.

There will be much debate, for example, about terminating a Federal Job Corps. I feel that we should have this debate, but I hope it can be in rational terms. Our issue is not whether to help young people who are enrolled in or eligible for the Job Corps, but how best to do the job. I have long argued for residential occupational education facilities, preferably as a part of a multipurpose training center. A few States—notably Ohio with the Mahoning Valley School—have experimented successfully with residential facilities; all the others would now have that option as a practical possibility. There are two other points to be made on this issue:

First. The Congress in the 1968 Vocational Education Act authorized appropriations for residential vocational schools, and has since extended that authorization. But it has been impossible—I feel, because of the funding of a Federal Job Corps—to obtain appropriations for this purpose. Perhaps with the enactment of this manpower bill it would at last be possible to get that funding. The ultimate advantage of a strong residential component to the vocational-technical education program of all or most of the States should be too obvious to require extended argument.

Second. Enough has been learned from the mistakes and successes of the Federal Job Corps to enable States or cities to establish and operate really effective facilities where they see a need for them. Accordingly, I would argue that the funds already expended for the Job Corps—far from being wasted—constitute an invaluable demonstration program. We should now proceed to terminate the demonstration at the Federal level and work its results into the permanent educational structure where they can be a continuing benefit to far more young people.

The Manpower Revenue Sharing Act, in my judgment, would be a far more effective instrument for dealing with the critical problem of unemployment among young people than the existing Jobs Corps and Neighborhood Youth Corps, because it would permit a far more flexible response in those areas where the problem is particularly acute. Also, it would for the first time afford State and local officials the opportunity to meld manpower training with vocational-technical education in such a way as to strengthen both activities. In the long run—as I have been arguing for years—education and manpower training must be integral parts of the same process. That, I believe, is the only real solution to the problem of unemployed young people.

Mr. Speaker, all of us should be careful not to claim too much for proposals we favor. The manpower revenue sharing bill is not a panacea for all of our economic and employment ills. It would not work equally well in every area and in every circumstances. But I am prepared to argue, and confidently, that this proposal would provide a far, far better delivery system for manpower training services, and be far more responsive to the actual needs of people, than our existing patchwork of manpower programs. And I would argue that the existing structure most certainly would not be improved by adding to it yet another patch called public service employment. We desperately need the comprehensive, flexible, and imaginative approach recommended by the President.

So let us put partisanship aside. Let us give the President's proposal the careful, objective study it deserves and improve upon it where we feel we can. That is what the American people expect of their Congress. That is our clear obligation to them and to our country. I shall do all in my power to see to it that we follow this course.

SPECIAL REVENUE SHARING FOR MANPOWER

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, 10 days ago President Nixon sent to the Congress his message dealing with the second major area of special revenue sharing—manpower.

The legislation which Mr. QUIE and I, together with other colleagues, are introducing today—the Manpower Special Revenue Sharing Act of 1971—will be most helpful to our hard-pressed States, cities, and counties in meeting the needs of the unemployed and underemployed. Decentralization of decisionmaking is not only desirable to improve our manpower training programs, but essential to their continued success. Manpower

training particularly is an area where flexibility to adapt to local conditions and needs is vital to insure that more people are served in a more responsive way.

Last year Congress concluded that we must eliminate the confusion, duplication, and inefficiency of our present manpower training system. Under the present program, one man, speaking for one department, makes decisions on 10,000 grants and contracts affecting at least half a million persons—and involving $1.5 billion in Federal funds. And yet, manpower needs multiply and local problems become more diverse. Decentralization will alleviate many of our manpower "bottlenecks."

This legislation builds on the foundation on the Comprehensive Manpower Training Act of 1970, approved so strongly by the 91st Congress. It acknowledges that manpower training should be a partnership—but an organized and efficient partnership. In his message to Congress, the President stated that manpower special revenue sharing would "play to the strengths of the Federal partnership—teaming Federal dollars with State and local decisionmaking."

But, while local governments are in a better position to devise and operate suitable area programs, the Federal Government has a responsibility to see that manpower needs are being met. This bill places the responsibility for services, such as the National Job Bank, with the Secretary of Labor, as well as requiring him to issue reports and evaluations on all manpower programs and problems periodically. Such supervision will insure that manpower programs keep up with manpower demands.

Within the context of the philosophy of revenue sharing, which I strongly support, the proposed Manpower Revenue Sharing Act builds upon the agreement which was reached last session on the decentralization of manpower responsibilities.

This bill, Mr. Speaker, would:

Provide $2 billion during the first full year of its operation—$4 for every $3 billion now being spent—to help move men and women into productive employment;

Unify into one the many programs under which Federal manpower oversight disperses authority and free local officials from intricate administrative procedures;

Vest the power to shape local manpower programs in governments close to the people they assist;

Establish important national services, under the direction of the Secretary of Labor, to improve and assist local manpower efforts; and

Include provision for public service employment which local governments can shape to meet their own needs and economic conditions.

The Manpower Revenue Sharing Act would replace the Manpower Development and Training Act and manpower provisions of the Economic Opportunity Act. It would take effect on January 1, 1972.

Since the need for job training and other manpower assistance expands as the Nation grows, the act sets no ceiling on future appropriations. However, the President has already proposed that $2 billion be appropriated for the act's first full year—an increase of almost one-third over current levels of funding. Of this amount provided, the States, and cities and counties of 100,000 or more in metropolitan areas will receive 85 percent. Jobs and workers often cross city and county lines, so bonus funds within the formula distribution would be awarded to consortia of local governments which embrace entire major market areas. Those governments which can agree to act in concert in smaller urban areas would also qualify for these funds. The remaining 15 percent would be made available to the Secretary of Labor.

The shared revenues would be allocated by statutory formula. Each State or local area's share would be determined by its proportionate number of workers, unemployed persons and low-income adults. These funds would be available to carry out broadly defined manpower programs.

Under this act manpower programs must develop job skills. They help the unemployed and underemployed, particularly welfare recipients and other disadvantaged persons, make the transition to better jobs, better pay and higher skill levels.

An effective program focuses on individual needs and available jobs. It should provide a wide range of manpower activities and services to help more people obtain their employment goals. Authorized manpower activities are:

Recruitment, counseling, testing, placement, and followup services;

Classroom instruction in both remedial education and occupational skills;

Training on the job with both public and private employers, aided by manpower subsidies;

Job opportunities, including work experience and short-term employment for special age groups and the temporary unemployed, and transitional public service employment at all levels of government;

Ancillary services like child-care assistance, relocation assistance, and minor health services; and

Appropriate training allowances and other benefits.

Payments and allowances for individuals would be limited to 2 consecutive years, in recognition of the fact that these manpower programs are designed not to provide long-term public support, but rather to assist job seekers in making the transition to permanent or better jobs.

In keeping with the principles of special revenue sharing, State and local governments would be given wide discretion in determining how the funds provided should be used.

Manpower revenue sharing would have no volumes of Federal standards to be met. There would be no towering piles of Federal program applications to complete and no frustrating delays at the Federal level. State and local money, now tied down by matching requirements and maintenance of effort, would be freed for spending elsewhere as community priorities might dictate.

Giving our State and local officials authority to spend Federal manpower funds would increase the citizen's ability to influence how the funds are spent. It would make government more responsive to legitimate demands for quality services.

The State and local governments would be required to publish a statement of program objectives and projected uses of funds each year, prior to receiving their shared revenues. These statements would include information on the area's economic and labor market conditions' targeted client groups; proposed activities; wages, allowances, and other benefits; manpower agencies involved; and the positions and salaries of the program's administrators. In addition, the statements would review the previous year's programs.

Both State and local governments would be required to make comments about each other's program statements. In particular, they would be responsible for coordinating and making full use of all other State and local manpower activities available. After full public disclosure and discussion they would be required to publish their final program statements for the coming year.

To increase the information available to the public, the Labor Department would make public evaluations of program effectiveness.

The people would have the hard facts needed to hold their public officials directly and readily accountable for the manner in which manpower programs are administered.

What would be the resulting effect on current categorical programs? This proposal neither mandates nor terminates any programs. It provides that the continuation, expansion, or modification of each program would be determined, as it ought to be, by the test of performance alone—and determined by the State or community which the program serves.

Programs that have proved themselves in practice could be continued with the use of the Federal funds provided. Indeed, many current categorical programs probably would continue and expand in response to local needs once arbitrary Federal restrictions were removed.

On the other hand, programs whose past claims of effectiveness are not justified could be replaced by others more responsive to community needs. Vesting the program authority in governments close to the people will make it harder for programs to coast along on their momentum from year to year, and easier to tailor manpower assistance to on-the-scene realities.

The special activities financed by the 15 percent of manpower funds retained for use by the Secretary of Labor would include support and assistance for State and local programs through staff training and technical aid, through research, and through experimental and demon-

stration programs to develop new manpower techniques.

The Department of Labor would also maintain comprehensive systems of labor market information and computerized job banks to facilitate exchange of information among different areas. It would monitor State and local programs for fiscal accountability and compile comparative data on all programs to help the Congress and the public assess their effectiveness.

In addition, the Labor Department would have funds to help support certain programs which operate most effectively across State and local boundaries.

The Manpower Revenue Sharing Act, like the President's other revenue-sharing proposals, would include rigorous safeguards against all discrimination. It stipulates that revenues shared under this act would be considered Federal financial assistance within the meaning of title VI of the Civil Rights Act of 1964, and that all protections of that act would apply to participants in revenue-sharing manpower programs.

One of the most innovative features of the proposed Manpower Training Act of 1969 was an automatic "trigger" which provided more manpower funds when the national unemployment rate rose to 4.5 percent or more for 3 consecutive months.

The Manpower Revenue Sharing Act contains a similar feature. Triggered funds would be distributed by the Secretary of Labor to areas of high unemployment to provide additional training and employment opportunities. Under such conditions, many State and local governments might choose to use these funds to create temporary public service jobs to offset the rise in unemployment.

However, there is in my judgment a defect in the introduced bill which I intend to correct in the course of our consideration of the bill. The effective date of this triggering device should be changed from July 1, 1972, back to January 1, 1972, which would be the effective date of the act. If, as I firmly believe, a higher rate of unemployment requires a greater effort in stimulating manpower utilization, then there is no substantive reason for a delay in the additional "triggered" funding.

This act would also provide permanent authority for public service job creation as part of an overall manpower program—but with the proviso that such jobs must constitute transitional opportunities. Within a 2-year period participants must be enabled to move into the public employer's regular payroll, or helped to obtain other public or private employment.

Public jobs created through manpower funds would thus be used to develop skills and abilities, with participants moving through such positions into permanent opportunities.

This bill, Mr. Speaker, responds to the basic concerns which have guided the Congress consideration of manpower reform.

It responds to Governors' and mayors' appeals for increased responsibility and increased flexibility.

It makes manpower programs more readily accountable to the clients they serve and the taxpayers who support them.

It recognizes that transitional public service employment is an integral part of manpower policy—and places no ceiling on its extent within the manpower program.

It triggers extra Federal funds to counteract periods of rising unemployment.

In summary, this proposal is designed to give more effective help to those who need it, and to give Americans full return for their tax dollars spent on manpower assistance in the years ahead—full return in the form of unemployment brought down and kept down, and in the form of new income and achievement opportunities for millions of deserving men and women.

While building on the best experience of past manpower measures, it introduces bold new concepts to make our national manpower revenuing system more effective.

I am also including as an appendix to my statement a section-by-section analysis of the bill, as well as a fact sheet giving full year manpower special revenue sharing payments to the States.

I am proud to introduce this legislation and urge my colleagues to work for its early enactment.

The material follows:

A SECTION-BY-SECTION ANALYSIS OF THE MANPOWER REVENUE SHARING ACT OF 1971

The intent of "The Manpower Revenue Sharing Act of 1971" is to provide discretionary Federal revenues to State and local governments in order to furnish training and employment opportunities needed by individuals to qualify for satisfying and self-supporting employment.

Section 1 provides that the Act may be cited as the "Manpower Revenue Sharing Act of 1971".

STATEMENT OF FINDINGS AND PURPOSE

Section 2 sets forth Congressional findings and declares that it is the Act's purpose to establish a flexible and decentralized national manpower program by sharing Federal revenues with eligible State and local governments in order that they may provide such training and related services that they deem necessary to assist individuals in their jurisdictions to develop their full economic and occupational potential. It emphasizes that the Nation's progress would be aided thereby, since at present it is limited by a lack of workers with skills needed in a technological society. With appropriate training and skill development, unemployed and underemployed workers could help fill the gap and also as a result share more in the economy.

AUTHORIZATION OF APPROPRIATIONS AND ALLOCATION OF FUNDS

Section 3 authorizes such appropriations as may be necessary without fiscal year limitation to carry out the Act.

Amounts appropriated for Titles I and II shall be allocated so that:

(1) 85% shall be for activities carried out by States and other eligible units of local general government under Title I; and

(2) 15% shall be for activities carried out by the Secretary of Labor under Title II.

TITLE I. STATE AND LOCAL MANPOWER PROGRAMS

Uses of shared revenues

Section 101 gives recipient units of government broad discretion in using available funds for manpower program purposes. The Act specifies that manpower programs shall be a developmental process, essentially transitional for each participant, to prepare unemployed and underemployed persons to hold self-sustaining public and private jobs not supported by funds under this Act. Special priority is given to welfare recipients and other disadvantaged persons. An effective manpower program must focus on the individual's needs in relation to available jobs. It provides whatever sequence or combination of activities (among the following) needed to meet a particular individual's employment goals.

(1) Outreach, intake, counseling, testing, work evaluation and work sampling, employability development planning, job coaching, job development, orientation, placement and follow-up services;

(2) Institutional training, including both remedial education and occupational skill training, with training in other than the English language, where appropriate;

(3) On-the-job training providing for reimbursement of public and private employers for bona fide training and associated costs;

(4) Supported employment, which shall consist of work experience and temporary employment in public and private nonprofit agencies *and* transitional public service employment in Federal, State and local government;

(5) Ancillary services reasonably related to enhancing a participant's employability, including, but not limited to, child care assistance, relocation assistance, and minor health services;

(6) Allowances or other financial assistance to individuals in training and other authorized activities, when appropriate.

To emphasize that manpower programs are developmental and transitional in nature, benefits for individuals are limited to a maximum of two years.

Recipient governments are responsible for assuring that manpower services delivered under this Act are coordinated with similar services provided under other legislative authority to the fullest extent possible to develop a comprehensive manpower program in each jurisdiction served.

Activities under this title shall not involve participation in partisan or nonpartisan political activities, displacing employed workers or impairing existing contracts.

Distribution of shared revenues

Section 102 defines units of general government eligible to receive manpower funds as States (for areas not served by local governmental recipients); cities with a population of 100,000 or more persons; counties or other units of local general government with city-like powers in Standard Metropolitan Statistical Areas (SMSAs) and having a population of 100,000 or more persons (exclusive of the population of qualifying cities); consortia of local general governments representing at least 75 percent of the population of SMSAs with populations of less than 100,000 persons; and consortia of local general governments in larger SMSAs.

Each State or local area's share will be in accordance with its resident number of workers, unemployed persons, and low income individuals 16 years of age or older as a proportion of the national totals, respectively. When local governments form a consortium to serve an entire labor market area in a large SMSA, the funds they are entitled to under the formula will be increased by 10%. The Virgin Islands shall receive a flat sum of $1,000,000; Guam $300,000.

The section provides that the Secretary shall determine the units of government eligible for shared revenues during the subsequent fiscal year upon receipt of evidence of authorization to carry out the activities provided by the Act under State or local law. At least three months prior to the beginning of any fiscal year the Secretary shall publish in the *Federal Register* the appor-

tionment factors which govern the distribution of funds. After funds are appropriated, he shall publish the actual distribution of shared revenues.

Until such time as a unit of local general government is eligible to receive funds or if it declines its allocation, its revenue share shall be added to those of the State in which the eligible unit is located.

Any revenue share available because a State declines its allotment or is not yet eligible to receive funds shall be made available to the Secretary to carry out the purposes of Title I.

Publication of program statements

Section 103 provides that in order to facilitate coordination among units of government and to permit public examination of activities carried out under this title, recipient State and local governments must publish a statement of program objectives and projected uses of funds at least three months before the beginning of the fiscal year. These statements shall include information on the area's economic and labor market conditions; target client groups; proposed activities; wages, allowances and other benefits; manpower agencies involved; and the positions and salaries of the programs' administrators.

State and local governments shall review one another's annual program statement and exchange explicit comments and recommendations. Particular attention shall be given to steps to eliminate duplication of services and to achieve coordination and integration with State-provided employment and manpower services. The Secretary may provide suggestions and recommendations on the program statements. Taking into account such comments and recommendations, each unit of government receiving shared revenues shall publish prior to the beginning of the fiscal year a final amended statement of program objectives and projected uses of funds. Each participant unit of government is also required to publish an annual report on the uses of such funds for the previous year.

Records, Audit and Reports

Section 104 provides that all revenue shared with recipient units of government under this title shall be accounted for as Federal funds in the accounts of such recipients. To assure that funds are used in accordance with the provisions of this Act, each recipient shall properly account for receipts and disbursements, provide the Secretary access to records on reasonable notice, and make reports to the Secretary as he may reasonably require.

Recovery of Funds

Section 105 provides that if the Secretary determines that a recipient unit of government has failed to comply substantially with the provisions of this Act, (1) he may refer the matter to the Attorney General with a recommendation for appropriate civil action, or (2) after reasonable notice and opportunity for a hearing, he shall notify the recipient that if corrective action is not taken within 60 days, its revenue share shall be reduced proportionately, or (3) he may take such other action as may be provided by law. A recipient which receives notice of reduction of revenue share, may, after pursuing certain administrative remedies, file for judicial review.

TITLE II. ACTIVITIES OF THE SECRETARY OF LABOR

Section 201 assigns specific activities to the Secretary designed to maximize the effectiveness of recipient governments in providing manpower services. The authorized activities are staff development and technical assistance; manpower research and experimental, demonstration and pilot programs; labor market information; a national computerized job bank; and program evaluation, including comparative data systems. Such activities may be carried out directly or through arrangements with public or private agencies.

The Secretary will assure that other programs which he administers, such as the Federal-State employment security system and the Work Incentive Program, contribute to the fullest extent possible, to the development of a comprehensive manpower program in each jurisdiction served by this Act.

To assure that manpower programs contribute fully to national policy objectives, the Secretary may establish programs providing any services and activities authorized under Title I.

Section 202 requires that the Secretary transmit an annual report to the President and the Congress pertaining to manpower requirements, resources, utilization, and training, and to the effectiveness of programs authorized under this Act.

TITLE III. EMERGENCY TRAINING AND EMPLOYMENT ASSISTANCE

Section 301 provides that when the Secretary determines that the rate (seasonally adjusted) of national unemployment has risen to equal or exceed 4.5 per centum for three consecutive months, the Secretary is authorized to obligate from funds appropriated to carry out this title an amount equal to 10 per centum of the funds appropriated to carry out Titles I and II of this Act for the fiscal year in which the determination is made.

Section 302 provides that the Secretary shall distribute such funds among State and eligible units of local general government to provide training and other Title I services to groups or communities of high unemployment.

Section 303 provides that no further obligation of funds may be made subsequent to a determination by the Secretary that the rates of national unemployment has receded below 4.5 per centum for three consecutive months.

Section 304 provides that whenever the Secretary determines that the unemployment rate criteria reaches or falls below the 4.5 percent level, he shall promptly notify the Congress and the Secretary of Treasury, and shall publish such determination in the *Federal Register*.

Section 305 provides that this title shall be effective July 1, 1972.

TITLE IV. GENERAL PROVISIONS

Section 401 provides that the Secretary shall prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this Act, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out activities under this Act in order to provide the public and the Congress with objective information on which to evaluate activities under this Act.

Section 402 provides that shared revenues under this Act shall be considered Federal financial assistance within the meaning of Title VI of the Civil Rights Act of 1964.

Section 403 provides that effective December 31, 1971, the Manpower Development and Training Act of 1962, as amended, and Title I (Parts A, B and E) of the Economic Opportunity Act of 1964, as amended, are repealed. FY 1972 obligations of FY 1972 funds under MDTA and EOA shall be charged against appropriate governments' revenue shares. Such governments may assume and act on behalf of the Secretary with respect to the unexpended portion of any grants or contracts as of December 31, 1971, and may terminate or continue them (in accordance with their terms) on their own responsibility. The grantee or contractor may terminate any assumed contract or grant within 30 days after such assumption without incurring penalties for default. If eligible governments decline this option, the Secretary shall continue to be responsible for carrying on such grants or contracts until they terminate. For the purpose of completing the contracts and grants, all of the repealed statutory authority will remain in effect but not beyond December 31, 1972. Unexpended advance payments as of December 31, 1971, must be returned to the Federal agency concerned or offset against the appropriate governments' revenue shares. Unobligated balances shall be merged with funds appropriated under this Act.

