issues, echo Communist charges about U.S. "imperialism."

Yet when all the criticisms are in, the Assembly does provide an immensely important forum in which aggrieved nations can speak out on issues or apartheid and development. To the extent to which the rich nations are susceptible to kualms of conscience, the Assembly helps focus on hope rather than mere frustration and despair. Efforts are under way, also, to rationalize the Assembly's procedures.

There is less reason for dissatisfaction with the 15-member Security Council—although because of Soviet interference it has seldom given Israel a fair shake. From sterile confrontations, the Council has turned increasingly to behind-the-scenes efforts to compose differences before it votes. This sometimes results in what appears to be ridiculously mealy-mouthed resolutions. But sometimes it also prevents open breaks. The addition of Japan and Italy to the Council this year has given it added weight of big-power responsibility.

For whatever reason, the Nixon administration severely aggravated the problem of declining interest in the U.N. by its low-profile policy which prevailed until early this year. The tendency to use the U.N. only on tangential matters combined with hyper-secrecy to encourage public boredom.

Now the new American ambassador, George Bush, is working hard to reverse this pattern on the quite supportable thesis that as the United States mission takes on more importance, interest in the United Nations also increases. Bush has already won respect. But the long-range success of his efforts will depend precisely upon the degree to which he can keep President Nixon interested—and can demonstrate that he speaks for the President.

Important reasons that the United States needs to maintain and expand this interest are coalescing during 1971. Not only are major decisions imminent on issues ranging from China to the environment, but Secretary General U Thant has made clear that he wants to retire at the end of the year. Many principal executives, a number of them Americans, are expected to retire with Thant.

A key part of the effort to harmonize relationships with China, and to reconcile other divided countries, will take place in the United Nations. Thus the selection of a Secretary General for the next five years will have a strong bearing on the degree of stability the U.N. is able to maintain during what is bound to be a turbulent period.

Beyond this, the selection of a new Secretary General and his major colleagues offers an opportunity to shake up procedures, infuse new blood, gain control of the burgeoning bureaucracy and perhaps to reinstill the sense of dedication that falls victim to the torpor of an institution becoming set in its ways. It may be the last practical chance to overhaul the machinery for another decade.

On all of these accounts, an alert, active and expanded American interest in the United Nations is crucial. The United States must be prepared to assert itself or watch its influence diminish by default.

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# HOUSE OF REPRESENTATIVES—*Thursday, April 1, 1971*

The House met at 11 o'clock a.m.

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

*Be of one mind, live in peace and the God of love and peace shall be with you.*—II Corinthians 13:11.

Almighty God, our Father, in this quiet moment of prayer do Thou bless us with an experience of Thy power, changing our doubt to faith, our darkness to light, and our weakness to strength. Grant that when we become troubled in spirit and discouraged in heart we may look up and becoming conscious of Thy presence find relief from our fears and release from our frustrations.

In our relationship to one another, help us to be more understanding, more tolerant, more friendly and in so doing add a bit to the harmony needed in our land. May we so live our own lives that others, seeing us, may be persuaded to do good to those about them.

In the spirit of Him who made goodness live, we pray. Amen.

## THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

## CORRECTION OF VOTE

The SPEAKER. The Chair would like to make a statement.

The recorded teller vote on the Whalen amendment—roll No. 38—at page 8824 of the RECORD for March 31 shows that the amendment was defeated by a vote of 198 to 200. That is correct.

However, the gentleman from Oklahoma (Mr. ALBERT), is recorded as having voted in the affirmative. That is not correct. I voted in the negative, deposited a "No" card in the proper box, and the official roll made up from those cards by the tally clerk so shows my vote. The Government Printing Office is responsible for the error.

In addition, the official roll shows the gentleman from Louisiana (Mr. LONG), as "not voting." The Chair knows this to be a fact, for he has ascertained that Mr. LONG was in his home State on yesterday and did not vote. The CONGRESSIONAL RECORD shows Mr. LONG as also voting in the affirmative.

The Chair asks unanimous consent that the permanent RECORD be corrected to show that on the recorded teller vote—roll No. 38—the gentleman from Oklahoma (Mr. ALBERT), voted "No" and that the gentleman from Louisiana (Mr. LONG) did not vote.

Mr. GROSS. Mr. Speaker, reserving the right to object—and, of course, I will not object—I was in hopes that the teller vote taken yesterday would be the first in this session, so far as I know that would not be subject to correction well after the vote was taken. I think I am correct in saying that in every teller vote of record thus far taken in this session there has been a change.

I would hope that some system can be worked out whereby we would know, at the end of the teller vote and after there is opportunity for Members to change their votes on the floor of the House, that we would have an accurate vote printed in the CONGRESSIONAL RECORD. These errors can lead to serious consequences one of these days on a close vote.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. The Chair would like to make a further statement. The tellers' record was correct, and the clerk's record was correct. The error was made in the Printing Office, and, of course, we did not get the RECORD at the time to correct it yesterday.

Mr. GROSS. Mr. Speaker, whatever the reason, we did not have this difficulty on teller votes under the old system. I say again that I hope this can be corrected.

The SPEAKER. Without objection, the RECORD will be corrected.

There was no objection.

## THE FIRST ANNUAL CENTRAL NEW YORK MAPLE FESTIVAL

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

Mr. HANLEY. Mr. Speaker, last weekend, I spent some of the most pleasant time in recent years attending the first annual Central New York Maple Festival at Marathon, N.Y. The festival, which drew over 7,000 people, was the product of 10 years of planning and organizing. While it was definitely a community project, a large share of the credit for the festival must go to Walter Grunfeld, the enterprising and dynamic editor and publisher of the independent newspapers of Marathon and Tully.

Mr. Speaker, I think one of the reasons the festival was such a success, and one of the reasons why I am taking time today to mention it here in the House, is that in the hurly-burly of modern America we seldom take time out of our hectic lives to reflect on the virtues of a simpler day gone by, and the festival afforded just such an opportunity. Set in the beautiful countryside of central New York, the maple festival was a galaxy of Americana. There were homemade pies and homemade handicrafts, and most of all homemade maple sirup. It might sound corny to some, but to me it was a most enjoyable experience—and it was educational. There were displays depicting the colorful history of central New York; and there were social events designed to provide a carefree get-out-of-your-rut atmosphere; but most of all, Mr. Speaker, there was a community spirit which is so desperately lacking in many of our towns and cities across the country today.

I want to salute all of those interested citizens who put the festival together and encourage them to continue their efforts.

## PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, on Monday I missed two recorded votes. Had I been present and voting, I would have

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voted "yea" on rollcall No. 32 and I would have voted "yea" on recorded teller vote No. 34.

## LIEUTENANT CALLEY HONORED BY LOUISIANA'S SIXTH DISTRICT

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

Mr. RARICK. Mr. Speaker, over the past 3 years I have presented a bronze medal and a certificate for courageous and dedicated service to all returning Vietnam veterans of my district or their survivors if killed in action.

I have now been advised that my district veterans committee has unanimously voted that they feel Lt. William Calley should be given an award of recognition so that he is made aware that his courage, honesty, and dedication are appreciated by the grateful citizens of my district.

So, to you in absentia, Lt. William L. Calley, Jr., I present this medal and certificate of honor. The medal bears a large U.S. flag and is inscribed:

For heroism and service against Communism—for God and Constitution.

On the reverse of the medal is a map of Louisiana superimposed with the crossed flags of the Confederacy and the West Florida Republic and inscribed:

On behalf of the grateful citizens of the Sixth Congressional District—presented by John R. Rarick, M.C.—Louisiana.

My sincere congratulations. The medal and certificate shall be mailed you forthwith.

I insert the text of the award certificate at this point, followed by my letter to the Commanding General of Fort Benning, Ga., asking for delivery of the award to Lieutenant Calley:

UNITED STATES OF AMERICA

To all whom these presents shall come, Greetings:

Be it known that Lt. William L. Calley, Jr., in recognition of courageous and dedicated service in the Armed Forces of the United States of America in defense of Liberty under God is presented this award in appreciation by a grateful citizenry.

JOHN R. RARICK,
*Member of Congress.*

APRIL 1, 1971.

Re Lt. William L. Calley, Jr.
Maj. Gen. ORWIN C. TALBOTT,
*Commanding General,*
*Fort Benning, Ga.*

DEAR GENERAL TALBOTT: I am enclosing a bronze medal and certificate of appreciation from the people of my Congressional District to Lt. Calley, which was presented to him in absentia this morning in the chamber of the House of Representatives in Washington, D. C.

I would greatly appreciate, sir, if you would arrange to have this medal and certificate delivered to Lt. Calley on behalf of my Congressional District and myself, and acknowledge to me that Lt. Calley has received this award.

With every sincere best wish, I am,
Very truly yours,

JOHN R. RARICK,
*Member of Congress.*

## CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 39]

| | | |
|---|---|---|
| Anderson, Tenn. | Edwards, La. | McFall |
| Arends | Evins, Tenn. | Meeds |
| Ashley | Ford, William D. | Metcalfe |
| Baker | Gallagher | Passman |
| Baring | Gaydos | Poage |
| Boggs | Gettys | Price, Tex. |
| Celler | Giaimo | Randall |
| Chisholm | Green, Pa. | Rangel |
| Clark | Gubser | Rhodes |
| Clay | Harsha | Rodino |
| Collins, Ill. | Holifield | Rooney, N.Y. |
| Colmer | Jarman | Sandman |
| Corbett | Johnson, Pa. | Scheuer |
| Corman | Koch | Shipley |
| Crane | Kuykendall | Skubitz |
| Davis, Ga. | Landgrebe | Stokes |
| Dellums | Long, La. | Wiggins |
| Dent | McClure | Wyatt |
| Dowdy | McCulloch | Young, Tex. |
| Edwards, Calif. | McEwen | Zion |

The SPEAKER. On this rollcall, 372 Members have answered to their names, a quorum.

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

## AMENDING TOBACCO MARKETING QUOTA PROVISIONS OF AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED

Mr. ABBITT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 789) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 789

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", is amended by adding immediately following section 318 a new section 319 to read as follows:

"FARM POUNDAGE QUOTAS FOR BURLEY TOBACCO

"SEC. 319. (a) Notwithstanding any other provision of law, the Secretary shall, within thirty days following the enactment of this section, proclaim national marketing quotas for the three marketing years beginning October 1, 1971, as provided in this section.

"Within thirty days following such proclamation, the Secretary shall conduct a referendum of the farmers engaged in the production of the 1970 crop of burley tobacco to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis as provided in this section for the three marketing years beginning October 1, 1971. If the Secretary determines that two-thirds or more of the farmers voting in such referendum approve marketing quotas as provided in this section shall be in effect for those three marketing years. If marketing quotas on a poundage basis are not approved by at least two-thirds of the farmers voting in such referendum, no marketing quotas or price support for burley tobacco shall be in effect for the marketing year beginning October 1, 1971. Thereafter, the provisions of section 312 of the Act shall apply: *Provided*, That national marketing quotas for burley tobacco for any marketing year subsequent to the marketing year beginning October 1, 1971, shall be proclaimed as provided in this section.

"(b) The Secretary shall determine and announce, not later than the February 1 preceding the second and third marketing years of any three-year period for which marketing quotas on a poundage basis are in effect under this section, the amount of the national marketing quota for each of such years. If marketing quotas have been made effective on a poundage basis under this section, the Secretary shall, not later than February 1 of the last year of three consecutive marketing years for which marketing quotas are in effect under this section, proclaim national marketing quotas for burley tobacco for the next three succeeding marketing years as provided in this section. Within thirty days following such proclamation, the Secretary shall conduct a referendum in accordance with section 312(c) of the Act. If the Secretary determines that more than one-third of the farmers voting oppose the national marketing quotas, he shall announce the results and no marketing quotas or price support shall be in effect for such kind of tobacco for the first marketing year of such three-year period. Thereafter, the provisions of section 312 of the Act shall apply: *Provided*, That the national marketing quota and farm marketing quotas shall be determined as provided in this section. Notice of the farm marketing quota which will be in effect for his farm for the first marketing year covered by any referendum under this section shall insofar as practicable be mailed to the farm operator in sufficient time to be received prior to the referendum.

"(c) The national marketing quota determined under this section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 10 per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the 'national reserve') from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms (i.e., farms for which farm marketing quotas are not otherwise established).

"(d) When a national marketing quota is first proclaimed under this section, the Secretary shall through local committees determine a farm yield for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970. Such yield shall be determined by averaging the yield per acre for the four highest years of the five consecutive

years beginning with the 1966 crop year: *Provided*, That if burley tobacco was produced on the farm in fewer than five of such years, the farm yield shall be the simple average of the yields obtained in the years during such period that burley tobacco was produced on the farm: *Provided further*, That if no burley tobacco was produced on the farm but the farm was considered as having planted burley tobacco during the immediately preceding five years, the farm yield will be appraised on the basis of the yields established for similar farms in the area on which burley tobacco was produced during such five-year period: *And provided further*, That the farm yield established for any farm shall not exceed three thousand five hundred pounds per acre.

"(e) A preliminary farm marketing quota shall be determined for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970, by multiplying the farm yield determined under subsection (d) of this section by the farm acreage allotment (prior to any reduction for violation of regulations issued pursuant to the Act) established for such farm for the marketing year beginning October 1, 1970. For each farm for which such a preliminary farm marketing quota is determined, a farm marketing quota for the first year shall be determined by multiplying the preliminary farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of all preliminary farm marketing quotas as determined under this subsection: *Provided*, That such national factor shall not be less than 95 per centum.

"The farm marketing quota for each succeeding year shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for such succeeding marketing year: *Provided*, That such factor for the marketing year beginning October 1, 1972, shall not be less than 95 per centum: *Provided further*, That such factor for the marketing year beginning October 1, 1973, shall not be less than 92½ per centum: *And provided further*, That such factor for any subsequent year shall not be less than 90 per centum: *And provided further*, That in the case of any farm having an acreage allotment of .50 acres or less for the marketing year beginning October 1, 1970, the farm marketing quota shall not be less than 95 per centum of the farm marketing quota established under this section for the previous year. The farm marketing quota so computed for any farm for any year shall be increased by the number of pounds by which marketings from the farm during the immediately preceding year were less than the farm marketing quota (after adjustments): *Provided*, That any such increase shall not exceed the amount of the farm marketing quota (including leased pounds) for the immediately preceding marketing year prior to any increase for undermarketings or decrease for overmarketings. The farm marketing quota so computed for each farm for any year shall be reduced by the number of pounds by which marketings from the farm during the immediately preceding year exceeded the farm marketing quota (after adjustments): *Provided*, That if on account of excess marketings in the preceding year the farm marketing quota is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made in subsequent marketing years.

"The farm marketing quota for a new farm shall be the number of pounds determined by the county committee with approval of the State committee to be fair and reasonable for the farm on the basis of the past burley tobacco experience of the farm operator; the land, labor, and equipment available for the production of burley tobacco; crop rotation practices, and the soil and other physical factors affecting the production of burley tobacco: *Provided*, That the farm marketing quota for any such new farm shall not exceed 50 per centum of the average of the farm marketing quotas for similar farms for which farm marketing quotas are otherwise established: *Provided further*, That the number of pounds allocated to all new farms shall not exceed that portion of the national reserve provided by the Secretary for establishing quotas for new farms.

"(f) When a poundage program is in effect under this section, the farm marketing quota next established for any farm shall be reduced by the amount of burley tobacco produced on any farm (1) which is marketed as having been produced on a different farm; (2) for which proof of disposition is not furnished as required by the Secretary; and (3) as to which any producer on the farm files, or aids or acquiesces in the filing of, any false report with respect to the production or marketings of tobacco: *Provided*, That if the Secretary through the local committee finds that no person connected with such farm caused, aided, or acquiesced in any such irregularity, the next established farm marketing quota shall not be reduced under this subsection. The reductions required under this subsection shall be in addition to any other adjustments made pursuant to this section.

"(g) When a poundage program is in effect under this section, farm marketing quotas (after adjustments) for burley tobacco may be transferred to other farms in the same county under the terms and conditions contained in section 316 of the Act: *Provided*, That such transfers shall be on a pound for pound basis: *Provided further*, That any adjustment for undermarketings or overmarketings shall be attributed to the farm to which transferred: *And provided further*, That not more than five thousand pounds may be transferred to any farm under this section.

"(h) Effective with marketing year beginning October 1, 1976, no marketing quota, other than a new farm marketing quota, shall be established for a farm on which no burley tobacco was planted or considered planted in any of the five years immediately preceding the year for which farm marketing quotas are being established.

"(i) When marketing quotas under this section are in effect, provisions with respect to penalties for the marketing of excess tobacco and the provisions contained in section 314 of the Act shall apply, except that:

"(1) No penalty on excess tobacco shall be due or collected until 110 per centum of the farm marketing quota (after adjustments) for a farm has been marketed, but with respect to each pound of tobacco marketed in excess of such percentage the full penalty rate shall be due, payable, and collected at the time of marketing in each pound of tobacco marketed, and any tobacco marketed in excess of 100 per centum of the farm marketing quota (after adjustments) will require a reduction in subsequent farm marketing quotas in accordance with section 319(e): *Provided*, That if the Secretary in his discretion, determines it is desirable to encourage additional marketings of any grades of burley tobacco during any marketing year to insure traditional market patterns to meet the normal demands of export and domestic markets, he may authorize the marketing of such grades without the payment of penality or deduction from subsequent quotas to the extent of 5 per centum of the farm marketing quota for the farm on which the tobacco was produced, and such marketings shall be eligible for price support.

"(2) The provisions with respect to penalties contained in the third sentence of section 314(a) shall be revised to read: 'If any producer falsely identifies or fails to account for the disposition of any tobacco, the Secretary, in lieu of assessing and collecting penalties based on actual marketings of excess tobacco, may elect to assess a penalty computed by multiplying the full penalty rate by an amount of tobacco equal to 25 per centum of the farm marketing quota (after adjustments) and the penalty in respect thereof shall be paid and remitted by the producer.'

"(3) The provisions contained in the fourth sentence of section 314(a) shall not be applicable. For the first year a marketing quota program established under the provisions of this section is in effect, the farm marketing quota determined under the provisions of section 319(e) shall receive a temporary upward adjustment equal to the amount of carryover penalty-free burley tobacco for the farm. For subsequent years, the provisions of section 319(e) shall apply.

"(j) The Secretary shall prescribe such regulations as he considers necessary for carrying out the provisions of this section."

SEC. 2. Section 378 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding subsection (f) to read as follows:

"(f) In applying the provisions of this section to a farm for which a tobacco marketing quota has been determined under section 319 of this Act, the words 'allotment' and 'acreage', wherever they appear, shall be construed to mean 'marketing quota' and 'poundage', respectively, as required."

SEC. 3. Clause (c) of section 106 of the Agricultural Act of 1949, as amended, is amended to read as follows: "(c) If acreage - poundage or poundage farm marketing quotas are in effect under section 317 or 319 of the Agricultural Adjustment Act of 1938, as amended, (1) price support shall not be made available on tobacco marketed in excess of 110 per centum of the marketing quota (after adjustments) for the farm on which such tobacco was produced, and (2) for the purpose of price support eligibility, tobacco carried over from one marketing year to another shall, when marketed, be considered tobacco of the then current crop."

AMENDMENT OFFERED BY MR. ABBITT

Mr. ABBITT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ABBITT: Strike out all after the enacting clause of S. 789 and insert in lieu thereof the following:

That the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", is amended by adding immediately following section 318 a new section 319 to read as follows:

"FARM POUNDAGE QUOTAS FOR BURLEY TOBACCO

"SEC. 319 (a) Notwithstanding any other provision of law, the Secretary shall, within thirty days following the enactment of this section, proclaim national marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971, and determine and announce the amount of the marketing quota for burley tobacco for the marketing year beginning October 1, 1971, as provided in this section.

"Within thirty days following such proclamation, the Secretary shall conduct a referendum of the farmers engaged in the production of the 1970 crop of burley tobacco to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis as provided in this section for the three marketing years beginning October 1, 1971. If the Secretary determines that two-thirds or more of the farmers voting in such referendum approve marketing quotas on a poundage basis, marketing quotas as provided in this section shall be in effect for those three marketing years. If marketing quotas on a poundage basis are not ap-

proved by at least two-thirds of the farmers voting in such referendum, no marketing quotas or price support for burley tobacco shall be in effect for the marketing year beginning October 1, 1971. Thereafter, the provisions of section 312 of the Act shall apply: *Provided,* That national marketing quotas for burley tobacco for any marketing year subsequent to the marketing year beginning October 1, 1971, shall be proclaimed as provided in this section.

"(b) The Secretary shall determine and announce, not later than the February 1 preceding the second and third marketing years of any three-year period for which marketing quotas on a poundage basis are in effect under this section, the amount of the national marketing quota for each of such years. If marketing quotas have been made effective on a poundage basis under this section, the Secretary shall, not later than February 1 of the last year of three consecutive marketing years for which marketing quotas are in effect under this section, proclaim national marketing quotas for burley tobacco for the next three succeeding marketing years as provided in this section. Within thirty days following such proclamation, the Secretary shall conduct a referendum in accordance with section 312(c) of the Act. If the Secretary determines that more than one-third of the farmers voting oppose the national marketing quotas, he shall announce the results and no marketing quotas or price support shall be in effect for such kind of tobacco for the first marketing year of such three-year period. Thereafter, the provisions of section 312 of the Act shall apply: *Provided,* That the national marketing quota and farm marketing quotas shall be determined as provided in this section. Notice of the farm marketing quota which will be in effect for his farm for the first marketing year covered by any referendum under this section shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the referendum.

"(c) The national marketing quota determined under this section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 5 per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the 'national reserve') from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms (that is, farms for which farm marketing quotas are not otherwise established).

"(d) When a national marketing quota is first proclaimed under this section, the Secretary shall through local committees determine a farm yield for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970. Such yield shall be determined by averaging the yield per acre for the four highest years of the five consecutive years beginning with the 1966 crop year: *Provided,* That if burley tobacco was produced on the farm in fewer than five of such years, the farm yield shall be the simple average of the yields obtained in the years during such period that burley tobacco was produced on the farm: *Provided further,* That if no burley tobacco was produced on the farm but the farm was considered as having planted burley tobacco during the immediately preceding five years, the farm yield will be appraised on the basis of the yields established for similar farms in the area on which burley tobacco was produced during such five-year period: *And provided further,* That the farm yield established for any farm shall not exceed three thousand five hundred pounds per acre.

"(e) A preliminary farm marketing quota shall be determined for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970, by multiplying the farm yield determined under subsection (d) of this section by the farm acreage allotment (prior to any reduction for violation of regulations issued pursuant to the Act) established for such farm for the marketing year beginning October 1, 1970. For each farm for which such a preliminary farm marketing quota is determined, a farm marketing quota for the first year shall be determined by multiplying the preliminary farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of all preliminary farm marketing quotas as determined under this subsection: *Provided,* That such national factor shall not be less than 95 per centum.

"The farm marketing quota for each succeeding year shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota determined under section (c) of this section (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for such succeeding marketing year: *Provided,* That such national factor shall not be less than 95 per centum: *Provided further,* That for the marketing years beginning October 1, 1972 and October 1, 1973, the farm marketing quota for any farm shall not be less than the smaller of (1) one-half acre times the farm yield times one-half the sum of the figure one and the national factor for the current year, or (2) the farm marketing quota for the immediately preceding marketing year times one-half the sum of the figure one and the national factor for the current year. The farm marketing quota so computed for any farm for any year shall be increased by the number of pounds by which marketings from the farm during the immediately preceding year were less than the farm marketing quota (after adjustments): *Provided,* That any such increase shall not exceed the amount of the farm marketing quota (including leased pounds) for the immediately preceding marketing year prior to any increase for undermarketings or decrease for overmarketings. The farm marketing quota so computed for each farm for any year shall be reduced by the number of pounds by which marketing from the farm during the immediately preceding year exceeded the farm marketing quota (after adjustments): *Provided,* That if, on account of excess marketings in the preceding year, the farm marketing quota is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made in subsequent marketing years.

"The farm marketing quota for a new farm shall be the number of pounds determined by the county committee with approval of the State committee to be fair and reasonable for the farm on the basis of the past burley tobacco experience of the farm operator; the land, labor, and equipment available for the production of burley tobacco; crop rotation practices, and the soil and other physical factors affecting the production of burley tobacco: *Provided,* That the farm marketing quota for any such new farm shall not exceed 50 per centum of the average of the farm marketing quotas for similar farms for which farm marketing quotas are otherwise established: *Provided further,* That the number of pounds allocated to all new farms shall not exceed that portion of the national reserve provided by the Secretary for establishing quotas for new farms.

"(f) When a poundage program is in effect under this section, the farm marketing quota next established for any farm shall be reduced by the amount of burley tobacco produced on any farm (1) which is marketed as having been produced on a different farm; (2) for which proof of disposition is not furnished as required by the Secretary; and (3) as to which any producer on the farm files, or aids or acquiesces in the filing of, any false report with respect to the production or marketings of tobacco: *Provided,* That if the Secretary through the local committee finds that no person connected with such farm caused, aided, or acquiesced in any such irregularity, the next established farm marketing quota shall not be reduced under this subsection. The reductions required under this subsection shall be in addition to any other adjustments made pursuant to this section.

"(g) When a poundage program is in effect under this section, farm marketing quotas (after adjustments) for burley tobacco may be leased and transferred to other farms in the same county under the terms and conditions contained in section 318 of the Act: *Provided,* That such leases and transfers shall be on a pound for pound basis: *Provided further,* That any adjustment for undermarketings or overmarketings shall be attributed to the farm to which leased and transferred: *Provided further,* That not more than fifteen thousand pounds may be leased and transferred to any farm under this section: *And provided further,* That the marketing quota determined for any farm subsequent to such lease and transfer shall not exceed an amount determined by multiplying the farm yield established under subsection (d) of this section by 50 per centum of the acreage of cropland in the farm.

"(h) Effective with the marketing year beginning October 1, 1976, no marketing quota, other than a new farm marketing quota, shall be established for a farm on which no burley tobacco was planted or considered planted in any of the five years immediately preceding the year for which farm marketing quotas are being established.

"(i) When marketing quotas under this section are in effect, provisions with respect to penalties for the marketing of excess tobacco and the other provisions contained in section 314 of the Act shall apply, except that:

"(1) No penalty on excess tobacco shall be due or collected until 110 per centum of the farm marketing quota (after adjustments) for a farm has been marketed, but with respect to each pound of tobacco marketed in excess of such percentage the full penalty rate shall be due, payable, and collected at the time of marketing on each pound of tobacco marketed, and any tobacco marketed in excess of 100 per centum of the farm marketing quota (after adjustments) will require a reduction in subsequent farm marketing quotas in accordance with section 319(e): *Provided,* That if the Secretary, in his discretion, determines it is desirable to encourage additional marketings of any grades of burley tobacco during any marketing year to insure traditional market patterns to meet the normal demands of export and domestic markets, he may authorize the marketing of such grades without the payment of penalty or deduction from subsequent quotas to the extent of 5 per centum of the farm marketing quota for the farm on which the tobacco was produced, and such marketings shall be eligible for price support.

"(2) The provisions with respect to penal-

ties contained in the third sentence of section 314(a) shall be revised to read: 'If any producer falsely identifies or fails to account for the disposition of any tobacco, the Secretary, in lieu of assessing and collecting penalties based on actual marketings of excess tobacco, may elect to assess a penalty computed by multiplying the full penalty rate by an amount of tobacco equal to 25 per centum of the farm marketing quota (after adjustments) and the penalty in respect thereof shall be paid and remitted by the producer.'.

"(3) The provisions contained in the fourth sentence of section 314(a) shall not be applicable. For the first year a marketing quota program established under the provisions of this section is in effect, the farm marketing quota determined under the provisions of section 319(e) shall receive a temporary upward adjustment equal to the amount of carryover penalty-free burley tobacco for the farm. For subsequent years, the provisions of section 319(c) shall apply.

"(j) The Secretary shall prescribe such regulations as he considers necessary for carrying out the provisions of this section."

SEC. 2. Section 378 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding subsection (f) to read as follows:

"(f) In applying the provisions of this section to a farm for which a tobacco marketing quota has been determined under section 319 of this Act, the words 'allotment' and 'acreage', wherever they appear, shall be construed to mean 'marketing quota' and 'poundage', respectively, as required."

SEC. 3. Clause (c) of section 106 of the Agricultural Act of 1949, as amended, is amended to read as follows:

"(c) If acreage poundage or poundage farm marketing quotas are in effect under section 317 or 319 of the Agricultural Adjustment Act of 1938, as amended, (1) price support shall not be made available on tobacco marketed in excess of 110 per centum of the marketing quota (after adjustments) for the farm on which such tobacco was produced, and (2) for the purpose of price-support eligibility, tobacco carried over from one marketing year to another shall, when marketed, be considered tobacco of the then current crop."

SEC. 4. Any action taken by the Secretary pursuant to section 312 of the Act (7 U.S.C. 1312) for burley tobacco for any of the three marketing years beginning October 1, 1971, prior to the enactment of this section, shall be of no effect.

Mr. ABBITT (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The amendment was agreed to.

Mr. ABBITT. Mr. Speaker, this legislation is needed to provide a more effective production adjustment program for burley tobacco.

Burley tobacco allotments were established for 282,115 farms in 14 States in 1970. The total acreage allotted was 230,947 acres, an average of 82 one-hundredths of an acre per farm. Farmers received $405 million for the 1970 burley crop.

The present acreage allotment program was for many years effective in maintaining burley tobacco supplies in line with demand, with favorable prices to growers and with minimum costs to the Government for price supports. However, in recent years sharp increases in per acre yields, and decreased domestic usage have combined to build up a surplus which has resulted in excessive amounts accumulating under Government loan.

During the 1969–70 marketing year, domestic use of burley tobacco totaled 506 million pounds—down 10 million pounds from the previous year, and 40 million pounds below the level prevailing 2 years earlier. This decline in domestic usage occurred despite an increase in cigarette production, the principal use for burley tobacco.

During the 5 years, 1956–60, burley tobacco yields averaged 1,620 pounds per acre. In 1963, yields first reached a ton per acre, and they have continued to increase—reaching an average of 2,537 pounds per acre during the past 2 years. Research indicates that further increases in per acre yields are readily obtainable.

Increases in per acre yields require reductions in farm acreage allotments, which in turn stimulate further increases in per acre yields. Caught in this spiral, each farmer must compete with others in a hectic race to maintain his share of the market.

The bill provides a more effective production adjustment program by establishing farm marketing quotas in pounds rather than in acres. This will eliminate the incentive for increased per acre yields and enable farmers to concentrate their efforts on improving the quality of their tobacco instead of obtaining maximum production from their allotted acreages.

Under the bill, farm marketing quotas will be based on the average of each farm's four highest yields during the past 5 years, multiplied by the farm's 1970 acreage allotment. Farm marketing quotas regardless of size, will be adjusted uniformly to bring supplies into line with demand. Thus, the bill provides equitable treatment for all burley tobacco growers regardless of the size of their operations. Under present legislation, farm acreage allotments of one-half acre or less cannot be reduced, regardless of how much per acre yields increase or usage decreases. In 1970, about 60 percent of all burley tobacco farm acreage allotments were in this protected category.

Farm marketing quotas would be based on the average of each farm's four highest yields during the 5 years, 1966–70, multiplied by the farm's 1970 acreage allotment. Farm marketing quotas, regardless of size, would be adjusted uniformly to equal the national marketing quotas—less a reserve of no more than 1 percent for correcting errors, adjusting inequities and for establishing quotas for new farms.

The national marketing quota would be the amount of burley tobacco produced in the United States which the Secretary determines will be utilized and exported during the marketing year, adjusted upward or downward as the Secretary determines is desirable to maintain an adequate supply or for an orderly reduction of supplies to the reserve supply level.

The bill provides that farm marketing quotas for the first year shall not be reduced by more than 5 percent below an amount determined by multiplying the farm's average yield by the 1970 acreage allotment. Thereafter, the amount of the national marketing quota for any year cannot be less than 95 percent of estimated utilization and exports.

If marketings from a farm are less than the farm's poundage quota, the difference—up to 100 percent—is added to that farm's quota for the following year. Marketings from a farm may exceed the farm's quota by 10 percent without penalty and with price support, but any marketings in excess of a farm's quota would be deducted from that farm's quota for the following year. The bill provides for the lease of burley tobacco farm marketing quotas and transfers to other farms in the same county. The bill limits the amount that can be transferred to any farm to 15,000 pounds.

Mr. MIZELL. Mr. Speaker, I rise today in support of the proposed legislation dealing with burley tobacco marketing quotas, and with the leasing and transfer of those quotas from one farm to another within the same county.

Under this legislation, the marketing quotas on burley tobacco would be based on poundage rather than acreage, as has been the practice in the past.

The new quota system provides that the allowable farm yield will be established by averaging each burley farm's yield per acre for the four highest production years of the period 1966–70, with no farm yield to exceed 3,500 pounds.

This base change was made necessary because heavily increased per acre yield under the old acreage allotment system, coupled with decreased domestic usage, have resulted in excessive amounts of burley tobacco. This increase in per acre yield has been the result of improved tobacco production technology.

I also support the provision authorizing the lease and transfer of burley tobacco quotas from one farm to others within the same county. I believe this practice will insure that our burley producers operate in the most efficient and economical way.

This bill also provides for a 1971 quota reduction of 5 percent for all burley growers. This reduction was believed necessary because of the excessive amounts of burley tobacco already in supply, as I mentioned earlier.

But I am happy to see that the measure includes an amendment quite similar to one which I introduced in the Committee on Agriculture, providing that those burley growers producing on one-half acre or less will have their quotas reduced by only half as much as other growers in 1972 and 1973.

I believe this provision will be especially beneficial to the small-operation burley growers in the fifth district of North Carolina, which I am proud to represent. These men need and deserve a measure of protection during this 3-year transition period, and it was in their interest, since so many of the burley growers in my area are minimum producers, that I asked to have this protective measure included.

The quota system established by this

bill should provide a more effective production adjustment program for all burley growers.

The national marketing quota, according to the legislation, is the amount of burley tobacco used domestically or exported during a marketing year, with this amount adjusted by the Secretary of Agriculture "to maintain an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level."

The bill must be submitted to burley growers by the Secretary of Agriculture for a referendum to determine whether they favor or oppose the new base system, and a two-thirds majority is required for passage of the referendum.

I believe that we have here a bill that burley growers can support, and a bill that is fair to all parties concerned. I urge my colleagues to join me in voting for its passage.

## LT. WILLIAM L. CALLEY, JR.

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

Mr. MANN. Mr. Speaker, on March 16, 1968, when Lt. William L. Calley, Jr., was fighting for his country in Vietnam, which indisputably he was, one Cassius Clay, alias Muhammad Ali, was walking the streets of America, having refused to so serve his country. Today, William Calley stands convicted of murder, and Muhammad Ali still walks the streets of America, a couple of million dollars richer by virtue of his failure to serve. True, he stands convicted of refusing to submit to induction, but today, almost 4 years after his conviction on June 20, 1967, he still walks the streets of America. I wonder if our system of administration of justice will be as kind to Lieutenant Calley.

Some weeks ago I inquired of the Attorney General as to the causes of the delays in the disposition of the case of Ali. Although the reply that I received lacked some in detail, I felt that my colleagues and the American people would be interested in this summary of the inefficiency of our present criminal justice appeals system. I quote the response from the Attorney General's office, dated March 15, 1971, and signed by Robert C. Mardian, Assistant Attorney General:

DEPARTMENT OF JUSTICE,
*Washington, D.C., March 15, 1971.*

Hon. JAMES R. MANN,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN: This is in response to your letter of February 10, 1971, to the Attorney General, requesting information regarding the disposition of the Cassius Clay draft evasion case.

I am sure that you will understand that every person convicted of a violation of a Federal criminal law has the right to take an appeal from his conviction to the appropriate Circuit Court of Appeals. If the conviction is affirmed by that Court, the defendant then has the right to petition the Supreme Court for a further hearing. The usual practice of the Court in such instances is to release the defendant from custody on bail pending the final disposition of his case or until otherwise ordered. Meanwhile, unless specifically prohibited by the Court, the defendant may engage in any lawful activity he wishes.

Cassius Clay was convicted in the District Court for the Southern District of Texas for refusing to submit to induction into the Armed Forces of the United States, and he received the maximum sentence of imprisonment for five years and a fine of $10,000. He took an appeal to the Court of Appeals for the Fifth Circuit and that Court affirmed the conviction.

Clay thereafter filed a petition requesting the Supreme Court to review the case. The Court granted a writ of certiorari, vacated the judgment of conviction and remanded the case to the District Court for a determination as to whether evidence secured by illegal eavesdropping was used against him at his trial.

The District Court subsequently ruled that no such evidence was used against him and on July 6, 1970, the Circuit Court of Appeals affirmed the conviction for the second time. Clay thereupon petitioned the Supreme Court to review this latest judgment of the Court of Appeals. On January 11, 1971, the Supreme Court announced that it will hear arguments on Clay's contention that he should have been classified as a conscientious objector to participation in war. A final decision in this case is, therefore, not expected for several months.

Whether any particular man should be issued a license to box is a matter that is solely within the purview of the various local authorities. The Federal Government has no jurisdiction in that regard.

Sincerely,

ROBERT C. MARDIAN,
*Assistant Attorney General.*

## AMERICAN PRISONERS OF WAR IN NORTH VIETNAM

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

Mr. JACOBS. Mr. Speaker, in effect the United States has said we will not withdraw all our forces from Vietnam until the Communists agree to release all American prisoners.

And the Communists have said they will not release all Americna prisoners until the United States agrees to withdraw all its forces.

It appears that neither side is quite hearing the other.

Thus this resolution:

H.J. RES. 319

Whereas the President of the United States on March 4th, 1971 stated that his policy is that; "as long as there are American POW's in North Viet Nam we will have to maintain a residual force in South Viet Nam. That is the least we can negotiate for."

Whereas Mme. Nguyen Thi Binh, Chief delegate of the Provisional Revolutionary Government of the Republic of South Viet Nam stated on September 17, 1970 that the policy of her government is "In case the United States Government declares it will withdraw from South Viet Nam all its troops and those of the other foreign countries in the US camp, and the parties will engage at once in discussion, on—

"The question of ensuring safety for the total withdrawal from South Viet Nam of US troops and those of the other foreign countries in the US camp.

"The question of releasing captured military men."

Resolved that the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indo-China, the United States shall withdraw all its Armed Forces from Viet Nam within sixty days following the signing of the agreement; provided that the agreement shall contain guarantee by the Democratic Republic of Viet Nam and the National Liberation Front of safe conduct out of Viet Nam for all American prisoners and all American Armed Forces simultaneously.

## GENERAL LEAVE TO EXTEND

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 6531.

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

There was no objection.

## AMENDING THE MILITARY SELECTIVE SERVICE ACT OF 1967

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The motion was agreed to.

IN COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 6531, with Mr. BOLAND in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on yesterday the first section, ending on line 22, page 11, of the bill was open to amendment at any point.

Are there further amendments to the section?

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

Mr. Chairman, I rise at this moment to attempt to clarify the situation and to give the Members complete knowledge of exactly what the situation is as it relates to the bill and how long we are going to be here.

As of now we have disposed of all committee amendments by members of the committee to section 1. There are now pending about 14 other amendments at the desk, as I understand it. We have three other sections to read. As each section comes up, I shall ask unanimous consent that the sections be considered as having been read in full and open to amendment at any point. Of course, then the amendments will be offered.

As to the length of time we are here today, or the rest of this week, that depends entirely on the membership and its desires.

At the outset of the discussion of this bill I said that I would rather not initiate any move to curtail debate. That still holds. I will not initiate such a move. So the time you remain here is entirely

in your hands. If you cooperate and do not make unnecessary demands on votes that have an obvious outcome, we can get along much better and faster. If you do not want to do that, and want to ask for these rollcalls and record votes, it is entirely within your discretion and within your right.

What I am saying to each member of the Committee of the Whole is I will cooperate to the fullest extent to get you out of here as quickly as we can. It is entirely up to you as to whether we get out today or next Tuesday, but I am ready to stay here in a 24-hour session in order to get the bill out. It is all in your hands, and you are running the show.

AMENDMENT OFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LONG of Maryland:

Page 6, lines 1 and 2, strike out "until the end of the term, or academic year in the case of his last academic year," and insert "until the end of such academic year,".

Mr. LONG of Maryland. Mr. Chairman, forcing a young man to enter the armed services after completing the first semester of the academic year, or only one section of a trimester academic year could cause hardship. Some colleges require a student to take two semesters of a course—such as beginning French or Latin at Catholic University here in Washington—in sequence in order to get credit for the course. Presently, American University has 433 independent study courses, which run for two semesters. One must take both semesters to receive credit. Dean Cain of the Catholic University College of Arts and Sciences told my office yesterday that many of their honors programs—in English, for example—are two semester programs. The student gets an incomplete at the end of the first semester. When he finishes his honors project, sometime in the spring, he receives a grade for both semesters. At Washington College, Chestertown, Md., the course catalog states on page 69:

A hyphen between the number indicates that credit is not allowed for one semester without the other.

This is distinguished from a comma course:

A comma between the numbers indicates that credit may be allowed for either semester without the other.

Breaking up a year's academic program also creates a psychological hardship. A year is an important unit—a milestone. When a student has completed a year's work, he is more encouraged to complete his education than he would be if he had just completed the first semester of his freshman year, for example, and had to enter the service.

Forcing a young man to enter the service after one semester also causes financial hardships. Here are some examples:

The Connecticut College—New London, Conn. (went coed last year) bulletin of April 1970, states:

The College operates on an annual budget which provides for yearly commitments in advance to teaching staff and to others whose services are essential to the operations of the College. For this reason no deductions or refunds from its fixed charges can be made for withdrawal or dismissal with one exception. (Serious illness).

At the University of Tennessee, housing contracts are for the year, September-June, unless special arrangements are made in advance. The contract contains terms for cancellation in midyear, not specified in catalog.

At Georgetown University, it is understood that students applying will reside on campus for the entire year. No refund will be made for move out of dormitory during a semester. Only if a suitable substitute is provided by the renter will the mid-year move be considered. Payments are made on a semester-by-semester basis.

Mr. Chairman, I would hope very much that the Committee could accept this amendment and that the House would agree to this amendment.

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

The CHAIRMAN. The gentleman from Maryland has 2 minutes remaining.

Mr. LONG of Maryland. I would be glad to yield to the gentleman.

Mr. PIKE. I had rather take it on my own time.

Mr. LONG of Maryland. I would hope that the gentleman would make a point and that I would be given the opportunity to answer it.

Mr. PIKE. I am not sure we can complete this in 2 minutes. Therefore, I would prefer to wait until my time.

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

Mr. LONG of Maryland. I shall be glad to yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Maryland.

It so happens that one of the two amendments I intended to offer here is identical to that of the gentleman in the well. I certainly approve of and support his amendment.

I would like to say that I have had a little experience with this subject in the past because my father happened to be the president of a small church-related college.

In those days the problem was more acute because there were fewer students and there were higher draft calls. But it is still a major problem to a student who is trying to finish his college, as the gentleman has observed, to be able to complete a college year and, also, as we will hear before we are through here, a great many of our colleges and institutions of learning are in serious financial difficulties.

If a large percentage of our student bodies are drafted the non-tax-supported colleges may have some real difficulty in this country. I think this is a forward-looking and constructive amendment, and I commend the gentleman for offering it.

Mr. LONG of Maryland. I thank the gentleman for his comments.

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

Mr. LONG of Maryland. I yield to the gentleman from California.

Mr. WALDIE. I really do not understand why a student is in any more preferential a position to be deferred from the inequities of the draft than a nonstudent. Every single disability that the gentleman relates to a student exists in particular for the nonstudent because the nonstudent normally is not as privileged an individual in our society.

Therefore, to protect the universities by protecting their income by not drafting their products makes no sense at all to me. As a matter of fact, the entire draft makes no sense to me. We ought to quit trying to make it palatable to those who possess political and economic power and simply discard it completely.

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

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

Mr. LONG of Maryland. Mr. Chairman let me say that the gentleman from California may be right. If that is so, then we should not have a provision in here for any kind of a deferment, even for the balance of a semester. I am pointing out that if you are going to have a provision in here for deferring people for the balance of a semester it makes more sense for the balance of the year.

Mr. WALDIE. If the gentleman will yield further, I agree with the gentleman that we should not have that either.

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

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

Mr. Chairman, the committee has considered the various aspects of student deferrals. We have considered it very carefully and long, and as a result we are going to oppose any alleviation of the student deferment proposals in the bill. We are comparing here the convenience of some students against the lives of some draftees. We are trying to measure what my friend, the gentleman from Maryland (Mr. LONG) called the psychological hardships of some students against the very real and immediate hardships and the absolute disruption of a life of all draftees.

We talk about the financial hardships of these students. What about the financial hardship of the young men who could not get into the college in the first place? These are the people we have to be concerned about.

We are trying to make a just law, and we are trying to make it apply equally to all of our citizens. To the extent that people who are wealthier and smarter can go to college and avoid the war, the law is unjust. We are trying to remove this injustice. We made a mistake in this 4 years ago. We have come to recognize the mistake. We are doing everything that we can to rationally make this law apply to all of our people. There is no vested right in anybody, whether he is a wealthy, bright person, or not, to be

exempt from a war while a war is going on. We are trying to remove privilege—privilege based on wealth, privilege based on wisdom, privilege based on anything. And this, to the extent possible, we have done and are doing.

Mr. LONG of Maryland. Mr. Chairman will the gentleman yield?

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

Mr. LONG of Maryland. Mr. Chairman, I thank the gentleman for yielding. I could not agree more with the gentleman. I supported the draft, and I made a speech here yesterday—which I hoped would be eloquent—pointing out that we should not have your system of military manpower which bears solely on the patriotic and the poor. Nevertheless, the gentleman and the committee have already supported the semester deferral idea, and I am trying to make it make some more sense.

Once you have established the principle that you are going to give deferment for the balance of a semester, then you are going to create inequities for some students compared with others, and for some colleges.

Mr. PIKE. I simply disagree with the gentleman. I think it does make sense if a man is called to let him complete the semester he is in. The law we have reported out does that. If he is a senior we let him complete his senior year because I think the disruption involved in that is in rational balance against the injustices of the student deferment operation.

But to try to stretch it out further than that in any capacity, I would be wholly opposed to, and I hope the House will reject any effort to stretch it out any further by granting more privilege to those who are privileged already.

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

Mr. Chairman, I would like to address a question to the gentleman from New York (Mr. PIKE).

Does not the President in this legislation have the right to change the term to semester or to academic year?

Mr. PIKE. No, I think not. These minimums are imposed by law. I believe the President has said that he will allow a student to finish the semester if he is a freshman, sophomore, or junior.

The gentleman from Indiana is correct that the discretion still rests with the President of the United States to grant a longer delay.

What we have done is to remove in the legislation the prohibition that was in there before against abolishing student deferments.

Mr. BRAY. That is my recollection.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield for a question.

Mr. BRAY. I yield to the gentleman.

Mr. PUCINSKI. Would it not be true that many students around the country who have paid their tuition for a full year, will not have their tuition refunded if they are drafted? As I understand the amendment before the House would extend the deferment for the entire first year instead of only for the first semester.

I can imagine the tremendous burden and injustice that will be created for students who in good faith have paid their tuition for a whole year, that is for the freshman year, and then being called in for active duty at the completion of their first semester, they cannot get their tuition back for the second half of the first year. We have had a number of occasions where we have talked to universities about this and the universities have said that they cannot refund them the money simply because they have budgeted it or scheduled it or spent it or committed it and all the other things. That is why, would not the gentleman agree, no violence will be done to equity if we let a student complete his first year instead of the first semester. The student is still going into the service. He is not getting a deferment or anything—he is still going into the service.

Mr. BRAY. In other words, I believe, the discretion is still there.

Mr. PUCINSKI. No, no. As a matter of record—perhaps the chairman of the committee might want to make the legislative history here, if the gentleman is correct, that the discretion is there, then obviously we do not need the amendment.

But I am under the impression that the law provides—the proposed legislation here would defer a student to the completion of his present semester even though he is enrolled and has paid his tuition for a full year.

Mr. BRAY. I do not have the entire text of the original Draft Act before me, but I yield to the chairman of the committee, the gentleman from Louisiana (Mr. HÉBERT).

Mr. HÉBERT. Mr. Chairman, I will try to clear this up.

As the law has been written and submitted, and it is in the committee bill, this makes it for the semester. The right or the discretion as to an extension beyond that is vested in the President. It does not prohibit it.

Mr. PUCINSKI. That is for all students.

Mr. HÉBERT. That is right, all students.

Mr. PUCINSKI. The President may choose to let a freshman complete his full year.

Mr. HÉBERT. He may, yes, and that is why we say that the amendment is not necessary.

Mr. BRAY. That is my understanding of the matter.

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

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CONYERS. Mr. Chairman, this amendment, in my judgment, exemplifies the folly of this whole bill. It proposes that college students be given preferential deferment from induction until the end of an academic year because they might have to take an "incomplete" as a grade or suffer what has been referred to as "psychological hardship" if they are subjected to the Selective Service System. This preferential treatment is also urgently argued because colleges, sorely pressed for funds, might lose some of their student body if the draft is fully operative on all young men. Of course, these arguments are not valid. These arguments ignore the basic inequity inherent in the mere suggestion that there be deferments for college students.

Let me acquaint my colleagues with the situation which prevails in the First Congressional District of Michigan. An extraordinarily high percentage of the black male graduates are almost immediately inducted into the armed services. They never get an opportunity to attend an institution of higher learning and obviously will not be able to avail themselves of any college exemption. Even among those who are academically suited for college experience, most are unable to afford the opportunity. And of the few who get to college most may only attend for a year or two because their economic status and other factors simply do not permit them to stay in school. It seems to me that to have such little concern for these young men and so much for those who are fortunate enough to get to college is to even compound the great inequality of opportunity which already exists.

Mr. LONG of Maryland. Mr. Chairman, will the genleman yield?

Mr. CONYERS. So I want to say to the gentleman from Maryland before I yield to him that this amendment epitomizes everything that is wrong with this entire act.

Mr. LONG of Maryland. I believe the gentleman from Michigan is opposed to the draft in any form, is that correct?

Mr. CONYERS. That is correct.

Mr. LONG of Maryland. You would like to get rid of it, and it is possible that by making it so irritating——

Mr. CONYERS. No, that is not my position. I do not yield to you any further. I think we recognize that, even as most young college men and women realize, that there is nothing unfair about eliminating the deferment provision. I hope the amendment will be defeated.

I yield back the balance of my time.

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

The CHAIRMAN. The gentleman from New York is recognized.

Mr. PEYSER. I would like to speak briefly in support of the amendment offered by the gentleman from Maryland. I think we have a very important factor here dealing with finance as well as with the young men's lives in the draft. In the first place, there is legislation that is pending today in the Education Committee that would make college education available financially for everybody who is qualified in this country.

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

Mr. PEYSER. Let me finish my point, and then I shall yield.

What we are really talking about here is the ability of many, many people, working people, black and white, who are struggling to send their children to college, and when they reach the point of being able to send their children to college and they qualify academically and get them into their freshman year, and then they are drafted at the end of the first semester, they will go into the service and lose the benefit of the money that they have paid in for the education of these young men and women who

have not completed a full school year. If they had they could return from the draft and pick up their education in a meaningful way. I think this would be a great disservice we would be rendering to all people, and particularly the people who are in the poor and low-middle-income classes who have struggled to send their kids to school.

The other factor is that the U.S. Government will be putting its money on these young people today, and we will be letting the money go right down the drain if we pull them out at the end of their first freshman semester.

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

Mr. PEYSER. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding. I do not know how long the gentleman has been listening to legislative approaches that have emanated from this and other governmental bodies which promises to improve the quality of education in America. Most of these proposals never crystalize. Surely the gentleman realizes that if one is drafted and gives up his life while in military service in Vietnam, educational benefits are quite beside the point. Does the gentleman appreciate that coming out of schools that are inferior, as they are in most inner-city areas, you cannot even get into a university program without going back for extensive preparatory education?

Mr. PEYSER. I fully appreciate what the gentleman is saying. However, I do not think it has anything to do with the question. I think we are determined in this Congress today, in the education area, to provide higher education for everyone qualified. But that has nothing to do with the economic struggle of people to send their children who are academically qualified to college.

We are talking about guaranteeing a complete school year. That is all I am arguing. Lets have the people and the Government, get their money's worth from this.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

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

Mr. LONG of Maryland. Mr. Chairman, the gentleman from New York has made an excellent point against the implication of the gentleman from Michigan that somehow people who go to college are wealthy or well off. That is far from true. The great mass of young people who go to college are middle income or poor. In many cases parents have saved for years, and if we take the students before the end of the academic year, the couple of thousand dollars they have invested goes down the drain, because the student cannot finish the year.

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

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

Mr. DENNIS. Mr. Chairman, I would like to say the gentleman is making a very valid point. I think on whatever basis we decide this amendment, we ought to decide it on its merits, not on some demagogic basis of rich or poor. The time when only the children of rich people went to college is long past. The truth of the matter is that today there are scholarships and other assistance available to a student with ability, be he white or black, so he can go to college these days. I think this should be decided on its merits. If a student is not tied down by dependents of his own, he can get a great deal of help to enable him to go to school. That is absolutely true. This ought to be decided on the basis of its merits alone, and not on the basis of whether a student is black or white or rich or poor.

Mr. PEYSER. There is nothing in this amendment or in my personal thoughts which has anything to do with the race question. It has to do with people who have struggled to get their kids into school.

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

Mr. PEYSER. I yield to the gentleman from New York (Mr. BINGHAM).

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

I would like to say I support the amendment offered by the gentleman from Maryland. I have an amendment to propose later on having to do with student deferments and the effective day of the procedure proposed in this procedure. The gentleman's attitude is consistent.

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

Mr. Chairman, the committee has come reluctantly to the conclusion that this kind of amendment would serve no useful purpose, though admittedly it is appealing. Of course, for those who are opposed to the draft, there can be no argument, so I do not think we ought to concern ourselves with that kind of approach. But the approach of the committee has been that if we do have to continue the draft, then we ought to make the draft as equitable and as fair as possible.

As the gentleman from New York (Mr. PIKE) indicated a moment ago, the one remaining major source of inequity was the college deferment. If we are going to put everybody on a similar basis, then we have to eliminate the college deferment. Now what the amendment of the gentleman from Maryland would do would be to back up the elimination of the college deferment by anywhere from 3 to 6 months. And with the possibility now that the draft might be extended for only 1 year, which means in turn that we might have to be acting on this matter again within another 6 months, a 6-month delay in induction might well mean the difference between whether a particular individual is going to have to serve or not going to serve. In fact, if the gentleman's amendment carries, then it would be possible for this applicant, after a further delay of 6 months, to go to the draft board or to the courts and extend that delay still further by various appeal procedures.

It seems to me, if we are going to make the draft really equitable, then we must put those who are lucky enough to be able to go to college on the same footing with those who are not so fortunate.

Let me make another point, Mr. Chairman. We are told that some students will lose money. But as a matter of fact, I believe the overwhelming majority of colleges require their students to pay by the semester. That is the way I know I have been paying for my children for some time, and I think most of us have to pay for our youngsters on the basis of semesters and not academic years.

As a matter of fact, the term "academic year" itself is a very imprecise term. Some colleges are on a 3-semester year, and some are on a 4-semester year. Nobody knows exactly what the term "acedemic year" represents, but the semester is something which is very clearly understood.

Let me make just one more point, with regard to the possibility that students may be drafted while they are in the process of completing an academic year.

Well, this is precisely the reason why the committee put into the legislation a national call. Our young people will know what their lottery numbers are well before they enter a particular academic semester. They will have a pretty good opportunity to know whether they are going to be called in the draft before the semester begins. The only doubt, heretofore, was whether draft calls would be based on the same lottery numbers in various parts of the country, or whether different lottery numbers would apply in different draft boards. But that was why we put the national call into this bill: it makes it clear that the same lottery numbers will apply across the Nation.

So, Mr. Chairman, let us not provide some special haven in this amendment, however small, and much as it may appeal to those who are, for one reason or another, able to go to college. But the result would still be a lesser impact from the draft on those who are attending college, and that is what we are seeking in this bill to eliminate.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am glad to yield to the gentleman from Maryland.

Mr. LONG of Maryland. I believe the gentleman has turned his point around. Actually, the year is the most readily understandable and convenient unit of education—far more so than a semester or trimester, which may vary greatly.

The gentleman said the colleges are on a semester basis. I agree that a number of them are. But I cited a wealth of documentation showing that many of them are on a year basis, and the gentleman has not refuted any of that documentation, nor has he come up with any of his own.

Either the student loses a lot or the college loses a lot, because every college I know is in desperate financial shape.

Mr. STRATTON. The fact of the matter is that students do pay by the semester. That is the reason why we put this particular stipulation into the law.

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

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

Mr. GROSS. Is there provision in this bill for deferment of farm youths who are needed to plant and harvest crops?

Mr. STRATTON. There is no deferment in here for any occupation, because the occupational deferment has been eliminated by the President's action last year, as the gentleman knows. The only deferments that will still be possible under this bill will be those for hardship. If the young man is in a position where his absence from a farm will create a severe financial hardship for his family, that deferment can still be granted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland, Mr. LONG.

The question was taken; and on a division (demanded by Mr. LONG of Maryland) there were—ayes 37, noes 70.

Mr. LONG of Maryland. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DENNIS

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

The Clerk read as follows:

Amendment offered by Mr. DENNIS: On page 5, line 3: Strike out the word "three" in said line and substitute therefor the word "two".

On page 5, line 4: insert a "period" after the word "service" in said line and strike out the balance of line 4.

On page 5, line 5: Strike out the words "the reserve obligation required of military inductees" where they appear in line 5.

On page 5, line 15: Strike out all of said line after the "semicolon" which follows the word "title" in said line 15—words to be stricken being words "or who after he has reported". Strike out all of lines 16, 17, 18, 19, and 20 on said page 5. Renumber lines and pages accordingly.

The CHAIRMAN. The gentleman from Indiana (Mr. DENNIS) is recognized for 5 minutes in support of his amendment.

Mr. DENNIS. Mr. Chairman, as I have said previously, I support this bill. I offer here an amendment to the bill which, in my judgment and in submission to the committee, is in full line with American constitutional precepts, American principles, American history, and all the past history of our American laws respecting the draft.

For many years, Mr. Chairman, America's military conscription laws, in accordance with our constitutional principles, have provided for the recognition of the special situation of the man who for religious reasons was conscientiously opposed to participation in war in any form. All of our most recent conscription laws have recognized that principle by exempting that man from combatant service and, further, if his conscience required that he not serve in noncombatant service, the laws have uniformly required for many years that he take civilian service in some type of civil occupation important to the Nation as an alternative service.

Now, during all of these years he has been required to serve 2 years in that alternative service just as the man who bore arms was required to serve 2 years as a draftee.

The committee bill increases the term of civilian service to 3 years. My amendment would put it back where it has always been, at 2 years.

The committee bill does one other thing. It creates a new section which is not in the present law and has never been in the law so far as I know, which provides that if a man, a conscientious objector, is assigned to civilian public service and fails to perform in a satisfactory manner, whatever that may mean, he may then be drafted into the Armed Forces. My amendment would strike out that section. The effect of the amendment would be to put the law on conscientious objectors back where it is now and where it has always been.

It is very difficult for me to understand, Mr. Chairman, why in presenting this bill, which I think is generally a forward-looking and enlightened draft bill, the Committee on Armed Services found it necessary, after all the years of service under the old law with reasonable satisfaction, to insert these provisions against, I might say, a certain group of our American citizens.