Section 404 requires that amounts appropriated and allocated pursuant to Title I of this Act shall be paid to recipient units of government at such intervals and in such installments as to minimize the time elapsing between the transfer of funds from the United States Treasury and the disbursement thereof by recipient governments. The Secretary, with concurrence of the Director of the Office of Management and Budget, shall prescribe regulations to avoid an inordinate rise in Federal outlays in FY 1972 and 1973 as a result of concurrent disbursements under both this Act and the repealed laws.

Section 405 gives Congressional consent to any needed interstate compacts.

Section 406 provides that the Secretary shall not fund health, education or welfare activities under Title II of this Act unless he shall first have obtained the concurrence of the Secretary of Health, Education, and Welfare.

Section 407 authorizes the Secretary to exercise all powers necessary for the implementation of title II, including the power to rent or renovate real property, to purchase real property for training centers, to accept and use gifts and voluntary services for the benefit of the program, to enter into contracts or agreements, to make such payments in advance or by way of reimbursement as he may deem necessary or appropriate to carry out the provisions of the Act, and to expend, without regard to the provisions of any other law or regulation, funds made available for purposes of this Act for printing and binding.

This section also provides that enrollees in residential centers under title II shall not be regarded as Federal employees except for purposes of the Federal Tort Claims Act, the Federal Employees' Compensation Act, and the Federal employees' unemployment compensation program.

Section 408 provides that all laborers and mechanics employed by contractors or subcontractors in any construction, alteration or repair of projects, buildings and works which are assisted under this Act shall be paid wages at rates not less than those prevailing on similar local construction as determined by the Secretary in accordance with the Davis-Bacon Act.

Section 409 provides definitions of terms as used in the Act. The term "State" means a State, Commonwealth of Puerto Rico, the District of Columbia, Guam and the Virgin Islands. In addition, the following terms are defined: labor force, unemployed persons, low income persons, Standard Metropolitan Statistical Area, and labor market area.

Where appropriate, the definitions shall be based on the latest published reports of the Department of Labor and the Office of Management and Budget on the date of enactment of this Act and of each subsequent year. The Secretary may, by regulation, change or otherwise modify the definitions in order to reflect any change or modification thereof made subsequent to such date.

Section 410 sets the effective date of this Act, except as otherwise provided, as January 1, 1972. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

Full year manpower revenue sharing fund fact sheet

[Full year manpower special revenue-sharing payments]

State:	
Alabama	$36,169,000
Alaska	3,184,000
Arizona	13,392,000
Arkansas	18,299,000
California	167,996,000
Colorado	17,656,000
Connecticut	23,199,000
Delaware	4,830,000
District of Columbia	15,155,000
Florida	59,308,000
Georgia	42,551,000
Hawaii	5,095,000
Idaho	5,319,000
Illinois	80,870,000
Indiana	41,030,000
Iowa	19,243,000
Kansas	15,520,000
Kentucky	25,784,000
Louisiana	37,034,000
Maine	8,805,000
Maryland	26,432,000
Massachusetts	43,218,000
Michigan	76,162,000
Minnesota	27,492,000
Mississippi	29,116,000
Missouri	40,225,000
Montana	6,288,000
Nebraska	9,986,000
Nevada	4,223,000
New Hampshire	4,850,000
New Jersey	53,546,000
New Mexico	9,165,000
New York	140,522,000
North Carolina	44,491,000
North Dakota	4,922,000
Ohio	77,855,000
Oklahoma	21,224,000
Oregon	17,815,000
Pennsylvania	87,467,000
Rhode Island	7,264,000
South Carolina	24,668,000
South Dakota	5,157,000
Tennessee	37,301,000
Texas	92,605,000
Utah	7,548,000
Vermont	3,569,000
Virginia	33,564,000
Washington	30,802,000
West Virginia	15,543,000
Wisconsin	30,853,000
Wyoming	2,743,000
Puerto Rico	40,291,000
American Samoa	300,000
Guam	300,000
Trust territories	1,000,000
Virgin Islands	1,000,000
Total, special revenue sharing payments	1,700,000,000
Total, discretionary grants	300,000,000
Total, full-year manpower special revenue-sharing fund	2,000,000,000

NOTE: Based on latest available data; as provided in Manpower Bill, will be updated when 1970 census data becomes available.

VOTER PARTICIPATION MUST BE IMPROVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 30 minutes.

Mr. HAMILTON. Mr. Speaker, today I am introducing three bills which, if enacted, would make it much easier to vote in Federal elections. One bill would establish a universal voter enrollment plan to increase the registered eligible voters in presidential elections, and abolish residency requirements for voting in those elections. A second bill would limit to 30 days residency requirements for voting in congressional elections. The third bill would make election day a national legal holiday.

Richard Scammon, the elections analyst, has said that voting "ought to be as simple as making a telephone call." That is the goal of these bills. Their enactment would encourage public participation and infuse vitality into the electoral process.

NEED FOR PROPOSED LEGISLATION

The national election holiday, the limitations on residency requirements for presidential and congressional elections, and the universal enrollment plan are needed to reduce the number of nonvoters. In a country which prides itself on being democratic, we should devise methods to assure that every citizen who wishes to register and vote may do so without unreasonable or unnecessary obstacles. The voluntary nature of voting is a strength in our election system. As one of the oldest democracies in the world, with a tradition of free elections and voluntary balloting, we should have one of the world's best voting records. Though our ideal is universal suffrage, a substantial number of Americans choose not or cannot vote.

The need, then, is to remove the involuntary barriers to voting. This should be a prime responsibility of our Federal, State, and local governments. Once the involuntary barriers are removed—the residency and registration requirements and the election day inconvenience—the voluntary barrier in the form of a lack of interest in voting should at least be reduced. Census studies have shown that of those who claimed to have registered to vote in 1968, better than 90 percent claimed to have voted.

How great are these barriers? A few statistics should give some indication of the challenge of the task of improving voter participation in this country:

First. In the 1968 presidential election, 31.8 million people voted for Richard Nixon and 31.3 million for HUBERT HUMPHREY. For every vote separating candidates Nixon and HUMPHREY there were 150 people who did not vote at all. These 47 million people were 40 percent of the American electorate.

Second. The number of nonvoters in 1968 was up from a level of 43 million in the 1964 presidential race, and 39 million in 1960. If this trend continues, in 20 years we will have from 70 to 90 million nonparticipants in the election for the highest office in the land.

Third. Since 1904, voter turnout in presidential elections in the United States has not risen above 65.4 percent. Twice in that time period, a minority of the eligible voters have participated—49 percent in 1920 and 1924.

Fourth. In contrast, between 1840 and 1900, a period marked by the beginnings of mass suffrage and preceding the adoption of restrictive voter registration requirements, an average of three out of four, 76 percent, of the electorate voted in presidential elections.

Fifth. The record is even worse for House of Representatives elections. For the period 1920 through 1968, voter turnout never exceeded 60 percent, and fell below 50 percent in all of the nonpresidential election years for that time period.

Sixth. Senatorial elections have a comparable record, with percentages 10 or more points lower in nonpresidential years, and rarely rising above a 70 percent turnout even during presidential election years.

Seventh. Indiana's voter participation in presidential and congressional elections has consistently been better than the national average, but the pattern of turnout in 1970 is revealing and disturbing. In the elections for House seats in that year, the four congressional districts with the most metropolitan constituencies had the four lowest turnout percentages.

The dismal record in recent American elections becomes even more disturbing when placed in the context of voter turnout in other democratic nations. Again, the figures tell the tale:

First. In Canada and Great Britain, turnout since 1920 has not fallen below 70 percent, with only two exceptions, and has recently hovered around 80 percent.

Second. Turnout in West Germany has been from 85 to 90 percent in recent years.

Third. In Italy, turnout has topped 90 percent in several recent occasions.

Fourth. In their last election, Great Britain and Canada had turnouts of 76 percent, France 80 percent, West Germany 87 percent, Sweden and Denmark 89 percent.

As President Johnson's Commission on Registration and Voter Participation stated in 1963:

> The plain fact remains that citizens of other democracies vote in greater relative numbers than Americans. The United States, leader of the free world, lags behind many other free countries in voter participation.

This statement is still true 8 years and two presidential elections later.

When a person does not vote, he is failing to take advantage of three important opportunities provided by elections: the opportunity for the electorate to choose its leaders, the opportunity to indicate choice among Government policies, and the chance to demonstrate public faith in the democratic process.

These opportunities should be greatly valued by us all. Unfortunately, they are not. Low voter turnout reflects a lack of faith and interest in the democratic process.

Recent polls bear this attitude out. According to a recent study by Jack Dennis, a University of Wisconsin political scientist, there has been a net decline over the past 20 years in the value voters assign to elections. In a 1966 poll, only 57 percent either agreed or strongly agreed with the statement that—

> The way people vote is the main thing that decides how things are run in this country.

This percentage indicates the problem of voter apathy in this country, an apathy that needs to be eliminated for

the sake of preserving a vibrant political process. H. G. Wells once called the voting process "democracy's ceremonial, its feast, its great function." We must act now if we are to prevent this feast for the many becoming a banquet for the few.

RECENT DEVELOPMENTS

The prospects for increased voter participation are brighter as a result of the Supreme Court's decision of December 21, 1970, upholding the constitutionality of Public Law 91–285, the Voting Rights Amendments of 1970. The chief provisions of that law are these:

First. Suspension of the use of literacy tests in all States until August 1976.

Second. Permission for any person to vote in a presidential election in the State in which he had lived for 30 days immediately prior to such an election.

Third. Lowering the voting age from 21 to 18 for all Federal elections, effective January 1, 1971. I hope this age group will be able to vote in State and local elections as well, and I have introduced legislation to achieve this end.

The Congressional Quarterly has estimated that the Supreme Court decision will result in the enfranchisement of an additional 22 million persons in the 1972 Federal elections, distributed thusly: Suspension of literacy tests, 1 million; reduction in residency requirements for presidential elections, 10 million; and lowering of the voting age for Federal elections, 11.5 million persons.

The addition of these 22 million persons to the ranks of the eligible voters makes more imperative the enactment of the legislation I propose today. We will create problems for the Nation if we take such steps as legalizing the 18-year-old vote and yet provide inadequate mechanisms to make it effective.

IMPACT OF NONVOTING

The crucial question is this: How long can the democratic process work when half of its people do not vote? The answer is "Not for very long," a fact recognized by the Democratic National Committee in its report of the Freedom To Vote Task Force:

> The decline of democratic participation holds both a danger and a paradox. The danger is that democratic institutions cannot function effectively or respond promptly to society's needs unless citizens participate in the decisions that affect their daily lives . . .
>
> The paradox is that while millions of citizens, at odds with basic policies, are struggling for a more active role in public decisionmaking, participation in the electoral process continues to wane.

Responsiveness of government to the voters is the key to a smoothly functioning democratic government. Its presence is assured by frequent elections and voter participation. Noninvolvement of the electorate makes it difficult for government to operate responsively. Failure to meet their people's needs produces more distrust and lack of respect for the established political institutions, which in turn produces more noninvolvement.

We in the Congress cannot, by any single piece of legislation, dissolve voter apathy. But it is incumbent upon us to do all we can to remove the barriers between the citizen and the voting booth.

Skeptical attitudes about voting—the "my vote will not do any good" syndrome—are difficult to change. However, there are several major obstacles to voting which we can reduce. These obstacles, called involuntary barriers, include: residency requirements, registration procedures, and election day inconveniences.

BARRIERS TO HIGH VOTER TURNOUT

Residency requirements: Every year 20 million Americans move from one State to another. Many of these citizens have been prevented from voting in Federal elections until they have lived in their new State for at least 1 year. Typical residency requirements stipulate a residency in the State of 1 year, in the county for 30 to 90 days, and in the precinct for 30 days. These stipulations are estimated to exclude from voting 5 percent of the potential electorate. In the 1968 election, this meant that 6 million potential voters were disenfranchised in the presidential election by residency requirements alone.

Though provisions of the new voting rights law of 1970 dealing with residency requirements for presidential elections are expected to enfranchise 11.5 million new voters in 1972, the 30-day minimum for State residence will still prohibit millions from casting a ballot in that election. Residency requirements for voting in congressional elections were not affected by the law, a gap that continues to disenfranchise additional millions and that must be filled.

Residency requirements for voting in Federal elections have been restrictive. Though 31 States have had some form of waiver of normal residency requirements for presidential elections, 19 of those States' waivers still stipulate a residency in the State of more than 30 days. Seventeen States and the District of Columbia have had no waiver, and none of them now have State residency requirements of 30 days or less for either presidential elections or congressional elections.

This past set of residency requirements has been most undesirable. President Johnson aptly remarked in 1967 that—

> The people's right[s] to travel freely from State to State is constitutionally protected. The exercise of that right should not imperil the loss of another constitutionally protected right—the right to vote.

Registration procedures: The exercise of the franchise in the United States usually requires two deliberate acts on two different days: registration and voting. The finest voting system in the world will not work if registration procedures discourage voters.

An efficient registration system, on the other hand, would have a beneficial impact on voter turnout. Studies of the 1968 election, mentioned earlier, have indicated that 90 percent of those who claimed to have registered also claimed to have voted.

In many States, registration has become an obstacle course for the voter rather than an assistance to voting. In 1968, an estimated 3.2 million did not get the chance to vote because they found registration procedures so inconvenient.

In 26 States, the registration period closes 30 days or more prior to a general election. In Indiana, the figure is 29 days. In many communities there is only one place to register to vote. It is often an inconveniently located office with office hours that make it difficult for the working man or woman. A few glaring examples of registration procedures are worth citing:

First. Delaware: Voters may register in their precinct on the fourth Sunday in July, the second Saturday in September, and the third Saturday in October prior to an election.

Second. Maryland: Registration is possible on the first and third Tuesday of each month, with additional sessions at the discretion of the board. The registration period closes the fifth Monday prior to an election.

Third. Mississippi: The registration period closes 4 months prior to an election.

Furthermore, in 28 States registration lists are canceled or purged every 2 years or less, and in some cases at the discretion of the local election board.

These procedures cast a burden upon the average voter. It is no wonder that many eligible voters do not vote. The Freedom to Vote Task Force identified the crux of the matter when it noted that turnout is not a function of the interest of voters in elections as much as it is a function of the interest demanded of them. How many voters are seriously considering the issues in a general election prior to October 1 of an election year? Not very many. Yet, in more than half the States, they will have already had to register if they want to vote.

Election day inconvenience: In 1968, an estimated 6 million Americans did not vote because they could not leave work or they were away from home.

In some States, it is easier to get a hunting or fishing license or a pistol permit than to register and vote.

Today, the average American must expect to go to the polls often, or if not often, to face a complicated ballot when he does. Americans vote in the middle of the workweek, and the hours of voting have not really changed—in Indiana, they were reduced in 1970—while the population has doubled. The problem of the jammed polling place may be why some voters just do not feel that they can spare the amount of time it takes to vote. In the face of unreasonable inconvenience, the voter may elect to stay home on election day.

This need not, and should not, be the case. Consider arrangements in other democracies:

First. Italy: Italians vote on Sunday and until Monday noon. Turnout has topped 90 percent a number of times.

Second. West Germany: Elections are held on Sunday. Turnout has exceeded 85 percent in recent years.

Third. Canada: Voting is usually on a Monday. Turnout has been around 80 percent in the last few general elections—aided by a universal voter enrollment plan.

In these three countries, a trip to the polling place is less of a burden than it is in the United States. Voting should not be a burden. The right to vote is a privilege, but why make it so difficult to exercise?

CORRECTIVE MEASURES

Mr. Speaker, today the three bills I introduce are designed to make it easier to vote. I urge their prompt consideration by the appropriate committees of this House. They would establish a universal voter enrollment plan, limit to 30 days residency requirements for voting in congressional elections, and make election day a national holiday.

Universal voter enrollment: The United States is virtually the only advanced democratic nation that does not have a universal voter enrollment plan. Such a plan places the responsibility for registered voters on the Government rather than on an individual's willingness and initiative in meeting and overcoming a series of government-inspired obstacles to his participation in our political system. The main features of the bill establishing this plan are these:

First. It would abolish all residency requirements for voting for President and Vice President.

Second. It would set up a federal system of enrollment for all persons unenrolled in any State who, except for residency, meet the qualifications in that State.

Third. During a 3-week period immediately preceding a presidential election, the Bureau of the Census, at Federal expense, would conduct an intensive, door-to-door drive to enroll all eligible persons who have failed to enroll under State law.

Fourth. On election day, all persons so enrolled would be permitted to vote for the offices of President and Vice President even though they might not be eligible to vote in the State elections. If, for any reason, any would-be voter was missed, he could still vote on election day by signing an appropriate affidavit to preclude any kind of fraud.

Fifth. Persons absent from their election districts would be able to cast special absentee ballots in the nearest polling place—even in another State—upon showing proper identification. These special ballots would be mailed back to their own election districts and counted once their eligibility was established.

Sixth. A National Enrollment Commission would be created, to serve as a clearinghouse for election information, to make current, accurate returns available, and to assist the States in advising them as to any election problems they may encounter.

Universal voter enrollment plans have been proven in many European states, in Canada, in the States of Idaho and Washington, and in parts of California. They have achieved enrollments of better than 90 percent of the voting-age population.

Evidence compiled by the Freedom to Vote Task Force, which originally proposed this approach, indicates that a reasonable set of limited registration requirements, plus a universal enrollment system, would greatly increase voter turnout, bringing into the electorate groups badly in need of representation, while at the same time making allowance for those who would normally vote but are excluded by physical inconvenience from registering.

Reduce residency requirements in congressional elections: My second proposal would limit State residency requirements for congressional elections to 30 days, thus bringing them into line with provisions of the 1970 voting rights amendments and eliminating the current discrepancy between congressional and presidential disenfranchisement.

No State now provides for a residency requirement of only 30 days. Thirty States and the District of Columbia now require a residence of 1 year, 17 States require 6 months' residence, and only 3 States—New York, Pennsylvania, and Utah—require 3 months or 90 days.

National election holiday: The third bill I introduce would designate a national legal holiday on Federal election days, beginning in 1972 and every second year thereafter.

An election holiday has recently been propounded by CBS president, Dr. Frank Stanton, in a "Five-Point Program for Election Reform." It is an eminently reasonable proposal, and deserves congressional support and action. Declining voter turnout warrants its adoption.

CONCLUSION

Mr. Speaker, we still have a paper curtain of old-fashioned registration and voting laws which keep people away from the polls. This curtain should be torn down. The bills I introduce today will do it. By reducing several of the primary obstacles to involuntary nonvoting, thus making it easier to participate in the political process, Congress will also help reduce voluntary nonvoting as well.

I urge prompt hearings on these bills. Congress has worked toward expanding the vote before, by granting the franchise to women, assuring minorities the vote, and allowing more young people an opportunity to vote. Yet, as long as barriers to voting exist, universal suffrage eludes us, and the work of the Congress to create a more perfect union is undone.

PROPOSED AMENDMENT TO SELECTIVE SERVICE ACT

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

Mr. GONZALEZ. Mr. Speaker, can we pass a law that allows the Executive to draft men into military service and send them into combat when Congress has not declared war?

There is no doubt that Congress can enact a law providing for peacetime conscription. But neither we nor the courts have ever settled the question of the legality of drafting men and sending them into combat without Congress first having declared war.

This is an issue that we must face. And that is why I offer an amendment to the Selective Service Act which would prohibit the President from sending draftees into combat without first securing a declaration of war from Congress.

I have sponsored this amendment in each of the last two Congresses, and again offer it this year.

At the time I first raised this question, not many felt that it was a pressing matter but today the question appears in the courts again and again. And the Supreme Court only narrowly refused to hear it in a case last December. We must address ourselves to this issue, because it is a question that must be heard in one forum or another, sooner or later.

I personally believe that the Constitution requires that Congress must declare a state of war to exist before citizens can be conscripted and sent into combat. I believe that insofar as the Selective Service Act allows the President to send men into combat without any declaration of war from Congress, it is unconstitutional.

I do not argue here the legality or the morality of the present war in Indochina. All I say is that we are in grievous error to commit men to that war or any war if they are draftees, in the absence of declaration of war.

I do not believe that my position is new, novel, or alien to American law and tradition. Indeed, my position is completely in line with all of these, and with precedents that antedate the Constitution itself.

Even though we now fully accept the idea of a peacetime draft, we have not always completely accepted even that, for the House was divided within one vote on passage of such a law as late as 1940. The draft then was conceived of as strictly a defensive measure, a radical act that would allow the United States to build up a military force sufficient to repel attack. Yet, though the world around us was even then in flames, Congress reserved to itself the right to commit draftees to combat anywhere except in the United States or its possessions. The President could not have sent draftees to Vietnam under that 1940 law, and it is doubtful that draftees could have been used in Korea either—unless Congress had declared war and given its consent.

What I am proposing is nothing radical—it is a reservation that Congress itself insisted on before it would enact the original peacetime draft.

This type of reservation was not one limited to our country—Canada's draft law, drawn up in 1940, prohibited the use of conscripts anywhere except in Canadian territory. France, even as late as the war in Indochina, would not allow the use of conscripts in any but French territory—there were no draftees at Dien Bien Phy, nor any in Algeria.

Military conscription was thus, as late as 30 years ago, a measure taken strictly for the defense of our home territory, and for no other reason. Probably that conception is as old as conscription itself, since no less an authority than Blackstone himself wrote with respect to military conscription:

No man can be required to go out of his

shire except in a national emergency and not out of the Kingdom at any rate.

The 1940 draft law was radical for its time, but it was conceived strictly as a defensive measure. Congress reserved for itself the decision on use of draftees anywhere but in defense of American territory. That was a protection and provisio that we abandoned only later, in 1948.

All I am asking is that Congress reassert its reservation on use of draftees, and insist that if men are to be conscripted to fight anywhere but on our own soil, Congress must give its approval by declaring a state of war.

I do not quarrel with the right of Congress to establish a peacetime draft; but I do insist that we have a responsibility—moral, legal, historical and constitutional—to forbid the use of draftees in undeclared wars.

Neither Congress nor the courts have faced this issue—and it is our duty to do so.

This is a question that will not go away; it must be resolved sooner or later.

There are those who argue that the Gulf of Tonkin resolution was "the functional equivalent" of a declaration of war, but that is beside the point. For if the courts take this question up, they must first decide whether we have a right to send drafteesmen into combat without declaring war—and then will decide what constitutes such a declaration. The issue simply cannot be evaded; we must determine what our responsibility is, and I believe our responsibility is to maintain a reservation of the use of conscripts except in defense of our own territories.

The reservation I propose would be in line with the original peacetime draft, in line with practices of many other countries, in keeping with our responsibilities to maintain a proper balance of powers between the branches of Government, and in keeping with legal concepts that are older than the Constitution itself, deeply rooted in both American and English tradition and law.

Beyond that, I believe that Congress had the responsibility to declare war, if we are going to commit men to combat. We have the responsibility to define what the national interests are that compel the use of violence, and cause the country to ask draftees to give up their lives to protect; we have the responsibility to define the dangers facing the country; it is our duty to speak for the Nation, and to bring about the unity that alone can create sufficient support to prosecute war; it is for us, as elected representatives of the people of this country, to say when war is justified and when it is not.

Members of Congress occupy the prime constitutional office. It is for us to act for the people, as their representatives. We cannot abandon that duty, if this Nation is to long exist.

Congress never declared war in the case of the Korean conflict. I felt then, and many others did too, that is was illegal to send draftees into that war, because Congress had never sanctioned it. As would have been required under the 1940 draft law. That war became extremely unpopular—not because it was unjust, but because it came to be a presidential war. Again in Indochina, Congress has never defined the issue, or set forth the national objectives, as it is our duty to do, consequently we had another presidential war, and the frustrations and political paralysis of the 1950's have again been visited upon us.

Had we retained in the Selective Service Act a proviso forbidding the use of conscripts in undeclared wars, there would have been no presidential wars; Congress would have had to give its sanction to the employment of draftees, and there would have been a very different conception of who held the responsibility.

Our men have not been unwilling to fight, either in Korea or Indochina; they have fought bravely and well, in the most overwhelming circumstances. It is not a question of willingness to fight; our country does not lack will, but it expects, and has a right to expect, that Congress say when we shall have war, and why.

Congress could not declare war if the country were not unified, because of the representative nature of our branch of Government. That is why I believe that a proviso on the draft such as I advocate might have avoided the deep and bitter divisions of our country in the case of Korea and Indochina as well.

But since there was no sanction by Congress, and since we did allow men to be drafted to fight these wars without our specific consent, we wound up with conflicts not of the United States against our enemies, but with what has become known as presidential war, a war conceived not as our country opposed to another, but the will of our President against some unknown executive in another part of the world.

The sadness is not that Korea and Vietnam ended presidential careers, but that they blighted the country and poisoned the political processes with the seeds of unreason.

We have a duty to do.

We have a duty to fulfill our responsibilities to the Constitution, to see that the rights of our citizens are fully protected.

We have a duty to protect and exercise the powers of Congress.

We have a duty to see that there will be no more presidential wars—only wars Congress declares in the name of the people of the United States, wars to protect national interests that we define, as the Constitution intended. I pray that there will be no more wars. But even more I pray that Congress will accept my amendment, and take up the responsibilities we are given by the Constitution.

What I propose to you is nothing novel or radical—far from it. I only propose that we return to the exercise of powers and responsibilities that we jealously guarded up until very recent years, powers confided to us by the Constitution itself, powers that we cannot divest, if we believe in constitutional government at all, and aim to preserve it.

ELECTED CITY GOVERNMENT AND REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 15 minutes.

Mr. HARRINGTON. Mr. Speaker, I am introducing two pieces of legislation today to give the District of Columbia an elected city government and full representation in Congress.

The first bill would enable the people of Washington, D.C., to elect a Mayor and City Council. It would increase the fiscal autonomy of the city government. My second bill, a joint resolution, would amend the Constitution to give the District of Columbia two Senators and as many Representatives as it is entitled to on the basis of population.

The United States of America is often described as a great experiment in democracy. That experiment can hardly succeed as long as the residents of the Nation's Capital are deprived of nearly all vestiges of that democracy. The citizens of Washington, D.C., can elect a school board and vote in presidential elections, and they will soon elect a nonvoting Delegate to the House of Representatives. The people do not, however, have any voice in the selection of their Mayor and of the members of their City Council. The decisions arrived at even by the elected school board can ultimately be overruled by the Congress. How meaningful a government can the people of Washington, D.C., have when this situation is allowed to continue?

In 1776, taxation without representation brought the residents of the American colonies to revolution against the tyranny of their British rulers. Today, 195 years later, this Government seemingly has not yet learned history's lesson of 1776. The residents of the District of Columbia like their colonial ancestors are still subject to taxation without representation. Almost 200 years after the American Revolution, Washington, D.C., remains the lost colony. The Congress has the power to erase that stigma from the District and from the Nation. I urge it to do so.

The District of Columbia Charter Act would provide the District of Columbia with an elected Mayor, City Council, and a Board of Elections. It would provide greater fiscal autonomy for the District. The purpose of the bill is not to deprive Congress of its constitutional responsibility for the District. It will, however, allow the citizens of the District to have a voice in their government similar to that of citizens in other cities in the country.

The District government would be composed of an elected District Council and an elected Mayor. Council members and the Mayor would serve concurrent 4-year terms. Eight Council members would represent designated wards. Five would be chosen at large. The Council would choose one of its members to be Chairman. The Council would serve as a legislative body with powers as designated in this act. All acts passed by the Council would be sent to the Mayor for approval. The Council would have the authority to override the Mayor's veto by a two-thirds vote. The President has the right to veto such legislation when he feels the law would not be in the Federal interest.

As the chief executive officer of the District, the Mayor would be responsible

for the proper administration of the affairs of the District. He would, thereby, have the power to appoint the personnel in the District's executive departments, to administer the laws relating to personnel in the District's government and to prepare District finance reports. He would also be allowed to draft legislation for enactment by the Council, but would not be a member of the Council.

The budget for the District would be prepared by the Mayor and considered by the Council for appropriation purposes. The District would be empowered to borrow, within certain limitations, and to issue bonds.

The District of Columbia Charter Act provides for the continuation of an annual Federal payment to the city. This payment is obviously necessary if the District is to be solvent. Due to the large Federal presence in the District and the nontaxable status of Federal real and tangible personal property, it is imperative that there be an adjustment. The annual Federal payment will be made on a formula basis. The District of Columbia will be paid an amount equal to 30 percent of all general fund revenues derived from taxes, charges, and miscellaneous receipts. Included in the Federal payment would also be the amounts of charges for water and sanitary sewer services furnished to the Federal Government by the District.

The act also provides for a Board of Elections to be appointed by the Mayor. The Board would administer elections in the District in the manner set forth by the act.

The act must be ratified by a referendum placed before the qualified voters of the District within 4 months after it is signed into law.

Passage of the District of Columbia Charter Act would insure the citizens of the District a representative municipal government. Passage of the second measure I am introducing would provide those citizens with full voting representation in Congress. Neither measure by itself is sufficient. Both are necessary to make the District truly self-governing.

There is a strong sentiment in the District of Columbia for representative government. A majority of those voting in the 1964 Republican presidential primary in the District expressed their desire for home rule. In the 1968 Democratic presidential primary, those voting stated overwhelmingly that they wanted self-government. Last week Senator KENNEDY and Senator EAGLETON brought together leaders of the Washington, D.C., community to discuss the very same constitutional amendment which I am proposing today. Democratic nonvoting Delegate candidate Walter Fauntroy, Democratic City Chairman Bruce Terris, Statehood nonvoting Delegate candidate Julius Hobson, City Chairman Gilbert Hahn, Republican City Chairman Carl Shipley, Republican nonvoting Delegate candidate John Nevius, and other leaders were in attendance. There was discussion about the means of gaining self-government for the District. However, the end was never in doubt. These leaders—representing all political persuasions and all races—were unified in their desire to see self-government come soon to Washington, D.C.

An attempt in the Senate last week by Senator KENNEDY and Senator EAGLETON to bring full congressional representation to the District was unsuccessful. Nevertheless, we must press on and continue to attempt to bring full representation and self-government to Washington, D.C., until those goals become realities.

Our Government is presently directing a military effort to bring democracy and free elections to South Vietnam. How can we possibly think of democracy and free elections 10,000 miles away when we deny democracy here in our own Capitol?

For too long the District has been governed—not represented. Congress has the ability and the obligation to extend to the District the basic rights of self-government upon which the rest of the Nation functions. A city of almost a million people, denied the right to govern itself, to be represented in Congress, and to elect its own officials, is politically suppressed. The establishment of an elected city government and granting of voting representation in Congress is no more than an act of simple justice.

Mr. Speaker, I urge immediate enactment of the legislation I am introducing today.

FISH FARMING ASSISTANCE ACT OF 1971

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

Mr. GRIFFIN. Mr. Speaker, my distinguished colleague, the gentleman from Texas (Mr. PICKLE), and I are today reintroducing the Fish Farming Assistance Act of 1971 with 32 cosponsors.

I want to point out, Mr. Speaker, that we are very pleased to have such a large and bipartisan group sponsoring this legislation. It underscores, I believe, the widespread and growing interest in fish farming all over the Nation today.

Mr. Speaker, I have, on several previous occasions, brought items of interest on fish farming to the attention of the Congress. Today, I would like to call our colleagues attention to an informative article by Mr. Sam Dickinson which recently which recently appeared in the Shreveport Journal. It follows:

U.S. HELP FOR FISH FARMERS

A bill sponsored by Rep. J. J. Pickle (D.-Tex) and Rep. Charles H. Griffin (D-Miss) holds interest for Louisiana farmers who are interested in commercial production of fish.

The measure, known as the Fish Farming Assistance Act of 1971, would authorize the federal government to offer both financial and technical help to farmers engaged in that business.

Fresh-water fish culture continues to increase, but it still is a relatively small enterprise as compared to what it could be made. Last year farmers had nearly 70,000 acres in ponds as compared to 16,870 acres under water for fish production in 1963.

The 1969 fish crop was worth more than $33,000,000, yet it was only a minor part of the total amount of fish consumed in the United States that year.

MORE ATTENTION

American fisheries, including salt and fresh-water businesses, have not received the attention they deserve. In fact, U.S. consumers actually encourage foreign fisheries to the detriment of American enterprise.

Imports account for seventy per cent of all the fish products eaten in this country. Salt water fish make up most of the home products.

Fish culture, as can be seen in the Ark-La-Tex region, can be combined successfully with row crop and livestock enterprises. The fish producer does not have to worry about crop quotas or national over-production.

More than a decade ago, the Arkansas General Assembly declared pond-grown fish to be "livestock" in order that fish producers would not have to be regulated by the State Game and Fish Commission. In that state a clear distinction has been drawn between game fish and fish that come under the heading of "livestock."

SWITCH ASKED

The federal government's limited program to help fish farmers now is administered by the Bureau of Sports Fisheries and Wildlife in the Department of the Interior and the National Marine Fisheries Service in the Commerce Department. Under the Pickle-Griffin bill, the program would be transferred to the Department of Agriculture, where the Soil Conservation Service and the Federal Extension Service already are contributing to development of fish farming through help given by their state and local offices.

Farmers who are planning to start raising fish for market may be in greater need of technical information and advice than they are of loans to finance construction of ponds and water systems. Because of the Department of Agriculture's long experience in assisting rural people, it would be advantageous to fish farmers to have this agency in charge of the federal program for fresh-water fish culture.

Mr. PICKLE. Mr. Speaker, today Congressman CHARLES GRIFFIN and I are reintroducing the Fish Farming Assistance Act of 1971, with 32 cosponsors. This is a bill that he and I both introduced at the close of the 91st Congress and at the beginning of this session. We are pleased to have so many of our colleagues join with us in sponsoring this bill. At this point with the permission of the Speaker, I would like to have a report published by the Bureau of Sports Fisheries inserted into the RECORD. Although the report is a little lengthy, I think it will be very informative to the Members about the reasons for the introduction of this bill.

The report follows:

REPORT TO THE FISH FARMERS: THE STATUS OF WARMWATER FISH FARMING AND PROGRESS IN FISH FARMING RESEARCH

WARMWATER FISH FARMING: AN AQUACULTURAL SUCCESS STORY

Private warmwater fish culture was probably born in the late twenties and early thirties when a few individuals began raising minnows to supply the growing demand for fish bait for sport fishing.

Shortly after World War II, with the boom in farm pond and reservoir construction and the many water conservation projects inspired by the dust-bowl years of the thirties, the demand for minnows increased. By the late 1940's there were a dozen or more successful private producers of bait fish. By 1953, there was literally an outbreak of minnow farmers, and simultaneously farmers began raising buffalo fish, bass, and crappie. Much of this attempt at fish husbandry failed because the farmers were not experienced

in fish culture, because of improper pond construction, or because low-value species were stocked.

From 1955 to 1959, the U.S. Fish and Wildlife Service, with funds from the Saltonstall-Kennedy Act for Commercial Fisheries, sponsored research on channel catfish at the University of Oklahoma to learn how to improve production methods in the National Fish Hatcheries and to develop a basis for commercial fish farming. Other agencies and universities also became interested in channel catfish as a commercial and sport species, and the Bureau of Sport Fisheries and Wildlife established the Southeastern Fish Cultural Laboratory at Marion, Alabama, and the Fish Farming Experimental Station at Stuttgart, Arkansas. The Bureau began the Fish Farming Development Center at Rowher, Arkansas in 1963. These stations, the Warmwater Fish Cultural Laboratories, began mainly on the catfishes and baitfishes, but other kinds of fish have come into the program.

By 1959 the fish farming industry was again in a state of expansion; this time it was based on better experience and the results of some limited research, especially that concerned with catfishes, the most desirable species for fish farming in the Grand Prairie and Delta areas.

We estimate there are about 68,000 acres in the U.S. under intensive warmwater fish culture, 39,300 acres for catfish. In 1963 the total was 16,870 acres, with only 2,370 acres in catfish. This comparison dramatically attests to the explosive growth of the industry, especially that in catfish production. The wholesale value of the 1969 crop was more than 33 million dollars. We are probably dealing with a 75-million dollar retail business.

What relation, if any, does this developing industry have to field crops? First, fish farming in the Lower Mississippi Valley is so well established that it is a basic part of the agricultural program of the area. Second, fish is the only crop developed in the past generation that offers an opportunity to diversify the agriculture of this area. Third, it is a natural addition to the cultural practices now used in rice-soybean farming. That is, it completes a triad of rice-fish-bean rotation. Fourth, even in its present primitive state, fish farming can be profitable, sometimes yielding gross income and net profits exceeding those of rice, as seen in the following table.

PER-ACRE RETURNS FROM VARIOUS FARMING PRACTICES IN ARKANSAS [1]

Crop	Gross	Production net [2] [3]
Rice (yield 50 hundredweight, price $4.80)	$240.00	$142.60
Soybeans, irrigated (yield 38 bushels, price $2.35)	89.30	50.05
Soybeans, nonirrigated (yield 30 bushels, price $2.35)	70.50	36.78
Oats (yield 70 bushels, price ($0.80)	56.00	22.52
Catfish, intensive	450.00	150.00
Catfish, fingerlings [4]	1,000.00	500.00
Mixed fish species	24.00	20.00
Golden shiners	307.70	200.00
Fathead minnows	300.00	200.00
Goldfish [4]	1,000.00	500.00
Sport fish, fingerlings	200.00	100.00
Sport fish, food size	25.00	20.00
Trout [4]	10,000.00	2,000.00
Fee fishing, extensive	15.00	12.00
Fee fishing, catfish [4]	1,000.00	350.00

[1] Arable crop figures by Dr. Troy Mullins, Department of Agriculture Economics, University of Arkansas, Fayetteville, Ark. for 1968.
[2] These estimates reflect current yields for better farmers.
[3] This is not net, but is return to capital invested in land, to operator's management, and to risk of staying in business. Land investment cost would be approximately $27 per acre ($450 per acre at 6 percent) and should be subtracted from "production net" to calculate real "net."
[4] Specialized types of culture.

Many farmers have idle land which cannot be planted in cotton, rice, or bean, either because of crop controls or because of the margin of profits. In Arkansas alone there are about 3.5 million acres of land that could be used for fish farming. If about 10,000 acres of catfish brought 4 million dollars in 1968, the income from 3.5 million acres becomes staggering. In contrast, the natural habitat and man-made impoundments above 1,000 acres for commercial species of fish in the Missouri River basin is 2,267,000 acres with annual yield less than 3 million pounds of fish, with a value of well under $1 million. The prospect of improving that fishery is limited. The prospect for pond production in the South-Central States is limited mostly by technological development, farmer enterprise, and product merchandising.

A market for the fish is there, waiting. More than 70 percent of all fish products used in this country are imported. Growing consumption of fish products and the growing population will increase the need for fish.

This is the picture, and it may appear too rosy. Look at fish farming prospects in another way. In this country financial institutions, whether private or government-sponsored, are notoriously successful. Until the early 1960's no bank or other loan company would finance a fish operation. The viewpoint has changed, so that about the same rules are applied to fish farming as to any other type of agriculture. The early loans were to minnow farmers. Over the years the number and size of the loans have increased to meet the growth of the catfish farming industry. The Production Credit Association has reported there had never been a default in payment from fish farmers and no serious difficulty in collection. Now, the Farmers Home Administration is financing catfish farmers in the vicinity of Jasper, Texas. Confidence in the fledgling industry by financial groups assures landowners that fish farming has considerable promise of success.

There are fringe benefits in fish farming. First, let us consider rice. Rice plants require large amounts of nitrogen ($7 to $14 per acre) to produce high grain yields. Much of the usable nitrogen can come from the soil, and agriculture is one of the least expensive ways to make it available to the plants. The Rice Experiment Station, Stuttgart, Ark., found as much as 224 lbs. of nitrogen/acre in reservoir soils, most of it as highly stable ammonium. Too much nitrogen may make rice grow rank and lodge. But lodging may be prevented. Soy beans can follow rice, and much of the nitrogen will be removed. Farmers report much higher yields of both rice and beans following fish.

Rice farming holds some water on the land, delaying its return to the sea. Fish farming holds much more water for a longer time, thus conserving this important resource. It does more. It improves the subsoil moisture, improves the texture of the soil, and may provide a supplemental source of irrigation water. Already some fish-rice farmers are pumping water through fish ponds and then irrigating rice from the ponds. The benefits appear to be considerable. The aeration of groundwater removes the iron present in most wells. The vegetation desalts the water, making rice land last longer before rotation becomes essential. Nitrogen levels are relatively unaffected by the procedure, and lodging is probably not a danger.

There are still other benefits from fish farming. This water use is in keeping with the nation's philosophy of total conservation of natural resources, and at the same time it allows the harvest of a cash crop, produces large poundages per acre of needed animal protein, and beautifies the landscape. It certainly may increase recreational values of land for duck hunting, sport fishing, frog hunting, and trapping, and esthetic values for biologists, photographers, and nature lovers.

What are the future limitations, problems and pitfalls that await the fish farmer?

Many animal husbandry problems have been reasonably well solved. Scientists working with the industry feel confident that the fundamentals of spawning, disease control, and feeding are well-enough understood that the knowledgeable fish farmer can grow a profitable crop. In the last 5 years several farmers have learned to raise up to 2,000 pounds of catfish per acre. But when he raises this many fish, he has a problem. He has a market; his fish are in 40-acre ponds, let us say; he can seine all 40 acres, which means that he may draw to the pond bank as much as 40 to 50 thousand pounds of fish. What then? This is too many fish to handle quickly by hand, and the fish are perishable. No one can yet count, weigh, and load this many fish quickly enough to prevent death or spoilage. Few trucks are big enough to haul as much as 10,000 lbs. per load. Thus, it is easy to see that mechanical harvesting and better logistics are necessary to get the farmer's fish to market. Research is already underway to solve the problem, and some recent developments have improved the situation.