I understand it is argued that the extra year of civilian service is to be equated with the Reserve obligations of a draftee, but this is the first time in 20 years that this matter has arisen or has been thought by the Committee on Armed Services to be of any importance whatsoever.

Moreover, I have in my hand a letter addressed to Mr. WILLIAM STEIGER, the gentleman from Wisconsin, from Theodore C. Marrs, the Deputy Assistant Secretary for Reserve Affairs, in which he quotes an Army or Defense directive which says:

Effective immediately, Reservists with a remaining military obligation, who have completed two or more years of active military service, will not be involuntarily assigned to Ready Reserve units for drill purposes unless, after diligent recruitment effort, it is determined that a vacancy cannot otherwise be filled. In no event shall a man who has served in Vietnam be involuntarily assigned.

So, as a matter of fact they are not now ordinarily requiring additional active service of people who have really served 2 years in the Armed Forces as draftees.

Mr. Chairman, it seems to me that the entire new provision for putting in the armed services a man serving in civilian service and who has not performed satisfactorily is even more objectional than the other provision because there is no standard in the statute to define "satisfactorily."

The opportunities for abuse are obvious. You are, moreover placing a man in the Army who is by definition exempt because he has been found by his draft board to be a conscientious objector.

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

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

Mr. DENNIS. The constitutionality of this provision which assigns a conscientious objector to the armed services is certainly doubtful, to say the least. On the other side of the coin I cannot imagine any way you could get a more inefficient, unwilling, and unsatisfactory soldier.

Moreover, I think too much of the military service to feel that it ought to be used as a punitive instrument.

Mr. Chairman, if the committee will permit me just a brief moment of personal reference, I happen to come from a Quaker background. I never joined the meeting and I am not and never have been a conscientious objector. I served in the Army. I was proud to wear the uniform. But I know these people who are legitimate conscientious objectors, and that is what we are dealing with here under the statute because these men have been so classified and so found by their draft board.

I can tell the members of the committee, because I grew up with these men, their conscience is different from ours, they listen to the beat of a different drum, but they are just as conscientious, just as courageous, just as honest and decent as anyone else.

I think it is a mistake for this committee, and I have the greatest respect for it and for its members, to bring in a punitive provision of this kind, to single out a decent group of Americans and make a gratuitous and unnecessary assault upon their beliefs.

Mr. Chairman, all I am asking the committee to do is to be fair, be honest, be decent, and go back to the law which we have had for 20 years or more.

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

Mr. Chairman, I rise in opposition to the amendment, and in fact I deeply regret that I have to oppose an amendment offered by my very close friend and Hoosier colleague, the gentleman from Indiana (Mr. DENNIS).

Mr. Chairman, it happens that both of us are Quakers. It happens that neither of us have chosen to be conscientious objectors. I have the highest regard and deepest sympathy for the true conscientious objector, and there are many of them. Being a Quaker of many generations, I am well acquainted with them. Time after time in the Armed Services Committee in the last 18 years I have defended them and also on the floor of this House.

The amendment which has been offered by the gentleman from Indiana (Mr. DENNIS) strikes at two factors rather unrelated. One is the 3 years. Now, if a conscientious objector chooses to wear the uniform but not participate in combat operations, he is treated exactly as any other soldier, and as a conscientious objector he has that right. That is exactly the way it should be.

Some conscientious objectors even refuse to wear the uniform. They have that right, but under this legislation, however, if this conscientious objector who even refuses to wear the uniform, and instead is given work such as in a hospital. Then if he refuses to do that work, he must enter the service. Why should this provision be removed from this legislation?

I believe that a sincere conscientious objector—and there are plenty of them—would be happy to perform this service. But I believe a man who is a conscientious objector and wants to do his part, or a little more, will welcome this provision.

One of the finest gentlemen I have ever known, he is a member of my church—meeting, as we call it, of Friends, at the end of World War I, after he had already served as a conscientious objector, he wanted to work for nothing, and for 2 years he did so, helping to rebuild France, because he did not want to take life easier, just because he was a conscientious objector, because he believed in that, and therefore he wanted to do more for mankind.

The person who chooses not to be shot, at, who does not even want to wear a uniform, and is a conscientious objector, then does not have a reserve obligation when he finishes his 3 years. I believe this is fair. I believe that those who are deeply sincere conscientious objectors would agree with me. But to me it is the idea of allowing a man who claims to be a conscientious objector to take certain work such as working in a hospital or some other kind of honest work, and then who reneges on that and quits, to get out of the war by claiming he was a conscientious objector. That is the type of man who is a disgrace to the status of conscientious objectors. That is something I want to defend—the rights of conscientious objectors. You cannot do that by allowing these dissenters, or whatever you want to call them, who claim this right of a conscientious objector, but who then do not do the job. As long as they do the job, and an honest job, then the right of a conscientious objector is respected, otherwise it fails.

Those who are not sincere and who claim to be conscientious objectors and who do not do the job, who desert in a little while, I think the very least you can do is to put them in the Army.

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

Mr. BRAY. I yield to the gentleman from Massachusetts.

Mr. KEITH. I might say to the gentleman from Indiana that I for one would not want any irresponsible, insincere individual in any outfit of mine. I would not want to serve with him or alongside him. I agree with the gentleman as to the average honest conscientious objector, and I have the greatest respect for those I know. However, it seems to me that the position taken by the gentleman from Indiana is probably the best and some of the strongest evidence that I have heard in support of this amendment.

The gentleman said, in effect, that those conscientious objectors who do a poor job in their private employment should automatically be inducted into the Army. If they goof off as conscientious objectors they will probably goof off in the service. I say it would be bad personnel practice to make or permit such a transfer.

Mr. BRAY. If a man that was not sincere in his claims to being a conscientious objector, and who quits his work—who refuses to honestly work in a hospital, or whatever job he is to do, who leaves his job and gets drunk and deserts his job; what would you want to do with him?

Mr. KEITH. I would recommend that he be tried for drunkenness.

Mr. BRAY. That could be one thing to do.

Mr. KEITH. But I certainly would not want him in my outfit.

Mr. BRAY. All right, but, listen to this: Just as soon as he got in the Army he discloses that he was not sincere, but turns out to be a bum, you could take care of him in the Army.

Mr. KEITH. He would be nothing but trouble and a troublemaker.

Mr. BRAY. Are you going to turn every troublemaker loose and never ask them to perform their duty? That would encourage men to renege on their job.

Mr. KEITH. You do not want him in your outfit. You get a man with a service record showing that kind of conduct, and you well know that he will pass from outfit to outfit, just the way he wants to, and never serve as he should.

Mr. BRAY. I have had some men serve in my outfit who were like that, and whom I would just as soon not have had in my outfit, but I did not allow them to get by with it.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I want to say to my friend, the gentleman from Indiana (Mr. DENNIS), that I do highly respect him for his motives, and I understand the reasoning that prompts him to offer this amendment. But at no time, certainly, in my own mind, and as an initiator of this project, did I ever have anything more than the greatest respect and admiration for the Quaker group. To me they are some of the most wonderful people I have ever known, along with the Mennonites and others, who all work together and who are people with strong moral convictions.

Instead of being punitive against these individuals, the purpose of what we have done here, or what we have attempted to do, is to recognize their beliefs and to give them a choice so that they can be given an opportunity to serve in their own way as other Americans serve in other ways.

But the gentleman states that it is because of those who have abused this right that this amendment has been offered.

Now the gentleman has asked—why after 20 years? That is a very simple question to answer. It is not hard at all. If the law was being administered and interpreted as we intended it to be administered for 20 years and if the Supreme Court had not opened up the flood gates to let every conceivable type of individual hide behind the cloak of immunity of being a conscientious objector, we would not be here with this legislation today.

The reason we are here today is because of the change and what the Supreme Court has said where it has removed that exact protection of 20 years which the Quakers, Mennonites, and these fine organizations had prior to this time.

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

Mr. HÉBERT. I yield to the gentleman.

Mr. DENNIS. I would like to ask the distinguished chairman, for whom I have the greatest respect and regard, whether he thinks it is fair and equitable to place more severe restrictions in the law—upon the Quakers and upon the Mennonites, than have ever been in existence before because the Supreme Court has handed down a decision with which the gentleman disagrees and the effect of which is to broaden to some degree the definition of "conscientious objector." That is what the gentleman is doing here.

Mr. HÉBERT. No, I disagree with the gentleman. I am sure that these individual groups would not claim that there is anything punitive in what we are trying to do. We are not subjecting them to fulfill any duty that we are not calling upon other Americans to perform in the interest of their country.

I was very much impressed with the repetitious use of the word "American" in the opening presentation by the gentleman. I think what we are doing is the American way—to give everybody an equal opportunity to give this country the service which they should give to their country in order to protect the way of life that is guaranteed to them by their country.

In this particular instance, the 3 years replaces the 4-year Reserve obligation. The extra 1 year removes the 4 years of Reserve obligation that the other individual who is drafted has to observe.

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

Mr. HÉBERT. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, was this amendment cleared with the Selective Service or did they take a position on the question of the 3 years?

Mr. HÉBERT. We asked them in the hearings at the time.

In the opening remarks which I made to the committee when we started the hearings, I outlined the conscientious-objector situation and I said I intended to try to do something about it because I did not want us to return to the sieve that we are in at the moment because of this court decision and the refuge that these people find in the conscientious objector situation. However, it came through, through the general discussion in committee, with the language we have in this bill.

In specific response to the gentleman's question, the Director of Selective Service was asked if they had any objection, and they wished no objection to the 3-year period.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield.

Mr. HÉBERT. I yield to the gentleman.

Mr. LEGGETT. Mr. Chairman, as I understand the intent of the chairman and the committee, this amendment was to clear some of the confusion in granting the status of conscientious objectors. While the gentleman's amendment would make it more onerous as to the 3-year service requirement, I believe he also said in committee that considering a

claimant would be exposed to a 3-year service requirement, you would hope that the draft boards would more liberally grant that status and classification. With that representation, I supported the gentleman's amendment in committee.

While a lot of people can say that the section is punitive, and so forth, and it, of course, can be interpreted that way, I think it can also be interpreted as being in fact a liberalizing amendment.

Mr. HÉBERT. Of course, it depends upon the interpretation and any individual can read anything he wants to and give it any interpretation he wants to give it. That is what we find in debating most of these issues. Instead of addressing ourselves—and I include myself as being one of the guilty parties, as to what the actual language is, we tend to move ourselves toward interpreting what we want to believe, and then we make that interpretation as a statement of fact. But as the author and the architect, if you wish to call it that, of this particular thing, I can assure the gentleman that there was not one moment's thought in my mind to make this punitive. The only thought I had and the only intention I had was to address ourselves, and properly so, to the conscientious objector situation and problem that exists in this country which has become a disgrace and it is our duty to try to correct it.

Mr. Chairman, I hope the amendment is defeated.

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

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. BENNETT. Mr. Chairman, everything on this has been very well discussed here, and there is perhaps not a great deal I can add to the discussion. There is one thing that I do think should be added. I do not think anybody on the committee at any time felt that the brotherhood that you referred to, or similar brotherhoods, bona fide followers of Jesus Christ or other truly religious groups, have in any way been doing anything improper in any past actions. Actually the problem arose here as a result of the Supreme Court's langauge, which by opening the door to people who had no religious basis for their plea has also opened the door for some who do not deserve the exemption at all even under the court decision. That is the problem that we are trying to address in the legislation before us today.

No Member has ever said that there was anyone among the Quakers or any other religious group who is violating the law. I believe that this fact should be made crystal-clear. There was never any criticism of these religious groups. But there were people who were escaping an obligation to the country without any conscientious basis for doing so at all.

So in arriving at proper language, it was provided that this third year would be a year to offset the escaped Reserve service for those who actually have been getting off scot-free for a number of years without any real basis of conscientious objection. That Reserve obligation is not an academic thing. If you have a son who has a Reserve obligation, you know that something hangs over his head with regard to marriage, business opportunity, and many other things in his life. So it is.

Furthermore, I wish to emphasize that anybody in these religious groups who wants to can get in noncombatant activity for just 2 years. Most of them in bona fide religious-oriented groups I understand actually take that course. So obviously it is not designed to be a penalty on anybody.

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

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

Mr. DENNIS. I thank the gentleman. I would like to say that I fully realize that there was no intention on the part of anyone to offend any particular church, and I did not mean to make any such implication. But I would like to point out that as a result of the colloquy here, it is very clear that this was not requested by the military. It was not requested by the Selective Service. It was something brought up by this committee. It was done because primarily of a Supreme Court decision with which the committee disagrees, and which I am not particularly in favor of myself.

But you are doing it to all conscientious objectors because you do not like the Supreme Court's decision.

Mr. BENNETT. Before my time expires, I would like to get in another word.

The provision would place the authority in the Congress of the United States where it belongs, where there are Representatives who are elected every 2 years, Members who represent the masses of people in this country. We are not appointed for life and we do not serve 6-year terms. We represent the average person in this country, and I think we should take every step we can to reassert our responsibility in Congress to represent the people of America as we should.

Therefore, I think it is quite proper that when the Supreme Court makes decisions that are contrary to our beliefs, that this committee should come forth with a recommendation of this nature, not in conflict with those court decisions in this case but in the nature of making the laws we have enacted less subject to evasion and abuse.

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

The CHAIRMAN. The gentleman from California is recognized.

Mr. GUBSER. Mr. Chairman, I have been listening with interest to the colloquy that has been taking place. I think the gentleman from Indiana is inadvertently pursuing a line of argument which leads to a road that he does not want to travel. I am reminded that the very first article in our Constitution creates the legislative branch, and the very first word in that article is capitalized. It is the word "All." All legislative power is vested in the Congress of the United States. The legislative branch is mentioned even ahead of the executive branch. So I do not believe the gentleman really wants to argue that the legislative committees of the Congress should enact only that legislation which is recommended by the executive branch. That is absolutely contrary to the spirit of our Constitution.

I just do not believe the gentleman wants to pursue the line of argument which violates that spirit.

It is true that this amendment was not offered originally by the Selective Service System or any of the Department of Defense people, and it is also true the gentleman's amendment did not emanate from either of those two groups. We are here working our will as a legislative branch of the Government.

Before I conclude and yield to the gentleman, I think we should emphasize one point. The status of conscientious objector, the right to be a conscientious objector, is not a constitutional right. It is not granted to anybody by the Constitution of the United States. It is a right which is granted through legislative action, and the legislative body which grants that right also has the right to attach conditions to that right. That is what is happening here. In the true spirit of constitutional government the legislative branch, the first branch created by the Constitution, which has all legislative power, is working its will.

Our committee considered this at great length. After that great consideration—and I think probably more time was spent on this than on any other section of the bill, a whole day as I remember it—we came up with this piece of legislation, thinking it was fair and equitable, and a proper condition on the right which is granted to conscientious objectors through legislative action.

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

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

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

I will just say that, of course, I am not quarreling with the legislative committee's power to legislate. I am merely making the suggestion that after they have lived with the law for 20 years or so without legislating, then it would have seemed there would have been more reason for what they have done if the military departments concerned had come to them and requested a change—which obviously did not take place.

The thing which we really are doing here, of course, in nine cases out of 10, as the letter from the Assistant Secretary shows, is requiring a man who is a conscientious objector to serve a year or more than the fellow who looks at it the other way, a thing which we have never done before, and which nobody has asked us to do as far as I know.

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

Mr. Chairman, when I first learned about this change to 3 years of duty, I had understood, as the gentleman from California had understood, that this was, perhaps, opening the way to a liberalization of the opportunity for persons to claim the status of conscientious objector and that this might lead to a more humane and just administration of the draft law.

It appears from the colloquy on the

floor that this is not the case. It appears from the colluquy that this 3d year of duty is being imposed by the committee for two reasons. One is that they do not like the decision of the U.S. Supreme Court. As I understand that decision—and I am not an expert on it—it simply attempted to interpret the constitution as it applied to the existing statutory language. I would hope we would always give some heed to court decisions which seek to implement a very fundamental right in our Constitution, a provision to be found in our Bill of Rights.

A second reason for this 3d year seems to be there is some concern about the situation which has developed with conscientious objectors. For myself, had we proposed to go to 3 years of service and said that the U.S. Government will quit inquiring into the validity of a person's personal beliefs and we would take a person's declaration at face value, and then he would serve the 3 years, I would have thought that was not a bad provision, because then the 3d year might be considered to test the sincerity of a person's beliefs, and I would prefer to test them that way rather than to have the Government investigating into a person's private moral judgments or religious values. But that is not the way the provision is written.

I wish this bill had a selective conscientious objector provision. This country is devouring its young. Our young people are the ones who feel most strongly that the war we are currently engaged in is not only a bad war but also is immoral and unjust.

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

The CHAIRMAN. The Chair will count.

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

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

[Roll No. 40]

| | | |
|---|---|---|
| Abernethy | Edwards, La. | Metcalfe |
| Addabbo | Esch | Miller, Calif. |
| Anderson, Tenn. | Evins, Tenn. | Minshall |
| Archer | Fisher | O'Hara |
| Arends | Gallagher | Pettis |
| Ashley | Garmatz | Poage |
| Blanton | Gettys | Price, Tex. |
| Boggs | Giaimo | Randall |
| Bow | Green, Oreg. | Rangel |
| Byrnes, Wis. | Green, Pa. | Reid, N.Y. |
| Chamberlain | Halpern | Rodino |
| Chappell | Harsha | Ruppe |
| Clark | Heckler, Mass. | Scheuer |
| Clay | Jarman | Shipley |
| Collins, Ill. | Johnson, Pa. | Sisk |
| Colmer | Jones, Ala. | Skubitz |
| Corbett | Karth | Teague, Tex. |
| Corman | Koch | Tiernan |
| Dickinson | Long, La. | Wilson, Charles H. |
| Diggs | McClure | Wyatt |
| Dingell | McCulloch | |
| Edwards, Ala. | McMillan | |
| | Meeds | |

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 6531, and finding itself without a quorum, he had directed the roll to be called, when 368 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Minnesota (Mr. FRASER) had the floor. The gentleman from Minnesota has 3 minutes remaining.

Mr. FRASER. Mr. Chairman, before the quorum call, I was speaking in support of the Dennis amendment which removes the additional one year to be served by those who are in the status of a conscientious objector. I hope this amendment will pass.

I think the colloquy on the floor before the quorum call clearly indicates that there has been no case made for suddenly changing the rules, not in the middle of the stream, but hopefully close to the other side of the stream, close to the time when the United States is disengaging itself from the most distasteful and disliked war in the history of the United States.

The burden of this war has fallen most strongly on those who feel most strongly that this war is wrong. I am sure many young people have claimed conscientious objector status because they have come to believe that the use of force as they have seen it in their young lives, as we have applied it in Vietnam, is wrong and immoral, and they cannot conceive of going to war to fight if that is the pattern of war and the kind of fighting the United States expects of its young people.

I do not see why we seek them out and seek to punish them for claiming a status traditionally provided by the laws of this country to those with sincere moral or religious beliefs, to accord them the right not to have to fight if that is what their beliefs tell them is right.

I urge that this amendment be adopted and that we put the law back as it has been for so many years.

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

Mr. Chairman, for the benefit of those who have just joined us on the floor, I would like to point out that in advancing an argument for this present form of the bill, my colleague, the gentleman from Indiana, Mr. BRAY, said if a man should get drunk, what do we do with him? He asked "Why should he not go into the service?" I said he could have charges preferred against him and very possibly go to jail. Certainly we do not want to use the service, which I consider an honorable profession, as a depository for the possible fakers who flunk out of the conscientious objector ranks. We breed nothing but trouble for the unit to which such a poor risk is assigned. I think it would be a real mistake.

The bill, as it comes to the floor, provides that when somebody fails to perform satisfactorily under the terms prescribed, he "shall be inducted." The bill apparently does away with the draft board, which, it seems to me, should properly have this jurisdiction. It should not be automatic. It is just a way of saying that if somebody flunks out as a conscientious objector, he would make a good soldier. That, Mr. Chairman, is what I think we are saying. And that, I think, is not what we want to say—that is not what we want to happen in our fine Armed Forces.

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

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

Mr. BRAY. Mr. Chairman, since the gentleman has chosen to use my name, I wonder if the gentleman will answer a question?

When I spoke under the 5-minute rule earlier, the matter at issue was as follows: The gentleman well knows that this amendment has two entirely unrelated matters in the amendment.

The matter being spoken of was that if a person claimed to be a conscientious objector and was given that right and was not even caused to wear a uniform, to do some worthwhile service, then if he refused to do that service—there were many different ideas; the man might simply not do it—he would not be brought into the service.

I certainly trust the gentleman from Massachusetts does not believe the conscientious objector should be degraded to the point where, if it turns out the man is not a conscientious objector but is simply lying to get out of the service, he should be allowed to do so. I do not believe the gentleman would go that far and open Pandora's box in such a manner.

That is all that is involved here. Let us say that he deserts the job after 1 week. Should he go free? Or should he be taken into the Army and if he is a good soldier, fine, but if he violates the law be treated accordingly?

I certainly cannot agree with the gentleman's argument. I asked to be heard when the gentleman did take time and mentioned my name. I hope I have made myself clear.

Mr. KEITH. I mentioned the gentleman's name, because he had offered the argument. I have the greatest respect for him as a legislator and as a soldier. But once again I do not believe he has anticipated the kind of response his command would have if they got a "goof-off" conscientious objector as one of the troops in the command. If he were to be sent to the draft board, they would take all factors into consideration. But this amendment appears to automatically put him into the service. Then we would find the service filled up with troublemakers.

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

Mr. KEITH. I am happy to yield to the gentleman from New York.

Mr. STRATTON. I appreciate the point the gentleman from Massachusetts is making. Of course it is a very good one. But I do not believe the gentleman understands the situation to which this amendment specifically is addressed.

In the first place, there are two kinds of service for conscientious objectors. One is noncombatant service. This is the kind of thing Lew Ayres did in World War II. The fellow who conscientiously objects to shooting somebody else may be willing to serve in a noncombatant capacity. If he is he will serve for only 2 years.

There are others who object to that kind of noncombatant service in uniform. They may conscientiously object to being shot at. In that case the proviso is for 3

years of service, as has already been indicated.

The difficulty has been in the past that when an individual was assigned to some kind of civilian service there has been no policing of it. There has been no follow-up. He might go out and work for a couple of months in some public welfare agency and then disappear. The individual draft boards have been the ones which have been responsible for seeing that he carries out that service, but they just do not have the facilities to do the job.

We have put in this amendment a requirement that the Selective Service Director himself shall carry through on this system and shall determine whether these people are carrying out their service.

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

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

In further response to the very good point the gentleman from Massachusetts has raised, I believe, as I have said, that we have to make sure that people who are assigned to these civilian duties actually carry them out.

The second problem has been that the Supreme Court, as the gentleman knows, recently has ruled that one does not have to be a religious believer in order to qualify as a conscientious objector. This of course makes the question of sincerity even more important. Is the fellow really a conscientious objector, or has he just become a conscientious objector when he got his induction notice?

As the gentleman from Louisiana pointed out a moment ago, the only real test under the recent Supreme Court decision is sincerity. If the fellow carries out the civilian assignment faithfully, then that demonstrates his sincerity. If he fails to perform the assigned job, then there is some question as to whether he really was sincere, and whether he really was entitled to a conscientious objector deferment, and for that reason the deferment is removed and he has to go into the service.

It is certainly not a case of our putting drunks into the service, as the gentleman suggests. It is simply that the requirement for conscientious objection under the law is sincerity. That sincerity would seem to be lacking when a person who has been deferred from military service does not perform even the menial task of a civilian character, which has been given to him in lieu of combat military service.

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

Mr. STRATTON. I will be glad to yield to the gentleman.

Mr. KEITH. I do not doubt the sincerity of your views any more than you doubt the sincerity of the amendment that has been offered. But as a former CO of a company and having a son-in-law in the service now, I think you are really going to downgrade the military profession by automatically assigning people to it who have done poor jobs as conscientious objectors. I do not see any reference in the bill to any option on the part of the Selective Service to review a case. The bill states that he "shall be inducted" if he fails to perform satisfactorily. So if he does not do a good job, for instance, in a hospital, does that mean he will do a good job in the Army? I do not believe it does.

Mr. STRATTON. Well, the alternative is to let the boy do nothing and to let the one who has been deferred go out and goof off for 3 years. Certainly the gentleman does not want us to assign one young man to do nothing for 3 years and then require another to go to Vietnam and face combat.

Mr. KEITH. That, of course, is not my wish. I would hope, just the same, that the delinquent individual's conscience would trouble him and he would not have any peace and quiet. I do reiterate that I do not want to burden the Army or the Navy with such a character.

Mr. STEIGER of Wisconsin. Will the gentleman yield?

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

Mr. STEIGER of Wisconsin. You indicated that there has been a problem because local draft boards have been unable to maintain any kind of cognizance with regard to those who are CO's and who are working in a civilian capacity. I must admit I found nothing in the record, in the hearings—or at least I am not aware of anything—that this is in fact a problem.

Mr. STRATTON. Oh, it is indeed a problem. Dr. Carr indicated this to us. The existing procedure is for the individual draft boards to be responsible for following up on these C.O. assignments to poorhouses, hospitals, and other civilian service. He was perfectly willing to take over this responsibility because he recognized that it is not being properly carried out at the present time.

Mr. STEIGER of Wisconsin. If the gentleman will yield further, it does not answer the question as to the degree to which this is a problem today.

Mr. STRATTON. It is a serious enough problem in my judgment if just one person claims a conscientious objector status and then gets away with 2 or 3 years of doing nothing at all. Certainly, it seems to me, if somebody is going to claim that special status, we ought to make sure that he carries out the civilian assignment given to him as an alternative to combat military duties which are assigned to other inductees.

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

Mr. Chairman, I would like to continue the colloquy with the gentleman from New York (Mr. STRATTON), if possible, because I want to nail down the intent of the committee on the matter of the 3-year requirement.

I understand, in the judgment of the committee, they want to create equity, since a person inducted into the military, including a person who is a conscientious objector, would be subject to 2 years of active service and up to 4 years in the Inactive Reserve. Is that correct?

Mr. STRATTON. The person who is inducted into the service has the obligation of 2 years in active duty and 4 years in the Reserve, and frequently many of these do not realize that they have the obligation when they are called up for training in the summertime, and they write to their Congressmen to try to get out of it.

Mr. BUCHANAN. This would include the conscientious objector who went the military route, would it not?

Mr. STRATTON. No, it would not. If he goes on active duty in a noncombatant capacity, I believe the answer is "Yes."

Mr. BUCHANAN. All right, now, is a conscientious objector who goes into the military service, has he not additionally been subjected to the risk of military service such as if he goes into the Medical Corps, although he is not required to bear arms?

Mr. STRATTON. That is absolutely correct. Certainly, as I have mentioned previously, Lew Ayres who served in the South Pacific was decorated upon a couple of occasions because he risked his life. However, he conscientiously objected to shooting anyone else but not being shot at.

Mr. BUCHANAN. This being the case, I certainly can see the equity of requiring the 3 years of those who do not wear the uniform. However, I am concerned about the intent of the committee when you say "shall be inducted," if a man shall not show up. If he is a pseudo-conscientious objector and does not show up to work in his assigned civilian job you induct him into the service, but is he inducted to serve in a noncombatant capacity, retaining the rights of a conscientious objector, or is it the intent of the committee that he shall be inducted to serve in any capacity including combat?

Mr. STRATTON. Mr. Chairman, if the gentleman will yield further, the intent of the committee is that he would be inducted under the normal procedure and not as a noncombatant.

I refer the gentleman from Alabama to the top of page 15 of the committee report wherein the language requires that in the event the individual registrant fails to "satisfactorily" perform his assigned work responsibilities he will then, under regular procedures, be inducted into the Armed Forces to honor his military obligation.

Mr. BUCHANAN. Now, I am concerned about this "performing satisfactorily." I would hate to see some honest Quaker or Mennonite who did not live up to the requirements of the will of some petty bureaucrat live under the constant threat of induction into the armed services in, perhaps, a fighting capacity unless he pleased the bureaucrat under whom he is working.

What is the intent of the committee in this regard?

Mr. STRATTON. Mr. Chairman, if the gentleman will yield further, certainly the intent of the committee is to give this a reasonable interpretation. Again, I invite the attention of the gentleman from Alabama to the fact that the draft program is to be handled by a Presidential regulation conducted by the Director of the Selective Service System, and I think Dr. Tarr will make certain that "satisfactory service" is interpreted in a reasonable way.

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

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

Mr. ICHORD. I would further say, adding to the remarks of the gentleman from New York, that satisfactory work is a question of fact which, of course, could be adjudicated even, perhaps, by the courts. Merely failing to show up for work would not necessarily result in his induction, if there was good and ample reason for his failure to show up.

Mr. BUCHANAN. I thank the gentleman.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I shall be glad to yield to the gentleman from New York.

Mr. SMITH of New York. I would like to direct a question to the gentleman from New York (Mr. STRATTON). If a person is subject to alternative service and refuses to perform that alternative service is he liable for criminal prosecution under the law?

Mr. STRATTON. That is right; that is correct. This penalty is provided under the law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS).

The question was taken; and on a division (demanded by Mr. DENNIS) there were—ayes 46, noes 66.

TELLER VOTE WITH CLERKS

Mr. DENNIS. Mr. Chairman, I demand tellers.

Tellers were ordered.

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

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. DENNIS, HÉBERT, BRAY, and BENNETT.

The Committee again divided.

The CHAIRMAN. The Chair votes "no" and sends his ballot to the tellers to be counted.