Another limitation on expansion in the distant future may be the lack of adequate water, but here again there is research directed at reclaiming, reconditioning, and reuse of water.

The use of some abandoned land, such as diverted cotton acreage, may be impossible owing to the accumulation of pesticides, such as endrin, toxaphene, dieldrin, and others. These chemicals are not readily degraded in aquatic or arable crop environments.

Where do we stand, then? A fledgling industry is off the ground. It's based on sound enough foundations to merit financial backing. There is a growing demand for fish, both for food and for sport fishing. Fish farming is a sound conservation practice with many fringe benefits. It can improve the yields of rice and beans. It is certainly a more profitable crop than beans and even promises to be more profitable than rice. Fish give a high return per acre in protein. This protein is needed, and the markets are available. Millions of acres of land are still available for the expansion of fish farming, and, if properly used, the water is still there.

What happens from here on will depend upon both basic and applied research and the confidence that land owners have in that research.

IS THERE A DAVIS-BACON FOR THE SALARIES OF BANK OFFICIALS?

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

Mr. PATMAN. Mr. Speaker, over the past few weeks, the President and his economic advisers have had a lot to say about the wages paid workers, particularly those in the construction industry. The President has become so concerned about these wages that he has now suspended the Davis-Bacon Act which required contractors to pay the prevailing wage on any construction built under Government contracts.

With all of this excitement over wages for workers, I presume that the President will be the first to jump in and denounce the new salary increases for the Nation's bank executives announced in this morning's New York Times. Surely, if a construction worker's wages are inflationary, a million dollar a year salary for David Rockefeller must be placed in the same category. I trust that the President does not believe that different economic prin-

ciples apply to construction workers and bank executives.

The New York Times, this morning, March 16, says:

The heads of the nation's largest banks—which enjoyed sharp increases in profits in the recession year of 1970—generally were rewarded with higher salaries last year.

The New York Times says that David Rockefeller—who I must admit worked hard all year in explaining away high interest rates—wins the all-time prize for compensation in the banking industry. The Times says:

However, the over-all prize for both compensation and dividends—and a mark that is unlikely soon to be challenged—belongs to David Rockefeller, chairman of the Chase Manhattan Bank and its largest individual stockholder. All told, Mr. Rockefeller and his family received $976,135 from Chase last year in salary, "thrift-incentive" awards and dividends—including Mr. Rockefeller's share in the dividends paid to two corporations in which he holds an interest.

And Chase Manhattan is making sure that there will never be any poverty in David Rockefeller's future. They have voted him a life-long annual pension of $116,883. The Times story goes on to relate that the increase in bank profits also brought Mr. Rockefeller an additional $74,000 last year.

Mr. Rockefeller's colleagues at the club didn't exactly suffer last year. The New York Times reports that John M. Meyer, Jr., chairman of J. P. Morgan & Company and its principal subsidiary, the Morgan Guaranty Trust Company, received $276,250 in compensation last year.

To help meet the inflationary costs, A. W. Clausen, president of the Bank of America, received a salary increase of $94,000 in 1970; Richard P. Cooley, president of the Wells Fargo Bank in San Francisco received a $51,000 increase in salary and Donald P. Graham, chairman of the Continental Illinois National Bank & Trust in Chicago received a raise of $30,000.

The list goes on and on and apparently covers the entire range of top bank executives in the Nation. What the Times story does not reveal are the stock options which have become a lucrative and complex means of increasing the compensation of the top bank officials.

I trust that Secretary of Labor Hodgson is on his way to Wall Street right now to warn these bank presidents about excessive salary increases.

Mr. Speaker, I place in the RECORD a copy of the New York Times article, entitled, "Salaries Rise for Heads of Banks":

[From The New York Times, March 16, 1971]

SALARIES RISE FOR HEADS OF BANKS

The heads of the nation's largest banks—which enjoyed sharp increases in profits in the recession year of 1970—generally were rewarded with higher salaries last year. This was the principal conclusion to emerge from the annual survey by The New York Times of compensation of senior banking officials.

The nation's highest-paid banker last year in terms of direct compensation was John M. Meyer Jr., chairman of J. P. Morgan & Co. and its principal subsidiary, the Morgan Guaranty Trust Company. Mr. Meyer, who has held this distinction for some years, received $276,250 last year, up $10,000 from the combined salary, additional compensation and profit sharing that he received in 1969.

However, the over-all prize for both compensation and dividends—and a mark that is unlikely soon to be challenged—belongs to David Rockefeller, chairman of the Chase Manhattan Bank and its largest individual stockholder. All told, Mr. Rockefeller and his family received $976,135 from Chase last year in salary, "thrift-incentive" awards and dividends—including Mr. Rockefeller's share in the dividends paid to two corporations in which he holds an interest.

Furthermore, on retirement Mr. Rockefeller will be entitled to a life-long annual pension of $116,883.

Additionally, the increase in Chase's annual dividend rate to $2.00 from $1.80 a share—which was announced last year effective with the first quarterly payment in 1971—will give Mr. Rockefeller an additional $74,000 a year.

The biggest dollar increase in compensation last year (roughly $94,000) went to A. W. (Tom) Clausen, president of the Bank of America, reflecting his promotion to be the chief executive of the nation's largest bank.

But Mr. Clausen's compensation of $171,190 last year, was well under the more than $200,000 paid to his predecessor as chief executive, Rudolph A. Peterson, during 1969, his last year before retirement.

Richard P. Cooley, president of the Wells Fargo Bank in San Francisco, received a whopping increase of $51,000 in salary and benefits and Donald P. Graham, chairman of the Continental Illinois National Bank and Trust in Chicago, got a raise of almost $30,000.

R. E. ("Jeff") McNeill Jr., who retired this winter as chairman of the Manufacturers Hanover Trust Company, got a raise of almost $20,000 last year, over 1969 and William H. Moore, chairman of the Bankers Trust Company, got a $10,000 raise, as did Gaylord A. Freeman Jr. of the First National Bank of Chicago and Frederick G. Larkin Jr., chairman of the Security Pacific National Bank.

Pensions of more than $100,000 a year are becoming fairly common in the stratosphere of the banking profession. The highest pension to which the present generation of senior bank management will become entitled is apparently the $139,696 a year that Walter B. Wriston, chairman of the First National City Bank, is due to get when he reaches retirement age of 65 in 1984. Mr. Freeman, of the First National Bank of Chicago, is in line for an annual stipend of $121,750, among other pensions in the $100,000-plus class.

MEDICAL DISCHARGES AND TREATMENT FOR DRUG DEPENDENT SERVICEMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 30 minutes.

Mr. MURPHY of New York. Mr. Speaker, I introduce, for appropriate reference, a bill to authorize members of the Armed Forces to be discharged from active military service by reason of physical disability when such members are suffering from drug dependency, to authorize the civil commitment of such members after their discharge, and for other purposes. This is the third of my anticrime bills I began introducing during the last 2 weeks.

The problem of drug abuse in the military has preyed heavily on my mind over the last several months. I have carefully studied the reports of the Senate, the House and the Pentagon on the vast increase in the use of drugs by our service personnel in the United States, in Europe, and in Vietnam.

The problem is, of course, especially acute in Vietnam.

Hearings before the Congress have proved that in the last few months, South Vietnam has been flooded with the most powerful heroin available anywhere. The Army chemists have put it in the 98–100 percent pure range. A vial of this heroin is available to thousands of American soldiers in Vietnam for just a few dollars. This sudden availability of potent heroin has resulted in a dramatic increase in overdose deaths of our soldiers. In just a 3-month period last year in Vietnam there were 89 such overdose deaths reported.

The frequency of marihuana use by our troops is at an alltime high. Marihuana is readily, easily, and cheaply available to every soldier in every town and hamlet in Vietnam where the weed is grown abundantly and sold cheaply to our troops by the local population.

The estimates on the percentage of troops smoking marihuana vary, but there is no basic disagreement on the proposition that large amounts are involved—perhaps hundreds of thousands.

But Vietnam is not the only area where we have problems.

In 1970, 7,000 sailors and marines were discharged for illegal drug activity.

That is enough men to complement three aircraft carriers.

Until August of last year, the Department of Defense and the military services were doggedly claiming that while the use of drugs was widespread among youth not in the Armed Forces, it was not a major problem among those in uniform.

Such claims were viewed with considerable skepticism by Members of Congress, by men in and out of the services, and particularly by military personnel and newsmen in Vietnam.

Finally, thanks largely to the efforts of Vice Adm. William P. Mack, Deputy Assistant Secretary of Defense, Manpower and Reserve Affairs, who is charged with determining the size and nature of the problem among those in uniform, the Defense Department has finally admitted to a problem of unbelievable proportions.

I have had firsthand experience with the drug user in combat situations. I served with the 9th Infantry Regiment in Korea and participated in many combat actions in that war.

Even in those years we had problems with drug users in the service. The situation got so bad we had to lock up the morphine syrettes carried by some of the medics to keep them out of the hands of drug-using troops.

But only a fraction of our soldiers were drug users in that war.

From Defense Department reports I have read and from testimony before the House and Senate, it now appears that in 1971 we may have more drug users in the services than nonusers.

Admiral Mack has publicly stated that the only thing that will save our men

from the tremendous drug problem in Vietnam is troop withdrawal.

I flatly reject this and I have a far better solution.

When the Pentagon admits drug-using soldiers have been killed that should not have, that platoons have been put in danger because of drug users, and that some combat units have lost their effectiveness because of drug abuse, it is time we took steps to separate such troops from the service and treat and rehabilitate them under a sound, organized program of medical-psychiatric treatment.

Our very survival as a nation may depend on such a program.

As a Washington Star editorial writer pointed out in September, 1970:

Perhaps the most tightly held secret—if, indeed, the facts are known—is the extent to which the use of narcotics has contributed to America's failure to gain a military victory in Southeast Asia.

The situation is critical and demands the immediate attention of both the public and the Federal authorities. To make matters worse, the disastrous drug situation among the troops has spilled over into civilian life as our GI's return home.

My bill would attack the drug problem not only in the military, but here at home where drug abuse and dependency has been compounded by returning servicemen who have become "dope fiends" while serving their country.

Under present discharge procedures, these drug-using troops are released back onto the streets of our cities and towns, unknown to local authorities. This is true in my own city of New York where "strung out" Vietnam veterans are turning up at Bellevue or in our police stations under arrest for drug-related crimes.

My district in New York is a perfect example of what I have been talking about. I have had many cases of distraught parents writing to me of the problems they have encountered trying to get help for their sons.

One particular case stands out in my mind, of a young Army enlistee from Staten Island who was offered drugs by his sergeant as soon as his basic training began. He experimented with the drugs occasionally at first, but managed to stay away from continued use until he was transferred to Germany where he became addicted. He requested assignment to Vietnam, but before being sent there, realized the difficulty that he was in and went to an Army doctor for help.

The doctor told him to return to his company.

He went home and asked his parents for help.

They took him to more Army doctors and to an Army chaplain.

No one could give him any help and, finally, after spending the night locked up in a cell sleeping on the floor he attempted to take his life.

Even though he made one last desperate effort to get help, none was available.

Now he is facing a court-martial for possession of drugs although he and his family have repeatedly requested that he receive medical attention at the Federal hospital at Lexington, Ky.

In another case from my district, a young marine was recommended for an undesirable discharge for the use and possession of dangerous drugs. He had previously been reprimanded, unofficially, by his commanding officer and advised of his possible court-martial if he continued to use drugs. In checking out this case the marine's commanding officer stated in a letter to me that the young man was facing an appearance before an administrative discharge hearing board and that, to quote the colonel:

As I am sure you are aware, the Marine Corps does not currently have facilities available for use as rehabilitation centers for the care of drug offenders. In view of this, the Commandant of the Marine Corps has authorized discharge of habitual offenders.

If convicted by court-martial, the discharge will be punitive; that is, bad conduct or dishonorable.

If he receives a less than honorable discharge the young man will have to carry this stigma to the end of his life because a change in discharge papers is almost impossible to get.

This is just one of many examples of the military's admitted inability to cope with this serious problem.

The armed services of the United States are the best in the world and they should occupy their time with their primary function, the defense of this country.

It is too much to ask that each service set up huge programs to rehabilitate and treat drug abusers. That is why I have proposed that servicemen who do become seriously involved with drugs be made eligible for the programs set up under the Federal Narcotic Addict Rehabilitation Act.

We should provide the very best of care for all of our returning veterans and this includes adequate treatment for drug dependency.

That is precisely what my bill will do.

Such drug abusers would be under confinement which I am certain will reduce the possibility malingerers using the law to evade military service.

In my discussions with the Pentagon many military men have expressed a fear that large numbers of troops would in fact become drug adicts in order to avoid military service.

I strongly feel that anyone whose personality is so defective as to purposefully make himself a drug addict, facing the possibility of long years of hospital confinement, is not the type of individual that should be allowed to wear the uniform of an American serviceman.

The psychiatric and medical personnel in our Armed Forces are the best in the world.

I have been advised by experts in the field that it would be comparatively easy to weed out the truly addicted servicemen who need help from those who would feign addiction to avoid military service.

Under present military rules, the use of illicit drugs is outlawed. Regulations require that drug addicts be discharged with something other than an honorable discharge. Because drug addicts are usually involved in some other form of misconduct—which is, in the main, caused by their drug use—they are routinely processed out of the service for reasons other than drug addiction.

The Supreme Court has recognized that narcotic addiction is an illness rather than a crime.

The proposition of addiction being a medical problem is a matter of Federal law. The Congress recognized that in 1966 when for the first time in history it provided an alternative to jail for those Federal offenders adjudged to be addicts and likely to be rehabilitated.

As I said at the beginning of my statement, the Military Establishment has finally accepted the distasteful fact that drug abuse in all services, in all parts of the world, has been increasing at a startling rate and that during the last 2 years, the rate of increase of addicted servicemen has gone literally right off the charts.

The hit or miss, fragmented attempts of the armed services to meet this problem have not proven successful.

The amnesty programs are not working.

That is why we in Congress must recognize the disastrous nature of the drug-abuse problem in the military and take immediate action to solve the problem not only on an immediate, but on a long-term basis.

Military leaders, combat commanders, physicians, and psychiatrists who handle this problem daily in Vietnam agree with my approach.

They support the medical approach toward the problem which is incorporated in the bill I introduce today because they confirm that the amnesty programs are not working.

I have discussed this approach with one of the Nation's leading authorities on the drug problem in Vietnam, Mr. Jon Steinberg. Mr. Steinberg, who is currently the administrator of the office of the district attorney of Philadelphia, won a Bronze Star from the Army and a commendation from the U.S. Congress for his on-the-spot investigations of drug abuse in the military, particularly in Vietnam.

He has been described on the front page of the Christian Science Monitor as "one of the best informed Americans" on drug abuse in the military.

At my request, Mr. Steinberg studied my bill and the other bills that are and have been before the Congress which attempt to handle the problem of drug-addicted servicemen.

Mr. Steinberg personally told me that "the Murphy bill is by far the best program before the Congress to handle the problem of drug-dependent servicemen. Not only is it an excellent piece of legislation, but when it is combined with your recently introduced 'Drug Dependent Persons Rehabilitation Act of 1971,' it will provide the most comprehensive approach to the problem of handling our addicted and drug-dependent troops ever available in the United States."

Mr. Steinberg has also written to me in a letter dated March 8, 1971, of his support for my bill and I include the letter at this point in the RECORD:

DISTRICT ATTORNEY'S OFFICE,
Philadelphia, Pa., March 8, 1971.

Hon. JOHN M. MURPHY,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MURPHY: I have read over your proposed legislation concerning treatment of military drug abusers. As one who is fully aware of the death and destruction which drugs cause young Americans, I think that your bill is by far the most comprehensive of any proposed legislation which I have seen on the subject.

The fact that your bill will make all of Title 3 of the Narcotics Addict Rehabilitation Act's civil procedures applicable in the case of petitions filed by persons separated from the service and that the Uniform Code of Military Justice is amended so that you have established statutory penalty provisions applicable to drug offenses under Title 10 of the United States Code, make your bill the most definitive on the subject.

I commend you for your forthright stand on this most controversial subject.

I very much appreciate your efforts in behalf of these troubled young Americans who, without your proposals, would have no chance for a successful future.

If I can be of any assistance to your efforts in the future, please feel free to contact me.

Sincerely,

JON STEINBERG,
Administrative Aide.

He interviewed scores of military officers about the plan I offer today and he told me that the majority of them are enthusiastic about the approach taken in my bill.

Mr. Steinberg personally presented documentation to me in the form of interviews he had with these men which shows their support for my approach.

For example: Maj. Jerome Char, the psychiatrist for the 101st Airmobile Division, estimated that anywhere from 40 to 50 percent of the men in his division experiment with or are hooked on hard drugs. In relation to that high drug use rate, Major Char made the following observations about the amnesty program and my bill:

(Under the Amnesty Program) a man is supposed to turn in his drugs, seek treatment, but there is no real treatment available for the problem. It looks to me that the whole philosophy is sort of moral. A man should turn in drugs and then his conscience should catch up with him and he just is supposed to use his own willpower to stop using drugs. Which is a totally ridiculous idea. To advertise it (the Amnesty Program) as the answer to the problem I think is incorrect, because it just doesn't work. The program (contained in the Murphy Bill) is a very good one and I think the authority should rest with the medical people in the Army. If it is determined that a man is psychologically or physically addicted I think he should be medically removed from the Army. And the program contained in the bill would be a very good one by trying to help these people when they get back to the States rather than by throwing them out on the streets where they have to take drugs.

Maj. John O. Ives, psychiatrist for the 483d Air Force Hospital at Cam Ranh Bay, does not think the amnesty program can work either. He said:

What we are doing at the moment (with the Amnesty Program) I do not consider at all adequate. We offer an Amnesty Program which consists simply of an amnesty. A person is offered the chance to give himself up in return for amnesty from prosecution for anything he has done up to that time. After that the medical people see the person and give him help in withdrawing himself from drugs. We can do this quite effectively.

However, I suspect that the rates of return to drugs are quite high. We have seen many individuals who have returned to the drug after being sent back to their units here in Vietnam. We have made certain attempts at aftercare but these have been unsuccessful. I feel quite strongly that because of the availability of drugs here in Vietnam, that it is difficult, extremely difficult, and almost impossible, to treat and expect a troop who has been on heroin to stay off heroin once he is returned to his unit. Consequently, I agree with Colonel Bowen's proposal that people who have been addicted to heroin here in Vietnam should be evacuated to the United States as soon as possible.

Col. William Bethea, XXIV Corps surgeon, said the drug problem in Vietnam is uncontrollable under existing conditions for discharge and treatment. He said:

If we took all the psychiatrists in the U.S. Army, we wouldn't have enough medical men to treat the drug abusers in Vietnam.

Lt. Col. Lawrence E. Ison, brigade surgeon, 1/5 Infantry Division, mechanized said that drug addiction should be treated as a medical problem, as it is in civilian life, and said of the Murphy bill:

The discharge and treatment provisions contained in the bill would be a great help.

Col. Jasper C. Vance, XXIV Corps provost marshal, said:

I am completely against giving a man a dishonorable discharge for his drug use. It's a medical problem. We owe it to the man and to our country.

Col. George A. Robinson, Commander of the 355 Tactical Fighter Wing, Air Force, said the existing policy of discharge for military drug abusers is not acceptable. He said:

We wait and allow a man to get in more serious trouble until we can get rid of him by dumping him on society where he'll even get into bigger trouble.

Maj. Richard Cameron, the 1st Air Cavalry Division psychiatrist, claimed that the amnesty program does not work, and as to treatment which could work, he said:

(The Amnesty Program) sort of reminds me of how we are approaching pollution in the United States. The Army for years has been sort of painting its own house, sort of dumping these people back in society, and I certainly think that we have to do more. I'm not sure this is the Army's job, but I think the civilian community has to do something with these people.

Col. Clotilde D. Bowen, the USARV psychiatric consultant who is the top military psychiatrist in Vietnam, said:

Certainly the military cannot do it here (treat drug addicts) in Vietnam. I would think the only possibility would be to return these people to the States, with the possibility that they would have some center there or some type of organization there to treat these people. But I don't think that this is really the mission of the Army, *that is the point.* Yes I do agree with this approach (that recommended in the Murphy bill). I think the one thing that we would have to watch in Vietnam though would be to carry out testing to be sure that they are truly addicted to drugs . . . We do have some of these things available to us. We are getting Naline in the country, and we are going to be using it to test if people are truly addicted.

Mr. Speaker, I believe that the need for this legislation is well documented. The military is not particularly equipped to become involved in long-range programs of drug rehabilitation and this bill, if enacted into law, will provide the needed flexibility in Department of Defense drug abuse policy, which will benefit both the services and the drug-addicted or dependent servicemen.

In summary, Mr. Speaker, my bill provides—

For the physical disability separation from service of drug-dependent and drug-addicted military personnel;

For their civil commitment to treatment under the Narcotic Addict Rehabilitation Act of 1966, and

For penalties for drug offenses that are commensurate with those provided for in the Comprehensive Drug Abuse Prevention and Control Act of 1970.

My bill will make all of title III of the Narcotic Addict Rehabilitation Act's civil procedures applicable in the case of petitions filed by persons separated from the service. This means that it provides for the same hearing and examination that NARA provides.

Further, in my bill, the Uniform Code of Military Justice is amended so that, in effect, I have established statutory penalty provisions applicable to drug offenses under section 934 of title 10 of the United States Code.

I feel the same progressive treatment of young drug offenders we provided for in the new drug law Congress passed in 1970 should apply to our young servicemen as well.

A 19-year-old serviceman who is an addict should receive the same treatment as a 19-year-old civilian.

Justice dictates that we do no less.

I understand a Member of the other body has introduced a companion bill similar to mine and I welcome his interest in this problem. I would suggest he study my bill, and incorporate the more comprehensive features of it into the final version of any legislation acted upon by the Senate.

I urge that this bill be given the earnest consideration of each Member and that it be enacted without undue delay.

THE 18-YEAR-OLD VOTE BY LAW OR BY USURPATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, we will shortly be called upon to vote on House Joint Resolution 223, the 18-year-old vote amendment to the Constitution giving State legislatures an opportunity to decide whether or not they will ratify a constitutional amendment to apply the 18-year-old vote to the States.

The present status of the 18-year-old vote is uncertain inasmuch as the Supreme Court by a 5-to-4 decision had earlier ruled that Congress could by statute amend the Constitution as to itself but not to the States.

Members of this body, some members of the Supreme Court, and even the President of the United States are well aware

of the grave threat created by the passage of such an unconstitutional piece of legislation. The original enactment evidenced a complete breakdown in the constitutional system. First, Congress passed the measure. Second, the President signed the bill that even he regarded unconstitutional; and finally, the High Court bowed to media-created "public opinion" and by one vote confirmed such patently illegal legislation—a classic display of buckpassing.

An organization known as the Defenders of the American Constitution Inc., remaining neutral on the merits of granting the 18-year-old vote, has distributed a most informative and responsible statement calling for the repeal of section 302 of the Voting Rights Act Amendments of 1970—the 18-year-old vote by legislation—and the placing of the 18-year-old vote issue before the Congress and the State legislatures in the form of a proposed constitutional amendment as is the proper method to legally amend the Constitution of the United States pursuant to the terms of our basic law.

I include the statement and accompanying papers in the RECORD at this point and commend their perusal by my colleagues:

DEFENDERS OF THE AMERICAN CONSTITUTION, INC., ANNANDALE, VA., FEBRUARY 15, 1971

(Statement urging State legislatures to memorialize the Congress)

(1) To repeal, as usurpatious, Section 302 of the Voting Rights Act Amendments of 1970, and

(2) To place before the States a proposed constitutional amendment for approval by three-fourths thereof to authorize persons from 18 to 20, both inclusive, the right to vote in all federal, state and local elections.[1]

I. INTRODUCTION

The Defenders of the American Constitution, Incorporated (hereinafter called "The Defenders") is grateful for the opportunity to present this Statement which discusses what leading constitutional scholars and experts, and other informed persons must surely regard as the most serious threat to constitutional government in the United States during the past century.

The Defenders is not a political, activistic organization. It takes no position on political policy questions, as such. It is an association of concerned citizens who are dedicated to the preservation of the Constitution and constitutional government in the United States. It is a non-profit, education and informational organization.

The Defenders does *not* support or oppose the policy involved as to whether 18-year-olds should be fully recognized as qualified and authorized to vote in all elections, federal and state. It *does* oppose any method to accomplish this, other than through established constitutional means.

The Defenders expresses its views (1) as to the manner in which the United States Congress, attempted by statute, instead of through an appropriate proposed amendment to the Constitution, to extend to 18-year-olds the right to vote in all elections; (2) the failure of President Nixon to record in our constitutional history presidential objection to this usurpation of power by a veto of the Voting Rights Act Amendments of 1970, in order to influence a removal of this unsupportable provision from the Act and (3) the lack of constiutional justification with which the Supreme Court rendered valid, in so far as federal elections are concerned this dangerous and unconstitutional procedure.

The Defenders urge that our legislators fully realize the dangerous implication of the recent federal action on this matter and to recommend that our legislatures, in their wisdom, take appropriate action by resolution to memorialize Congress to repeal the statutory provision and to enact a proposed constitutional amendment for ratification by the States to authorize the 18-year-old vote.

II. CONSTITUTIONAL POWER TO FIX AGE QUALIFICATION OF VOTERS IS VESTED SOLELY IN THE STATES BY THE UNITED STATES CONSTITUTION

Article I, section 2, United States Constitution, reads as follows:

"The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

Article II, section 1, United States Constitution, reads as follows:

"Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector."

The 17th Amendment, United States Constitution. reads as follows:

"The electors in each State (for the election of Senators) shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

The 10th Amendment, United States Constitution, reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The power of the States to set voting qualifications is subject only to the limitations of the three amendments, respecting abridgment based on race or sex, and the limitation on the imposition of poll taxes, and of the 14th Amendment, respecting denial of equal application of the laws. Subject only to prohibiting legislation to enforce these four limitations, Congress has no authority whatever over voting.

III. LEGISLATIVE, EXECUTIVE AND JUDICIAL ERROR

(*a*) *Legislative Usurpation*

Not once in the almost 200 years of our existence as a nation, until 1970, when it enacted Section 302 of the Voting Rights Act Amendments of 1970, intended to lower to 18 the right to vote in all elections, federal, state, and local, had Congress attempted *by statute* to change *basic* voting qualifications.[2] It had been consistently and uniformly recognized by everyone that no such *basic* change in voting qualifications could be established, except through the adoption of constitutional amendments, under the procedures provided under Article V of the Constitution.

It was deemed necessary to proceed by constitutional amendment to eliminate restrictions on voting by reason of race in 1870 (Amendment XV); as to sex in 1920 (Amendment XIX); and for failure to pay state poll taxes in 1964 (Amendment XXIV).

On March 4, 1970, two days after the bill HR 4249 to extend the Voting Rights Act of 1965 for an additional period of five years (first passed by the House on Dec. 11, 1969) became the pending business of the Senate, the Majority leader, Senator Mansfield (on behalf of Senators Magnuson, Kennedy and himself) offered an amendment, as a "rider", to lower the voting age by statute to 18 in all elections—federal, state and local.

No such proposal to proceed by way of statute had been considered, much less approved, in the House; and no such proposal had been favorably reported to the Senate by the responsible Senate Committee on the Judiciary, although the question of the constitutionality of proceeding by statute to grant the vote to those above 18 was being considered by two of its subcommittees (Constitutional Rights and Constitutional Amendments) at the very time when the "rider" was offered by Senator Mansfield.

The scheme, thus to circumvent the established amending process of the Constitution was not conceived by Senator Mansfield, not himself a lawyer, but a fair man, unlikely to suggest such a devious procedure. It was conceived and masterminded by the *then* Assistant Majority Leader, Senator Edward M. Kennedy. When he appeared before the Senate Subcommittee on Constitutional Rights on February 24, 1970, and, only eight days before it was offered on the Senate floor, first disclosed his objective publicly, Senator Kennedy said: "I have consulted with interested Sentaors and have raised the question whether *an 18-year-old vote amendment to the voting rights bill should be considered.*" (Emphasis added.)

This constitutionally destructive Mansfield-Magnuson-Kennedy "rider" was agreed to in the Senate on March 12, 1970 by a whopping vote of 64–17, showing the extent of the stampede which Senator Kennedy had been able to activate.

During the eulogistic exchange, after the Senate had been stampeded into acceptance, Senator Mansfield said, concerning the 18-year-old *statutory amendment*, "It was through the initial efforts of Senator Kennedy, I might say, that the idea of establishing *by statute* the vote for 18-year-old was developed." (Emphasis added.)

Among others whom Senator Mansfield singled out for commendation "on the victory (they) may truly cherish," as Senator Mansfield characterized it, were Senators Magnuson, Bayh, Cook and Randolph, all ultra-liberal Kennedy supporters for the achievement of such goals.

On April 1, 1970, well before the Senate substitute for the House bill was considered by the House, in a letter to the Editor of the New York Times, published on April 4, 1970, six members of the Yale Law School Faculty, all recognized constitutional experts (Bickel, Black, Bork, Ely, Pollock and Rostow) completely supported the declared opposition by the Justice Department to the pending proposal, to lower the voting age in all elections, federal, state and local to 18 by statute, as unconstitutional. (A copy of the letter is attached.)

The Defenders, after an in depth study of the constitutional problem involved, fully concur with those who conclude that to proceed by statute to extend to those over 18 the right to vote in both so-called national and state elections is unconstitutional. That considered conclusion is entertained by the vast majority of leading scholars and constitutional experts in our country. It is, likewise, the judgment of the recognized leading constitutional expert in the Senate, Senator Sam Ervin of North Carolina, who on several occasions on the Senate floor eloquently expressed sound constitutional objections to that effect.

But the stampede in Congress was now in full swing and no amount of warning, could bring the congressional herd under control. The House did not even consider, much less demand, a conference with the Senate on the extensive changes the Senate had made in the House bill. It avoided a conference because of fear by the House leadership that a conference would result in defeat of the legislation. Instead, the House proceeded under a rule, obtained from the cooperative Rules Committee strictly limiting debate, under which the Senate amendments were accepted by the House on June 17, 1970 and sent to the President for signature, after

Footnotes at end of article.

scanty debate on the 18-year-old "rider", concerning which then House Majority Leader, now Speaker, Carl Albert said:

"The constitutional amendment route is not under the present circumstances a viable alternative of congressional statutory action. All of us know that. There is absolutely no chance whatsoever of getting such a constitutional amendment passed by the Congress and ratified by the necessary three-fourths of the States prior to the 1972 presidential elections."[3]

Throughout the far too brief debates on this dangerous measure in both the Senate and the House, Senator Kennedy and other senators and congressmen spoke in similar vein, evidencing on their part a conviction that insufficient support existed throughout the country to accomplish their purpose through ratification of a constitutional amendment by three-fourths of the state legislatures, as required by Article V of the Constitution. They, thus, demonstrated a distrust of the people and the legislatures in their desire to impose their views upon the people, by statute, against their will.[3]

To summarize, what Congress did, under the Kennedy scheme, was to accomplish, what many people throughout the United States believe to be good, in an evil manner. In so doing it set the stage for what has turned out to be an unsupportable and unacceptable Supreme Court decision.

(b) Executive surrender

During the consideration of this matter in the Senate, President Nixon informally urged the senatorial leaders not to adopt a *statutory* course to extend to 18-year-olds the right to vote. He urged the Senate to proceed by way of constitutional amendment and expressed his conviction that to do otherwise would be in violation of the constitutional amending process.

After the Senate had passed the statutory provision, in an attempt to cause its rejection by the House of Representatives, President Nixon on April 27, 1970 addressed a letter to Speaker McCormack, Majority Leader Albert, and Minority Leader Ford, elaborately outlining the constitutional objections to enactment of this provision by statute and in which he urged: (1) "that the 18-year-old rider be separated from the bill extending the Voting Rights Act," and that (2) "the voting rights bill be approved," and that (3) "Congress proceed expeditiously to secure the vote for the Nation's 18-, 19-, and 20-year-olds in the one way that is plainly provided for in the Constitution, and the one way that will leave no doubt as to its validity; by Constitutional amendment." (A copy of the President's letter is attached.)

When the enrolled bill was received by the President, he should have returned it to Congress with an emphatic veto message to become part of the constitutional history of the United States to stand as an enduring defense of the amending process. Instead, he surrendered. On June 22, 1970, when he signed the bill, he merely accompanied his action with a "Statement of the President." (A copy is attached.)

(c) Judicial circumvention

On December 21, 1970, in what was probably the most incredibly bizarre "opinion" ever rendered by the Supreme Court, Justice Black announced the Court's judgment in the case of *Oregon* v. *Mitchell* in the following language:

"For the reasons set out in Part I of this opinion, I believe Congress can fix the age of voters in national elections, such as congressional, senatorial Vice-Presidential and Presidential elections, but cannot set the voting age in state and local elections. For reasons expressed in separate opinions, my Brothers Douglas, Brennan, White, and Marshall join me in concluding that Congress can enfranchise 18-year-old citizens in national elections, but dissent from the judgment that Congress cannot extend the franchise to 18-year-old citizens in state and local elections. For reasons expressed in separate opinions, my Brothers The Chief Justice, Harlan, Stewart, and Blackmun join me in concluding that Congress cannot interfere with the age for voters set by the States for state and local elections. They, however, dissent from the judgment that Congress can control voter qualifications in federal election. In summary, it is the judgment of the Court that the 18-year-old vote provisions of the Voting Rights Amendments of 1970 are constitutional and enforceable insofar as they pertain to federal elections and unconstitutional and unenforceable insofar as they pertain to state and local elections."

On December 30, 1970, nine days after the justices of the Supreme Court had in "five wide-ranging opinions . . . churned the law on voting qualifications into a chaotic state" Merlo J. Pusey concluded an article, in the Washington Post, entitled "Court's Clouding of the 18-Year-Old Vote" by saying:

"In any event, the performance of the Supreme Court is a shabby sequel to a shabby gesture in Congress. The clean and proper way to lower the voting age to 18 was, and is, a constitutional amendment. After all the squirming and twisting and inflation of elastic language, an amendment is still necessary. Much confusion and weakening of constitutional safeguards could have been avoided by approaching this reform in the right way in the first place. The court should have been spared the unquestioned wound it has inflicted upon itself." (A copy of the Pusey article is attached.)

The extent of this constitutional monstrosity must have come as a complete surprise and a deep disappointment to many members of Congress for they had apparently concluded, as apparently eight members of the Court concluded, that the qualifications for voters in federal and state elections are firmly bound together by the provisions of Article I, Section 2, of, and the Seventeenth Amendment to, the Constitution and that to alter the qualifications for voting in federal elections would require alteration of the qualifications of those voting in state elections.

Justice Black also recognized that the Constitution had tied voter qualifications in both federal and state elections together. He then tore them apart in one of the strangest judicial performances in Supreme Court history.

In his separate opinion, which none of his brethren shared, Justice Black relied upon Article I, Section 4, of the Constitution which reads, in part, as follows:

"The times, places and manner of holding elections for senators and representatives shall be prescribed in each state by the legislators, thereof, but the Congress may at any time by law make or alter such regulation . . ."

Justice Black attempts to find his principal support by reliance upon this language in former Chief Justice Hughes' discussion of congressional power under Section 4 of Article I in the case of *Smiley* v. *Holm*, 285 U.S. 355 (1932) in which Chief Justice Hughes stated:

"The subject matter is the 'times, places and manner of holding elections for Senators and Representatives.' It cannot be doubted that these comprehensive words embrace authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved . . ."

Justice Black then tries to read "qualifications" of voters into this language, but nowhere is it used. Neither Congress, nor the Courts have ever so construed this language.

Justice Stewart declared in his opinion in which The Chief Justice and Justice Blackmun joined that the word "manner" can hardly be read to mean "qualifications" for voters, pointing out that the word "qualifications" was used in Article I, Section 2, and stated "It is plain, in short, that when the Framers meant qualifications they said 'qualifications'." He also made it clear that the Framers did not authorize Congress to modify this section, pointing out that this matter was thoroughly discussed by Madison, Mason and others in the Constitutional Convention which decided against giving Congress power to fix other qualifications. He also stated that the Committee on Detail voted seven to one against a motion to let Congress have such power. Hamilton noted in "The Federalist" that the qualifications of voters in congressional elections "are defined and fixed in the Constitution and are unalterable by the legislature."

In the light of these facts how can credence be placed in Justice Black's interpretation that the word "manner" includes the word "qualifications", so as to authorize Congress to override state action in the establishment of voter qualifications, as authorized to States in four provisions of the Constitution.

Justices Brennan, White, and Marshall (with Justice Douglas concurring in a separate opinion) held that the equal protection clause of the Fourteenth Amendment may be made broad enough through distortion in the application of Section 5, its enforcement provision, to override any state law with which Congress disagrees, as to the qualifications of voters in both federal and State elections, without a finding that such state laws discriminate against anyone in violation of the substantive provisions of the equal protection of the laws.

They hold that the powers granted Congress by Section 5 of the Fourteenth Amendment to "enforce" the Equal Protection Clause are "the same broad powers expressed in the Necessary and Proper Clause, Article I, Section 8, Clause 18", as stated in *Katzenbach* v. *Morgan*, 384 U.S. 641, 650. There it was stated "correctly viewed Section 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment."

Justice Black stated that Justice Brennan's opinion, if carried to its logical conclusion, would, under the guise of insuring equal protection, blot out all state power, leaving all 50 states little more than impotent figureheads, if applied to State and local elections. That is inescapably true, but it is also equally true, when applied to so-called national elections, absent invidious discrimination.

Justices Stewart, Chief Justice Burger, and Justice Blackmun argued that the Constitution vests voter qualifications for State elections in the States to determine, but they disagreed with Justice Black that Congress can override the States, except in cases of invidious discrimination among those otherwise fully entitled to vote.

Justice Black made two other observations which raise serious questions:

(1) He appears to conclude that, since Article I, Section 4 (as he interprets it) gives to the federal government supervisory power to set qualifications of voters in national

Footnotes at end of article.

elections, "the Equal Protection Clause of the Fourteenth Amendment was never intended to destroy States' power to govern themselves making the Nineteenth and the Twenty-fourth Amendment superfluous." He appears to mean that what was done by these amendments could have been accomplished by statutes. If that were true, then by the same reasoning, the Thirteenth and Fourteenth Amendments, taken together, made the Fifteenth Amendment, likewise, superfluous. These amendments were drafted and processed by substantially the same members of Congress. That being the case, would not the congressional leaders at that time have known that the Fifteenth Amendment was superfluous and thus have saved themselves a great deal of time and work? And would not such a conclusion make Justice Black's concurring and dissenting opinion in *South Carolina* v. *Katzenbach* rather superfluous too?

(2) Justice Black seems to infer that, if Congress could make a finding, supported by substantial evidence, that young black people, less than 21 years old, have been discriminated against as a class by denying them the right to vote, this could make for them a stronger case than young white voters who have no specific amendment like the Fifteenth Amendment to protect them. If that be true, and that theory advanced, as was done in *South Carolina* v. *Katzenbach*, then where would Justice Black suggest that the age limitation line be drawn? It seems clear that it could hardly be drawn anywhere, even as to babes in arms, since, if discrimination existed at all it would apply to all—at all ages. There would then be no way to differentiate between them since literacy tests have been abolished throughout the United States by the Voting Rights Act Amendments of 1970.

As Solicitor General, Justice Marshall supervised and participated in the preparation of the briefs for and argued the case in *Katzenbach* v. *Morgan* to overcome the unanimous judgment of a 3-judge District Court, declaring Section 4(e) of the Voting Rights Act of 1965 unconstitutional. That case was the sole basis on which he, Justice Marshall, and three of his brethren declared that provision of law was constitutional. Justice Marshall could hardly have been unbiased in *Oregon* v. *Mitchell*, in view of the circumstances, no matter how conscientiously he might have striven to be such. It is suggested that he should have disqualified himself, for he who sits in judgment of such matters should not only be without bias, but he should not even allow the appearance of bias. Time has not permitted a search of the records, but it would be incredible were one who might search them not to find instances where former attorneys general and former solicitors general had disqualified themselves under similar circumstances and in this respect former Attorney General and Supreme Court Justice Tom Clark, who was very careful about such matters, come to mind.

There are many reasons why the Supreme Court should reconsider and reverse its determination that Congress has power to alter voting age qualifications for federal elections, either upon rehearing or on the basis of a new case. A motion for rehearing in *Texas* v. *Mitchell*, one of the associated cases, was filed, on January 14, 1971, on behalf of Dawn P. German, a citizen and resident of Texas, 19 years of age, who desires to ask the Court to extend to her the right to vote in state elections.

IV. RECOMMENDATION

The Defenders recommends that each State legislature enact an appropriate resolution [4] memorializing the Congress of the United States:

(1) To repeal as usurpatious, Section 302 of the Voting Rights Act Amendments of 1970 (Sec. 302, Pub. L. 91-285, 84 Stat. 314) and

(2) To place before the States a proposed constitutional amendment for approval by three-fourths thereof to authorize persons from 18 to 20, both inclusive, the right to vote in all federal, state and local elections.[5]

FOOTNOTES

[1] Prepared by Franz O. Willenbucher, Captain USN (Ret.), 7803 Overhill Road, Bethesda, Maryland 20014, whose doctorate in jurisprudence (Georgetown University 1937) was based upon constitutional and legislative interpretation. Presented to the Senate Committee on Judicial Procedures, Maryland General Assembly (Jan. 21, 1971) and the Committee on Privileges and Elections, House of Delegates, Virginia General Assembly (Feb. 4, 1971). To be distributed to the legislatures of the remaining 48 states.