The tellers reported that there were—ayes 132, noes 242, not voting 58, as follows:

[Recorded Teller Vote No. 41]

AYES—132

| | | |
|---|---|---|
| Abourezk | Diggs | Hillis |
| Abzug | Dow | Hosmer |
| Adams | Drinan | Howard |
| Addabbo | Dulski | Jacobs |
| Anderson, Ill. | duPont | Jonas |
| Aspin | Dwyer | Kastenmeier |
| Badillo | Eckhardt | Keith |
| Begich | Edwards, Calif. | Kyl |
| Biester | Eilberg | Link |
| Bingham | Esch | McCormack |
| Brademas | Eshelman | McDade |
| Broomfield | Evans, Colo. | McKinney |
| Buchanan | Findley | Macdonald, Mass. |
| Burton | Fish | Matsunaga |
| Carey, N.Y. | Foley | Mazzoli |
| Cederberg | Forsythe | Mikva |
| Celler | Fraser | Minish |
| Chisholm | Frelinghuysen | Mink |
| Clausen, Don H. | Frenzel | Minshall |
| Cleveland | Fulton, Tenn. | Mitchell |
| Conable | Gallagher | Morse |
| Conte | Gonzalez | Mosher |
| Conyers | Grasso | Moss |
| Corman | Gude | Murphy, Ill. |
| Cotter | Halpern | Nelsen |
| Coughlin | Hansen, Idaho | Obey |
| Culver | Harrington | O'Hara |
| Daniels, N.J. | Hathaway | O'Neill |
| Danielson | Hawkins | Patten |
| Dellenback | Hechler, W. Va. | Peyser |
| Dellums | Heckler, Mass. | Podell |
| Dennis | Helstoski | Poff |
| Powell | Hicks, Mass. | Preyer, N.C. |
| Quie | Roybal | Price, Ill. |
| Rees | Ryan | Pryor, Ark. |
| Reid, N.Y. | St Germain | Pucinski |
| Reuss | Scheuer | Purcell |
| Riegle | Schneebeli | Quillen |
| Robison, N.Y. | Schwengel | Rarick |
| Roe | Sebelius | Reid, Ill. |
| Roncalio | Seiberling | Rhodes |
| Rosenthal | Shriver | Roberts |
| Roush | Steiger, Wis. | Robinson, Va. |
| Roy | Stokes | Rogers |
| | Udall | Rooney, N.Y. |
| | Ullman | Rostenkowski |
| | Van Deerlin | Rousselot |
| | Vanik | Runnels |
| | Waldie | Ruppe |
| | Ware | Ruth |
| | Whalen | Sandman |
| | Widnall | Sarbanes |
| | Wiggins | Satterfield |
| | Wolff | Saylor |
| | Yates | Scherle |
| | Zwach | Schmitz |

NOES—242

| | | |
|---|---|---|
| Abbitt | Goodling | Pepper |
| Abernethy | Gray | Perkins |
| Albert | Griffin | Pickle |
| Alexander | Griffiths | Pike |
| Anderson, Calif. | Gross | Pirnie |
| Anderson, Tenn. | Grover | Poage |
| Andrews, Ala. | Gubser | Price, Tex. |
| Andrews, N. Dak. | Hagan | Railsback |
| Annunzio | Haley | Randall |
| Aspinall | Hall | Rangel |
| Baker | Hamilton | Rarick |
| Baring | Hammer-schmidt | Reid, Ill. |
| Barrett | Hanley | Rhodes |
| Bell | Harvey | Roberts |
| Bennett | Hastings | Robinson, Va. |
| Bergland | Hays | Rogers |
| Betts | Hébert | Rooney, N.Y. |
| Bevill | Henderson | Rostenkowski |
| Biaggi | Hicks, Wash. | Rousselot |
| Blackburn | Hogan | Runnels |
| Blatnik | Holifield | Ruppe |
| Boland | Horton | Ruth |
| Bolling | Hull | Sandman |
| Bow | Hungate | Sarbanes |
| Brasco | Hunt | Satterfield |
| Bray | Hutchinson | Saylor |
| Brinkley | Ichord | Scherle |
| Brotzman | Johnson, Calif. | Schmitz |
| Brown, Ohio | Jones, Ala. | Scott |
| Broyhill, N.C. | Jones, N.C. | Shoup |
| Broyhill, Va. | Jones, Tenn. | Sikes |
| Burke, Fla. | Kazen | Sisk |
| Burke, Mass. | Keating | Slack |
| Burlison, Mo. | Kee | Smith, Calif. |
| Byron | Kemp | Smith, Iowa |
| Cabell | King | Smith, N.Y. |
| Caffery | Kluczynski | Snyder |
| Camp | Kuykendall | Spence |
| Carney | Kyros | Springer |
| Carter | Landgrebe | Stafford |
| Casey, Tex. | Landrum | Stanton, J. William |
| Chamberlain | Latta | Stanton, James V. |
| Chappell | Leggett | Steed |
| Clancy | Lennon | Steele |
| Clawson, Del | Lent | Steiger, Ariz. |
| Collier | Lloyd | Stephens |
| Collins, Tex. | Long, Md. | Stratton |
| Crane | Lujan | Stubblefield |
| Daniel, Va. | McClory | Stuckey |
| Davis, Ga. | McCloskey | Sullivan |
| Davis, Wis. | McCollister | Symington |
| de la Garza | McDonald, Mich. | Talcott |
| Delaney | McEwen | Taylor |
| Denholm | McFall | Teague, Calif. |
| Derwinski | McKay | Terry |
| Devine | McKevitt | Thompson, Ga. |
| Dickinson | Madden | Thomson, Wis. |
| Donohue | Mahon | Thone |
| Dorn | Mailliard | Vander Jagt |
| Dowdy | Mann | Veysey |
| Downing | Martin | Vigorito |
| Duncan | Mathias, Calif. | Waggonner |
| Edmondson | Mathis, Ga. | Wampler |
| Edwards, Ala. | Mayne | Watts |
| Erlenborn | Melcher | Whalley |
| Evins, Tenn. | Miller, Calif. | White |
| Fascell | Miller, Ohio | Whitehurst |
| Flood | Mills | Whitten |
| Flowers | Mizell | Williams |
| Flynt | Monagan | Wilson, Bob |
| Ford, Gerald R. | Montgomery | Winn |
| Ford, William D. | Moorhead | Wright |
| Fountain | Morgan | Wydler |
| Frey | Myers | Wylie |
| Fuqua | Natcher | Wyman |
| Galifianakis | Nedzi | Young, Fla. |
| Garmatz | Nichols | Young, Tex. |
| Gaydos | Nix | Zablocki |
| Gibbons | O'Konski | Zion |
| Goldwater | Passman | |
| | Patman | |
| | Pelly | |

NOT VOTING—58

| | | |
|---|---|---|
| Archer | Blanton | Byrne, Pa. |
| Arends | Boggs | Byrnes, Wis. |
| Ashbrook | Brooks | Clark |
| Ashley | Brown, Mich. | Clay |
| Belcher | Burleson, Tex. | Collins, Ill. |
| Colmer | Johnson, Pa. | Railsback |
| Corbett | Karth | Randall |
| Dent | Koch | Rangel |
| Dingell | Long, La. | Rodino |
| Edwards, La. | McClure | Rooney, Pa. |
| Fisher | McCulloch | Shipley |
| Fulton, Pa. | McMillan | Skubitz |
| Gettys | Meeds | Staggers |
| Giaimo | Metcalfe | Teague, Tex. |
| Green, Oreg. | Michel | Thompson, N.J. |
| Green, Pa. | Mollohan | Tiernan |
| Hanna | Murphy, N.Y. | Wilson, Charles H. |
| Hansen, Wash. | Pettis | Wyatt |
| Harsha | Poage | Yatron |
| Jarman | Price, Tex. | |

So the amendment was rejected.

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

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

Mr. FLYNT. Mr. Chairman, when the reading clerk calls the roll on final passage, I shall vote against H.R. 6531, the bill to extend the Selective Service Act for 2 years.

Heretofore, I have supported the Selective Service Act and every extension which has come up since I have been in Congress. I shall continue to support the principle of military service to maintain a strong national defense but I will not today or hereafter vote for a draft bill to start or to continue an undeclared war, including the Indochina war.

It is wrong to continue to compound a 6-to-10-year mistake of drafting young Americans to send them halfway around the world, 10,000 miles from home, to kill and be killed in an undeclared war which we apparently do not have the national fortitude and courage to either win or stop.

I consider this bill today the only head-to-head vote that we have ever had or will have to express our support of or opposition to continuing the Vietnam war. I know that the term "Vietnam war" is not contained in the language of H.R. 6531 but I believe that this is the nearest thing to a vote that we will have in the 92d Congress to vote in support of or opposition to an indefinite continuation of the war in Indochina.

Mr. Chairman, the time has come for us to take a realistic approach to and a hard new look at what the Indochina war is doing to our country and to our people. Our people are more divided than at any time in the last 100 years. I believe the Vietnam war is the reason.

Many Americans like myself and my constituents have supported it because it has been the official position of our country and we have been taught to support our country. I am convinced that a majority of the American people—possible 75 percent or more—oppose the Indochina war even though most of them have not spoken out publicly against it before now.

I am voting against this bill today because I believe it is the only vote I will ever have in the 92d Congress on the issue of the Indochina war. If this bill is defeated and if the Selective Service Act expires on June 30, 1971, it will enable the President to carry out his announced intention of withdrawing the troops from Vietnam without sending new troops over to replace them.

I do not attempt to speak for anyone but myself but in the past when I have voted to extend the Selective Service Act,

by that vote I never intended to send young Americans halfway around the world to fight an undeclared war which has used the manpower of over 3,000,000 American soldiers, marines, sailors, and airmen in combat zones. Through March 20, 1971, 54,004 American servicemen have been killed. This figure does not include those killed in the violent attack on an American artillery position last Saturday night.

This war has lasted longer than U.S. participation in World Wars I and II combined.

Never in my life, certainly never since I have been in Congress, have I been confronted with a decision as difficult as my decision to vote against this bill. My conscience will not let me vote to continue to conscript young Americans to fight a war which most Americans do not want and a war which the U.S. Government apparently lacks the courage to either win or stop.

For many years the people of the Sixth District of Georgia cried out almost with one voice: "Win the war in Vietnam."

Then that one voice was changed to: "Win the war in Vietnam or get out."

Today the people of the Sixth District of Georgia have become convinced that the United States is not going to win the war in Indochina and they have now changed that one voice to say: "Get out of Indochina."

The only way I know to get out of Indochina is to stop the drafting of young Americans to fight there and that is my purpose in voting "no" on H.R. 6531.

I reserve the right in the future to vote for a Selective Service Act in order to maintain a position of national defense and national security but I shall not vote for this bill today because I cannot vote to continue to fight an undeclared war in Indochina which our Government has the capacity to win but lacks the will to do so.

Mr. Chairman, this decision has not been reached hastily but is the result of soul-searching thought on my part to arrive at a personal judgment as to the best course for our Nation in this critical point in its history.

My personal decision process on this matter began with the preparation of a letter to the President—President Johnson—on July 18, 1966, and continued with a second letter to the President—President Nixon—on April 17, 1969, in which I warned of the dire consequences to our country of proceeding with an undeclared war with a no-win policy.

I include these letters in the RECORD at this point:

WASHINGTON, D.C., *July 18, 1966.*

The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: Today I have requested an appointment for a brief conference with you to fulfill a commitment which I have made during the past week to many Georgians. These Georgians are devoted to this country and support it and its foreign policy.

This support would be 10 times as strong for an announced policy of victory in Vietnam, to include the destruction of both the will and the ability of the Vietcong and the Government of North Vietnam to wage the war of aggression against South Vietnam and the American Armed Forces committed there.

These Georgians, including my two sons, are willing to make any sacrifice, including the supreme sacrifice if necessary, to insure a victory and to fulfill the honorable commitment heretofore made by the Government of the United States. We are not willing, however, to commit ourselves to a possible 30-year land war on the continent of Asia unless there is an announced determination to destroy the will and ability of the enemy to wage war.

The United States and our people have the capability, the courage, and the determination required to force North Vietnam and the Vietcong to stop their war of aggression and beg to come to the conference table.

I respectfully call upon you to use this Nation's power, courage, and intelligence to terminate this war with dispatch, honor, and victory.

I respectfully call upon you to issue an absolute ultimatum to the Government of North Vietnam, through such channels as you deem appropriate, that it must not under any circumstances treat captured airmen and other military personnel as war criminals for the purpose of trial and punishment.

I had hoped that I might present this to you in person, and I have requested such a conference with you through Mr. W. Marvin Watson, special assistant to the President.

With great respect and high esteem, I am

Sincerely yours,

JOHN J. FLYNT, Jr.,
*Member of Congress.*

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WASHINGTON, D.C., *April 17, 1969.*

The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: During the Easter recess, nearly everyone with whom I spoke asked my impression of your first three months as President, and of your administration generally.

You would be pleased with what I said publicly and privately. In both prepared remarks and in response to questions, I spoke in very high terms of you as a man of great ability, strong character and great integrity. I praised your Cabinet appointments. I expressed my intention to do my part to make your administration a success and to strengthen our country. I believe my constituents feel the same way.

The overriding issue in the minds of nearly everyone is the Viet Nam war and its conduct. With great respect, Mr. President, a significant factor in your election was the faith that the American people had that you would change the old policy, abandon the idea of appeasement, and either terminate the war by a military victory, or denounce the old policy as a tragic mistake and withdraw unilaterally, if necessary.

The people with whom I talked were *appalled* that the Secretary of State, my good friend Bill Rogers, reportedly told the Senate Foreign Relations Committee that the policy of this administration was not to achieve a military victory.

They feel and I feel that this statement by the chief architect of American foreign policy (next to yourself) was tantamount to a victory for Ho Chi Minh, North Viet Nam and the National Liberation Front. If that is our policy there is no reason for our enemies to come to terms at any negotiating table. When the belligerents are as unevenly matched as the United States and North Viet Nam, a failure for us to prevail militarily is a complete military *and* political victory for our enemy.

War should be avoided at all costs, save cowardice, but once we are committed to war there is *no* alternative than to apply every available means to bring it to a swift and decisive end. War's very object is victory—not prolonged indecision.

There seem to be among your advisers those who fear what China will do and recommend to you a course of action which would appease Red China. Those who so advise you are blind to every clear lesson of history.

The seizure of the Pueblo in 1968 and the shooting down of an American unarmed reconnaissance aircraft on 15 April 1969 would never have taken place except for the apparently indefensible position we take in Viet Nam. All other nations, friend and foe alike, are now looking on us as a gutless paper tiger instead of a world leader.

If this policy continues, we will be subjected to an interminable series of humiliations which include acts of piracy and acts of war.

One of my British friends recently asked me why we were so concerned about the spread of communism in Southeast Asia when we were oblivious to a total Communist take-over 90 miles from the United States mainland. I could not answer.

Mr. President, there may be reassuring facts to which I do not have access. If there are, arrange for these facts to be made available to me. I shall keep inviolate their classified status, but I need such facts in order to give some kind of assurance to the people whom I represent.

I feel that the Paris negotiations are a farce at best and a fraud at worst. They seem to be doing nothing but prolonging the Viet Nam war. This country cannot survive a prolonged war in Southeast Asia or a resumption of the Korean War, and we are perilously close to having to engage in both simultaneously.

Mr. President, I shall support your decision to achieve a military victory or to withdraw. I can no longer support a continuation of the present no-win policy.

This letter is not being written to serve as a springboard for a public statement. It is written because I think the future of our country demands that I write it to you.

I believe that I am entitled to a reply from you because I need some answers for questions which my constituents ask me.

With great respect and high esteem, I am

Sincerely yours,

JOHN J. FLYNT, Jr.,
*Member of Congress.*

Since June 1966 my friends and constituents have asked me: "What have you done about the Vietnam war and what are you going to do either win it or stop it?"

I have replied that I have done all I could.

I have explained to them that this is an undeclared presidential war and that I have expressed my views and transmitted their views to the President.

My views and theirs have been ignored and now that I have an opportunity to cast a vote which I believe expresses those views, I hereby cast it and vote "no."

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

Mr. FLYNT. I yield to my colleague from Georgia (Mr. LANDRUM).

Mr. LANDRUM. Mr. Chairman, I want to express my hearty approval of the statement made by my friend the gentleman from Georgia, JOHN FLYNT.

From long discussions with him over the past several months I know the decision he has reached and the announcement he has made here of his position on the vote has been an agonizing one to reach. In these discussions I have reached the same decision and it likewise has been a difficult one for me. But, I am

convinced not only for the reasons announced by the distinguished gentleman in the well but moreover for the reason that I believe we have needed for a long time to retrieve from the Executive the power to commit a drafted army to combat without a declaration of war from Congress.

I believe that until we do retrieve that power we are not going to have any new direction of a foreign policy that this Nation must have if we are to restore ourselves to a leading position in the free world.

I want to congratulate again my friend from Georgia for taking the time, for the effort he has made to reach this decision and for the time he has given me in the long discussions we have had in arriving at a decision to, for the first time in our careers, oppose extension of the draft.

AMENDMENT OFFERED BY MR. BINGHAM

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

The Clerk read as follows:

AMENDMENT OFFERED BY MR. BINGHAM

On page 1, strike out line 3 and all that follows thereafter down through line 22 on page 11 and insert the following:

TITLE I—NATIONAL SERVICE ACT

SEC. 101. This title may be cited as the "National Service Act".

POLICY AND INTENT OF CONGRESS

SEC. 102. The Congress finds that—

(1) the defense of the United States requires that a substantial portion of the young men in the United States must serve, at some time, in the Armed Forces of the United States;

(2) the manpower requirements of the Armed Services are unlikely to be met entirely by voluntary enlistments, and that ongoing provisions for conscription are necessary;

(3) the present Universal Military Service and Training Act, both in conception and administration, works grave and unnecessary inequities on the lives of the young men required to serve under it;

(4) there are many areas of nationally valuable work to which the market economy and Government programs presently supply inadequate amounts of manpower;

(5) young men of draftable age have both the ability to serve effectively in these areas and an idealistic desire to serve their country through participation in them; and

(6) a system of national service which provides an opportunity to effectively utilize these high aspirations and to accomplish these vital tasks, and at the same time provide for the military needs of the United States, is in the greatest national interest.

Therefore, it is the policy and intent of Congress in enacting the National Service Act—

(1) to fulfill military manpower needs by establishing procedures for the selection of men into the Armed Forces of the United States by means of a random lottery;

(2) to provide a free choice for young men between serving their country in a civilian or a military capacity, and to provide within the civilian category a variety of choices;

(3) to encourage civilian service registrants to become employed in areas of social need and to work within these areas in ways which do not interfere with the existing market and labor structure of those areas; and

(4) to create a selection process for the military which eliminates the inequities in the present selective service system.

NATIONAL SERVICE AGENCY

SEC. 103. (a) There is hereby established in the executive branch of the Government an agency to be known as the National Service Agency, and a Director of National Service who shall be the head thereof (hereafter referred to in this title as the "Director").

(b) The National Service Agency shall include a national headquarters, such regional headquarters as shall be established by the President, and such local placement centers as shall be provided by the President.

(c) The Director and three Deputy Directors shall be appointed by the President by and with advice and consent of the Senate and shall serve at the pleasure of the President. No person on active duty with the military forces of the United States shall be considered eligible for appointment as Director, Deputy Director, or any other office or position within the National Service Agency.

(d) Except as otherwise provided in this title, the Director shall appoint, and fix, in accordance with the provisions of chapter 51 and suchapter 111 of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, the basic pay of such officers, agents, and employees as he deems necessary to carry out this title.

(e) The Director is authorized, subject to the availability of funds appropriated for such purposes, to procure such space, personnel, and other material necessary to carry out the provisions of this title.

(f) Within the National Service Agency there shall be established three divisions, each headed by a Deputy Director appointed under subsection (c). These divisions are—

(1) the Civilian Service Division which shall be responsible for the operation and administration of the civilian service as established by this title;

(2) the Military Lottery Division which shall be responsible for the operation and administration of the system for the fulfillment of military needs as provided for in section 110 of this title;

(3) the Registration and Placement Division, which shall be responsible for operation and administration of all local placement centers as established in section 113 (b) of this title.

The Deputy Director in charge of Registration and Placement shall also be responsible for the appointment, within each regional center as authorized in section 103(b) of this Act, of a Regional Registration and Placement Administrator.

(g) Each Regional Registration and Placement Administrator shall appoint a civilian board for his region, none of whose members shall be employees of the National Service Agency, to handle claims as provided for in sections 106(a)(4), 106(b)(2), and 107(b), and shall appoint such hearing examiners who shall hear testimony, make findings of fact and conclusions of law and arrive at a decision as to the merits of any registrant's claim. A registrant shall have the right to appeal any such decision to the regional board as provided in section 107.

SELECTION OF QUALIFIED OCCUPATIONS

SEC. 104. (a) With the assistance of such advisory committees as the Director may establish, the Director shall from time to time promulgate regulations establishing specific occupational categories in which civilian service registrants may serve.

(b) An occupation shall be deemed suitable under subsection (a) of this section if—

(1) the occupation is of substantial social benefit to the community, Nation, or foreign nations wherein the registrants are to perform their service;

(2) Federal participation in the occupational area is constitutionally permissible under the First Amendment to the United States Constitution;

(3) participation of registrants in the occupation will not interfere unreasonably with the availability and the terms of employments of nonregistrant employees;

(4) registrants are able to meet the physical, mental, and educational qualifications that the occupation requires; and

(5) the occupation is in other respect suitable to the goals of this title.

(c) Suitable occupations shall include but not be limited to jobs in the employ of—

(1) State, Federal, and local government agencies;

(2) Public, private, and parochial schools;

(3) Nonprofit hospitals;

(4) Law enforcement agencies;

(5) Penal and probation systems; and

(6) Private, nonprofit organizations whose principal purpose is social service.

Suitable occupations shall not include jobs in the employ of—

(1) profitmaking business organizations;

(2) labor unions;

(3) partisan political organizations;

(4) organizations engaged in religious functions;

(5) domestic or personal service companies or organizations; and

(6) commercial farms.

(d)(1) Any action for the issuance, amendment, or repeal of any regulation promulgated by the Director under subsections (a) and (b) of this section shall be initiated by a proposal made (A) by the Director on his own initiative, or (B) by petition of any interested person, showing reasonable grounds therefor, filed with the Director. The Director shall publish such proposal and shall afford all interested persons an opportunity to present their views thereon, orally or in writing. As soon as practicable thereafter, the Director shall by order act upon such proposal and shall make such order public. Except as provided in paragraph 2 of this subsection, the order shall become effective at such time as may be specified therein, but not prior to the day following the last day on which objections may be filed under such paragraph.

(2) On or before the thirtieth day after the date on which an order entered under paragraph (1) of this subsection is made public, any person claiming that he will be adversely affected by such order if placed in effect may file objections thereto with the Director specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Until final action upon such objections is taken by the Director under paragraph (3) of this subsection, the filing of such objections shall operate to stay the effectiveness of those provisions of the order to which the objections are made. As soon as practicable after the time for filing objections has expired the Director shall publish a notice in the Federal Register specifying those parts of the order which have been stayed by the filing of objections and, if no objections have been filed, stating that fact.

(3) As soon as practicable after such request for a public hearing, the Director, after due notice, shall hold such a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. At the hearing, any interested person may be heard in person or by representative. As soon as practicable after completion of the hearing, the Director shall by order act upon such objections and make such order public. Such order shall be based only on substantial evidence of record at such hearing and shall set forth, as part of the order, detailed findings of fact on which the order is based. The Director shall specify in the order the date on which it shall take effect, except that it shall not be made to take effect prior to the ninetieth day after its publication unless the Director finds that emergency conditions exist necessitating an earlier effective date, in which event the Director shall specify in the order its findings as to such conditions.

(e)(1) Any person who will be adversely

affected by such order if placed in effect may at any time prior to the ninetieth day after such order is issued file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director or any officer designated by it for that purpose. The Director thereupon shall file in the court the record of the proceedings on which the Director based its order.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Director, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Director, and to be adduced upon the hearing, in such manner and upon such terms and conditions as the court may deem proper. The Director may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence.

(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to affirm the order, or to set it aside in whole or in part, temporarily or permanently. If the order of the Director refuses to issue, amend, or repeal a regulation and such order is not in accordance with law, the court shall by its judgment order the Director to take action with respect to such regulation, in accordance with law. The findings of the Director as to the facts, if supported by substantial evidence, shall be conclusive.

(4) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Director shall be final, subject to review by the Supreme Court of the United States by writ of certiorari.

(5) The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.

(f) The Director shall from time to time solicit information from all public and private employers who are authorized pursuant to subsections (b) and (c) of this section to participate in the civilian service program on—

(1) what types of jobs, whether existing or newly created for civilian service registrants, each employer would propose to have filled by registrants within the employer's organization;

(2) how many of each type of job the employer believes he could usefully fill;

(3) what effect civilian service registrants would have on his emploment, and particularly hiring, practices; and

(4) what physical, mental, and educational qualifications the employer would require for civilian service registrants filling these jobs.

(g) The Director shall certify specific jobs as qualified for employment suitable for Civilian Service Corps employment according to the regulations promulgated by the Commission under subsections (a), (b), (c), and (d) of this section. The Director shall appoint hearing officers who shall hold hearings on the written request of any employer or registrant adversely affected by a decision of the Director as to the suitability of a specific job as Civilian Service Corps employment. The registrant or employer may appeal the decision of a hearing examiner to the appropriate regional board, as provided in section 113 (f), within thrity days of receiving notice thereof. The decision of the regional board may be reviewed by the Director at the request of the registrant or employer. The decision of the Director shall be final.

(h) The Director shall regularly compile lists on a national basis of job opportunities which qualify within the occupational categories which are currently available, so that registrants shall have information on job opportunities throughout the Nation. These lists shall be available to registrants at local placement centers.

REGISTRATION

SEC. 105. (a) Except as otherwise provided in this title it shall be the duty of every male citizen of the United States to present himself for and submit to registration as the local placement center which serves the area in which he resides within ten days after the seventeenth anniversary of his birth; except that all persons heretofore registered under the Military Selective Service Act of 1967 or prior corresponding provisions of law shall be deemed to have satisfied the registration requirements of this paragraph.

(b) Each local placement center shall, at the time of registration, provide each registrant with detailed information on the nature and scope of the operations of the National Service Agency as provided to each placement center by the Office of the National Director. This information shall include but is not limited to a description of the operation of the military lottery, of enlistment opportunities in the Armed Forces, a list of general occupational categories established by the National Commission pursuant to section 104, and a detailed list of the actual qualified civilian service jobs available in the geographical area.

(c) Each local placement center shall maintain a staff of counselors who shall interview registrants and explain the details of the operations of the national service system.

(d) Each local placement center shall cause each registrant to complete, or where necessary shall complete for each registrant, such forms as may be required by regulations implementing this title, and such information shall be forwarded to the Director. All information contained in these records pertaining to registrants shall be disclosed only to authorized employees of the National Service Agency and to the individual registrant.

EXEMPTIONS AND DEFERMENTS

SEC. 106. (a) The following persons are exempt from participation in the military lottery:

(1) Personnel of the Army, Navy, Air Force, Marine Corps, and Coast Guard; cadets and midshipmen of the United States Military Academy, United States Naval Academy, United States Air Force Academy, and United States Coast Guard Academy; students enrolled in officer procurement programs at military colleges whose curriculum is approved by the Secretary of Defense; members of Reserve components of the Armed Forces and the Coast Guard; persons who served honorably on active duty in the Armed Forces at any time prior to the date of enactment of this Act; members of organized units of the federally recognized National Guard, the federally recognized Air National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, or the Coast Guard Reserve, so long as they continue to be such members and satisfactorily participate in scheduled drills and training periods as prescribed by the Secretary of Defense.

(2) Persons found physically, mentally, or morally unfit on a permanent basis, by standards to be prescribed by the President for any national service, either military or civilian, under this title.

(3) Persons who are not citizens of the United States. Any person who becomes a citizen of the United States after attaining the seventeenth anniversary of his birth and before attaining the twenty-fifth anniversary of his birth shall be registered and treated in all respects as if he had attained the seventeenth anniversary of his birth on the date of his naturalization, except that his liability for service under this title shall not extend beyond the thirtieth anniversary of his birth.

(4) (A) During any period other than the period of a war declared by Congress, persons who, by reason of training and belief, are conscientiously opposed to any participation in the national service system established by this title.

(B) During the period of a war declared by Congress, persons who by reason of training and belief, are conscientiously opposed to participation in war in any form.

(C) In order to establish conscientious opposition under subparagraph (A), a registrant must prove by a clear preponderance of the evidence that service in general in a military and civilian capacity would be a violation of his most profound convictions. In order to establish conscientious objection under subparagraph (B), a registrant must prove by a clear preponderance of the evidence that participation in war in any form would be a violation of his most profound convictions. Whether an individual meets the requirements of this paragraph shall be determined pursuant to the procedure as provided in section 107.

(b) (1) The following persons shall be deferred, under regulations prescribed by the President, from participation in the military lottery:

(A) Persons satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning shall be deferred until graduation or until the end of the sixth academic year spent following completion of grade eight or the equivalent grade levels thereof.

(B) Persons found physically, mentally, or morally unfit on a temporary basis, under standards to be prescribed by the President, for any national service, military or civilian, under this title, shall be deferred for such time as that condition of unfitness shall continue.

(3) Any person granted a hardship deferment by the civilian board in their region pursuant to paragraph (2) below.

(2) A registrant may present, in writing, a claim of hardship pursuant to the procedure provided in section 107 at any time before or during a registrant's participation in the national service. Upon examination of the registrant's claim of hardship, a civilian board may—

(A) reject the claim as a whole;

(B) determine that the subsistence allowance of a civilian service registrant as provided for in section 13(b) shall be increased to provide for members of the registrant's family who are substantially dependent upon him for financial support, such increase not to exceed $4,000 per year maximum; or

(C) determine that the civilian service registrant be placed in a civilian service job if one is reasonably available which will enable him to reside with those members of his family who are substantially dependent upon him for personal services or for other forms of personal assistance; or

(D) upon a finding of hardship and a finding that subparagraphs (B) and (C) are insufficient either alone or applied together to provide adequately for members of the registrant's family who are substantially dependent upon him determine that the registrant be granted a hardship deferment from national service for as long as necessary; except that upon the twenty-fifth anniversary of his birth, a registrant deferred under this paragraph shall be deemed to have participated in the military lottery and not to have been selected during his period of liability.

CLASSIFICATION; RIGHT TO APPEAL CLASSIFICATION

SEC. 107. (a) Each registrant shall be classified according to regulations promulgated by the Director by the local placement center where he is registered on the basis of information supplied by the registrant to the local placement center. Whenever a registrant's status changes so that he believes that he is entitled to a classification different from that which has been previously assigned him, he shall apply to the local placement center by alleging in writing the facts which he believes entitled him to a different classification.

(b) A registrant may appeal his classification by notifying the civilian board appointed by the Regional Registration and Placement Administrator of that region pursuant to section 103(g) on or before the thirtieth day after receiving notice of any classification by the local placement center. The civilian board shall refer all appeals to a hearing examiner as provided for in section 103(g) to hear testimony, make findings of fact and conclusions of law, and arrive at a decision as to the merits of the registrant's claim. The hearing shall be held as close to the area in which the registrant resides as is practicable.

(c) The registrant may appeal the decision of the hearing examiner to his civilian board within thirty days of receiving notice thereof. The civilian board shall review the whole record and affirm the hearing examiner's decision only if supported by reliable, probative, and substantial evidence. At its discretion, the board may hear further testimony.

(d) Decisions of the civilian boards may be appealed by the registrant to the Director whose standard of review shall be the same as that of the civilian boards, described in subsection (c) of this section.

(e) A registrant who appeals his classification shall be entitled to appeal and to have the right to counsel at all stages of the appeal process. The National Service Agency shall, at its own expense, provide a lawyer for those unable to afford counsel. The hearing examiner shall determine whether the registrant is capable of paying all, some, or none of the cost of counsel. His decision shall be subject to appeal.

ELECTION OF SERVICE OPTION

SEC. 108. (a) Unless exempted as provided in section 106 of this title, each registrant (including those with deferments) on or before ten days prior to his attaining the age of eighteen years shall notify in writing his local placement center of his election to enlist in the Armed Forces, to participate in the military lottery, or to participate in the civilian service program.

(b) Any registrant who elects to enlist in the Armed Forces may have his entry into active service postponed by the Director if the Director finds that a program of education or training proposed to be undertaken by the registrant would enhance his potential contribution to the mission of the Armed Forces, but a postponement granted hereunder shall end at the close of the forty-eighth month after the month in which granted (which may not be before or include the month in which the registrant graduates from high school or similar institution of learning), or at the time the registrant successfully completes or otherwise ceases to engage in such education or training, whichever first occurs.

(c) (1) Any individual who elects to enlist in the Armed Forces pursuant to section 108(a) and who postpones his service pursuant to section 108(b) may, upon request to and approval of the Director, transfer to the civilian service program.

(2) Any individual who elects to participate in the civilian service program pursuant to section 108(a) and who postpones his service pursuant to section 111(a) may, upon request to and approval of the Director, transfer to the Armed Forces.

(d) Upon receipt of the forms provided for the section 105(d) above, the local placement center shall immediately cause the names and registration number of each registrant selecting the military lottery option to be sent to the Deputy Director in charge of the Military Lottery Division. Only those registrants who have selected the military lottery under section 108(a) or those who have been placed in the military lottery as provided in section 118(b) of this title shall be processed as provided in section 110 of this title.

LENGTH OF SERVICE

SEC. 109. (a) Each person selected through the military lottery for service with the Armed Forces of the United States shall serve in active training and service for a period of twenty-four consecutive months, unless sooner released, transferred, or discharged in accordance with procedures established by the Secretary of Defense.

(b) Each person electing participation in the civilian service shall serve in active training and service for that period of time which the Director shall deem appropriate for the particular occupational category into which that person has been placed; except that no person shall be required to participate in active service in the civilian service for less than the period served by those participating in the military lottery or for more than forty-eight consecutive months.

OPERATION OF THE MILITARY LOTTERY

SEC. 110. (a) The Director of the National Service Agency shall establish under this title procedures for the selection of men into the Armed Forces of the United States by means of a random lottery of those individuals who have elected under the provisions of section 108(a) to participate in the military lottery.

(b) The lottery shall proceed by means of random selection. The random selection method will use three hundred and sixty-six days to represent the birthdays (month and day only) of all registrants who have elected to be placed in the lottery pool. On a date to be selected by the Director of the National Service Agency once each year the lottery shall be conducted selecting in a random manner each day of the year for every man who has since the last such lottery been placed in the lottery pool. On the same date, a supplemental drawing will be conducted to determine alphabetically the random selecting sequence by initial letter in surname among registrants who have the same birthday.

(c) The Secretary of Defense shall periodically notify the Director of the National Service Agency and the Deputy Director in charge of the military lottery of the number of registrants required to fill the manpower needs of the Armed Forces of the United States. The Director shall issue orders to report for induction to that number of individuals in the order that their birthdates and names were selected in the military lottery. Each registrant shall remain in the lottery pool for a period of twelve months following the date of the lottery selection for which he is eligible.

(d) A registrant who has received an order to report for induction but who has been granted a deferment under section 106(b) or under a procedure established by the Armed Forces, shall have his induction order stayed indefinitely but shall have his deferment reviewed each year thereafter until the twenty-fifth anniversary of his birth by the board which originally granted his deferment. If it is determined that the registrant can no longer qualify for a deferment, the induction shall be reactivated. When the registrant reaches the twenty-fifth anniversary of his birth, his induction order shall be permanently canceled.

(e) Any registrant who is discharged from the civilian service program pursuant to the provisions of section 118(b) of this Act shall have his name and birthdate placed in the random selection which next occurs following the date of his discharge from the civilian service program and shall remain eligible for a period of twelve months thereafter.

CIVILIAN SERVICE JOBS

SEC. 111. (a) It shall be the duty of each registrant who has elected to serve in the civilian service within six months of his election of civilian service or within six months after his deferment under section 106(b) has expired, whichever is later, either—

(1) to locate and become employed as a full-time employee in a job which has qualified for participation in the civilian service either upon previous application of the employer or upon application of the registrant, as provided in section 104; or

(2) if unable to become employed under (1), to join the Civilian Service Corps provided for in section 112; except that a registrant may not elect to enroll in the Civilian Service Corps until two months after his election or the expiration of his deferment, whichever is later;

except that a registrant may have his duty to comply with paragraph (1) or (2) suspended by the Director if the Director finds that a program of education or training proposed to be undertaken by the registrant would enhance his potential contribution to the mission of the Civilian Service Division, but a suspension granted hereunder shall end at the close of the forty-eighth month after the month in which granted (which may not be before or include the month in which the registrant graduates from high school or similar institution of learning), or at the time the registrant successfully completes or otherwise ceases to engage in such education or training, whichever first occurs.

(b) It shall be the duty of each registrant who has selected a job or a program pursuant to subsection (a) above to remain satisfactorily employed or enrolled for a period of time determined by the Director for the the particular occupational category or program in which the registrant is employed or enrolled as provided in section 109(b).

(c) Public non-Federal and private employers who have employed civilian service registrants shall have the authority at all times to accept, reject, conditionally accept, or dismiss any individual civilian service registrant; except that if it shall be determined by the civilian service that any registrant was rejected or dismissed because of race, color, creed, or national origin, then the Director is authorized to declare under procedures provided in section 104 that the public or private employer be disqualified from inclusion on the official list of civilian service jobs. The employer shall be authorized to reapply for qualification under procedures provided in section 104.

(d) When any civilian service registrant withdraws or is dismissed from a civilian service job, and it is determined by a hearing, as provided for in section 119, that the registrant is to continue in the civilian service, then the registrant shall report to the local placement center nearest to his current place of residence, within ten days of the termination of the hearing, in order to be assigned to a new job or Federal program for the duration of his time obligation.

CIVILIAN SERVICE CORPS

SEC. 112. (a) There is hereby established a Civilian Service Corps which shall be under the direction of the Corps Administrator who shall be appointed by the Director. The Corps Administrator shall be under the immediate supervision of the Deputy Director of the Civilian Service Division. The Civilian Service Corps shall train and employ registrants who elected civilian service and who, having not found employment in a job

which qualified for the civilian service, joined or were deemed to have joined the Civilian Service Corps.

(b) In order to operate the Civilian Service Corps, the Director is authorized—

(1) to establish any or all new facilities, including new construction necessary for the operation of the Corps;

(2) to establish necessary provisions for housing of the registrants enrolled in the Corps;

(3) to provide whatever is necessary to insure for the proper medical care of the registrants enrolled in the Corps, including but not limited to the utilization of armed services medical facilities;

(4) To request and utilize the services of any or all—

(A) departments of the Federal Government;

(B) agencies, departments, or units of regional, State, county, municipal, or town governments; and

(C) trade organizations, charitable organizations, educational institutions, any other private or public organization or group or any person or group of persons.

(5) to establish within the Corps programs for registrants who come from deprived backgrounds, which programs shall be essentially educational and training in scope and designed to enable the registrants to enter productive employment for the remainder of their civilian service and thereafter.

ADDITIONAL AUTHORITY OF THE DIRECTOR

SEC. 113. In addition to the authority granted in section 112, the Director is authorized—

(a) to delegate any authority vested in him under this title and to provide for the subdelegation of any authority;

(b) to establish a procedure for compensating all volunteers. Such procedure shall provide that non-Federal employers of volunteers must pay to the Federal Government the same wage paid by the employer to non-volunteers performing the same or similar work or the minimum wage, whichever is greater, and that the Federal Government will compensate all volunteers at a rate equal to a subsistance allowance based on the cost of living in the geographical areas in which the volunteers work;

(c) to establish procedures to protect all volunteers from discrimination by any employer because of race, color, creed, or national origin;

(d) to utilize, when necessary, the services of all departments of the Federal Government; and

(e) to establish such regional review boards as may be necessary to hear appeals as provided for in sections 104(g) and 107(c).

(f) to prescribe such rules and regulations necessary to carry out the provisions of this title.

APPLICATION OF PROVISIONS OF FEDERAL LAW—REGISTRANTS NOT FEDERAL EMPLOYEES; FEDERAL EMPLOYMENT LAWS INAPPLICABLE

SEC. 114. (a) Except as otherwise specifically provided in this title, a registrant in the civilian service program shall not be deemed to be a Federal employee and shall not be subject to the provisions of laws relating to hours of work, rates of compensation, leave, unemployment compensation and Federal employee benefits.

(b) Registrants in the civilian service program shall be deemed to be employees of the United States for the purposes of the Internal Revenue Code of 1954 and of title V of the Social Security Act (42 U.S.C. 401 et seq.), and any service performed by an individual as a registrant shall be deemed for such purposes to be performed in the employ of the United States.

(c)(1) Registrants in the civilian service program shall for the purposes of the administration of the Federal Employee's Compensation Act, be deemed to be civil employees of the United States within the meaning of the term "employee" as defined in section 790 of title 5 and the provisions thereof shall apply except as hereinafter provided.

(2) For the purposes of this subsection:

(A) The term "performance of duty" in the Federal Employees' Compensation Act shall not include any act of a registrant—

(i) while on authorized leave; or

(ii) while absent from his assigned post of duty, except while participating in an authorized activity.

(B) In computing compensation benefits for disability or death under the Federal Employees' Compensation Act, the monthly pay actually paid by the employer shall be used.

(C) Compensation for disability shall not begin to accrue until the day following the date on which the enrollment of the injured registrant is terminated.

POLITICAL DISCRIMINATION AND ACTIVITY—INQUIRIES CONCERNING POLITICAL AFFILIATION AND BELIEF

SEC. 115. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any registrant in, or any applicant for enrollment in, the civilian service program because of his political affiliation, beliefs, or activities.

REPORTS BY EMPLOYERS

SEC. 116. Each employer (whether public or private) of civilian service registrant shall submit a report to the Director, in such form and manner as the Director shall require, whenever a registrant leaves or is removed from his employ. Except in cases of the normal expiration of a registrant's obligated service, such report shall state in detail the circumstances of, and reasons for, such termination.

CATEGORIES OF REMOVALS FROM JOB; EFFECT

SEC. 117. Each civilian service registrant shall possess the same rights of employment security against his employer as are enjoyed against such employer by other employees of similar rank and length of service. Any registrant who is removed from a job because of its abolition, or for any other reason not reflecting negatively on his performance, shall not be considered to have violated his obligation with the service; shall be considered to have been withdrawn without prejudice; and shall be eligible for transfer to new jobs within the service for which he is qualified. If a registrant removed for any other reason (hereinafter referred to "for cause"), he shall be liable to disciplinary action by the National Service Agency.

ADVERSE ACTIONS BY THE DIRECTOR

SEC. 118. (a) Adverse action against a civilian service registrant shall be begun by the Director only upon the basis of a special report from the registrant's employer supporting the registrants removal from his job for cause or announcing the registrant's unauthorized departure from his job.

(b) Adverse actions against a registrant may include the imposition of such disciplinary sanctions, up to and including dismissal from the civilian service with loss of any benefits which would accrue as a result of completion of service, as the Director or his authorized representative shall deem necessary. A registrant who is dismissed from the civilian service as the result of an adverse action shall be deemed to have elected to participate in the next military lottery whose date of drawing, as provided in section 110 (b), is after the date of dismissal; except that any such registrant who has completed at least half of his required length of service in the civilian service before his dismissal, and has been selected by the lottery, shall be required to serve only one year in the military.

(c) A registrant may be dismissed from the civilian service only under circumstances involving willful disobedience, insubordinate conduct, conviction of a felony or highly unsatisfactory performance.

(d) Sanctions imposed by the Director against a registrant for misconduct shall not impair any rights of action, public or private, criminal or civil, accruing to any other party against such volunteer by reason of his misconduct.

(e) The Director shall establish procedures for the administrative release of registrants from the civilian service for reasons of health or hardship, where the documented basis in fact for the claim would be at least sufficient to confer an exemption from the obligation to serve. Action leading to such a release may be initiated either by the registrant concerned or by the civilian service. A registrant so released shall remain eligible for all benefits normally accruing to those who have successfully completed their service.

ADVERSE ACTIONS—PROCEDURES

SEC. 119. (a) The Director shall establish and impose administrative sanctions, up to and including dismissal from the civilian service by adverse action, to punish any registrant who fails to fulfill his obligation. He shall promulgate a code of sanctions consistent with the provisions of this Act, by regulation.

(b) There shall be created in the National Service Agency a Legal Corps. All members of the Legal Corps shall be members of the bar of at least one State. Members of the Legal Corps shall preside over each and every disciplinary hearing and each and every appeal therefrom. The Legal Corps shall be divided into a Hearing Division and an Appeals Division.

(c) The Director shall establish procedure for conducting a full and impartial hearing in any case where adverse action against a volunteer is contemplated or has been taken by the National Service Agency. Such a hearing shall be held at the request of the registrant; no registrant shall be dismissed from the civilian service without such a hearing. One member of the Hearing Division of the Legal Corps shall preside over each such hearing, and shall interpret the law and the facts in reaching a verdict and in imposing or upholding such sanctions as are found warranted.

(d) Any registrant whose punishment is imposed or sustained at a hearing held under section 119(c) of this Title may take an appeal in writing to the Appeals Division of the Legal Corps within ten days of the announcement of the hearing judgment. The Appeals Division shall consider all appeals expeditiously. At its discretion, it shall hold an appeal hearing which may make fresh inquiry into both the facts and the law of the case. Such a hearing shall be presided over by three members of the Appeals Division.

(e) The Director shall promulgate rules governing all disciplinary hearings. Such rules shall provide for the right of the registrant to be advised by counsel, to confront any adverse witnesses, and to compel the attendance of witnesses. If a registrant facing a disciplinary hearing or an appeal therefrom desires representation by legal counsel but is unable to pay for it, the civilian service shall provide him with the services of an attorney who has been admitted to the bar of at least one State and is not employed by the civilian service, at no cost to the registrant.

(f) Any resident who has abandoned or been dismissed from any employment shall have the right to a hearing in order to establish that his service has been satisfactory for completion of his obligation within the terms of section 122 of this title.

JUDICIAL REVIEW

SEC. 120. (a) A person suffering legal wrong because of action by the National Service Agency is entitled to judicial review.

Such review shall be within the original jurisdiction of the district courts of the United States by writ of mandamus as provided in section 1361 of title 28, United States Code.

(b) There shall be no judicial review of actions by the National Service Agency or any officer or agent thereof until all administrative remedies provided in this title have been exhausted and Agency action is final.

(c) To the extent necessary to decision and where presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning and applicability of the terms of an Agency action. The reviewing court shall—

(1) compel action unlawfully withheld or unreasonably delayed;

(2) hold unlawful and set aside actions, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or not otherwise in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law; and

(E) unsupported by substantial evidence in the case when taken as a whole and based on the entire record.

COMPUTATION OF TIME OF SERVICE

SEC. 121. All the time spent by a registrant from the time of his initial entry into the civilian service shall count toward satisfaction of his obligation except—

(1) time spent in legal detention or incarceration; and

(2) time spent unemployed after voluntary abandonment of a job or dismissal from work for cause: *Provided, however,* That if disciplinary proceedings are instituted by the civilian service as a result of such abandonment or dismissal and the registrant is acquitted of fault, all the time spent unemployed after such abandonment or dismissal shall be counted toward satisfaction of his obligation.

ORDER OF CALL IN EVENT OF WAR

SEC. 122. Notwithstanding any other provision of this title, for the duration of any period of war declared by Congress, all persons subject to this title shall be liable for training and service in the Armed Forces and shall be inducted, unless exempt or deferred, for such training and service in the following order:

(1) Volunteers and delinquents,

(2) Persons in the military lottery pool under section 110 of this title,

(3) Persons in civilian service under this title, those with least service therein first,

(4) Persons under age twenty-six who were not inducted for training and service during their twelve-month period of prime eligibility in the military lottery pool; and

(5) Persons who have completed civilian service under this title.

MISCELLANEOUS AMENDMENTS

SEC. 123. (a) Section 5315 of title 5, United States Code, is amended by striking out

"(70) Director of Selective Service."

and inserting in lieu thereof

"(70) Director of National Service."

(b) Section 5316 of such title 5 is amended by adding at the end thereof the following:

"(128) Deputy Diretcors, National Service Agency (3)."

ADMINISTRATIVE PROVISIONS

SEC. 124. So much of the positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available in connection with the functions, powers, and duties exercised by the Selective Service System immediately before the effective date of this title as the Director of the Bureau of the Budget shall determine shall be transferred to the Director of National Service. The transfer of personnel pursuant to this section shall be made without reduction in compensation for one year after such transfer.

PENALTY

SEC. 125. Whoever knowingly violates any provision of this title or any rule or regulation issued under this title shall be imprisoned for not more than two years.

REPEALER

SEC. 126. The Military Selective Service Act of 1967 (50 U.S.C. App. 451 et seq.) is hereby repealed.

SAVING CLAUSE

SEC. 127. This title does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SEVERABILITY

SEC. 128. If a part of this title is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this title is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from the invalid applications.

APPROPRIATIONS

SEC. 129. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

EFFECTIVE DATE

SEC. 130. (a) This title shall take effect ninety days after the Director of National Service first takes office, or on such prior date after enactment of this title as the President shall prescribe and publish in the Federal Register.

(b) The Director of National Service and the Deputy Directors of the National Service Agency may (notwithstanding subsection (a)) be appointed in the manner provided for in this title, at any time after the date of enactment of this title. Such officers shall be compensated from the date they first take office, at the rates provided for in this title. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Agency pursuant to this title.

TITLE II—MILITARY PAY AND ACTIVE DUTY STRENGTHS

Page 20, line 4, strike out "Sections 4–11 of this Act" and insert "Section 203–210 of this title".

Redesignate sections 2 through 14 as sections 201 through 213, respectively.

Mr. BINGHAM (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD, since the text of the amendment appears in the RECORD at page 8655 and following.

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

There was no objection.

Mr. BINGHAM. Mr. Chairman, it is my intention at a later stage to propose two ameliorating amendments to section 1, but before doing that I wish to offer to this Committee of the Whole the opportunity to vote up or down a proposal for a total overhaul of the draft system. This is a proposal which I made originally last year and which has attracted very substantial support in this House and around the country. This is incorporated in what we have called the National Service Act. It presents a middle course between the all-volunteer Army and the continuation of the Selective Service system as we have known it.

I apologize to the members of the committee for presenting an amendment which is so voluminous. However, the text of it does appear at pages 8655 and following of the RECORD.

The essential element of our National Service plan is to offer young men at age 18 three alternatives: they can sign up and enlist for military service; they can enlist for some civilian service of an approved character; or they can take their chances on being drafted under a lottery system.

This plan avoids many of the grave faults of the present draft system. It would get away entirely from the difficult problem of determining CO status, because any man who felt deeply that he was opposed to serving in the Armed Forces or opposed to the war in Vietnam could undertake to perform civilian service. It would also eliminate the inequities of the deferment system, because if he signed up for either military service or for civilian service, he would be entitled to deferment for further training of a vocational character or for further education.

Mr. Chairman, I am very proud of the support that this bill has attracted from my colleagues. It has been cosponsored by Messrs. ADAMS, ADDABBO, BERGLAND, BYRON, CAREY, Mrs. CHISHOLM, Messrs. DINGELL, FULTON of Pennsylvania, HALPERN, HARRINGTON, HATHAWAY, HAYS, LEGGETT, MEEDS, PODELL, REES, ROYBAL, THOMPSON of New Jersey, TIERNAN, and UDALL.

It has also been endorsed by several distinguished publications, including the Evening Star in Washington, the New York Times, and the New York Post.

The Gallup poll made a public survey as to the support for the basic idea of this bill and reported 71 percent of the American people were in support of it.

I believe the supporters of this plan are entitled to have this major overhaul of the draft voted up or down, especially in the light of the fact that yesterday the all-volunteer approach was rejected. Our plan would eliminate most of the inequities of the present system. It would be a workable system and would, in addition, as many commentators have pointed out, provide this country with a substantial reservoir of civilian labor for purposes that are badly needed. It is contemplated, for example, under this proposal that a National Conservation Corps would be established similar to the CCC of the 1930's to carry out useful projects. Many other useful activities could be carried out under this program if approved by the agency set up to administer it.

For a full discussion of the evolution and of details of the proposal, I would refer the Members to my article in the New Republic of January 16, 1971, which was reprinted in the RECORD at page 1834.

I urge adoption of the amendment.

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

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

Mr. Chairman and members of the Committee, the distinguished gentleman from New York has given much thought and much study to his proposal which undoubtedly deserves consideration.

It is unfortunate that the gentleman was invited to appear before the committee when we were discussing the legislation, but he did not appear. Therefore, we did not discuss it.

I do not think at this time of day there is time during which to discuss an amendment which has this many pages to it on the floor of the House.

Mr. BINGHAM. Mr. Chairman, would the distinguished chairman of the Committee on Armed Services yield?

Mr. HÉBERT. Yes, I am glad to yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

It is true that I was invited to appear before the committee. However, I was out of the country at the time. I did request that the hearings be extended so that I would have an opportunity to appear before the committee after my return. That seemed to be impossible, but I did submit a statement in support of the amendment.

Mr. HÉBERT. That is correct and the gentleman knows that he was welcome to do that and to appear before the committee at the time we did have the hearings and we certainly would have welcomed him, because I am sure the amount of discussion on an amendment of this magnitude would have taken quite a length of time.

Mr. Chairman, there is also the question about the constitutionality of the proposed amendment. I shall not go into detail on that but shall put that in the RECORD during the course of these remarks under the unanimous-consent request which I previously obtained for all Members to revise and extend their remarks and to include extraneous matter:

I am not familiar with the gentleman's amendment in full detail. I had no opportunity to discuss it in the committee and neither did the other members of the committee.

Therefore, Mr. Chairman, I oppose the amendment and ask for a vote on it.

THE LIBRARY OF CONGRESS,
*Washington, D.C., March 3, 1971.*

To: House Armed Services Committee,
Attention: Mr. Slatinshek.
From: American Law Division.
Subject: Constitutionality of Universal Compulsory Non-Military Service.

A system of national service compelling all males within set age limits to perform service in either the military or an alternative civilian force would raise serious constitutional problems. It is highly questionable whether power exists in Congress to conscript men for other than military service. It is also possible that any such system would be held to constitute "involuntary servitude" within the meaning of the Thirteenth Amendment.

In determining whether Congress has the power to institute universal conscription for civilian work, the starting point must be a recognition that Congress has no powers not delegated to it by the Constitution. In the words of Chief Justice Marshall, "(t)his government is acknowledged by all to be one of enumerated powers." *McCulloch* v. *Maryland*, 17 U.S. (4 Wheat.) 316, 405 (1819). The Tenth Amendment also reflects the principle:

"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 argument that Congress has been delegated power to conscript civilian labor might rely upon interpretation of the power to raise armies, and the power to regulate interstate commerce, or upon interpretation of the "general welfare" clause. Of these powers, only the power to raise armies merits serious consideration.

The "general welfare" clause appears in Article I, sec. 8, cl. 1 under the power to tax and spend, and is not itself a grant of power. The power delegated is to "lay and collect Taxes, Duties, Imports, and Excises," and the words "provide for the common Defense and general Welfare" describe the permissible purposes for which Congress may tax and spend.

"The clause, in short, is not an independent grant of power, but a qualification of the taxing power. *Constitution of the United States, Analysis and Interpretation*, p. 145."

Thus expenditure of tax money to hire persons to work in a "domestic Peace Corps" could arguably be spending "to provide . . . for the general Welfare," and be within the power delegated. Nothing in the power to tax and spend, however, suggests a power to institute compulsory servitude.

The power to regulate interstate commerce is mentioned only because the projects for which labor might be conscripted under a system of universal civilian service might be more related to interstate commerce than to military affairs. There is no precedent, however, which would suggest that the power to regulate commerce comprehends the power to conscript labor.

The power of Congress to compel military service derives from clause 12 of Article I, sec. 8:

"To raise and support Armies, but not Appropriation of Money to that Use shall be for a longer Term than two years."

Although secondary definitions of "army" include "(a) body of persons organized for the advancement of a cause; as, the Salvation *Army*," and "(a) great number; vast multitude; host; array," it would probably not be seriously contended that anything other than the primary definition was intended in clause 12: "(a) large organized body of men, armed for war and designed for land service." *Webster's New International Dictionary*, 2d ed., Unabridged (1953). Proponents of compulsory civilian service are thus left with the argument that such a system is somehow "necessary and proper" in order to raise an army.

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional. *McCulloch*, supra, p. 421."

The "necessary and proper" clause interpreted in *McCulloch* appears in Article I, sec. 8, cl. 18:

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

"The Constitutional power of Congress to raise and support armies and to make all laws necessary and proper to that end is broad and sweeping. (citations omitted). The power of Congress to classify and conscript manpower for military service is 'beyond question.' (citations omitted). *United States* v. *O'Brien*, 391 U.S. 367, 377 (1968)."

The "necessary and proper" reasoning is also used to uphold compulsory civilian service as an *alternative* to military service for those qualifying as conscientious objectors. One of the many cases so holding is *Howze* v. *United States*, 272 F. 2d 146, 148 (9th Cir., 1959):

"Compulsory civilian labor does not stand alone, but is the alternative to compulsory military service. It is not a punishment, but is instead a means of preserving discipline and morale in the armed forces. The power of Congress to raise armies, and to take effective measures to preserve their efficiency, is not limited by either the Thirteenth Amendment, or the absence of military emergency."

Although a system which would conscript all young men for service in either the military or a civilian work force might describe the latter as "alternative" service, there would be a major difference in degree between such a system and the current system providing for "alternative" service for conscientious objectors. Under the present system young men who may qualify for a conscientious objector classification (1–O or 1–A–O) are well advised to so indicate when they register at age 18, and draft boards sometimes consider the claim at that time. However, those qualifying for a 1–O or 1–A–O may not be ordered to report for civilian service before they would have been ordered to report for induction if classified 1–A; 32 C.F.R. 1623.2 requires that registrants be given the "lowest" classifications except 1–A as lower than 1–A–O and 1–O.

Thus the present system operates in such a way that the number of men called to report for civilian service is determined by the number required for military service as well as the number qualifying as conscientious objectors. Even during the Vietnam "war" military requirements have been such that many men are not called for service during their years of eligibility. The contemplated universal service system would take these men regardless of military requirements, and, under circumstances falling short of all-out conventional war, the civilian labor force would probably be several times the size of the military force.

Whether the power to "raise and support Armies" and the power derived therefrom to preserve "discipline and morale" of military personnel can be extended to cover such a system is highly questionable. While it may be true for some persons that "misery loves company," and there may be some relation between universal civilian service and the discipline and morale of those whom the universal service system would place in the military forces, it is the power to raise and support Armies which is the "legitimate end," and not the power to bolster morale. The larger the conscripted civilian labor force becomes in relation to the conscripted military force, the more difficult it becomes to derive the power to create such a system from the power to "raise and support Armies."

Chief Justice Marshall's opinion in *McCulloch, supra*, made plain that the "necessary and proper" clause leaves to Congress wide latitude to choose means to accomplish its legitimate ends, and that means "appropriate" to an end are to be upheld unless prohibited by other clauses of the Constitution. In such situations, courts are not to "inquire into the degree of . . . necessity." Marshall's opinion did mention the possibility, however, of a situation in which "Congress, under the pretext of executing its powers, [might] pass laws for the accomplishment of objects not entrusted to the government." Then "it would be the painful duty of this tribunal, should a case requiring such a decision come before it, to say that such an act was not the law of the land." (p. 423). It is possible that the Court might find that its "painful duty" required it to hold that the system of universal conscription resulting in a high ratio of civilian to

military service was beyond the power of Congress to enact on the "pretext" of an exercise of its military power.

It might be argued that a system of universal service conscripting all males for service in either military or civilian work would not be significantly different from the present system of "selective" service, at one time intended to establish a system of deferments and exemptions which would "channel" young men into occupations deemed by Congress to be "in the national interest." In some ways the two systems are similar; however universal service devoted in large proportion to civilian service may be a "prohibited" means of achieving the legitimate end of raising an army if it might otherwise be considered an "appropriate" means.