[2] The Voting Rights Act of 1965, enacted under the power of Congress, granted in Section 2 of the 15th Amendment, dealt with racial discriminations among members of a class all otherwise fully qualified to vote and did not create basically a new class of voters. Section 302 of the Voting Rights Act Amendments of 1970 was a congressional attempt by statute to create a new class of voters by enfranchizing persons above 18 to vote in all elections, federal, state and local, no discriminations, theretofore, having existed among them.

[3] This pragmatical conclusion caused congressional leaders to adopt a procedure they should have known was unconstitutional and dangerous. Senator Holland on March 13, 1970, stated on the Senate floor (Cong. Rec. 3/13/70, p. 7346) that the voters of 11 States had voted down proposals to lower their voting age qualification to 18. He said: "I have placed a list of these 11 States (Hawaii, Idaho, Md., Mich., Neb., N.D., N.J., N.Y., Ohio, Okla., S.D.) in the Record a few days ago, and I think the Record shows with great force that the majority of the people in those States which lie in all parts of the United States have expressed very clearly their disapproval of the granting of voting to 18-year-old citizens"

Senator Holland's statement was made on March 13, 1970. Eight months later, during the November 1970 election, 10 of 15 states voted down such proposals (Colo., Conn., Fla., Hawaii, Ill., Mich., Minn., N.J., S.D., Wash.) Therefore, the number of States which have rejected such proposals stands at 17. Four states have twice rejected such proposals (Hawaii, Mich., N.J., S.D.).

Three states allow vote at 18 (Ga. 1943, Ky. 1955, Alas. 1970), four at 19 (Mass., Minn., Mont., Wyo.—all 1970), three at 20 (Hawaii 1959, Me. 1970, Neb. 1970). Total only 10 of 50. Only 13 States needed to prevent ratification of a congressional amendment.

[4] A copy of House Joint Resolution 66, introduced on February 11, 1971 in the Virginia General Assembly, passed its House of Delegates without dissent and its Senate, on February 26, 1971 with only two dissenting votes has so memorialized the members of its delegation in the Congress of the United States, is attached.

[5] Senator Jennings Randolph (D-W.Va.) has introduced in the present Congress, Senate Joint Resolution 7 which has for its purpose the establishment of the right to vote for all persons in the United States aged 18 to 20, both inclusive.

[From the New York Times, Apr. 5, 1970]

AMENDMENT FAVORED FOR LOWERING VOTING AGE

To the EDITOR: As The Times has reported, the Justice Department opposes, as unconstitutional, the pending proposal to lower the voting age in national and state elections to 18 by statute.

As constitutional lawyers—some of whom favor and some of whom oppose lowering the voting age, and none of whom counts himself a knee-jerk partisan of all Justice Department positions—we believe the Department is right on this very important constitutional issue. Our reasons are these:

1. Within broad limits, the Constitution leaves states free to set qualifications for participation in national and state elections. The limits are these: Those qualified to vote for the most numerous branch of the state legislature must be permitted to vote for Representatives and Senators.

No would-be voter can be excluded from any election on grounds of race (the 15th Amendment) or sex (the 19th Amendment). And no state can impose a poll tax in any national election (the 24th Amendment) or, in any election, prescribe a voting qualification so invidious or irrational as to be a denial of the equal protection of the laws (Section 1 of the 14th Amendment).

2. Those who believe Congress can lower the voting age by statute argue in substance that Congress can declare that the 46 states with a minimum voting age of 21 are denying younger would-be voters the equal protection of the laws.

Reliance is placed on Katzenbach v. Morgan, where the Supreme Court sustained a Federal statute barring states from denying the vote to Americans of Puerto Rican origin literate in Spanish but not in English. Katzenbach v. Morgan makes sense as part of the main stream of 14th Amendment litigation, policing state restrictions on ethnic minorities. But it has little apparent application to a restriction affecting all young Americans in 46 states.

3. There is a further, and to us conclusive, reason why Katzenbach v. Morgan is unavailing: The long-ignored Section 2 of the 14th Amendment explicitly recognizes the age of 21 as a presumptive bench mark for entry into the franchise. It surpasses belief that the Constitution authorizes Congress to define the 14th Amendment's equal-protection clause so as to outlaw what the Amendment's next section approves.

A statute lowering the voting age would raise the expectations of ten million young Americans—expectations likely to be dashed by a judicial determination that the statute is unconstitutional. This lends point to the fact that when heretofore the nation decided upon a fundamental change in the composition of the electorate, the consensus was embodied, in permanent and unchallengable form, in a constitutional amendment: One hundred years ago the 15th Amendment, enfranchising blacks, was added to the Constitution.

Fifty years ago the 19th Amendment, enfranchising women, was added to the Constitution. If, in 1970, the nation is ready to welcome into the political process Americans who have reached the age of 18, Congress should, in fidelity to our constitutional traditions, submit to the states for ratification a new constitutional amendment embodying that new consensus.

ALEXANDER M. BICKEL,
CHARLES L. BLACK, Jr.,
ROBERT H. BORK,
JOHN HART ELY,
LOUIS H. POLLAK,
EUGENE V. ROSTOV,
New Haven, April 1, 1970.

(Note.—The writers are members of the faculty at Yale Law School.)

TEXT OF A LETTER FROM THE PRESIDENT TO SPEAKER MCCORMACK, MAJORITY LEADER ALBERT, AND MINORITY LEADER FORD

A constitutional issue of great importance is currently before the House. As you know, the Senate has attached to the bill modifying and extending the Voting Rights Act of 1965 a rider that purports to enable Americans between the ages of 18 and 21 to vote in Federal, State and local elections.

I say "purports" because I believe it would not in fact confer the vote. I believe that it represents an unconstitutional assertion of Congressional authority in an area specifically reserved to the States, and that it therefore would not stand the test of challenge in the courts. This belief is shared by many of the Nation's leading constitutional scholars.

I strongly favor the 18-year-old vote. I strongly favor enactment of the Voting Rights Bill. But these are entirely separate issues, each of which deserves consideration on its own merits. More important, each needs to be dealt with in a way that is constitutionally permissible—and therefore, in a way that will work.

Because the issue is now before the House, I wish to invite the urgent attention of the Members to the grave constitutional questions involved in the 18-year-old vote rider, and to the possible consequences of ignoring those questions.

STATUTE VERSUS CONSTITUTIONAL AMENDMENT

The matter immediately at issue is not whether 18-year-olds should be given the vote, but how: by simple statute, or by constitutional amendment.

The argument for attempting it by statute is one of expediency. It appears easier and quicker.

The constitutional amendment route is admittedly more cumbersome, but it does appear that such an amendment could be readily approved. A resolution proposing such an amendment already has been introduced in the Senate, sponsored by two-thirds of the members, the same number required for passage. Sentiment in the House seems strongly in favor. Some contend that ratification would be a long and uncertain process. However, public support for the 18-year-old vote has been growing, and certainly the submission to the States of a constitutional amendment, passed by two-thirds of both Houses and endorsed by the President, would provide powerful additional momentum. An historical footnote is pertinent: when the women's suffrage amendment was proposed in 1919, many said the States would never go along—but ratification was completed in less than 15 months.

If the Senate provision is passed by the Congress, and if it is later declared unconstitutional by the courts, it will have immense and possibly disastrous effects.

At the very least, it will have raised false hopes among millions of young people—led by the Congress to believe they had been given the vote, only to discover later that what the Congress had purported to confer was not in its power to give.

It will have cost valuable time, during which a constitutional amendment could have been submitted to the States and the process of ratification gone forward. It would almost certainly mean that the 18-year-old vote could not be achieved before the 1972 election.

Beyond this, there looms the very real possibility that the outcome of thousands of State and local elections, and possibly even the next national election, could be thrown in doubt: because if those elections took place before the process of judicial review had been completed, no one could know for sure whether the votes of those under 21 had been legally cast. It takes little imagination to realize what this could mean. The Nation could be confronted with a crisis of the first magnitude. The possibility that a Presidential election, under our present system, could be thrown into the House of Representatives is widely regarded as dangerous, but suppose that a probably unconstitutional grant of the 18-year-old vote left the membership of the House unsettled as well?

The Senate measure contains a provision seeking an early test of its constitutionality, but there can be no guarantee that such a test would actually be completed before elections took place. And the risk of chaos, if it were not completed, is real.

THE CONSTITUTIONAL QUESTIONS

On many things the Constitution is ambiguous. On the power to set voting qualifications, however, the Constitution is clear and precise; within certain specified limits, this power belongs to the States. Three separate provisions vest this power with the States: Article I, Section 2 (election of members of the House of Representatives), the Tenth Amendment (reserved powers) and the Seventeenth Amendment (direct election of Senators) all lodge this power with the States. There are four provisions placing limitations on this power: the vote cannot be limited on grounds of race (the Fifteenth Amendment), sex (the Nineteenth Amendment), or failure to pay a poll tax (the Twenty-Fourth Amendment); nor can States impose voting qualifications so arbitrary, invidious or irrational as to constitute a denial of equal protection of the laws (the Fourteenth Amendment).

Advocates of the proposal that passed the Senate rely on the power given Congress under the Fourteenth Amendment to enforce equal protection of the laws, and particularly on the Supreme Court's 1966 decision in the case of Katzenbach v. Morgan. This case upheld Federal legislation enfranchising residents of New York who had attended school in Puerto Rico, and who were literate in Spanish but not in English. However, I do not believe that the Court's decision in Katzenbach v. Morgan authorizes the power now asserted by the Senate to enfranchise young people. Neither do I believe it follows that because Congress has power to suspend literacy tests for voting throughout the Nation, as the new Voting Rights Act would do, it has power also to decide for the entire Nation what the proper age qualification should be.

Where Puerto Ricans were denied the right to vote, the Court could readily conclude that there had been discriminatory treatment of an ethnic minority. This was especially so because of the particular circumstances of those whose rights were at issue: U.S. citizens by birth, literate in Spanish, but not in English because their schools, though under the American flag, had used Spanish as the language of instruction.

Similarly with literacy tests, the Court already has upheld the right of Congress to bar their use where there is presumptive evidence that they have been used in a discriminatory fashion. If Congress now finds that literacy tests everywhere impose a special burden on the poor and on large numbers of black Americans, and for this reason abolishes literacy tests everywhere, it is using the same power which was upheld when the Court sustained the Voting Rights Act of 1965.

To go on, however, and maintain that the 21-year voting age is discriminatory *in a constitutional sense* is a giant leap. This limitation—as I believe—may be no longer justified, but it certainly is neither capricious nor irrational. Even to set the limit at 18 is to recognize that it has to be set somewhere. A 21-year voting age treats all alike, working no invidious distinction among groups or classes. It has been the tradition in this country since the Constitution was adopted, and it was the standard even before, it still is maintained by 46 of the 50 states; and, indeed, it is explicitly recognized by Section 2 of the Fourteenth Amendment itself as the voting age.

If it is unconstitutional for a State to deny the vote to an 18-year-old, it would seem equally unconstitutional to deny it to a 17-year-old or a 16-year-old. As long as the question is simply one of judgment, the Constitution gives Congress no power to substitute its judgment for that of the states in a matter such as age qualification to vote which the Supreme Court has recognized is one which the States may properly take into consideration.

ONE CONSTITUTION

A basic principle of constitutional law is that there are no trivial or less important provisions of the Constitution. There are no constitutional corners that may safely be cut in the service of a good cause. This Constitution is indivisible. It must be read as a whole. No provision of it, not of the great guarantees of the Bill of Rights is secure if we are willing to say that any provision can be dealt with lightly in order to achieve one or another immediate end. Neither high purpose nor expediency is a good excuse. We damage respect for law, we feed cynical attitudes toward law, whenever we ride roughshod over any law, let alone any constitutional provision because we are impatient to achieve our purposes.

To pass a popular measure despite the Constitutional prohibition, and then to throw on the Court the burden of declaring it unconstitutional, is to place a greater strain and burden on the Court than the Founding Fathers intended, or than the Court should have to sustain. To enact the Senate proposal would be to challenge the Court to accept, or to reject, a fateful step in the redistribution of powers and functions, not only between the Federal Government and the states but also between itself and the Congress.

Historically, under the Fourteenth Amendment as well as under many other provisions of the Constitution, it has been the duty of the Court to define and enforce the division of powers between the Federal Government and the States. Section 5 of the Fourteenth Amendment gives Congress power to "enforce" Constitutionally-protected rights against intrusion by the States; but the primary role in defining what those rights are belongs to the Court.

For the most part, the Court has acted with due deference and respect for the views of Congress, and for Congress' assessment of facts and conditions and the needs to which they give rise. But the Court has had the last word.

However, it is difficult to see how the Court could uphold the Senate proposal on the 18-year-vote without conceding that Congress now has the last word.

To Present this challenge to the Court would thus raise equal and opposite dangers: one the one hand, if the Court acquiesced, its own power as the protector of our rights could be irreparably diminished; and on the other, if the Court rebuffed the challenge, the often valuable latitude Congress now has under broad readings of its Fourteenth amendment power might in consequence be severely limited. Neither outcome, in my view, would be desirable.

THE PATH OF REASON

I have recently canvassed many of the Nation's leading constitutional scholars for their views on the Senate proposal. Some feel that, by a brcad reading of Katzenbach v. Morgan, the proposal's constitutionality could be sustained. The great majority, however, regard it as unconstitutional—and they voice serious concern not only for the integrity of the Constitution but also for the authority of the Court, if it should be sustained.

At best, then, it would be enacted under a heavy constitutional cloud, with its validity in serious doubt. Even those who support the legislation most vigorously must concede the existence of a serious constitutional question.

At worst, it would throw the electoral process into turmoil during a protracted period of legal uncertainty, and finally leave our young people frustrated, embittered and voteless.

I therefore urge:

That the 18-year-old vote rider be separated from the bill extending the Voting Rights Act.

That the Voting Rights Bill be approved.

That Congress proceed expeditiously to secure the vote for the Nation's 18-, 19-, and 20-year-olds in the one way that is plainly provided for in the Constitution, and the one way that will leave no doubt as to its validity: by Constitutional amendment.

Sincerely,

RICHARD NIXON.

STATEMENT BY THE PRESIDENT

On Wednesday, Congress completed action on a bill extending and amending the Voting Rights of 1965, and sent it to me for signature. As passed, the bill contained a "rider" which I believe to be unconstitutional: a provision lowering the voting age to 18 in Federal, State and local elections. Although I strongly favor the 18-year-old vote, I believe—along with most of the nation's leading Constitutional scholars—that Congress has no power to enact it by simple statute, but rather it requires a Constitutional amendment.

Despite my misgivings about the Constitutionality of this one provision, I have today signed the bill. I have directed the Attorney General to cooperate fully in expediting a swift court test of the constitutionality of the 18-year-old provision.

An early test is essential because of the confusion and uncertainty surrounding an act of doubtful constitutionality that purports to extend the franchise. Until this uncertainty is resolved, any elections—including primary elections, and even local referenda on such questions as school bond issues—could have their results clouded by legal doubt.

If I were to veto, I would have to veto the entire bill—voting rights and all. If the courts hold the voting-age provisions unconstitutional, however, only that one section of the Act will be affected. Because the basic provisions of this Act are of great importance, therefore, I am giving it my approval and leaving the decision on the disputed provision to what I hope will be a swift resolution by the courts.

The Voting Rights Act of 1965 has opened participation in the political process. Although this bill does not include all of the Administration's recommendations, it does incorporate improvements which extend its reach still further, suspending literacy tests nationwide and also putting an end to the present welter of state residency requirements for voting for President and Vice President. Now, for the first time, citizens who move between elections may vote without long residency requirements.

In the five years since its enactment, close to 1 million Negroes have been registered to vote for the first time and more than 400 Negro officials have been elected to local and state offices. These are more than election statistics; they are statistics of hope, and dramatic evidence that the American system works. They stand as an answer to those who claim that there is no recourse except to the streets.

The time has also come to give 18-year-olds the vote, as I have long urged. The way to do this is by amending the Constitution. Because of the likelihood that the 18-year-old vote provision of this law will not survive its court test, the Constitutional amendment pending before the Congress should go forward to the states for ratification now.

I therefore call upon the Congress to act now upon the Constitutional amendment to avoid undue delay in its approval by the states should this provision of the new law be held unconstitutional.

[From the CONGRESSIONAL RECORD, Dec. 30, 1970]

THE 18-YEAR-OLD VOTE

Mr. ALLEN. Mr. President, in this morning's Washington Post appeared an interesting and most persuasive article by Merlo J. Pusey, entitled "Court's Clouding of the 18-Year-Old Vote." In this article, Mr. Pusey analyzes the decision or decisions and the opinion or opinions of the Court with respect to the constitutionality of the 18-year-old vote provision of the Voting Rights Act amendment. He comments that the effect is to leave the 18-year-old vote law hanging by the flimsiest thread and that the clean and proper way to lower the voting age to 18 was and is a constitutional amendment.

The distinguished senior Senator from West Virginia (Mr. RANDOLPH), who has been sponsoring the 18-year-old vote and fought for it over many years, had Senate Joint Resolution 147 pending in the Senate at the time the 18-year-old vote amendment was added to the voting rights bill of 1965. The junior Senator from Alabama, on several occasions during the debate on that issue, urged that that amendment submitting a constitutional amendment to the States be given attention and that action be taken in the Senate on that measure.

There are some 73 sponsors of the amendment. It would be an easy thing to have gotten action on the amendment. By now it would be out among the States receiving ratification by the States. Instead, the amendment was added and now the Supreme Court has clouded the issue considerably and, as Mr. Pusey has stated:

"The effect is to leave the 18-year-old vote law hanging by the flimsiest thread."

On the 5 to 4 decision, and in the event there should be vacancies on the Supreme Court, it is entirely possible that this decision could be overturned in the years to come. So it still needs a constitutional amendment, not just a constitutional amendment applicable to State and local elections, but a constitutional amendment applicable also to the vote by 18-year-olds in Federal elections, because the matter really has not been decided for all time as would be the case with a constitutional amendment.

Now the distinguished Senator from West Virginia (Mr. RANDOLPH) plans to reintroduce the measure—which is entitled in this Congress Senate Joint Resolution 147—in the 92d Congress. I am proud to state that the junior Senator from Alabama was a cosponsor of Senate Joint Resolution 147 in this Congress, and he is going to be a cosponsor, at the kind invitation of the distinguished Senator from West Virginia, of the amendment which he proposes to offer in the next Congress. It will apply to the vote by 18-year-olds in Federal, State, and local elections, which is what Senate Joint Resolution provided for, and it will be the same measure which he will introduce in the next Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire article by Merlo J. Pusey entitled "Court's Clouding of the 18-Year-Old Vote."

COURT'S CLOUDING OF THE 18-YEAR VOTE

(By Merlo J. Pusey)

Will the Supreme Court's decision in the 18-year-old vote case prove to be another "self-inflicted wound"? That term was originally used by Charles Evans Hughes, later Chief Justice, to describe the consequences of the Dred Scott decision and various others that brought disrepute upon the court. The current decision has proved to be popular, insofar as it permits citizens aged 18 to 21 to vote in national elections, but five wide-ranging opinions from the justices have churned the law on voter qualifications into a chaotic state.

The decision had to be communicated to the public with no one really speaking for the Supreme Court. Justice Black announced the judgment that 18-year-olds could vote in national but not in state and local elections; not one of his colleagues joined him in the opinion he wrote. Justices Brennan, White and Marshall (and Justice Douglas in a separate opinon) argued with considerable force that the equal protection clause of the Fourteenth Amendment is broad enough to allow Congress to override all laws fixing the voting age at 21. Justice Stewart, with the support of Chief Justice Burger and Justice Blackman, accepted the Black thesis that the Constitution obviously leaves voter qualifications in local elections to the states (except in cases of invidious discrimination) but they parted company with Justice Black by insisting that the Constitution means what it says in providing that voter qualifications in congressional elections shall be the same as those for the most numerous branch of the state legislature. Justice Harlan rejected the basic idea of applying the equal protection clause to voter cases.

The effect is to leave the 18-year-old vote law hanging by the flimsiest thread. Justice Black acknowledged that the founding fathers had tied together voter qualifications in congressional elections and in state elections. Then he proceeded to pull them apart. His performance must be regarded as one of the strangest feats in the long history of American jurisprudence.

Where did the justice find authority for this bizarre conclusion? Article I, Section 4, of the Constitution provides—

The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations. . . .

Justice Black read this as giving Congress sweeping authority over federal elections. But it says nothing whatsoever about any authority for Congress to change the qualifications of voters in defiance of the language in other parts of the Constitution.