As mentioned above, the Thirteenth Amendment, which forbids the existence anywhere within the United States of "slavery" and "involuntary servitude," has been held not to bar assignment of conscientious objectors to civilian work. The purpose of the Amendment, applicable to both "public and private service," *Robertson* v. *Baldwin*, 165 U.S. 275, 282 (1897), has been described by the Court as follows:

"The undoubted aim of the Thirteenth Amendment . . . was not merely to end slavery but to maintain a system of completely free and voluntary labor throughout the United States. Forced labor in some special circumstances may be consistent with the general basic system of free labor. For example, forced labor has been sustained as a means of punishing crime, and there are duties such as work on highways which society may compel. But in general the defense against oppressive hours, pay, working conditions, or treatment is the right to change employers. *Pollock* v. *Williams*, 322 U.S. 4, 17–18 (1944)."

Those "channeled" into teaching, agricultural work, work in defense plants, college study, divinity school, and other activities thought to be in the national interest, were never deprived of the "right to change employers," and in fact had a fairly broad range of activities from which to choose.

A system conscripting every young man for civilian or military service probably could not maintain this "right to change employers." Then too, while conscription of a relatively small number of men for alternative service as conscientious objectors detracts only to a minor extent from "a system of completely free and voluntary labor throughout the United States," a system of universal conscription would be inconsistent with this "general basic system of free labor."

There remains the reference in *Pollock, supra,* to "duties such as work on highways which society may compel." Whether duties other than military service so massive in the aggregate as to be inconsistent with "the general basic system of free labor" fall within this exception has not been decided.

The reference to the power of government to compel work on highways is from *Butler* v. *Perry*, 240 U.S. 328 (1916), which upheld the power of a state to compel able-bodied men to work on the public roads of their county for 6 days of the year, or hire a substitute, or instead pay a tax. The opinion of the Court considered the work requirement in the context of a Thirteenth Amendment challenge and upheld the "conscription" without reliance on the alternatives provided by the statute. Citing Blackstone's *Commentaries* and the fact that twenty-seven states in 1889 provided for conscription on the public roads, the Court concluded that "to require work on the public roads has never been regarded as a deprivation of either liberty or property" (p. 333), and that the Thirteenth Amendment was not intended to change that understanding.

While *Butler* v. *Perry* has not been overruled, and as indicated, was cited with approval by the Court as recently as 1944, there are several limitations to its holding. First and foremost, it should be noted that *Butler* v. *Perry* upheld "conscription" by a state and not to the federal government. States retain broad police powers not delegated to the federal government. Absent a degelation of power to Congress to conscript civilian labor, any power to conscript still existing under the *Butler* v. *Perry* rationale would reside in the states. The Tenth Amendment, *supra,* controls such a situation. Another possible limitation to *Butler* v. *Perry* is the duration of the conscription upheld. Whether conscription for two year's civilian labor would be considered to fall within the principles of duties which society may compel," or would be distinguished in degree from the requirement of six day's service per year is not clear. Finally, the power of conscription might be limited by due process considerations derived from the *Robel, Aptheker,* and *Shelton* cases discussed below: unless Congress could show a strong need to conscript rather than tax, conscription might be held to be an invalid invasion of personal liberty.

State courts have twice upheld forced labor under situations thought to be exigent. A Delaware statute passed during World War I, justified as a war measure in aid of the federal government and in exercise of the police power required all males between 18 and 55, and not in the armed forces or other public employ, to find a "useful or lawful occupation." Those unemployed could be assigned work by a "Council of Defense." The state court, declining comment on what might constitute involuntary servitude in peacetime, upheld the act because of the importance during the war of increasing production, and because of an assumed weakened capacity of the state's police forces to handle vagrants. *State* v. *McClure*, 7 Boyce (Del.) 265, 105 A. 2d 712 (1919).

A Massachusetts city ordinance passed during the Depression conditioned receipt of family assistance by those otherwise unemployed on performing work for the public works department, and was likewise upheld under a Thirteenth Amendment challenge. *Commonwealth* v. *Pouliot*, 292 Mass. 229, 198 N.E. 256 (1935).

"In a period of Depression like the present, it is reasonable to require one in the position of the defendant to work under the conditions shown . . . to meet his obligations to his family. *Id.*, p. 257."

Because these two decisions emphasize the near-emergency conditions under which the laws were enacted, it is unlikely that the rationale could be expanded to apply to peacetime universal conscription. Also, of course, the cases dealt with state police power and not federal power.

In a case in which the legitimate legislative concern of protecting national security impinged upon personal freedoms, Chief Justice Warren, quoting from Chief Justice Marshall's opinion in *McCulloch* v. *Maryland, supra,* concluded that "the Constitution requires that the conflict between congressional power and individual rights be accommodated by legislation drawn more narrowly to avoid the conflict," *United States* v. *Robel*, 389 U.S. 258, 268 n. 20 (1967). Although *Robel* involved First Amendment freedoms, it relied in part upon *Aptheker* v. *Secretary of State*, 378 U.S. 500, 509 (1964), which held that protection of the right to travel, derived from the "liberty" concept of the Fifth Amendment's due process clause, necessitated a more narrowly drawn statute. Furthermore, the "right to hold specific *private* employment and to follow a chosen profession free from unreasonable governmental interference comes within the 'liberty' and 'property' concepts of the Fifth Amendment, *Green* v. *McElroy*, 360 U.S. 474, 492 (1959) (emphasis added), as well as the Thirteenth Amendment's right to be free from involuntary servitude, *Pollock, supra. Shelton* v. *Tucker*, 364 U.S. 479, 488 (1960), though it involved a state law, also stands for the principle that legitimate legislative purposes 'cannot be pursued by means that broadly stifle fundamental personal liberties when their end can be more narrowly achieved.' "

In view of the available alternatives to universal conscription for both civilian and military service—a volunteer army, continuation of a military draft with or without "channeling," and of course taxation and spending to support labor hired for civilian programs—universal conscription might be held to be an unconstitutional means to achieve the legitimate end of raising a military army.

GEORGE COSTELLO,
*Legislative Attorney.*

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HORTON

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

The Clerk read as follows:

AMENDMENT OFFERED BY MR. HORTON

On page 4, between lines 4 and 5 insert the following:

"(11) Section 6(f) is amended by inserting "(1) immediately before 'The Vice President' and by adding at the end thereof the following new paragraph:

"'(2) Police officers and firemen of the States, territories, possessions, and the District of Columbia, and the subdivisions of the States, shall, while employed in such positions on a regular full-time basis, or while pursuing a course of education or training in law enforcement or firefighting conducted by the United States or by a State, territory, possession, or the District of Columbia, or a subdivision of a State, be deferred from training and service under this title in the Armed Forces of the United States.' "

Mr. HORTON. Mr. Chairman, at the outset I think it is appropriate to commend the gentleman from Louisiana, the chairman of this committee, for, first, expeditiously taking up the matter of the extension of the Selective Service Act; and, second, for the manner in which he conducted the hearings and also the manner in which he has conducted the floor work here the last 2 days and today before the House of Representatives.

I want to commend the gentleman and the members of the committee for the fine manner in which they have handled this legislation. I also want to indicate my support of the legislation. I have long been a supporter of the all-volunteer service concept. I think major efforts have been made in this bill to provide that first step which I think is so important at this time.

Mr. Chairman, my amendment provides for a statutory draft exemption for police officers and firemen and trainees for these positions.

The text of my amendment follows:

Page 4, between lines 4 and 5 insert the following:

"(II) Section 6(f) is amended by inserting '(1)' immediately before 'The Vice President' and by adding at the end thereof the following new paragraph:

"'(2) Police officers and firemen of the States, territories, possessions, and the

District of Columbia, and the subdivisions of the States, shall, while employed in such positions on a regular full-time basis, or while pursuing a course of education or training in law enforcement or firefighting conducted by the United States or by a State, territory, possession, or the District of Columbia, or a subdivision of a State, be deferred from training and service under this title in the Armed Forces of the United States.' "

Last year, Mr. Chairman, the President of the United States, under power vested in him, ended all occupational deferments as part of his commendable effort to make the selective service process a more equitable one.

While I am in full agreement with the basic premise behind this move, there is one instance in which I believe it is self-defeating from a national defense standpoint to refuse deferments on an occupational basis. I am referring to selective service policies affecting the police officers and firemen who make up our first line of defense against crime, natural disaster, domestic violence, and other disruptions at home.

Mr. Chairman, I am not a newcomer to this issue. Spurred on by knowledge of recruitment and force-level problems of several police and fire departments across the Nation, I have sought through legislation and through administrative channels to reverse the policy against granting a draft deferment to policemen and firemen. I am offering this amendment because I think the House should have an opportunity to consider and to act on this single area where our priorities for defense internationally and domestically collide head-on.

Police and firemen are different than any other occupational category in their entitlement to deferments. Unlike persons with sensitive or vital technical skills and others who have sought categorical deferment in the past, these men face dangers and conditions that are quite similar to those faced by men in the Armed Forces. I do not have to point to statistics of police and firemen killed or injured in the line of duty to make the point that there is a great deal and a great danger of personal sacrifice involved in crime fighting and firefighting.

The fact is that the rate of domestic crime, bombings, and other disruptions and threats to the safety of our citizenry is growing faster than the level of real international threats to our security. Yet, despite the economic slump we are facing, many police and fire bureaus across the country are still unable to maintain force levels adequate to do their jobs.

The problem is particularly acute for small police forces, but is also chronic with many medium- and large-sized cities.

The idea behind this amendment is not to provide a draft deferment so that young men will flock into our Nation's police and fire bureaus as havens from the draft. On the contrary, most police forces and many fire bureaus maintain very high physical and moral standards for applicants. This factor, in addition to the rigors and risks involved in police and fire work would mean that these occupations would not be a comfortable haven from violence or from service in the Armed Forces.

The problem this amendment seeks to solve is the significant number of men who are selected for police and fire work, and who are trained for this work, only to be taken off the job of domestic defense by the draft. In my home city of Rochester, N.Y., some of the best young men who are recruited and trained for the police department, or as sheriff's deputies are plucked from their law-enforcement careers by the selective service. This is particularly true for those who come to these occupations from schooling beyond high school, whose draft eligibility falls after the normal age of prime draft eligibility of 19 to 20 years. In other words, those policemen and firemen most likely to be drafted from duty are those who come to these careers with some advanced schooling. Those seeking these careers directly out of high school are usually drafted, if they are going to be, before they can get into law enforcement or firefighting jobs. So that those who are best equipped and best trained are those most often lost to the draft.

Another argument that is offered against granting police and fire deferments is that some of the best police officers are those who come into police work from experience in the military. I do not dispute this, nor do law-enforcement executives dispute this fact. Military training and service is very often excellent training and discipline for a career of service in these domestic fields. But the plain fact is that not enough veterans have come forward for these jobs, police bureaus have not always been able to fill their ranks with enough qualified men with military backgrounds. They still must be able to recruit qualified and highly motivated nonveterans for police and fire work.

Mr. Chairman, where the alternative to military service is service in our police and fire bureaus, and in county sheriff's departments and State police and highway patrols, I feel that national policy must make this alternative service possible in every case. Under present policy which refuses police and fire deferments, we are imposing the judgment that in every case military service has a higher priority than the fight against crime and disaster in our cities and towns. FBI figures just released last week show that the crime rate is still climbing many times faster than our population growth rate. We need capable people in great numbers to restore safety and security to our constituents in their homes and in the streets of our communities.

Thus, I urge my colleagues to support my amendment to provide a statutory draft deferment for those pursuing full-time work or training in the law-enforcement and firefighting fields.

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

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

Mr. BIAGGI. Mr. Chairman, I thank my colleague, the gentleman from New York, for yielding, and I commend the gentleman heartily for introducing this amendment.

Mr. Chairman, I rise in support of the amendment offered by my colleague from New York (Mr. HORTON) which would give full-time policemen, firemen, and men in training for these positions, deferments from the military draft.

This Nation has been faced with a serious shortage of qualified policemen and firemen at a time when crime is on the rapid increase. Moreover, the risk to life and limb for both policemen and firemen is far greater today than it ever was.

In fact, in the month of February alone, 17 police officers were killed and 120 were seriously injured in assaults with weapons. Since July 1, 1970, 68 policemen have sacrificed their lives to protect our citizens and over 1,200 were wounded.

In New York City, frankly, there is a greater percentage of deaths among the 32,000 police officers working there than among a comparable group of 32,000 draftees on the front lines in Southeast Asia.

This alone would justify the increase; however, if we are going to fight the war against crime effectively we will need qualified men in sufficient numbers.

This very worthwhile amendment will provide a legitimate aid to police departments in recruiting new officers. At a time of national concern over the increased amount of crime and the lack of personal safety, the job of the policeman and fireman are certainly within the scope of national defense. And, to be sure, the risks involved in these jobs are just as real as those experienced by a combat soldier.

Our cities have been called the battlegrounds for the urban guerrilla. Let us help give our police departments the men and wherewithal to fight that menace to our very society that attacks from within.

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

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

Mr. GUDE. Mr. Chairman, I commend the gentleman for his amendment to exempt policemen and firemen from the draft, and I urge that it be adopted.

I believe the exemption could serve as an aid to recruitment of personnel for two of the community's most important and most dangerous jobs. Our police and firemen are on the front lines every day, protecting people and property from injury and destruction. I think it is fair that such a vital and hazardous duty should qualify as a legitimate substitute for service in the Armed Forces.

An adequate level of police and fire protection is essential to the security of the community and the reduction of crime. The achievement of the full authorized strength of Washington's police force has contributed greatly to slowing the rate of crime. But the process of recruiting the needed manpower has been costly and slow. The amendment of the gentleman from New York is an equitable and effective means of speeding up the recruitment process and meeting an urgent national need.

Mr. HORTON. I thank the gentleman.

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

Mr. Chairman, I think that the points of the gentleman from New York in support of deferment for some policemen and firemen are perhaps well taken, but I think we are forgetting the discretion that the President of the United States currently has with regard to this.

The present law, which we are not affecting by this legislation, provides:

The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons whose employment in industry, agriculture, or other occupations or employment, or whose continued service in an Office (other than an Office described in subsection (f)) under the United States or any State, territory, or possession, or the District of Columbia, or whose activity in graduate study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodical, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest.

So the President of the United States currently has this power.

If you will recall, the President in a speech last year and in a speech the year before last, said that these deferments for occupational reasons had been grossly overworked. He said that what we need is to move to zero draft calls, but that in the meantime we need to equitablize the law as it now stands.

The President has instructed the Selective Service director to move away from allowing all of these occupational deferments. That is exactly what they are doing now, within the discretion of the President.

If we move ahead with legislation to limit that discretion, I think we are going to be creating new additional loopholes that perhaps may be helping New York City and a few other cities from time to time, but we are not going to do anything in the national interest and we are going to be confounding this bill.

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

Mr. LEGGETT. I yield to the gentleman.

Mr. PIKE. I would simply say that I would have a little difficulty in explaining this particular amendment in my hometown. The firemen in my hometown happen to be volunteer firemen and not full-time firemen. They are only firemen when there is a fire. To say that they are not exempt, but that full-time firemen are exempt would not go very well where I live. So I would have to oppose this for that reason, even if I did not agree with all of the other reasons.

Mr. LEGGETT. I thank the gentleman for his remarks.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HORTON).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WOLFF

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

The Clerk read as follows:

Amendment offered by Mr. WOLFF: On page 10, line 13, after "registrant." insert the following new language:

"Any person who has any claim or question with respect to his registration, examination, classification, selection, assignment, or induction under this Act shall be entitled to retain and to be accompanied, represented, and advised by counsel before the local board or separate panel thereof and at every stage of the appeal proceedings therefrom. Every person who is required to register under this Act shall be informed of his right to counsel at the time of his registration, at the time he is classified or reclassified, and at the time he is inducted. Upon request by the registrant or his attorney, the local board shall furnish in writing, at least five days prior to the personal appearance of the registrant before the local board, the reasons why his requested classification has been rejected."

Mr. WOLFF. Mr. Chairman, my amendment would add new language to section 10(b)(3) of the Military Selective Service Act to extend to every registrant under the act the right to legal counsel.

The effect of the amendment would be to insure that every young man classified or processed under the act would have the right to be accompanied by a lawyer before his local board and at every stage of any appeal proceedings therefrom. In addition, the amendment would require the Selective Service System to inform every person required to register under the act of his right to counsel at each stage of his processing—at the time of his registration, at the time he is classified or reclassified, and at the time he is inducted. Upon request by the registrant or his attorney, the local board would be required to furnish in writing, at least five days before the personal appearance of the registrant before the board, the reasons why his requested classification had been rejected.

Essentially, this amendment incorporates the language of a bill I sponsored last year with the distinguished gentleman from Texas (Mr. ECKHARDT) and a number of our colleagues. In my judgment, one of the most serious flaws in our current draft system is the lack of assurance that registrants will be informed of their rights, and that they will have sufficient information to exercise them. Because of the lack of legal sophistication of many draftees, they may be unaware of the appeal processes which are open to them. Even if they are informed of those rights, they may be unable to argue their own cases successfully before the board because they have insufficient knowledge of precedents and other factors which might influence the board's decision. Availability of legal counsel during proceedings before the board, and the possibility of being represented by counsel before the board, would do much to improve the registrant's status.

It is true that, as the Selective Service System pointed out in comments on our bill (H.R. 11934) last year, the functions fulfilled by local and appeal boards are essentially administrative ones. The Selective Service System, therefore, felt that the right to counsel, which would be appropriate in judicial or quasi-judicial proceedings, would not be appropriate during the classification and appeal process. However, it seems to me that the principles of due process should be applied even during administrative proceedings, especially when a young man's future, or even his life, may be at stake. Knowledge of one's standing before the decisionmaking body, knowledge of one's rights, and the right to counsel are elements inherent in due process. They should, therefore, be available to registrants under our Selective Service System.

The legal and administrative definitions which now surround the questions of the draft, conscientious objection, medical qualification, and academic standing have become so complicated that no layman could hope to keep track of all the factors involved. Legal counsel must be available to registrants if the basic requirements of due process are to be met, and I, therefore, urge the adoption of my amendment.

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

The CHAIRMAN pro tempore (Mr. CAREY). The gentleman from Louisiana is recognized.

Mr. HÉBERT. I must say that I do agree with the gentleman. This is a very simple amendment. It would simply foul the whole thing up. The Selective Service Administration, Dr. Tarr, and everyone who administers the act, in talking this over, have said that it would be absolutely impossible to administer the act under the conditions proposed. It would make an adversary proceeding out of the entire system. It would be a judicial procedure instead of an administrative procedure. There was testimony before the committee on the subject and the committee rejected the amendment.

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

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

Mr. WOLFF. Before every board of the Federal Government a man is permitted to appear with counsel. Why is it that the Selective Service Board is excepted from this type of procedure?

Mr. HÉBERT. Under the Selective Service System an individual has the right to demand his personal appearance before the Board. This is not an adversary proceeding. It is an administrative proceeding. In the event the registrant does not get the action for which he pleads, he then can certainly have the advice of counsel filed by himself on his own volition. So he is not denied the right of advice.

But the presence of counsel would make this an adversary procedure, a judicial procedure, impossible to administer in accordance with the Selective Service Act. I am following exactly what we have been told in connection with this subject.

So, Mr. Chairman, I oppose the amendment and ask for a vote.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. WOLFF).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FRASER

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

The Clerk read as follows:

AMENDMENT OFFERED BY MR. FRASER

On page 1, between lines 7 and 8 insert the following:

"(2) Section 4(a) is amended by adding at the end thereof the following new paragraphs:

" 'Except as may hereafter be authorized by law, no person who is inducted after December 31, 1971, for training and service under this title may be required to serve on duty in Indochina. Any change in any regulations or policies relating to military personnel which would have the effect of extending the tour of duty in Indochina of any person (without the express consent of that person to such extension) who was inducted before January 1, 1972, for training and service is prohibited.

" 'The aggregate number of calls for induction which may be made pursuant to section 5 of this title during calendar year 1971 such calls which were made in calendar year 1970.' "

Mr. FRASER. Mr. Chairman, this amendment is offered by me and a number of others who have indicated an intention or desire to cosponsor it. They include:

CHARLES A. MOSHER, Ohio.
F. BRADFORD MORSE, Massachusetts.
ABNER J. MIKVA, Illinois.
DONALD M. FRASER, Minnesota.
KEN HECHLER, West Virginia.
DON EDWARDS, California.
PHILLIP BURTON, California.
HERMAN BADILLO, New York.
CHARLES VANIK, Ohio.
SAM GIBBONS, Florida.
WILLIAM (BILL) CLAY, Missouri.
WILLIAM R. ANDERSON, Tennessee.
FRANK THOMPSON, JR., New Jersey.
WILLIAM D. FORD, Michigan.
JAMES H. SCHEUER, New York.
PATSY MINK, Hawaii.
THOMAS M. REES, California.
AL ULLMAN, Oregon.
JOHN CONYERS, JR., Michigan.
MARGARET M. HECKLER, Massachusetts.
EDITH GREEN, Oregon.
GILBERT GUDE, Maryland.
JEROME P. WALDIE, California.
LESTER L. WOLFF, New York.
JONATHAN B. BINGHAM, New York.
HENRY HELSTOSKI, New Jersey.
BENJAMIN S. ROSENTHAL, New York.
WILLIAM F. RYAN, New York.
EDWARD P. BOLAND, Massachusetts.
MICHAEL HARRINGTON, Massachusetts.
SEYMOUR HALPERN, New York.

What does this amendment do? What it does is to end mandatory service in Indochina by persons inducted after the end of this year. It says that persons inducted after December 31, 1971, cannot be required to serve in Indochina.

In order to protect against any evasion of this limitation, we are providing that the Pentagon may not issue more calls in 1971 than they did in 1970, so that they cannot balloon the manpower requirements between now and the end of this year.

It also provides that there cannot be any changes in existing regulations governing tours of duty which have the effect of involuntarily requiring extension of service in Vietnam so as to throw the burden on those already serving.

What is the effect of this amendment? I think that it should be considered a tapering-off amendment. The manpower in Vietnam for 1971 has already been drafted and has been trained. The manpower that will serve in Vietnam in 1972 has been almost all drafted and is in the process of being trained, because there is about a 6-month leadtime between the time of induction and the time of service. So when we say people drafted after December 1971, of this year may not be required to serve in Vietnam, we are talking about manpower that would be serving the latter part of 1972 and into 1973.

Note that we are talking about a requirement of service in Indochina. We are not prohibiting persons who enlist from serving in Vietnam, nor persons who are drafted from serving in Vietnam if they are agreeable to it, even if they are drafted after the end of this year, and we are not disturbing the draft itself. The draft will continue unimpeded to provide manpower for Europe and for the rest of the military force structure of the United States, and even for Vietnam if we are still there—and I surely hope we are not—but at least it will say that draftees need not serve in Vietnam if they are drafted after the first of the year. The man must consent. It must be a voluntary agreement to serve there.

We have 306,500 men in Vietnam now. The President has projected by May 1 of this year it will be down to 284,000. We are probably going to hear next week, on April 7, the Presidential announcement that the rate of withdrawal from Vietnam will go to at least 15,000 a month. What that means is that by January 1 of next year, we will be down to 164,000 men, and if they continue at the same rate by the end of next year we will be down to 14,000 men in Vietnam.

The fact of the matter is that if the President decides to get out of Vietnam in 1972, we really do not need to send over any replacements at all. All we have to do, as the tours of duty come to completion, is to bring the men back home, and there is a gradual tapering down of the manpower requirements, so that by the end of 1972, we will be out of Vietnam. So the practical effect of this amendment is very small indeed.

What it will do is act as a signal for the administration that we are determined to disengage from Vietnam. But it also leaves the draft intact to service the other force level requirements of the U.S. military.

We need to bring an end to this cruel choice we have put upon the young people of this country. They really believe this war is wrong. They believe it is immoral. Now, under the Supreme Court decision, we have said, "If you do not believe that all wars are wrong or that you are not prepared to fight in any war, then you either go to Vietnam or you go to jail or you go to Canada or you go into hiding."

The CHAIRMAN pro tempore (Mr. CAREY of New York). The time of the gentleman from Minnesota has expired.

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

Mr. FRASER. Mr. Chairman, if my amendment is accepted the draft will continue as is for 9 months and then, and only then, will we say to those inducted after that time they no longer may be compelled to go into the Indochina theater.

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

Mr. FRASER. I am glad to yield to the gentleman from New York.

Mr. PIKE. I believe I would personally support the amendment, and I guarantee I am not speaking for the committee, but I should like to ask a question.

Would it prevent a draftee from being sent to Korea? That is question No. 1.

Mr. FRASER. It would not.

Mr. PIKE. What would then prevent our sending a whole battalion of draftees to Korea and then transfering the battalion already in Korea to Vietnam.

Mr. FRASER. There would be no reason why that could not be done, nor would there be any reason why we could not send draftees to Europe and bring contingents from Europe, if we are still in Indochina, to serve in Indochina.

What we are doing is saying that from the end of this year on no young person can be compelled to go to Indochina against his choice. We are saying to the administration, "Wind down this war." This gives them all the latitude they need. At least we would bring an end to the way we seem to have of devouring our young with unconscionable choices, which is wreaking havoc with the young people of America.

I urge support of this amendment.

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

I shall not use the entire time. I suggest in this particular instance, while I respect the presentation of the gentleman from Michigan and his objectivity, this statement that this would have no particular damage I cannot accept as being accurate. I use as the authority for making that statement the statement by the military themselves.

The Joint Chiefs of Staff came before our committee. This very subject was discussed. It was discussed with the gentlemen in charge of that responsibility in the military, and they were asked specifically the question on the amendment the gentleman from Minnesota offered, and they said they could not live with it, that it would destroy our ability to meet our commitment in Indo-China.

Therefore, I certainly do oppose the amendment and very vigorously, because I rely on the expertise of those in charge of that responsibility.

I ask for a vote.

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

I am very pleased to join my colleague from Minnesota (Mr. FRASER) in presenting this amendment to the House. I have long advocated that draftees, who do not

consent, not be required to serve in the undeclared war in Southeast Asia. Draftees have borne a disproportionate burden in that war.

In 1969, when the 1969 amendments to the Military Selective Service Act of 1967 were before the House, I offered a similar amendment.

I testified before the Armed Services Committee this year in support of legislation which I have introduced which would prevent the sending of nonconsenting draftees to Vietnam (H.R. 1564). I do not believe that a draftee should be sent to risk his life in the Vietnam war as long as Congress has not declared war.

It is clear—in cold, hard statistical terms—that draftees have borne an undue burden in this tragic, undeclared war. As I said when I appeared before the House Armed Services Committee this year:

(T)hrough March, 1970, 13,097 draftees had been killed in Vietnam as a result of enemy action. Another 1,545 had died from other causes. An Army study . . . showed that, for the course of the war, for an Army draftee, the chance of being killed was 2.44 percent, and the chance of being wounded was 10.54 percent—or a total of 12.98 percent. For a nondraftee enlisted man, the chance of being killed was 1.58 percent and of being wounded 6.84 percent, or a total of 8.42 percent. Thus, a draftee has about a 54 percent greater chance of being killed or wounded than did his Regular Army counterpart. (Hearings, p. 679.)

The glaring fact is that draftees have borne a very major—and disproportionate—burden of this war.

And it is clear that this should not be so. As I said on October 30, 1969, when I offered an amendment similar to the one being offered today—which was at that time ruled nongermane:

The Constitution states that Congress alone has the power to declare war. Young men being drafted today theoretically are being called to serve in peacetime, because there has been no declaration of war, but peacetime does not exist. So young men are being drafted and sent to risk their lives in Vietnam in a military action which is undeclared by the Congress.

And that war still has not been declared, yet the killing and destruction still go on.

Although this amendment will not bring the war to an end, it will hasten that day. As has been pointed out, authority will still continue until December 31 to use inductees in Vietnam. And volunteers will not be exempt from service there.

I would prefer to end the assignment of draftees immediately. But I hope the House will support this amendment so that young men will no longer be drafted to fight against their will in a war which this country now has repudiated.

Of course, the only answer to the agony is to end the war.

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

Mr. RYAN. I am happy to yield to the gentleman.

Mr. GUDE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment, directing that draftees inducted after December 31 of this year will not be required to serve in Indochina. The amendment has been offered by Members from both sides of the aisle as a reasonable means to encourage the winding down of the war. Its effect would be to limit American involvement in Indochina to a level than can be sustained by volunteers.

Steady progress has been made by the Nixon administration in reducing the combat role of American servicemen in Indochina. I believe that Congress, with the power to raise and support armies, should accelerate the achievement of this policy. The amendment would not accomplish complete withdrawal of American forces by the end of this year, a policy many of us favor, but it would bring us closer to that goal. Adoption of the amendment could improve the morale of both volunteers and draftees in the Armed Forces, and would demonstrate to a war-weary people that we hear what they are saying.

Mr. BRAY. Mr. Chairman, I rise to oppose the amendment.

I am certainly very interested in ending this war rapidly, and I frankly think everyone in this body feels the same way about it, but I do not believe that the author of this amendment has thought about the problem involved in having two classes of soldiers. I think that such a situation would only make it more difficult to stop the war in an honorable matter.

I have been trying to envision what it would be like to have one type of soldier that could go to Vietnam and another type that could not go to Vietnam. I think it would open up a Pandora's box and defeat the very purpose we are trying to accomplish here.

I do not question the sincerity of this amendment. It sounds very good on the surface, but I am satisfied that it would not work. I, for one, trust in the sincerity of the President and our Chiefs of Staff in wanting to get this war over with as fast as they can. They are today doing a job that three years ago would have seemed impossible. I am proud of the job that is being done by them. I want to encourage them. I do not want by any vote or action of mine to place any impediment in the way of this progress.

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

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

Mr. BINGHAM. I thank the gentleman.

With regard to the practicality of administering this amendment, is it not true under the procedures followed in the armed services today that there are certain categories of personnel who are not sent Vietnam? I have reference to those who are the surviving sons of a family who have other brothers who were killed in Vietnam. Does not that procedure indicate that it would be practical to make distinctions of this kind?

Mr. BRAY. That is the situation, and many times it has been necessary to call the attention of the commander in charge to that fact.

I have written quite a few letters, touching upon this subject advising the serviceman as to his rights, but this regulation involves but few and doesn't present the problem that they amended would present.

Mr. Chairman, I am not questioning the sincerity of the people supporting this amendment. I am saying it will not work and I can see nothing it would gain.

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

Mr. Chairman, I support the amendment to restrict the use of troops in Vietnam.

Mr. Chairman, the continuation of the draft is under serious attack today because of our Vietnam involvement. The continuation of the draft is under serious attack, because a disproportionately large number on the draftees became casualties in Vietnam. The fact of the matter is that the draft produces 14 percent of the manpower in Southeast Asia while draftees constituted 33 percent of the casualties in Vietnam.

It seems to me, Mr. Chairman, that whatever remains to be done in Vietnam should be and could be better done with our better trained professionals.

Mr. CARNEY. Mr. Chairman, will my distinguished colleague yield to me at that point?

Mr. VANIK. I am happy to yield to my colleague from Ohio.

Mr. CARNEY. Mr. Chairman, this is the first public speech that I have made before the House except to acknowledge that I was here. I do it with trepidation. I do it with just a little bit of apprehension.

Mr. Chairman, I was one who was described as a hawk for a long time.

Last night in my office I got a call from a family which had lost a boy in Vietnam. Since I have been here in the Congress, since last November 16, this has happened on four separate occasions. It just so happens that everyone of the four from my district who called me happened to be personal friends.

I stated before that I was a former hawk, but the one tragic thing about this war is that we have not leveled with the American people. Why, I do not know. I do not know why America is involved in Vietnam. They tell me and from what I read in the papers that we are in Vietnam to guarantee the South Vietnamese people the right to vote and the right of self-determination. Still, Mr. Chairman, there are people who feel that the American Negroes and the American Indians do not have the right to vote and do not have self-determination.

If we are for freedom for these people, let us be for freedom for our own people. If there is something behind this thing, we should tell the American people. This is not a declared war.

I happen to remember the patriotism of pre-World War II. I was one who tried to enlist but was turned down because of physical disability. Six of my brothers served in World War II. I have one brother who is and has been in a veterans' hospital since World War II.

Mr. Chairman, the Carneys do not take a back seat to anyone when it comes to patriotism.

This war is useless. The people of America want a change.

I voted yesterday in the Democratic caucus against setting a specific date for ending our involvement in Vietnam. I must admit that I am a little mixed up, and I think there are a lot of Members who are mixed up. However, the only way we can get out of Southeast Asia is either to declare war, so that everyone goes, and get it over with, or else get out without delay. This is the only way to do it.

Mr. Chairman, I am going to vote for this amendment.

Mrs. CHISHOLM. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Minnesota (Mr. FRASER).

Mr. Chairman, I have been listening carefully to the debate for the past 2 days, although I have not actively participated in any of the debate here because I had reached that point where I really did not feel that it was anything but utter futility in terms of the fact that over 73 percent of the American people are asking their Representatives, the persons who vote their hopes and aspirations, to do something about the deescalation of the war in Vietnam that has drained us of the cream of the crop of our young men in this Nation.

I stand before you this afternoon to ask you to really support this amendment that has been offered by the gentleman from Minnesota (Mr. FRASER) because I am one of the few persons I believe who, as a Member of the House of Representatives, can truly speak in behalf of many of the mothers and many of the women in this country who are continually calling me and talking to me about what can we do about the war? What can we do to make the Members take another good look at this war? What can we do to influence men and women toward this end?

I have to tell them that, after all, there are only a few women Members in the U.S. Congress, and that as they know most gentlemen do not really believe that women have anything to say as to what to do about war.

But I believe that the time has come that we have got to recognize that we have right now in the United States of America the greatest upheaval, confusion, and misdirection in terms of how we are leading the American people that has ever occurred in this country. We have come to that point in our society when people are not speaking with people, when the young are going against the old, when parents are not speaking with their children, when the blacks are against the whites, and when everyone is just completely confused. I think that those of us who have been elected to the highest offices in this land have the responsibility to say, "Yes, it is true that, although this is the greatest nation that possibly has ever matured on earth, we must get out of this war in Vietnam." If we do not, I think we must forever realize, as the gentleman said, that we are opening a Pandora's box.

I think that in the history of this country we have seen that for the most part the young men of this country have never refused to commit themselves to the defense of this land, but they are now saying that this is an unjust war. This is a war that has never been declared officially by the body designated to do so by the Constitution. It is not because our young people are being unfaithful and are not relating to or coming out in support of their country. I know that when the time comes that it is desirable and necessary to do so, and this has been indicated all over America, that the young people of this country love this country and will defend it. But this is a war now that has actually at this point caused the steady decline and deterioration of this country.

I beg of you to please support the amendment offered by the gentleman from Minnesota (Mr. FRASER) because I at least feel that it will bring some kind of peace and tranquility and hope to the mothers of America who do not know where to turn.

The CHAIRMAN pro tempore (Mr. CAREY). The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The question was taken, and the Chairman pro tempore announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. FRASER. Mr. Chairman, I demand tellers.

Tellers were ordered.

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

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. FRASER, HÉBERT, BRAY, and BENNETT.

The Committee divided.

The CHAIRMAN. The Chair votes "aye" and sends his ballot to the tellers to be counted.

The tellers reported that there were—ayes 122, noes 260, not voting 50, as follows:

[Recorded Teller Vote No. 42]

AYES—122

| | | |
|---|---|---|
| Abourezk | Diggs | Hungate |
| Abzug | Donohue | Jacobs |
| Addabbo | Dow | Karth |
| Alexander | Drinan | Kastenmeier |
| Anderson, Calif. | Edwards, Calif. | Kluczynski |
| | Eilberg | Leggett |
| Anderson, Tenn. | Esch | Lent |
| | Fascell | Link |
| Aspin | Ford, William D. | McCloskey |
| Badillo | | McDonald, Mich. |
| Begich | Fraser | |
| Bergland | Fulton, Pa. | Mailliard |
| Biester | Fulton, Tenn. | Mathis, Ga. |
| Bingham | Gaydos | Matsunaga |
| Blatnik | Gibbons | Mazzoli |
| Brasco | Grasso | Mikva |
| Brown, Mich. | Green, Oreg. | Minish |
| Burke, Mass. | Grover | Mink |
| Burton | Gude | Mitchell |
| Carey, N.Y. | Halpern | Moorhead |
| Carney | Hanna | Morse |
| Celler | Harrington | Mosher |
| Chisholm | Harvey | Moss |
| Conyers | Hathaway | Nedzi |
| Cotter | Hawkins | Nix |
| Coughlin | Hechler, W. Va. | Obey |
| Culver | Heckler, Mass. | O'Konski |
| Danielson | Helstoski | O'Neill |
| de la Garza | Hicks, Wash. | Patten |
| Dellums | Howard | Perkins |
| Pike | Roy | Stuckey |
| Podell | Roybal | Thompson, N.J. |
| Preyer, N.C. | Ryan | Tiernan |
| Pryor, Ark. | Sarbanes | Udall |
| Pucinski | Scheuer | Ullman |
| Quie | Seiberling | Vander Jagt |
| Rees | Smith, Iowa | Vanik |
| Reid, N.Y. | Snyder | Vigorito |
| Reuss | Stanton, J. William | Waldie |
| Riegle | | Whalen |
| Roncalio | Stanton, James V. | Wydler |
| Rosenthal | | Yates |
| Roush | Stokes | |

NOES—260

| | | |
|---|---|---|
| Abbitt | Forsythe | Nelsen |
| Abernethy | Fountain | Nichols |
| Albert | Frelinghuysen | O'Hara |
| Anderson, Ill. | Frenzel | Passman |
| Andrews, Ala. | Frey | Patman |
| Andrews, N. Dak. | Fuqua | Pelly |
| | Galifianakis | Pepper |
| Annunzio | Gallagher | Pettis |
| Archer | Garmatz | Peyser |
| Ashbrook | Goldwater | Pickle |
| Aspinall | Gonzalez | Pirnie |
| Baker | Goodling | Poff |
| Baring | Griffin | Powell |
| Barrett | Griffiths | Price, Ill. |
| Belcher | Gross | Purcell |
| Bell | Gubser | Quillen |
| Bennett | Hagan | Railsback |
| Betts | Haley | Rarick |
| Bevill | Hall | Reid, Ill. |
| Biaggi | Hamilton | Rhodes |
| Blackburn | Hammer-schmidt | Roberts |
| Blanton | | Robinson, Va. |
| Boland | Hanley | Robison, N.Y. |
| Bolling | Hansen, Idaho | Roe |
| Brademas | Hansen, Wash. | Rogers |
| Bray | Hastings | Rooney, N.Y. |
| Brinkley | Hays | Rooney, Pa. |
| Broomfield | Hébert | Rostenkowski |
| Brotzman | Henderson | Rousselot |
| Brown, Ohio | Hicks, Mass. | Runnels |
| Broyhill, N.C. | Hillis | Ruth |
| Broyhill, Va. | Hogan | Satterfield |
| Buchanan | Holifield | Saylor |
| Burke, Fla. | Horton | Scherle |
| Burleson, Tex. | Hosmer | Schmitz |
| Burlison, Mo. | Hull | Schneebeli |
| Byrne, Pa. | Hunt | Schwengel |
| Byron | Hutchinson | Sebelius |
| Cabell | Ichord | Shoup |
| Caffery | Johnson, Calif. | Shriver |
| Camp | Jonas | Sikes |
| Carter | Jones, N.C. | Sisk |
| Casey, Tex. | Jones, Tenn. | Slack |
| Cederberg | Kazen | Smith, Calif. |
| Chappell | Keating | Smith, N.Y. |
| Clancy | Kee | Spence |
| Clark | Keith | Springer |
| Clausen, Don H. | Kemp | Steed |
| | King | Steele |
| Clawson, Del | Kuykendall | Steiger, Ariz. |
| Cleveland | Kyl | Steiger, Wis. |
| Collier | Kyros | Stephens |
| Collins, Tex. | Landgrebe | Stratton |
| Conable | Latta | Stubblefield |
| Conte | Lennon | Symington |
| Corman | Lloyd | Talcott |
| Crane | Long, Md. | Taylor |
| Daniel, Va. | Lujan | Teague, Calif. |
| Daniels, N.J. | McClory | Teague, Tex. |
| Davis, Ga. | McCollister | Thompson, Ga. |
| Davis, Wis. | McCormack | Thomson, Wis. |
| Delaney | McDade | Thone |
| Dellenback | McEwen | Van Deerlin |
| Denholm | McFall | Veysey |
| Dennis | McKay | Waggonner |
| Derwinski | McKevitt | Wampler |
| Devine | McKinney | Ware |
| Dickinson | McMillan | Watts |
| Dingell | Macdonald, Mass. | Whalley |
| Dorn | | White |
| Dowdy | Mahon | Whitehurst |
| Downing | Mann | Whitten |
| Dulski | Martin | Wiggins |
| Duncan | Mathias, Calif. | Williams |
| du Pont | Mayne | Wilson, Bob |
| Dwyer | Melcher | Wilson, Charles H. |
| Edmondson | Michel | |
| Edwards, Ala. | Miller, Calif. | Winn |
| Erlenborn | Miller, Ohio | Wright |
| Eshleman | Mills | Wylie |
| Evans, Colo. | Minshall | Wyman |
| Findley | Mizell | Yatron |
| Fish | Mollohan | Young, Fla. |
| Fisher | Monagan | Young, Tex. |
| Flood | Montgomery | Zablocki |
| Flowers | Morgan | Zion |
| Flynt | Murphy, N.Y. | Zwach |
| Foley | Myers | |
| Ford, Gerald R. | Natcher | |

NOT VOTING—50

| | | |
|---|---|---|
| Adams | Giaimo | Price, Tex. |
| Arends | Gray | Randall |
| Ashley | Green, Pa. | Rangel |
| Boggs | Harsha | Rodino |
| Bow | Jarman | Ruppe |
| Brooks | Johnson, Pa. | St Germain |
| Byrnes, Wis. | Jones, Ala. | Sandman |
| Chamberlain | Koch | Scott |
| Clay | Landrum | Shipley |
| Collins, Ill. | Long, La. | Skubitz |
| Colmer | McClure | Stafford |
| Corbett | McCulloch | Staggers |
| Dent | Madden | Sullivan |
| Eckhardt | Meeds | Terry |
| Edwards, La. | Metcalfe | Widnall |
| Evins, Tenn. | Murphy, Ill. | Wolff |
| Gettys | Poage | Wyatt |

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BROYHILL OF NORTH CAROLINA

Mr. BROYHILL of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL of North Carolina: On page 6, after line 4, insert the following:

"(16) Section 6(o) is amended to read: 'Except during the period of a war or a national emergency declared by Congress, no person may be inducted for training and service under this title unless he volunteers for such induction—

"'(1) if the father or a brother or a sister of such person was killed in action or died in line of duty while serving in the armed forces of the United States or subsequently died or is totally disable as a result of injuries received or disease incurred during such service, or

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

Mr. BROYHILL of North Carolina. Mr. Chairman, I offer an amendment to prohibit the induction of any person if a member of his immediate family has died or is totally disabled or is captured or missing in action, as a result of military service.

This amendment would expand the present draft exemption for sole-surviving sons, who are defined by law as the only remaining sons in families which have lost members in military service. Under my proposal, any son who has lost a father, brother, or sister in military service, as a result of service-connected causes, would be exempt from involuntary induction. He would not have to be the only remaining son in the family to have this exemption.

I know that all of the Members in this House have been personally acquainted with many families who have suffered the loss of a son or father in Vietnam. There is no way the Government can adequately compensate any family for such a sacrifice. But it is my sincere feeling that we should not ask a family to undergo the possibility that such a tragedy may occur more than once. I do not think we can say that the loss of a son is less because there are others remaining in the family. This, in effect, is what we are saying in the sole-surviving son exemption.

At the present time, the Department of Defense has a regulation which provides that a serviceman may, upon his request, be deferred from combat duty if there has been a death in his immediate family resulting from service in Vietnam. However, this policy is not written into the law, and it is more limited in scope than my proposal. This amendment would entirely exempt such young men from any involuntary military service and would include those who have lost fathers in World War II or Korea, as well.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I am delighted to yield to the minority leader.

Mr. GERALD R. FORD. Would the gentleman compare the existing regulation with the intent of his particular amendment?

Mr. BROYHILL of North Carolina. The existing regulation says that a serviceman, when he is in the service, who has been inducted involuntarily, may be deferred from service in Vietnam if he so requests and some member of his family has died as a result of service. My amendment would say that that person would not be subject to involuntary induction whatsoever. Unless he volunteered for service he would not be required to serve.

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

(By unanimous consent. Mr. HAYS was allowed to speak out of order.)

A QUOTATION FROM CONGRESSMAN RIEGLE

Mr. HAYS. Mr. Chairman, I believe the Members will be interested in this. I have in my hands a thermofax from the Harvard Law Record of March 18 in which one of our colleagues, the gentleman from Michigan, (Mr. RIEGLE), is quoted as saying most Congressmen are dumb and uninformed.

Now, there is a picture of Mr. RIEGLE here, and also one of Gloria Steinem, and I am glad they have them labeled, because otherwise I could not tell one from the other, from the hair.

RIEGLE says:

To top it off, most Congressmen aren't very smart but this fact merely means that incumbents are easy to defeat with an aggressive candidate.

He goes on to say that he did it at a cost of only $85,000.

I am going to introduce a bill next week, probably on Tuesday, which will cut him down by $50,000 or so on the top limits.

I do not have to defend this body. I have been here a long time, and I have been all over the world before I came here and since I have been here, and I have met kings, queens, prime ministers, generals, privates, authors, actors, farmers, merchants, and any other occupation you care to mention, and some of the smartest people I have ever met are right in this Chamber.

I believe it might be interesting to note that in the 22 years and some months I have been here the only Member I have ever seen referred to in Time magazine as a "potato head" was the gentleman from Michigan (Mr. RIEGLE).

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

I certainly do understand and commend the gentleman for offering this amendment, because it is a most compassionate one in which I share. I have a very personal reason for saying I share it, because during World War II it was my privilege to be the individual who initiated the policy of not drafting or taking into the service a sole surviving son.

However, we must recognize the fact that the duty is not of a family to the nation for its defense and security, but the duty is that of the individual.

While I commend the gentleman and share his compassionate attitude, we simply could not accept that amendment at this time because of the effect it would have and the unwieldyness of making these determinations. Therefore I oppose the amendment and ask for a vote.

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

Mr. Chairman, I support the amendment because apparently, unlike a number of Members in this body, I have had parents come to me to ask that something be done to prevent them from being in the position of losing another son in the service in the war in Vietnam.

I want to ask the distinguished chairman of the committee a question since he introduced the sole surviving son provision earlier. Does not the same logic apply to the sole surviving amendment as would apply to this amendment?

Mr. HÉBERT. No; because in this particular instance you could have a family of six or seven. For example, if he is in line of duty and is riding in an automobile and would be killed riding in that automobile, then they could not take anybody else in the family. So it does not apply the same way as a sole surviving son.

I would say what motivated me at that time was the death of the five Sullivans, which was a great tragedy where five brothers all in the same place were lost.

Mr. CONYERS. Perhaps I do not understand the amendment offered by the gentleman from North Carolina. I thought his amendment would preclude other sons from going into service if one had already been killed in the service of his country.

Mr. HÉBERT. That is what I understand to be true. No. Wait a minute. Excuse me. I want to get that language again.

Mr. CONYERS. Would the gentleman who introduced the amendment clarify it, please?

Mr. BROYHILL of North Carolina. Will the gentleman yield?

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

Mr. BROYHILL of North Carolina. The amendment says if a person is killed in action or dies in line of duty.

Mr. HÉBERT. That is it. It could be an automobile accident while he is riding from one place to another in line of duty.

Mr. CONYERS. You mean in the service?

Mr. HÉBERT. That is correct.

Mr. CONYERS. In other words, the distinguished chairman of the committee is drawing a distinction on how a serviceman is killed?

Mr. HÉBERT. That is correct.

Mr. CONYERS. Do I understand you to mean that, if he is killed in Vietnam

by an automobile accident, that is different from being killed in the front lines?

Mr. HÉBERT. No. The gentleman is misinterpreting what I said. He could be killed, according to the language as I read it, while he is in line of duty going from the Pentagon or to the Pentagon in line of duty. Let us say he leaves your office with a message and drives back to the Pentagon and is killed on the way back. Then nobody in his family could be drafted.

Mr. CONYERS. Would that not suggest, Mr. Chairman, that in the case of a family which loses a son in the service of their country that the loss of that life is just as great to them whether it is lost at the Pentagon or in the front lines of Vietnam or Cambodia?

The loss of a life is a loss of a life.

Mr. HÉBERT. That is correct. The loss of a man's life represents the most precious thing he has. I agree with the gentleman. However, let us carry it further and say that anyone who loses a life or dies in a family, that no one in that family can be inducted into the service.

Mr. CONYERS. That hypothetical instance is absurd. No one has proposed that; it is not even implied in this amendment. I think we ought to appreciate the fact that the burden of service falls disproportionately upon the poor in this country and it is they and their families who have to share this very tragic possibility.

So, Mr. Chairman, I commend the gentleman from North Carolina (Mr. BROYHILL) who has introduced this amendment.

There are others who were prepared to offer this kind of amendment. I for one think of those parents who have been in my district office and I am going to support it completely.

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

Mr. HÉBERT I yield to the gentleman from Florida.

Mr. PEPPER. I would like to ask the distinguished chairman of the committee this question: Do we not have a vast draft reservoir of manpower so that if this amendment were adopted it would not actually impede the Army in acquiring the necessary personnel?

Mr. HÉBERT. I do not thing it would, but the whole problem is broader than that. When you go into the problem of dealing with these emotional issues and the plea such as the appeal that was made by the gentleman from Michigan (Mr. CONYERS) the facts become obscured. Who can deny these tragic things? I am reading the language of the amendment and I am not going beyond it.

Mr. PEPPER. But, what I am asking the chairman is——

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

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

Mr. Chairman, I shall not use the full 5 minutes. I have one concern that I would like to clear up as to the effect of this amendment and what its effect would be on the present law. For instance, if there is in a family two sons both of whom are on active duty in the military service and one son is killed in combat, this amendment, if adopted, means that we will not draft anyone else in the family, but will the other son, be automatically discharged from the service?

Mr. BROYHILL of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. The gentleman, of course, is correct insofar as the language of this amendment is concerned. But I am sure, should this amendment be adopted, that this could be handled by administrative regulation.

Mr. HOWARD. I thank the gentleman and I support his amendment.

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

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

Mr. PIKE. I would simply say to the gentleman from New Jersey that under existing policy in a hypothetical case which you present, the surviving son would be entitled to a discharge.

Mr. HOWARD. I thank the gentleman.

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

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

I congratulate the gentleman from North Carolina for offering this amendment. I had one very similar to the one which the gentleman has offered but broader in scope. However, I would be very happy to see his amendment adopted.

Mr. Chairman, we have over 55 million families in the United States. In the last 5 years 1.5 million young men have been drafted. They tell us that there is and has been a disproportionate number of draftees from these families who have been killed.

Mr. Chairman, only a few months ago a mother came into my office crying about her first son who was killed in Vietnam. I recall that when he graduated from college I congratulated him, and a couple of months later when he received a commission in the Army I congratulated him. However, 60 days later I had to write and send my condolences to this mother because her son was killed. Then, she comes in crying because son No. 2 was going to be drafted and son No. 3 is about ready to be registered for the draft.

I think we have a heartless society and a heartless Congress if we permit the second and third sons being drafted after one son has already laid down his life. It reminds me of the closing days of Napoleon, when one deputy got up and said:

We are not doing enough for Napoleon.

Another deputy got up and said:

I dare you, monsieur, to say we have not done enough for Napoleon. One million Frenchmen lie buried across Europe and North Africa, and you say we have not done enough for Napoleon.

It is the same case now, when a son lays down his life and we say "You have not done enough."

You, Mr. Chairman, and I know there are millions of students, millions of young men who are avoiding the draft one way or another, and we want to put the burden on 1½ million families out of 55 million families.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

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

Mr. LONG of Maryland. Mr. Chairman, I want to associate my remarks with those of the gentleman in the well. The gentleman from Pennsylvania (Mr. VIGORITO) has made a brilliant statement, and I support it strongly.

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

Mr. VIGORITO. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. VIGORITO) for yielding to me. I also would like to associate myself with the remarks made by the gentleman. I commend the gentleman for his statement and wholeheartedly support it and the amendment of the gentleman from North Carolina (Mr. BROYHILL).

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. BROYHILL).

The question was taken; and on a division (demaded by Mr. HÉBERT) there were—ayes 130, noes 41.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. GONZALEZ

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

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: On page 1, between lines 7 and 8 insert:

"(2) Section 4 is amended by inserting at the end of subsection (a) the new paragraph: 'Except during the period of a war declared by Congress, no person inducted for training and service in the Armed Forces under this title shall be required, without his express consent, to serve in any area of armed conflict outside the United States and its territories in which the Armed Forces of the United States are engaged.'"

Amend the succeeding paragraphs in the bill accordingly.

Mr. GONZALEZ. Mr. Chairman, I believe this amendment confronts a central issue that has faced the American people since the Korean conflict, and I have felt this way since then and long before I ever dreamed I would be in Congress.

Mr. Chairman, this amendment is in the form of a bill that I have been introducing for some 5 years. I have heard the debate off and on here for the past 48 or 50 hours and my thinking is the same as it was in 1967 when we had the extension of the draft law at that time, and which, incidentally, I voted against, and I was one of the nine Members who did that.

The reason for that is I think the American people and, therefore, the Congress have never faced the central issue that is really at the heart of the matter since World War II and specifically since Korea. That is that a war by Presidential fiat is a Presidential war or wars that are undeclared, and where Congress has not specifically addressed itself to that kind of war, it has also provided an un-

restricted reservoir of manpower by allowing the President to draw on, and by the use of the draft, drawing on this unlimited manpower.

I do not know of any case of any country, especially in recent history, that has done this. You will recall that the French could not use conscripts in Vietnam for the simple reason that the French Parliament prohibited the use of French conscripts anywhere but in French territories, so they used mercenaries and the volunteers.

Mr. Chairman, I do not think the British Empire at any time, so far as I can establish, has used conscripts to defend India or any part of its empire.

In fact, I am doing nothing more by this amendment than to restore to this Congress its fundamental and constitutional duty—and also the language and the wording, that those of you who were here at the time will recall, was included in the first peacetime draft in 1940. There is nothing new, novel, or radical about it.

Mr. Chairman, I offer an amendment that would prohibit the use of draftees in undeclared wars.

This amendment would provide the same reservation of power that Congress insisted on when it enacted the first peacetime draft. Under that law, no conscript could be sent overseas without the consent of Congress.

A reservation of the power to commit draftees is not unusual; in fact, conscription laws in Western countries have in the past more often than not prohibited the use of draftees in undeclared wars.

I believe that we have a responsibility to reserve to Congress the right to say when a draftee should be committed to combat.

In the first place the Constitution places on Congress the responsibility to say when war exists. If a war is to exist, and if our citizens are to be drafted to fight it, then Congress must exercise its responsibility to declare that war exists.

It is the duty of Congress to say when our national interests are threatened to the extent that we must resort to war.

It is the duty of Congress to declare why we are at war, and what our aims in war are to be.

The founders of this Republic gave us this power because they believed—as I believe—that if a nation is to go to war, it must be committed to war only by the representatives of the people—and that is Congress.

Our forefathers wisely foresaw that if Congress did not have the power to declare war, the Executive could at any time involve this country in unwanted wars—wars that could divide and disrupt the country, wars that the people would not support, wars that Congress never wanted.

The writers of the first peacetime draft wanted to be certain that there would be no U.S. participation in war without Congress first declaring war to exist.

That is why the first peacetime draft provided that no conscript could be sent overseas unless Congress declared war.

My amendment restores to Congress powers that are conferred on us by the Constitution—powers that we cannot ignore or fail to exercise without subverting the very foundations of the Republic.

My amendment would end or clarify Presidential wars.

In Korea, and now in Vietnam, we unwisely allowed men to be conscripted and sent to war without Congress ever having acted to declare war.

The people soon became divided, and it was not long before politicians started calling it Truman's war. And it was not long before political witch hunts began.

Then we had Vietnam, and again we allowed men to be drafted and sent into combat without declaring war. And that became known as Johnson's war. And now Nixon's war. And it was not long before the country was beset by deep and tragic divisions that are with us yet.

When will we learn?

When will we learn the folly of Presidential wars? How long does it take us to realize the wisdom of our forefathers?

When will we learn that only Congress can commit this country to war, and that if we fail in that responsibility, the result can only be division, confusion, and invitation to chaos?

I propose that we learn now what the writers of the first peacetime draft already knew.

I propose that we reassert our powers under the Constitution.

There will be those who claim that my amendment would require that we declare war in Vietnam. Maybe that is so, but even if it is so, it would be better for us now to do our duty than to never have done it at all. For if we were to have to set national objectives, if we were to have to say why we are there, at least the people would know that Congress has acted. And if we could not say, if we could not define what the commitment is and why—then we have no business in Vietnam in the first place.

Mr. Chairman, there are Members here who voted for the first peacetime draft, and they insisted on retaining in Congress the right to say when a draftee would be asked to go to war. They wanted that power for Congress, not the President. They were wise.

I ask that we repeat the wisdom Congress showed in the past—I ask that we not send draftees into war unless Congress gives the people the reason why.

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

The gentleman from Texas used the British as an example of a nation that does not conscript. Small wonder. We have been fighting their wars for them in modern time. What makes the British a great example? They are presently engaged in a war in Ireland. I suspect we will be fighting that war for them if it is not settled soon.

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

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

Mr. GONZALEZ. I am afraid that if what the gentleman has said comes to pass, we will have to depend upon the "TIP" O'NEILL's and other Members of Congress to restore this provision that I have referred to in the amendment.

Mr. GROSS. I say again that I find nothing startling or sensational about the fact that the British do not conscript. I say again we have been fighting their wars for them. It will be remembered that Britain used mercenaries in an attempt to defeat us in our struggle for independence.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment I shall be very brief.

The amendment offered by the gentleman from Texas is even more restrictive than the amendment offered by the gentleman from Minnesota, which was rejected by this House by over 100 votes just a few minutes ago. The amendment that is offered by the gentleman from Texas would not allow a unit that had one draftee in it to be landed in any area in defense of Americans who are overseas in any place. It is in conflict with any possible military action, and it is certainly much more restrictive.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MIKVA

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

The Clerk read as follows:

Amendment offered by Mr. MIKVA: On page 11, strike out lines 12 through 20, inclusive.

Mr. MIKVA. Mr. Chairman, this is a "merely" amendment. It would merely restore the statute of limitations in the draft law to what it was prior to this bill.

I am here to bespeak some very unpopular people, people who fail to register under the draft law. But I do not think people who fail to register under the draft law ought to be treated more harshly than those people who fail to file their income tax returns, those who commit burglaries, or those who commit a vast host of other Federal crimes, all of which are subject to a 5-year statute of limitations.

Under the committee proposal which you are being asked to vote upon, the statute of limitations for failing to register for the draft will be 13 years, from age 18 until 5 years past the individual's 26th birthday, or age 31.

The specific reason for this change is that the U.S. Supreme Court in a decision known as Toussie against United States held that the present draft law is subject to a 5-year statute of limitations.

Let me make clear that there is no constitutional question involved here. This is a question of what Congress thinks is a fair period during which a person who fails to register ought to be subject to criminal prosecution. I merely suggest to you that I do not think we ought to treat failure to register for the draft that much more harshly than we do this vast host of crimes under title 18 of the United States Code.