Justice Stewart pointed out that the founding fathers were well acquainted with the word "qualifications." They used it in Article I, Section 2, when they said in very specific terms who was entitled to vote in congressional elections. They did not give Congress any authority to alter this section. Madison, Mason and others argued vehemently in the Constitutional Convention against giving Congress power to fix voter qualifications, and the Committee on Detail voted seven to one against a motion to let Congress exercise such power. On the basis of this Hamilton noted in "The Federalist" that the qualifications of voters in congressional elections "are defined and fixed in the Constitution and are unalterable by the legislature."

In the face of this history and the unquestioned language of the Constitution itself, the real question before the court was whether enactment of the Fourteenth Amendment gave Congress power it did not previously have to fix a national and state age limit for voters. Justice Brennan and his supporters did not pretend to find anything specific in the Fourteenth Amendment giving Congress such power. They acknowledged that the authors of the equal protection clause "papered over their differences with . . . broad, elastic language." These justices were willing to let Congress inflate that "elastic language" into a balloon because they believe in the primacy of federal power.

Justice Black, to his credit, was not willing to go that far. But having substantially

deflated the balloon fashioned from "elastic language," he turned and seemed to cut the ground from beneath his own position.

As broad as the congressional enforcement power is, it is not unlimited. Specifically, there are at least three limitations upon Congress' power to enforce the guarantees of the Civil War Amendments. First, Congress may not by legislation repeal other provisions of the Constitution.

Congress has, however, with Justice Black's approbation, repealed that portion of Article I, Section 2, which prescribes the qualifications of voters in congressional elections. The whole thrust of Justice Black's lone opinion is to allow Congress to do what he later says that it may not do. He goes on to recognize that "Congress has exceeded its powers in attempting to lower the voting age in state and local elections," without acknowledging that the Constitution puts federal voting qualifications in the same package. It is difficult to avoid the conclusion that he is willing to stretch with the elasticity school in the case of national elections because he regards congressional control over national voter qualifications appropriate in 1970 regardless of what the founding fathers may have written into the Constitution nearly two centuries ago.

In any event, the performance of the Supreme Court is a shabby sequel to a shabby gesture in Congress. The clean and proper way to lower the voting age to 18 was, and is, a constitutional amendment. After all the squirming and twisting and inflation of elastic language, an amendment is still necessary. Much confusion and weakening of constitutional safeguards could have been avoided by approaching this reform in the right way in the first place. The court should have been spared the unquestioned wound it has inflicted upon itself.

STATEMENT RESUMED

Mr. RANDOLPH. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I am happy to yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, it is characteristic of the Senator from Alabama to mention the efforts being made by others in this matter of 18-year-old voting. As has been stated, Senate Joint Resolution 147, on which very thorough hearings were held during the 91st Congress, were reported favorably by the subcommittee chaired by the able Senator from Indiana (Mr. BAYH) to the full Judiciary Committee. There are many persons may I say, who felt that the Senate should have gone ahead and acted on the Senate joint resolution.

Mr. ALLEN. I agree with the distinguished Senator.

Mr. RANDOLPH. I know that the Senator from Alabama felt that that was necessary. We did feel there was a large question mark in reference to the statutory approach to lowering the voting age for Federal, State and local levels elections. As the Senator has indicated tonight, the issue has been split up and down the middle, in a sense. And there is still, perhaps a smaller question mark remaining, not only for voting at the State level by 18 year olds, but even at the Federal levels as well.

It is a complex situation. The Senator from Alabama has been very thoughtful, as he always is, especially to mention that I shall introduce the resolution again on the first day of the 92d Congress. I am grateful that some 75 Members of the Senate have sponsored with me this present and pending Senate Joint Resolution 147. The Senator from Alabama is one of them, and my able colleague from West Virginia (Mr. BYRD) is another. We have the votes to approve the resolution when it is introduced in the first session of the 92d Congress, with perhaps 80 Members as cosponsors. Even though we know there has been some difference of approach, there is a strong feeling in Congress, not only in this body but also in the House, that we must insure permanently the right of 18-year-olds to vote—an element of our population whose voice and vote needs to be heard and needs to be recorded.

I think that we have acted here in debate, as responsible Members of the Senate, in coming to grips with the realization that we must complete the task which has been started.

I feel, sometimes, that we should not indulge in nostalgia. But I mention the time when I brought a southerner from Georgia to Washington, D.C. He came at my invitation. Ellis Arnall, the Governor of that State, who talked about what had been done there in the 18-year-old voting. It has been good for Georgia as it has been good for Kentucky. It has been good for a different figure—20 years, 19 years—Alaska and Hawaii at the different voting age levels of 19 and 20. Alaska has, of course, voted to lower the voting age to 18 now.

I think generally the lower voting age will be good for America because it will insure a contribution by young people, with their reasoning and thinking combined with that of older persons.

It was in 1942 that I introduced that first constitutional amendment, while I was a Member of the House of Representatives from the Second District of West Virginia. I know that my colleague from Alabama would like, tonight, to hope with me, that even though we were unable to accomplish the constitutional amendment approach in the 91st Congress, it will be a matter of major importance and paramount attention by the Senate and the House early—hopefully in January—but not later than February or in March, of 1971.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from West Virginia for his remarks. I want to extend again my sincere appreciation for his efforts over the last three decades to accomplish this most needed reform. It does appear that the time has come for this matter to be resolved in the proper fashion by a constitutional amendment.

I am delighted that the senior Senator from West Virginia is again taking the lead, as he has done for almost 30 years, in pushing a constitutional amendment that will accomplish this most needed reform.

The five opinions of the five Justices of the Supreme Court with respect to this case were printed in the CONGRESSIONAL RECORD on the very day the opinion was handed down by the Supreme Court. I had the interesting pleasure over the holidays of reading those opinions. I was particularly impressed with an opinion of Mr. Justice Harlan. In the humble opinion of the junior Senator from Alabama that opinion should have been the opinion speaking for a majority of the court, because he gives a history of the 14th amendment and shows that under no stretch of the imagination would Congress be authorized to pass an 18-year-old voting provision by statute.

The junior Senator from Alabama, while this matter was under debate, pointed out on several occasions that the Constitution of the United States in several places, at least five, indicates very positively that the States have the right to set the qualifications for electors. And as pointed out by Mr. Justice Harlan, that right has really never been questioned until after the 14th amendment was passed. And he was unable to find anything in the 14th amendment that would have permitted Congress to pass this 18-year-old provision by statute.

Article I, section 2 of the Constitution having to do with the election of Congressmen; article II, section 1 having to do with the Presidential electors; amendment 10; amendment 17, having to do with the United States; and in the 14th amendment itself, it speaks of the States denying the right to vote to citizens 21 years of age or over.

Mr. President, I would like to read for the RECORD article I, section 2 of the Constitution:

"The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

That means that those who are entitled to vote for Congressmen should have the qualifications requisite for electors of the most numerous branch of the State legislature. Yet this 5-to-4 decision would provide separate rules for national elections and for State elections, when article 1, section 2 says that the House of Representatives shall be composed of Members chosen every second year by the people of the several States and the electors of each State for the House of Representatives shall have the qualifications requisite for the electors of the most numerous branch of the State legislature.

So the majority opinion says the States can set the qualifications for voting for the State legislature election. They can set that, but the express wording of the section says that the electors voting for candidates for the House of Representatives shall have the same qualifications.

Yet the Supreme Court in its inimitable fashion of leaving a legal question in greater confusion and greater doubt by its decision has set up two separate rules—one set for the State and local elections, and another set for the Congress for national elections when the article itself says that the electors for Congressmen—that is the people who vote and it is not talking about presidential electors, but electors for Congressmen—shall have the same qualifications as electors for the State legislature. That shows that they should have a uniform plan and not two separate standards. Yet, that is what the Supreme Court has given us.

I favor the principle of 18-year-old voting. I still want to see that accomplished by a constitutional amendment. That is the reason that during the next Congress I am hopeful that the amendment to be proposed by the distinguished senior Senator from West Virginia (Mr. RANDOLPH) providing for 18-year-old voting in national, State, and local elections will be submitted by the Congress and that the States will be given an opportunity to vote on that amendment and that this question can be resolved properly and in a lasting fashion, free from the confusion in which we are left by the decision of the Supreme Court.

Mr. President, I yield the floor.

HOUSE JOINT RESOLUTION NO. 66

Memorializing the Virginia members of the Congress to initiate and support the enactment of the legislation to repeal Section 302, of the Voting Rights Act Amendments of 1970 (Public Law, 91-285, 84 Stat. 314) and to support the enactment of an appropriate Joint Resolution by the Congress to place before the states a proposed Constitutional amendment to authorize all persons aged 18 to 20, both inclusive, the right to vote in all federal, state and local elections, for ratification of three-fourths thereof, as required in Article V of the Constitution of the United States.

OFFERED FEBRUARY 11, 1971

Patrons—Messrs. Phillips, Carneal, Largent, Cleaton, Gunn, Anderson, M. G., Dalton, G. W., Philpott, Owens, Smith, R. M. Fidler, Richardson, McMath, Gibb, Parris, Campbell, Ashworth, Roller, Farley, Geisler, Mason, Dudley, Fowler, Putney, Anderson, C. W., Pettus, Green, Reynolds, Davis, Anderson, C. B.

Earman, Anderson, H. P., Dunn, Burnette, McMurran, Anderson, W. M., Shafran, Funkhouser, and Callahan.

REFERRED TO THE COMMITTEE ON PRIVILEGES AND ELECTIONS

Whereas, the Congress by the enactment of Section 302 of the Voting Rights Act Amendments of 1970 (Public Law 91-285, 84 Stat. 314), attempted through legislation, to usurp power not delegated to the Congress by the Constitution but reserved by the Constitution to the States in Article I, Section 2, Article II, Section 1, and by the Tenth and Seventeenth Amendments thereof; and

Whereas, on December twenty-one, nineteen hundred seventy, the Supreme Court in Oregon v. Mitchell, rendered what purported to be a 504 decision in which it held the Congress to be without power to fix voting age qualifications for persons to vote in State and local elections, but on irrational and unsupportable grounds held the Congress possessed of power to establish such qualifications for persons to vote in national elections; and

Whereas, the said usurpatory statutory provision can remain effective only until repealed and the Supreme Court's decision valid only until overridden; and

Whereas, there is pending in the Senate of the United States, Senate Joint Resolution 7, 92d Congress, which has for its purpose the extension of the right to vote to all persons in the United States, aged 18 to 20, both inclusive, in all federal, state and local elections; and

Whereas, as George Washington in his farewell address, as President of the United States, declared "If, in the opinion of the people, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an Amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed"; now, therefore, be it

Resolved, by the House of Delegates, the Senate concurring, That the members of the Congress of the United States from Virginia are hereby memorialized to initiate, and support the enactment of legislation to repeal Section 302 of the Voting Rights Act Amendments of 1970 (Public Law 91-285, 84 Stat. 314); and be it further

Resolved, That the members of the Congress of the United States from Virginia are hereby memorialized to support the enactment of a Joint Resolution of the Congress, placing before the states a proposed Constitutional amendment to authorize all persons aged 18 to 20, both inclusive the right to vote in all federal, state and local elections, for ratification of three-fourths thereof, as required by Article V of the Constitution of the United States; and be it further

Resolved, That the members of the Congress from Virginia are quested to seek the help of their colleagues from other states in their endeavors which are essential for the proper exercise of Constitutional authority, vested in the federal and state governments by the Constitution of the United States, hereinbefore identified, as they had been consistently recognized and applied without interruption, since the adoption of the Constitution, until attempt was made by the Congress to usurp by legislative authority, as hereinbefore stated, which the Congress does not legally possess, under the Constitution; and be it finally

Resolved, That the Clerk of the House of Delegates, be, and hereby is, instructed to send copies of this resolution to both members of the Senate of the United States representing Virginia and to each member of the House of Representatives representing this State and to the presiding officers of the legislative bodies of each of the other forty-nine states of the United States, with request for supporting action.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PUCINSKI, for 60 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. FRENZEL) and to revise and extend their remarks and include therein extraneous matter:)

Mr. RAILSBACK, for 15 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. MIZELL, for 5 minutes, today.

Mr. CONABLE, for 60 minutes, on March 17.

Mr. QUIE, for 15 minutes, today.

Mr. ESCH, for 20 minutes, today.

(The following Members (at the request of Mr. COTTER) and to revise and extend their remarks and include therein extraneous matter:)

Mr. HAMILTON, for 30 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. HARRINGTON, for 15 minutes, today.

Mr. GRIFFIN, for 10 minutes, today.

Mr. PATMAN, for 10 minutes, today.

Mr. MURPHY of New York, for 30 minutes, today.

Mr. EDWARDS of California, for 60 minutes, on March 25.

Mr. RARICK (at the request of Mr. ANDERSON of California) for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EDMONDSON in three instances.

(The following Members (at the request of Mr. FRENZEL) and to include extraneous matter:)

Mr. LENT.

Mr. RAILSBACK.

Mr. HORTON.

Mr. BROOMFIELD in two instances.

Mr. MCCLORY.

Mr. WYATT.

Mr. FINDLEY.

Mr. WYMAN in three instances.

Mr. KUYKENDALL.

Mr. HARVEY.

Mr. ANDERSON of Illinois in two instances.

Mr. HOSMER in three instances.

Mr. TEAGUE of California.

Mr. LATTA.

Mr. STEIGER of Wisconsin in two instances.

Mr. LLOYD.

Mr. SCHMITZ in two instances.

Mr. RHODES.

Mr. SEBELIUS.

Mr. SKUBITZ.

Mr. WINN.

Mr. HUNT.

Mr. GOLDWATER.

Mr. CLANCY.

Mr. DEVINE.

Mr. KEMP in two instances.

Mr. ESCH.

Mr. TALCOTT in two instances.

Mr. BYRNES of Wisconsin.

Mr. MCDONALD of Michigan.

Mr. REID of New York.

Mr. ROUSSELOT.

(The following Members (at the request of Mr. COTTER) and to revise and extend their remarks:)

Mr. MAZZOLI in two instances.

Mr. WOLFF.

Mr. BEGICH.

Mr. EDWARDS of California.

Mr. HAMILTON.

Mr. BADILLO in five instances.

Mr. MANN in 10 instances.

Mr. FISHER in six instances.

Mr. MURPHY of New York in two instances.

Mr. HARRINGTON.

Mr. EVINS of Tennessee in five instances.

Mr. PRYOR of Arkansas in two instances.

Mr. HÉBERT in three instances.

Mr. CABELL in three instances.

Mr. MURPHY of Illinois in two instances.

Mr. DOW in three instances.

Mr. METCALF.

Mr. MOORHEAD in four instances.

Mr. KLUCZYNSKI in two instances.

Mr. FOUNTAIN in two instances.

Mr. PICKLE in five instances.

Mr. JAMES V. STANTON in three instances.

Mr. CHAPPELL in two instances.

Mr. LINK.

Mr. GONZALEZ in two instances.

Mr. MCCORMACK in two instances.

Mr. DRINAN.

Mr. ANDERSON of California.

Mr. WALDIE in two instances.

Mr. RYAN in three instances.

Mr. BINGHAM in two instances.

Mr. RARICK in three instances.

Mr. OBEY in six instances.

Mr. DORN in two instances.

Mr. GRAY in two instances.

(The following Members (at the request of Mr. HASTINGS) and to include extraneous matter:)

Mr. FISH in two instances.

Mr. HARSHA.

(The following Members (at the request of Mr. ANDERSON of California) and to include extraneous matter:)

Mr. RODINO.

Mr. NIX in two instances.

Mr. VANIK in two instances.

Mr. BROOKS.

All Members (at the request of Mr. ANDERSON of California) to revise and extend their remarks and include extraneous matter on the special order today of Mr. GRIFFIN.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to. Accordingly (at 2 o'clock and 44 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 17, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

417. A letter from the Deputy Secretary of Defense, transmitting a report on disbursements during the period July 1–December 31, 1970, from the appropriation for "Contingencies, Defense" as included in the Department of Defense Appropriation Act, fiscal year 1971; to the Committee on Appropriations.

418. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting part I of a report on independent research and development and bid and proposal costs, pursuant to section 203(c) of the 1971 Department of Defense Military Procurement Authorization Act (Public Law 91–441); to the Committee on Armed Services.

419. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting part II of a report on independent research and development and bid and proposal costs, pursuant to section 203 of the 1971 Department of Defense Military Procurement Authorization Act (Public Law 91–441); to the Committee on Armed Services.

420. A letter from the Commander, Naval Facilities Engineering Command, Department of the Navy, transmitting a report covering the period July 1–December 31, 1971, of military construction contracts awarded by the Department of the Navy on other than a competitive bid basis, pursuant to section 604 of Public Law 91–511; to the Committee on Armed Services.

421. A letter from the national quartermaster, Veterans of World War I of the U.S.A. Inc. transmitting the audit of the corporation as of September 30, 1970, and the proceedings of its 1970 national convention, pursuant to sections 15 and 16 of Public Law 85–530; to the Committee on Armed Services.

422. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States, and for other purposes; to the Committee on the Judiciary.

424. A letter from the National Advisory Council on International Monetary and Financial Policies transmitting its special report on the Indonesian debt rescheduling (H. Doc. No. 92–68); to the Committee on Banking and Currency and ordered to be printed.

425. A letter from the assistant secretary, National Institute of Arts and Letters, transmitting the annual report of the institute for 1970, pursuant to section 4 of its charter; to the Committee on House Administration.

RECEIVED FROM THE COMPTROLLER GENERAL

423. A letter from the Comptroller General of the United States, transmitting a report on the first review of the phasedown of U.S. military activities in Vietnam by the Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLS: Committee of conference. Conference report on H.R. 4690. (Rept. No. 92–42). Ordered to be printed.

Mr. O'NEILL: Committee on Rules. House Resolution 299. Resolution providing for the consideration of House Joint Resolution 223, joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older (Rept. No. 92–43). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 300. Resolution providing for the consideration of House Joint Resolution 468. Joint resolution making certain further continuing appropriations for the fiscal year 1971, and for other purposes (Rept. No. 92–44). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 6110. A bill to limit Federal payments to individual farm producers to $10,000 per crop per farm; to the Committee on Agriculture.

By Mr. ANDERSON of Illinois (for himself, Mr. UDALL, Mr. STAFFORD, Mr. MATSUNAGA, Mr. TALCOTT, Mr. PREYER of North Carolina, Mr. LLOYD, Mr. ANDERSON of California, Mr. WIDNALL, Mr. LEGGETT, Mr. TEAGUE of California, Mr. HARRINGTON, Mr. MCKINNEY, Mr. NEDZI, Mr. ESCH, Mr. DAVIS of Georgia, Mr. REES, Mr. ICHORD, Mr. MOORHEAD, Mr. BEGICH, Mr. MURPHY of Illinois, Mr. FORSYTHE, Mr. HORTON, Mr. GERALD R. FORD, and Mr. GAYDOS):

H.R. 6111. A bill to set standards of ethics and financial disclosure in campaigns for election to Federal office; to the Committee on House Administration.

H.R. 6112. A bill to provide certain amounts of television program time for candidates for Federal offices during general elections; to the Committee on Interstate and Foreign Commerce.

H.R. 6113. A bill to provide a reduced rate of postage for a certain amount of campaign literature mailed by congressional candidates; to the Committee on Post Office and Civil Service.

H.R. 6114. A bill: Tax credits for political contributions; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself, Mr. DENNIS, and Mr. SCHMITZ):

H.R. 6115. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for gifts or contributions made to any institution of higher education, to be cited as, "The Higher Education Gift Incentive Act of 1971"; to the Committee on Ways and Means.

By Mr. ANDREWS of North Dakota:

H.R. 6116. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders; to the Committee on the Judiciary.

By Mr. BADILLO:

H.R. 6117. A bill to amend the Older Americans Act of 1965 to authorize a special emphasis transportation research and demonstration project program; to the Committee on Education and Labor.

By Mr. BROYHILL of North Carolina:

H.R. 6118. A bill to amend title 38 of the United States Code to provide an annual clothing allowance to certain veterans who, because of a service-connected disability, wear a prosthetic appliance or use an appliance or device which tends to wear out or tear their clothing; to the Committee on Veterans' Affairs.

By Mr. BROYHILL of Virginia (for himself, Mr. FUQUA, Mr. BLANTON, and Mr. GUDE):

H.R. 6119. A bill to amend the Healing Arts Practice Act, District of Columbia, 1928, regulating the practice of the healing art in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CARNEY:

H.R. 6120. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to permit certain recommendations with respect to officers and employees of the Postal Service to be made by Members of Congress on their own initiative or at the request of the Postal Service or any officer, employee, or other person concerned, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6121. A bill to provide for the issuance of a special postage stamp in honor of William Holmes McGuffey; to the Committee on Post Office and Civil Service.

H.R. 6122. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, and for other purposes; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 6123. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Georgia (for himself and Mr. GIAIMO):

H.R. 6124. A bill to authorize the National Science Foundation to undertake a loan guarantee and interest assistance program to aid unemployed scientists and engineers in the conversion from defense-related to civilian-oriented research, development, and engineering activities; to the Committee on Science and Astronautics.

By Mr. DEVINE:

H.R. 6125. A bill to require the suspension of Federal financial assistance for educational agencies and institutions which are experiencing disorders and fail to take appropriate corrective measures forthwith and to require the suspension of Federal financial assistance to teachers participating in such disorders; to the Committee on Education and Labor.

By Mr. FORSYTHE:

H.R. 6126. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

By Mr. FRASER:

H.R. 6127. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 6128. A bill to amend title 10 of the United States Code in order to eliminate the requirement that a person must be 60 years of age or older in order to receive retired pay for non-Regular service in the Armed Forces; to the Committee on Armed Services.

H.R. 6129. A bill to amend the act of April 14, 1910, relating to railway safety appliances, to require the Secretary of Transportation to prescribe reflecting devices or materials as a safety measure on all railroad cars, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6130. A bill to amend chapter 34 of title 38, United States Code, to authorize

advance educational assistance allowance payments to eligible veterans at the beginning of any school year to assist such veterans in meeting educational and living expenses during the first 2 months of school, to establish a veterans' work-study program through cancellation of such advance payment repayment obligations under certain circumstances, and to provide for direct payment of educational assistance allowance to educational institutions on an optional basis; to the Committee on Veterans' Affairs.

H.R. 6131. A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 6132. A bill to amend title 5, United States Code, to provide that the entire cost of certain minimum health benefits for employees and their families shall be paid by the United States, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6133. A bill to amend the Civil Service Retirement Act to authorize the retirement of employees after 25 years of service without reduction in annuity; to the Committee on Post Office and Civil Service.

By Mr. GRIFFIN (for himself, Mr. PICKLE, Mr. ABERNETHY, Mr. ALEXANDER, Mr. ANDERSON of Tennessee, Mr. ANDREWS of Alabama, Mr. BAKER, Mr. BEVILL, Mr. BLANTON, Mr. BROYHILL of North Carolina, Mr. DON H. CLAUSEN, Mr. DAVIS of Georgia, Mr. DUNCAN, Mr. EDWARDS of Louisiana, Mr. FLOWERS, Mr. FLYNT, Mr. HAGAN, and Mr. HAMMERSCHMIDT):

H.R. 6134. A bill to authorize the Secretary of Agriculture to establish a program to enable individuals to enter into, and engage in, the production and marketing of farm-raised fish through the extension of credit, technical assistance, marketing assistance and research, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GRIFFIN (for himself, Mr. PICKLE, Mr. HANNA, Mr. HENDERSON, Mr. HUNGATE, Mr. JOHNSON of California, Mr. LONG of Louisiana, Mr. MONTGOMERY, Mr. PASSMAN, Mr. PERKINS, Mr. PREYER of North Carolina, Mr. PRYOR of Arkansas, Mr. SEBELIUS, Mr. SKUBITZ, Mr. STEED, Mr. STEPHENS, Mr. STUBBLEFIELD, and Mr. WRIGHT:)

H.R. 6135. A bill to authorize the Secretary of Agriculture to establish a program to enable individuals to enter into, and engage in, the production and marketing of farm-raised fish through the extension of credit, technical assistance, marketing assistance and research, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HAMILTON:

H.R. 6136. A bill to amend the Agricultural Adjustment Act of 1938 to authorize the lease or sale of tobacco allotments within a State under certain conditions, and for other purposes; to the Committee on Agriculture.

H.R. 6137. A bill to amend section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotics drugs from unlawfully entering the United States; to the Committee on Foreign Affairs.

H.R. 6138. A bill amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency; to the Committee on House Administration.

H.R. 6139. A bill to regulate the election of Members of Congress by prohibiting the imposition of durational residency requirements as a condition of voting for such officers; to the Committee on House Administration.

H.R. 6140. A bill designating certain election days as legal public holidays; to the Committee on the Judiciary.

By Mr. HARRINGTON (for himself, Mr. ABOUREZK, Mr. BADILLO, Mr. BEGICH, Mr. BURTON, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. CLAY, Mr CONTE, Mr. FRENZEL, Mr. HALPERN, Mr. KOCH, Mr. MIKVA, Mr. MOSS, Mr. O'NEILL, Mr. PEPPER, Mr. RANGEL, Mr. REES, Mr. RIEGLE, Mr. ROSENTHAL, Mr. ROY, and Mr. SCHEUER):

H.R. 6141. A bill to provide for the District of Columbia an elected mayor, an elected city council, and for other purposes; to the Committee on the District of Columbia.

By Mr. HAYS:

H.R. 6142. A bill to clarify the liability of national banks for certain taxes with respect to personal property; to the Committee on Banking and Currency.

H.R. 6143. A bill to require that certain textile products bear a label containing cleaning instructions; to the Committee on Interstate and Foreign Commerce.

H.R. 6144. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 6145. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 6146. A bill to amend section 8336(c) of title 5, United States Code, to include the position of customs inspector in the category of hazardous occupations; to the Committee on Post Office and Civil Service.

H.R. 6147. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

H.R. 6148. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Veterans' Affairs.

By Mrs. HICKS of Massachusetts:

H.R. 6149. A bill to increase the annual income limitations applicable to "old law" pensions for World War I and other veterans; to the Committee on Veterans' Affairs.

H.R. 6150. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to permit Federal sharing of the cost of unemployment benefits which extend for 52 weeks; to the Committee on Ways and Means.

By Mr. HICKS of Washington:

H.R. 6151. A bill to amend the Railroad Retirement Act of 1937 to provide that an individual otherwise eligible may become entitled to a reduced spouse's annuity, or a reduced widow's or widower's annuity, at age 50; to the Committee on Interstate and Foreign Commerce.

H.R. 6152. A bill to amend title II of the Social Security Act to provide that an individual may become entitled to wife's, husband's, widow's, or widower's insurance benefits, subject to the existing actuarial reduction, at age 50 (whether or not disabled), and to provide that the actuarial reduction shall not apply to the old-age or disability insurance benefits of an indivdual with 30 or more years of coverage; to the Committee on Ways and Means.

By Mr. JOHNSON of Pennsylvania:

H.R. 6153. A bill to amend the Housing Amendments of 1955 to extend certain financial assistance for construction of waterworks and sewer facilities to private corporations; to the Committee on Banking and Currency.

H.R. 6154. A bill to amend the Public Health Service Act to continue and broaden eligibility of schools of nursing for financial assistance, to improve the quality of such schools, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6155. A bill to provide for the payment of losses incurred by growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 6156. A bill to provide Federal revenues to State and local governments and afford them broad discretion in furnishing training and employment opportunities needed by individuals to qualify for satisfying and self-supporting employment; to the Committee on Education and Labor.

By Mr. LEGGETT:

H.R. 6157. A bill to amend title 10 of the United States Code to authorize commanders of military installations to lease housing at or near such installations in order to provide adequate housing for military personnel, and for other purposes; to the Committee on Armed Services.

By Mr. LINK:

H.R. 6158. A bill to authorize the Secretary of the Army to convey certain lands in the State of North Dakota to the Mountrail County Park Commission, Mountrail County, N. Dak.; to the Committee on Public Works.

By Mr. McCLURE:

H.R. 6159. A bill to improve the financial management of Federal assistance programs, to facilitate the consolidation of such programs, to strengthen further congressional review of Federal grants-in-aid, to provide a catalog of Federal assistance programs, and to extend and amend the law relating to intergovernmental cooperation; to the Committee on Government Operations.

H.R. 6160. A bill to permit a compact or agreement between the several States relating to taxation of multistate taxpayers; to the Committee on the Judiciary.

H.R. 6161. A bill to amend the Social Security Act to extend assistance under the maternal and child health and crippled children's services program to the Trust Territory of the Pacific Islands; to the Committee on Ways and Means.

By Mr. McCORMACK:

H.R. 6162. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 6163. A bill to provide for the payment of losses incurred by growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been pre-

pared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on the Judiciary.

H.R. 6164. A bill to amend title II of the Social Security Act to provide that a woman who is otherwise qualified may become entitled to widow's insurance benefits (subject to the existing actuarial reductions) at age 50 whether or not disabled; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 6165. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans; to the Committee on Agriculture.

By Mr. MATSUNAGA (for himself, Mr. STEIGER of Wisconsin, and Mr. Moss):

H.R. 6166. A bill to provide for the procurement of voluntary military manpower; to the Committee on Armed Services.

By Mr. MILLER of California:

H.R. 6167. A bill to authorize an appropriation for fiscal year 1972 to carry out the metric system study; to the Committee on Science and Astronautics.

By Mrs. MINK:

H.R. 6168. A bill to amend the International Education Act of 1966 to provide for the establishment under that act of an Asian Studies Institute; to the Committee on Education and Labor.

By Mr. MIZELL:

H.R. 6169. A bill to provide for orderly trade in textile articles, articles of leather footwear and electronic articles, and for other purposes; to the Committee on Ways and Means.

By Mr. MORSE:

H.R. 6170. A bill to amend the student loan provisions of the National Defense Education Act of 1958 to provide for cancellation of loans on account of service in Headstart programs; to the Committee on Education and Labor.

H.R. 6171. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

By Mr. MURPHY of New York:

H.R. 6172. A bill to authorize members of the Armed Forces to be discharged from active military service by reason of physical disability when such members are suffering from drug dependency, to authorize the civil commitment of such members after their discharge, and for other purposes; to the Committee on Armed Services.

By Mr. NIX:

H.R. 6173. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. PATMAN:

H.R. 6174. A bill to amend title 38, United States Code, to make non-service-connected disability pension benefits payable from the time the cause of the disability occurs if application for benefits is made within 1 year of the date of such occurrence, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PEPPER:

H.R. 6175. A bill to regulate interstate commerce by strengthening and improving consumer protection under the Federal Food, Drug, and Cosmetic Act with respect to fish and fishery products, including provision for assistance to and cooperation with the States in the administration of their related programs and assistance by them in carrying out the Federal program, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 6176. A bill to provide that railroad employees may retire on a full annuity at age 60 or after serving 30 years; to provide that such annuity for any month shall be not less than one-half of the individual's average monthly compensation for the 5 years of highest earnings, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 6177. A bill to amend the Railroad Retirement Act of 1937 to provide a 20-percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. PRYOR of Arkansas:

H.R. 6178. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

By Mr. PUCINSKI:

H.R. 6179. A bill to authorize assistance to local educational agencies for the financial support of elementary and secondary education, and for other purposes; to the Committee on Education and Labor.

By Mr. PUCINSKI (for himself, Mr. PRICE of Illinois, Mr. KLUCZYNSKI, Mr. YATES, Mr. GRAY, Mr. ROSTENKOWSKI, Mr. ANNUNZIO, Mr. MIKVA, Mr. METCALF, Mr. MURPHY of Illinois, and Mr. COLLINS of Illinois):

H.R. 6180. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. QUIE (for himself, Mr. ESCH, Mr. GERALD R. FORD, Mr. STEIGER of Wisconsin, Mr. FORSYTHE, Mr. VEYSEY, Mr. ERLENBORN, Mr. DELLENBACK, Mr. HANSEN of Idaho, and Mr. KEMP):

H.R. 6181. A bill to provide Federal revenues to State and local governments and afford them broad discretion in furnishing training and employment opportunities needed by individuals to qualify for satisfying and self-supporting employment; to the Committee on Education and Labor.

By Mr. RAILSBACK (for himself, Mr. ANDERSON of Illinois, Mr. ANDREWS of Alabama, Mr. BIESTER, Mr. GRIFFIN, Mr. ICHORD, Mr. MATHIAS of California, Mr. MIKVA, Mr. NICHOLS, Mr. QUIE, Mr. RANDALL, Mr. SCOTT, and Mr. SEBELIUS):

H.R. 6182. A bill to amend title 28, United States Code, to prohibit Federal judges from receiving compensation other than for the performance of their judicial duties, except in certain instances, and to provide for the disclosure of certain financial information; to the Committee on the Judiciary.

By Mr. RYAN (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BINGHAM, Mrs. CHISHOLM, Mr. HALPERN, Mr. KOCH, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, and Mr. SCHEUER):

H.R. 6183. A bill to amend section 236 of the National Housing Act and section 101 of the Housing and Urban Development Act of 1965 to reduce from 25 to 20 percent of the tenant's income the maximum rent which may be charged for a dwelling unit in a section 236 project or a dwelling unit qualifying for assistance under the rent supplement program; to the Committee on Banking and Currency.

By Mr. RYAN (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BINGHAM, Mr. HALPERN, Mr. KOCH, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, and Mr. SCHEUER):

H.R. 6184. A bill to amend section 236 of the National Housing Act; to the Committee on Banking and Currency.

By Mr. RYAN (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BINGHAM, Mrs. CHISHOLM, Mr. HALPERN, Mr. KOCH, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, and Mr. SCHEUER):

H.R. 6185. A bill to authorize increases in Federal Housing Administration mortgage ceilings under subsidized multifamily housing programs to meet construction costs; to the Committee on Banking and Currency.

By Mr. ST GERMAIN (for himself and Mr. TIERNAN):

H.R. 6186. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to provide federally financed emergency unemployment compensation for up to 26 weeks in addition to the extended compensation now available under such act; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 6187. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Iowa (for himself, Mr. EDMONDSON, Mr. HUNGATE, Mr. ROUSH, Mr. JONES of Tennessee, Mr. TEAGUE of Texas, Mr. STEIGER of Wisconsin, Mr. BURTON, Mr. HAMILTON, Mr. GRIFFIN, Mr. BURLESON of Texas, Mr. FRASER, Mr. ULLMAN, Mr. SHIPLEY, Mr. RANDALL, Mr. PRICE of Illinois, Mr. BURLISON of Missouri, and Mr. KUYKENDALL):

H.R. 6188. A bill to support the price of manufacturing milk at not less than 85 percent of parity for the marketing year 1971–72; to the Committee on Agriculture.

By Mr. STRATTON:

H.R. 6189. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TAYLOR:

H.R. 6190. A bill to authorize and direct the Administrator of Veterans' Affairs to accept certain land in Buncombe County, N.C., for cemetery purposes; to the Committee on Veterans' Affairs.

By Mr. TERRY:

H.R. 6191. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

H.R. 6192. 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. THOMPSON of Georgia:

H.R. 6193. A bill to direct the Interstate Commerce Commission to make regulations that certain railroad vehicles be equipped with reflectors or luminous material so that they can be readily seen at night; to the Committee on Interstate and Foreign Commerce.

H.R. 6194. A bill to consent to the interstate environment compact; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 6195. A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in cer-

tain instances; to the Committee on Education and Labor.

By Mr. WHALLEY:

H.R. 6196. A bill to provide that the receipts from all Federal gasoline and automotive excise taxes shall be placed in the highway trust fund to be used for road improvement purposes only, to eliminate the State matching requirements in the Federal-aid highway program, and to provide Federal assistance for State and local highway purposes; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 6197. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 6198. A bill to equalize the retired or retainer pay of members and former members of the Armed Forces now or hereafter placed on the retired lists; to the Committee on Armed Services.

H.R. 6199. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

H.R. 6200. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. GARMATZ:

H.J. Res. 469. Joint resolution making a technical correction to a conforming amendment made by Public Law 91-621 (relating to the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration); to the Committee on Merchant Marine and Fisheries.

By Mr. HARRINGTON (for himself, Mr. ABOUREZK, Mr. BADILLO, Mr. BEGICH, Mr. BURTON, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. CLAY, Mr. HALPERN, Mr. KOCH, Mr. MIKVA, Mr. MOSS, Mr. O'NEILL, Mr. PEPPER, Mr. RANGEL, Mr. REES, Mr. RIEGLE, Mr. ROSENTHAL, Mr. ROY, and Mr. SCHEUER):

H.J. Res. 470. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas:

H.J. Res. 471. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.J. Res. 472. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. BOB WILSON (for himself and Mr. VAN DEERLIN):

H.J. Res. 473. Joint resolution to establish a national music of the United States; to the Committee on the Judiciary.

By Mr. BLANTON (for himself, Mr. HUNGATE, and Mr. STEIGER of Arizona):

H. Con. Res. 205. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. CELLER:

H. Con. Res. 206. Concurrent resolution to reprint brochure entitled "How Our Laws Are Made"; to the Committee on House Administration.

By Mr. HAYS:

H. Res. 301. Resolution to provide funds for the expenses of the expenses of the investigations and studies by the Committee on House Administration; to the Committee on House Administration.

By Mrs. HICKS of Massachusetts:

H. Res. 302. Resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. HOLIFIELD:

H. Res. 303. Resolution to provide funds for the expenses of the investigation and study authorized by rule XI(8); to the Committee on House Administration.

H. Res. 304. Resolution to authorize the Committee on Government Operations to conduct studies and investigations with respect to matters within its jurisdiction, and for other purposes; to the Committee on Rules.

By Mr. HUNGATE (for himself, Mr. ABOUREZK, Mr. ANDERSON of Tennessee, Mr. BLANTON, Mr. DINGELL, Mr. DONOHUE, Mr. DRINAN, Mr. EDMONDSON, Mr. EVINS of Tennessee, Mr. WILLIAM D. FORD, Mr. GRIFFIN, Mr. HAMILTON, Mr. HARRINGTON, Mr. HATHAWAY, Mr. MCCORMACK, Mr. MIKVA, Mr. PEPPER, Mr. REES, Mr. ROBERTS, Mr. ROE, Mr. ROY, and Mr. WILLIAMS):

H. Res. 305. Resolution to express the sense of the House on relationship between legislative and executive branches of the Government; to the Committee on Appropriations.

By Mr. MORSE (for himself and Mr. RIEGLE):

H. Res. 306. Resolution to amend rules X, XI, and XIII of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. JAMES V. STANTON:

H. Res. 307. Resolution expressing the sense of the House of Representatives that the people of all Ireland should have an opportunity to express their will for union by an election under the auspices of a United Nations commission; to the Committee on Foreign Affairs.

By Mr. VANIK (for himself, Mr. MOSHER, Mr. BADILLO, Mr. BINGHAM, Mrs. DWYER, Mr. FULTON of Tennessee, Mrs. GRASSO, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. LENT, Mrs. MINK, Mr. MOSS, Mr. PODELL, Mr. RIEGLE, Mr. RYAN, Mr. SCHEUER, Mr. TIERNAN, Mrs. SULLIVAN, Mr. KOCH, and Mr. JAMES V. STANTON):

H. Res. 308. Resolution: Mass transit—A national priority; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 6201. A bill for the relief of Lesley Earle Bryan; to the Committee on the Judiciary.

H.R. 6202. A bill for the relief of Faro Mazzola; to the Committee on the Judiciary.

H.R. 6203. A bill for the relief of Vincenzo Montanino, Mrs. Lina Siesto Montanino, and their children, Sabato and Pasquale Montanino; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 6204. A bill for the relief of John S. Attinello; to the Committee on the Judiciary.

By Mr. COLLINS of Illinois:

H.R. 6205. A bill for the relief of Michele Biundo; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 6206. A bill authorizing the President to award the Medal of Honor to Harry S. Truman; to the Committee on Armed Services.

By Mr. McCLOSKEY:

H.R. 6207. A bill for the relief of Mrs. Edith Erdi; to the Committee on the Judiciary.

H.R. 6208. A bill for the relief of Paulino Narvios; to the Committee on the Judiciary.

H.R. 6209. A bill for the relief of Andreino Simonetti; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas:

H.R. 6210. A bill for the relief of Kyong Ok Kim and Mi Shil Choi; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 6211. A bill for the relief of Emilie Abbochian; to the Committee on the Judiciary.

H.R. 6212. A bill for the relief of Emanuel Licitra; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 6213. A bill for the relief of Maria Giovanna Loyero; to the Committee on the Judiciary.

H.R. 6214. A bill for the relief of Philip Antoun Morcos; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.R. 6215. A bill for the relief of A. C. Brown; to the Committee on the Judiciary.

By Mr. WARE:

H.R. 6216. A bill for the relief of Giuliano Esposito and his wife, Dehlia Esposito; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia:

H. Res. 309. Resolution to waive any loss or penalty assesed against Lockhed Aircraft Corp.; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

68. By Mr. LENT: Memorial of the Legislature of the State of New York, memorializing the Congress to take such affirmative action as may be necessary to obtain the release of the American prisoners of war held by the Government of North Vietnam; to the Committee on Foreign Affairs.

69. By the SPEAKER: A memorial of the Legislature of the State of Maine, relative to abolition of futures trading of potatoes on the New York Mercantile Exchange; to the Committee on Agriculture.

70. Also, a memorial of the Legislature of the State of Arkansas, relative to airport development; to the Committee on Interstate and Foreign Commerce.

71. Also, a memorial of the Legislature of the State of Connecticut, relative to amending the Constitution of the United States to lower the voting age to 18; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

44. By the SPEAKER: Petition of the Common Council, Buffalo, N.Y., relative to rehabilitation grants for housing; to the Committee on Banking and Currency.

45. Also, petition of the City Council, New York, N.Y., relative to the prevention of crime in schools; to the Committee on Education and Labor.