On April 15, we will all have an obligation to file a Federal income tax return. If you do not file it, you still will have an obligation to file it on April 16, April 17, April 18, and ad infinitum, to 5

years and some days after April 15, 1971. However, if you have not been indicted or prosecuted during that period, with certain exceptions, you may no longer be prosecuted. Under this provision, if you fail to register on that mature 18th birthday, you remain subject to prosecution until age 31. I think that is a punitive provision.

Let me also make clear that nothing in my amendment would limit the person's continuing obligation for the draft through age 26 like anybody else. I am not suggesting that they should get any bootstrap benefits by failing to register.

I am simply suggesting we ought not say that 18-year-olds who fail to register for the draft are so much more heinous in their behavior than are people who commit robbery and other crimes.

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

Mr. MIKVA. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, does not this situation seem to be differentiated from the income tax evader, because in this instance, the violators many times have gone to foreign countries just to evade responsibility of the draft, and they could remain there 5 years or more and then come back?

Mr. MIKVA. With all due deference, the statute of limitations clearly spells out that where someone has left the country to avoid prosecution, the statute of limitations is tolled, so the statute would not start to run until he returns to the country. That is not affected by my amendment.

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

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

Mr. ICHORD. On the face of the matter, it appears there is an inequity in between one who fails to register for the draft and one who fails to file his income tax return. As I understand the gentleman in the well, if a person fails to file an income tax return, there is a 5-year statute of limitations.

Mr. MIKVA. That is correct.

Mr. ICHORD. Could not the gentleman better cure the inequity by introducing a bill—and I would support the gentleman—to propose a remedy that the statute not run until after the crime of not filing an income tax return is discovered.

Mr. MIKVA. Some people do not like statutes of limitations. Prosecutors never do. Statute of limitations is always hanging over his head; but statutes of limitations are well known in criminal law. We have them for almost every crime except murder. The reasons for having a statute are just as persuasive in draft law as in income tax or other laws about which my colleague and I agree there ought to be prosecution.

This points out very clearly that we are saying that 18-year-olds who do not register are somehow worse than other criminals who do not file income tax returns or who rob banks or commit other crimes against persons or property—that somehow those who fail to register must be hounded 8 years longer than everybody else.

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

Mr. MIKVA. I yield to the gentleman from Louisiana.

Mr. HÉBERT. I would like to address a question to the gentleman. As the gentleman knows, I am not a lawyer.

Mr. MIKVA. The gentleman has fooled many of us.

Mr. HÉBERT. Mr. Chairman, in the area of income tax, the gentleman has made the statement that if a man fails to file the tax return, he is guilty. That is only a misdemeanor.

Mr. MIKVA. No; it is a felony.

Mr. HÉBERT. A felony. Now the statute of limitations—does that run against fraud in income tax?

Mr. MIKVA. When discovered. May I also say it runs against fraud when discovered under the Draft Act.

Mr. HÉBERT. If it is discovered, it will be because the man does not show up, but in the other case, if it does not run against fraud in income tax law, a lot of my friends went to the penitentiary illegally in Louisiana a few years ago.

Mr. MIKVA. We are talking about the complete crime that is committed when the person fails to register for the draft. It is committed when he fails to register within 5 days after his 18th birthday. A normal statute of limitations would ordinarily allow 5 years for prosecution, but this bill extends it to 13 years.

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

Mr. MIKVA. I yield to the gentleman from Texas.

Mr. ECKHARDT. Do I understand correctly that when a charge is filed against a man and an indictment is returned before the expiration of the period of limitations that the accused may leave the country for 20 years, but may nevertheless be tried when he returns?

Mr. MIKVA. That is correct.

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

Mr. Chairman, I do not believe this matter is properly understood. If a youth became eligible to register at the age of 18, is that after 26 it is no longer necessary to register. The court held—and I am not saying incorrectly so—in the Toussie case that the statute of limitations began to run 5 days after the young man reached the age of 18. That means 5 days after he reaches the age of 23 he will be in the clear.

Such a law would encourage youth to violate the law. He would think "If I can dodge this until I am 23 years old I will be home free."

It is not similar to a felony, such as if a bank is held up or a drunk driver hits someone. It is at that time apparent that a crime has been committed. The youths could dodge and evade the registering.

Such a law would encourage a youth to try to get by by failing to register and encourage him to become a criminal. I can see no unfair hardship placed upon this man, by this legislation which only makes it more difficult for him to illegally dodge the draft.

I for one would not want to encourage anyone to try to dodge his responsibility by using the statute of limitations so that another young man would have to serve because another evades his responsibility to serve.

I cannot see how anyone is damaged. I want that to be on his conscience until he is 31 years old, if he deliberately violates the law.

What we are doing encourages people to violate the law if they can get by with it. I certainly want no part of it.

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

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

Mr. MIKVA. The gentleman is not suggesting that the man at the age of 23 is free of his obligation to register. Of course, that continues until his 26th birthday.

Mr. BRAY. The criminal penalty is gone.

Mr. MIKVA. Only for the failure to register at age 18, just like the penalty for failing to file an income tax. But that does not encourage people not to file.

Mr. BRAY. I would say that if he knew he could get by for 5 years and did not get caught it would encourage more people to violate the income tax law.

Mr. MIKVA. I suggest that is the law.

Mr. BRAY. Let us not make it easier for a draft evader to get by.

Mr. ECKHARDT. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, the error in the reasoning in the argument, I must say on both sides, is the assumption that the person has violated the draft act or that the man has failed to file his income tax and is a criminal because he is charged.

The reason for the statute of limitations is not to let a man go free if he can escape being detected for 5 years. It is not a moratorium after 5 years of guilt. It is a rule of procedure that rests upon the proposition that the prosecuting authority should try a man to determine whether he is guilty within a given period of time. If the prosecuting authorities do not do so, the defense witnesses may no longer be available, and there may not be the tests of credibility available to those who are charged with the offense promptly after it occurred.

A man is entitled to be promptly tried when accused of crime and he is also entitled to be promptly charged.

Now, there is no way in the world a man can negate responsibility under a charge by merely fleeing the country. The most extreme case was a draft case that has come to my attention in which a man was alleged to have avoided the draft in the First World War, and was promptly charged with having avoided the draft, but the case was not tried until after the Second World War, and he was convicted.

This is the way that this matter can be handled. All that the limitations provision in the amendment of the gentleman from Illinois (Mr. MIKVA) requires is that the prosecuting authority promptly file charges in order that the facts may be brought out to determine whether the person is guilty or innocent.

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

Mr. ECKHARDT. I yield to the distinguished gentleman from Michigan.

Mr. CONYERS. The gentleman from Texas, an eminent member of the bar in his home State and several others as well, is absolutely correct.

I think many of the Members are confused because they do not recognize that the limitations period is tolled whenever the charge is discovered, so that a 5-year period of limitation would not automatically free anybody 5 years beyond his 18th birthday. The gentleman's excellent legal explanation makes it clear that this amendment will not allow those who do not register for the draft to escape or easily evade prosecution.

Mr. ECKHARDT. I thank the gentleman from Michigan, a very capable member of the Committee on the Judiciary.

I agree entirely with him and also point out that the man accused of evading the draft may not be guilty of it. The point is, if there is any kind of an offense in which a person may be innocent and yet convicted after a long period of time, it is more likely than in other cases to be based upon the contention that he failed to register for the draft, because the persons who are administering the draft are frequently laymen and deal with thousands of cases. The question is not whether he should get by after 5 years without conviction when he is guilty. The question is was he guilty and did he have a fair process available to him at the time when he could get the witnesses that support his having registered.

Mr. CONYERS. Does not this amendment return us to the present state of the law as it exists?

Mr. ECKHARDT. The present state of the law as it exists and the same law that permitted a man to be convicted after the Second World War who was guilty of draft evasion in the First because he was promptly charged.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois, Mr. MIKVA.

The question was taken; and on a division (demanded by Mr. MIKVA) there were—ayes 36, noes 85.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. M'KINNEY

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

The Clerk read as follows:

Amendment offered by Mr. McKINNEY: On page five, line 7, strike out "or public institutions" and insert "public institutions or such private non-profit institutions as may be approved by the Director of Selective Service."

Mr. McKINNEY. Mr. Chairman, this is a very simple amendment, a very short one, but I feel a very important one.

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

Mr. McKINNEY. I shall be glad to yield to the distinguished chairman of the Committee on Armed Services.

Mr. HÉBERT. I would like to state to the gentleman that we accept his amendment, but I am sure the gentleman would like to further explain it.

Mr. McKINNEY. I thank the distinguished chairman.

This simply allows conscientious objectors to work in our private hospitals and institutions.

Mr. Chairman, I offer this amendment today in the interests of those private nonprofit organizations which serve us so well.

This amendment would extend to those young men who are qualified as conscientious objectors the opportunity to serve their enlistment time not only in the Federal sector, but in those private institutions which have been approved by the Director of the Selective Service System.

While I applaud the Armed Services' Committee's efforts to standardize the administration of alternate civilian service, I feel that H.R. 6531, by limiting acceptable service to Government and public institutions, does a grave disservice to those private nonprofit institutions which rely on the services preformed by such young men.

Mr. Chairman, we all know how financially hard pressed some of our deserving private hospitals are today. Allowing these young men to serve in these institutions would ease the load they are carrying.

If we require a conscientious objector to serve our Nation in a social service capacity, why then should we eliminate those hospitals and orphanages which so ably serve the American people but which do not fall within the category of government or public institution as defined in this bill.

Furthermore, there are those religious communities, such as Mennonites and Quakers, whose beliefs do not allow them to participate in war and yet who, nevertheless, provide vital services to their fellow Americans.

It most certainly would be a shame to restrict the worthwhile services these communities provide.

Today I speak not only on their behalf, but on the behalf of our struggling and deserving private, nonprofit institutions.

Mr. HÉBERT. The amendment is very well explained and is acceptable to this side.

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

Mr. McKINNEY. Yes, I yield to the gentleman from Indiana.

Mr. BRAY. And, what they do is under the supervision of the Director of the Selective Service?

Mr. McKINNEY. It is, sir.

Mr. BRAY. We have no objection to the amendment on this side.

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

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

Mr. BINGHAM. Mr. Chairman, I would like to associate myself with this amendment. I had intended to submit a similar amendment. I am delighted that the committee has decided to accept it. If it were not accepted there would be grievous interference with private hospitals and such organizations as the Mennonites whom I understand communicated with the chairman about the proposed amendment.

Mr. Chairman, I am happy to be associated with the amendment.

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

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

Mr. SISK. Mr. Chairman, I certainly support the amendment. However, I would like to clarify one thing. Is there any language contained in the amendment in connection with this situation that would preclude the use of these people in overseas operations or installations, let us say, operated by the Mennonites to which the gentleman from New York just referred?

In other words, if the gentleman's amendment is adopted, as I understand it, they would be permitted then to work for such an organization either in this country or overseas; is that correct or is it not?

Mr. McKINNEY. If in the view of the Director of the Selective Service it was for the good of America and its common cause, they would be allowed to do so, yes.

Mr. SISK. Mr. Chairman, if the gentleman will yield further, I simply as a matter of record would like to be sure that that was established because questions have arisen about their use of facilities in connection with a private nonprofit organization, because it is my understanding that the Mennonites do have people today in Vietnam doing certain kinds of work and they would be permitted, subject to the approval of the Director of Selective Service, to do so?

Mr. McKINNEY. They would be, subject to his approval. For instance, in the case of the medical ship HOPE that the director would allow conscientious objectors to work on it, if he considered it for the national interest.

Mr. SISK. The only point I wanted to get clarification on is that they would not be precluded from being sent overseas for a similar purpose by a private or nonprofit organization in the same manner that they might be used in this country?

Mr. McKINNEY. I would assume that the gentleman is right.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. As I understand the gentleman's amendment, it restores the existing law as it is today?

Mr. McKINNEY. Not quite. It restores the intent of the existing law, but it specifically says that the director of the Selective Service will say or determine what organizations would be considered allowable under this amendment.

Mr. GERALD R. FORD. Mr. Chairman, if the gentleman will yield further, it gives greater flexibility to the director of the Selective Service?

Mr. McKINNEY. It gives greater selectivity and more fairness, because now present, individual local draft boards are doing it under their control, and there are different standards.

Mr. GERALD R. FORD. But under your amendment it would be up to the director of the Selective Service to determine?

Mr. McKINNEY. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. McKINNEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BINGHAM

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

The Clerk read as follows:

AMENDMENT OFFERED BY MR. BINGHAM

Page 4, line 9, strike out the period and insert the following: "; except that any deferment which was granted to an individual under such section 6(h)(1) (as in effect before the effective date of this paragraph (12)) before such effective date and not terminated as of the day before such effective date shall continue until such individual completes the requirements for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the 24th anniversary of the date of his birth, whichever first occurs."

Mr. BINGHAM. Mr. Chairman, this amendment has to do, not with the question of college deferments as such, but with the question of the effective date of the provisions contained in the committee bill. The present bill authorizes the President to discontinue college deferments. The President has announced, and the director of Selective Service has announced, that if given that authority he will make that effective as of April 1970. In other words, he will not interfere with those who are in college today who were in college in April of 1970, that is, he will not draft those who are sophomores, juniors, or seniors, but he will draft those who are freshmen.

The purpose of my amendment is to delete this ex post facto effect of the committee bill, and to provide that any young man who is in college today, be he freshman or upper classman would be allowed to finish his course.

It seems to me that any other provision is retroactive in its effect. A young man who entered college last fall and received a deferment at that time on the understanding that the then law would permit him to continue and complete his college education, would now be cut down in midstream. It seems to me that that is changing rules in the middle of the game.

If the young man had known that he might be drafted he might have decided to go through with his service before going to college, and not have his college career interrupted.

In short, therefore, the purpose of this amendment is to remove the retroactive feature of the provisions eliminating the college deferments, and provide that the provisions of the bill would become effective only as of the effective date of the act.

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

Mr. Chairman and members of the committee, this is an even larger extension of the draft exemption for college students than that which was offered by the gentleman from Maryland (Mr. LONG), a while back, and which was defeated rather decisively. There is not anything retroactive in the operation of the law. The President put the people on notice when he said this was what he was going to do on April 23, 1970, but if we pass this law as it is written the operation of the law will still be prospective. Anybody who is in college can finish the semester he is in. Anybody who is in the senior year can finish the senior year.

As we have said before, and as we have agreed before, there is not any vested right to privilege because you are wealthy enough or bright enough to go to college. All this will do is to reinstate the college deferments which we have taken out. It does carry out in its language, when it talks about "failing to pursue satisfactorily a full-time course of instruction," the very worst feature in the law, and that is the poor guy who is trying to work his way through college, who cannot afford to go through college, who cannot get a scholarship and who is trying to work his way through college, because he has not got enough money to go through college on his own, and who is trying to pursue a full-time job, and it takes him 5 years to get through college instead of 4 years—this guy is not following a full-time course of instruction, and he is going to get drafted under the present law, and under the amendment offered by the gentleman from New York (Mr. BINGHAM), he is going to get drafted.

We are seeking to eliminate the privilege of the rich and the people who can manage to go to college. We are trying to treat all Americans equally.

We rejected this proposition earlier, in a less onerous form, and I hope it is rejected now.

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

Mr. PIKE. I yield to the gentleman.

Mr. BINGHAM. All I am trying to suggest that the law should not be changed with respect to those who entered college last fall.

I would ask the gentleman in his judgment how many of those who entered college last fall were aware of what the President said in April?

Mr. PIKE. I do not know how many of them were aware, and frankly I do not care how many were aware. What I do care about is the fact that you are trying to defend the proposition that those who are wise enough and wealthy enough to go to college should be able to stay in college, and those who cannot do that should go to war. This is what we were trying to get rid of in the committee. The committee has approved of that and that is what we ought to do.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield further?

Mr. PIKE. I yield to the gentleman.

Mr. BINGHAM. The gentleman did make the point that those who entered college last fall were on notice about what the President had said in April. I am not trying to change the effect of the proposition that the gentleman stands for, but only the effective date.

Mr. PIKE. What you are trying to do and the effect of it is to relieve everybody who is in college from the draft and what we are trying to do is to treat all Americans equally whether they can afford to go to college or not.

Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The amendment was rejected.

AMENDMENT OFFERED BY MR. GIBBONS

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

The Clerk read as follows:

Amendment offered by Mr. GIBBONS:

Page 11, between lines 22 and 23, insert the following:

(25) By adding immediately before section 17 the following new section:

"Sec. 16a. No person who is inducted after June 30, 1971, for training and service under this title may be used in combat or deployed to a combat zone outside the United States unless at least one of the following shall have occurred:

"(1) The President has declared that an armed attack has been made upon the United States.

"(2) The President has declared that an armed attack on the United States is so imminent that full mobilization of the armed forces is required.

"(3) The Congress by concurrent resolution authorizes such use and deployment of persons inducted under this title and directs that a full mobilization of the armed forces be effected.

"(4) The President has requested that Congress declare war, but the authority to so use and deploy inducted personnel pursuant to this clause shall expire at the close of the 30th day after such request was made if the Congress has not declared war on or before such 30th day.

"(5) The Congress has declared war.

"(6) Such person consents to such use and deployment in such written form as shall be prescribed by the Secretary of the military department concerned."

Mr. GIBBONS. Mr. Chairman, I have long worried about how and in what manner this country goes to war.

It is a problem that has haunted this country since its inception. Years ago it was thought wise to divide the power by which this country goes to war. But recent years this power has devolved exclusively in the hands of the President and exclusively in the hands of the military.

I think it is unwise. I think it is time to change it, and this is a prudent method of making that change.

Mr. Chairman, I am not a dreamer. I know we have to have an army and that it has to be a good army and one that is capable of defending this country and one that can do the job that the future perhaps is going to call upon it to do.

But, Mr. Chairman, I do not want to get into any more of these careless, brushfire wars that we have drifted into. That is what I seek to do by the amendment that I have offered at this time.

How have we drifted into these wars? Of all the NATO partners, of all 15 countries in the North Atlantic Treaty Organization, the United States of America has the longest and the harshest method of raising a manpower pool of any of those 15 allies. All of Europe, all of North and South America, is ready to let us carry the burden if we are foolish enough to carry it alone. Canada does not have a draft. Ireland does not have a draft. Little Luxemburg does not have a draft. The United Kingdom does not have a draft. Every one of our NATO partners has less of a draft service time than we do. We have been able to deploy our vast manpower resources, which are

less resources than the people of Europe have all around the world, and they have gotten into trouble.

I do not think we should continue to do that. I think the Congress should prudently look at how our manpower commitments are made. That is what my amendment seeks to do.

I am not tying the hands of the President to defend this country. I think I am untying his hands so that he can defend us against the things that are real, against every imagined threat that comes along.

I say in my amendment that the President of the United States can use draftees in combat if the President has declared that an armed attack has been begun upon the United States—no if's, and's or buts. All he has to do is to stand up in the White House and say that an armed attack has been started against the United States, and he can use the draftees in any way he wants to.

Or the President can declare that an armed attack against the United States is so imminent that the full mobilization of our Armed Forces is required and then the President can deploy these draftees in any way he wishes.

The reason for putting the provision in the amendment relating to the mobilization of the rest of the Armed Forces is that it will make the President stop and think. I think it will make the planners in the Pentagon stop and think. They would say to themselves: Are we going to have that manpower draft pool such as we relied upon in Vietnam, or are we going to have to mobilize the other Armed Forces that are in being in this country for this particular action? If that restriction is in the law, our planning will be more realistic, our decision-making will be more realistic before we plunge into another brushfire war.

I say in the third exception for the use of draftees in the amendment that the Congress has by concurrent resolution authorized this deployment and use of draftees, because I can foresee the time when perhaps Congress will want to go ahead and do that.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. EVANS of Colorado, and by unanimous consent, Mr. GIBBONS was allowed to proceed for 5 additional minutes.)

Mr. GIBBONS. Mr. Chairman, I do not seek to tie the hands of the President.

I say in the fourth exception as to the use of this manpower pool that if the President has requested the Congress to declare war and we have not—and after that request is made, if we have not declared war within 30 days—then up to the 30 days after his request to the Congress he can use the draftees. Any war this Congress cannot agree to in 30 days is one that we ought not to be fighting anyway.

Then my fifth exception is that if the Congress has declared war—and I am not sure we will ever get to that stage again—but if the Congress ever declares war, then certainly there should be no restriction upon the use of draftees.

I say in my sixth exception that if the draftee himself insists upon being used in such an operation, then who are we in Congress to say it should not happen?

So this is a wise and prudent position for a responsible hawk to take, one that will insure that before this country goes to war again, there will be a national commitment to win that war, and not just to go in and throw away the 50,000 lives that we have so far used up in this Vietnam conflict.

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

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

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

Mr. Chairman, I would like to raise this question. As I understand the amendment, it has some similarities to the so-called Javits proposal, which would prohibit the President from engaging in hostilities for longer than 30 days without specific approval by the Congress. Am I correct on that point?

Mr. GIBBONS. Yes, it does have that.

Mr. FINDLEY. Would it be imposing too much on the gentleman's time to ask him to read the amendment again?

Mr. Chairman, I ask unanimous consent that the Clerk may read the amendment again.

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

There was no objection.

The Clerk re-read the amendment.

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

Mr. GIBBONS. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, I would like to call to the gentleman's attention a hypothetical question, which is probably more realistic than hypothetical. We presently have troops deployed near Berlin, in West Germany and in Berlin itself. The objective is not only to make our presence known there, but also to withstand any attack on the part of any enemy force. Under the gentleman's amendment no draftee could be sent into this area, because no draftee could respond to an attack on the part of any potential enemy.

Mr. GIBBONS. We only have 6,000 men in Berlin. If we cannot get 6,000 volunteers, maybe we ought to reexamine what we are doing there. The gentleman asked about Berlin. If we cannot find 6,000 volunteers in this country to go there, I think we are in bad shape.

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

Mr. GIBBONS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Chairman, what would be the effect of the amendment suggested by the gentleman on a situation such as the one that might have developed during the Cuban missile crisis, or in the Dominican Republic, where the President ordered in several thousand troops quickly? What would happen in those cases under the gentleman's amendment?

Mr. GIBBONS. In Cuba if the Congress had declared war or if Congress had enacted a joint resolution—and I think it would have been a mistake not to have done either one of those if we had sought to invade Cuba—in fact, I think we would have ended up in the same kind of mess we have in Vietnam. We had no commitment when we went into Vietnam. We just kind of slid in there sideways and never had the courage and the determination to get out or get in and win. I think we ought to get in and win or never again ask our Armed Forces to undertake a no win-no end war.

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

Mr. Chairman, while I subscribe to the fundamental purpose of the pending amendment, it occurs to me that before we adopt this restrictive type of proposal, we had better look at our treaty obligations, I trust my colleagues are aware that today we are committed to the common defense of no less than 40 nations of the world as the result of some seven treaties ratified, of course, by the Senate of the United States.

Under this amendment we face involvement in foreign conflicts whether we use drafted forces or not. What is really needed is an overdue orderly reappraisal of our international commitments. Some of these, as we all know, are obsolete because of world changes since the time they were ratified. Others were to some degree highly questionable at the time.

We sit today as members of a legislative body that has absolutely no voice whatsoever by reason of the Constitution of the United States, to ratify or not to ratify, as the case may be, the commitments with which we are saddled with today.

I have long felt that in the process of making change perhaps we ought to propose a constitutional amendment which would require that international treaties be ratified by the House of Representatives as well as the U.S. Senate, because if we are going to be militarily committed by reason of these treaties it seems to me we ought to not have to accept the responsibility unless we have a voice in the commitments.

I very sincerely feel that in addition to the type of reevaluation of these commitments which is needed, that I believe is long overdue, I should like for some of my colleagues to join me in trying to pass a resolution calling for a constitutional amendment so that international treaties, or at least those which commit us militarily, would be ratified by the House of Representatives as well as by the U.S. Senate.

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

Mr. COLLIER. I am delighted to yield to the gentleman from Florida.

Mr. GIBBONS. I appreciate the gentleman yielding, and I believe he has brought up a very fine point.

I would say, though, that none of the treaties we have entered into—not even the NATO Treaty—requires us to go to war except by constitutional processes, which I would interpret to mean through some declaration of war or through some joint resolution considered by this body. The war-making powers of the United States are vested in the Congress of the United States and not in the President of the United States. Even our NATO

Treaty does not require us to go to war should one of our fellow signatories be attacked.

Mr. COLLIER. I do not disagree with my good friend from Florida. I merely say that so long as we have the situation which exists today, so long as we have existing treaties, they can become a means by which we will commit military forces whether draftees or volunteers. It does not excuse the fact that the reappraisal of these, and perhaps some of the other actions I have suggested, are long overdue.

If we have learned nothing else from the quagmire in which we slipped in Southeast Asia we should, it seems to me, take a meaningful lesson from our experience.

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

Mr. CAREY of New York. I thank the gentleman for yielding in order that I may address a question to the author of the amendment.

I would address this question to our colleague from Florida (Mr. GIBBONS) for whom I have the highest respect—by the way, not only as a Member of this body but also as one who possesses one of the most distinguished war records of any Member serving with us, as an outstanding paratrooper landing before D-Day in Normandy—who I know fully adheres to the concept of adequate national security. I have concern because of some questions raised here today. If there were a spot situation, say, in which the President felt he had to make a show of force, as President Eisenhower did in Lebanon, or as was done in Cuba, or as was wisely or unwisely done in Santo Domingo, is it not true the operation of this amendment would not affect that, in that we have forces of the Air Force, Navy, the Marine Corps, and other Armed Forces under the Department of the Army, who are volunteers, enlisted, and do not come within the operation of this title? The gentleman is only talking about conscription through this act of Congress.

Mr. GIBBONS. The gentleman is absolutely correct.

Mr. EVANS of Colorado. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take my full 5 minutes in commenting on the proposal made by the gentleman from Florida, but there is an aspect of his amendment that does bother me a great deal. I would like to have him address himself to this problem.

Let us assume these circumstances after the date of June 30, 1971, which is the date of his amendment. Let us assume the circumstances are that we have one man who was facing the draft and, not wanting to be drafted, volunteered and is serving in the Army. Alongside of him there is another man who wanted to take a chance, took it and lost, was drafted, and is serving beside the man who volunteered in order to avoid the draft.

Under these assumed circumstances, a problem exists and it is this: The situation would be that, if none of the circumstances listed in your amendment came to happen we would be penalizing the man who volunteered by requiring him to serve in a combat area and allowing the man who waited to be drafted to avoid service. I feel that is what would happen under the language you have in your amendment.

Mr. GIBBONS. Will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman.

Mr. GIBBONS. My purpose is not to make it easier to go to war. My purpose is to make it so that it will require more prudent action on the part of our military planners and military leaders in making the types of decisions that must be made in order to go to war.

Frankly, it has been too easy for us to go to war. That is why we are in the mess we are in today. I am not by this amendment trying to make it easier. I am trying to make it more prudent and more reasonable and more wise to go to war. As far as rewarding and punishing anybody is concerned, we ought to look at the facts. The facts are these, and they are black and terrible: about 80 percent of the combat forces in the infantry in Vietnam today are not volunteers. Do you know where most of the volunteers are? Most of the volunteers are sitting in some relatively soft job somewhere because the Army will practically promise you that you will never get shot at if you will just volunteer for 3 years. But if you get drafted for 2 years, brother, you are going to end up in Vietnam. About 80 percent of the infantry combat forces in Vietnam are draftees.

What a disgrace it is to this country of 200 million people and more when we have to call 200,000 draftees in order to man defenses in Vietnam. We have an Armed Force of 3 million men—3 million men under arms, but we must rely on those 200,000 draftees to do most of the fighting.

You know, this present draft is just hypocrisy. That is all it is. It is just a way of getting a lot of manpower to fight a very unpopular war. I think we probably ought to have the draft but not one that has been misused as this one has. I think we have to be careful in how we use these people and that when we do use them we back them up. I believe we should not go into a war half-heartedly. We must intend to give them the best arms, weapons, and training and the backing of every American in this country.

I do not believe in asking a man to put his life on a line when we just sit here and conduct business as usual, profit as usual, and promise people if you will just volunteer, you will get an assignment that is relatively safe. That is how the system operates today.

Mr. EVANS of Colorado. I thank the gentleman from Florida for his answer.

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

Mr. EVANS of Colorado. I yield to the gentleman from California.

Mr. GUBSER. The gentleman has asked a very pertinent question of the gentleman from Florida which I do not believe was answered. I would like to put the same point in a different manner.

Here we have one volunteer and one draftee, both of them responsible to the same Commander in Chief, both of them subject to the same Uniform Code of Military Justice, both of them wearing the same uniform, both of them required to adhere to the same rules and regulations. One can be ordered into combat in Vietnam and the other, by law, the draftee, could not be ordered into Vietnam.

Could not the person who is a volunteer with good reason go into court and successfully plead a case that he is being denied equal treatment under the law, as he would be? Would not the Supreme Court uphold him?

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

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

May I rephrase my question to the gentleman from Florida?

Under the law one would be required to go to Vietnam and under a different law one could be kept from going to Vietnam. One is being denied equal treatment under the law.

Mr. GIBBONS. Mr. Chairman, if the gentleman will yield, both of them could go to Vietnam if we passed a concurrent resolution or if the President said the country was under attack or the President said that the country was about to be attacked and he ordered the mobilization of the National Guard and the Reserves and that is perhaps what we should have done when we got involved in this mess in Vietnam.

Mr. GUBSER. However, the gentleman will agree, if his amendment——

Mr. GIBBONS. No; I will not agree.

Mr. GUBSER. One man under the law would be required to go to Vietnam and another man under the law would not be required to go, but they would both be in the same Army, have the same Commander in Chief, and that would be unequal treatment?

Mr. GIBBONS. Mr. Chairman, if the gentleman will yield further, I can tell the gentleman that that has not happened.

Mr. GUBSER. I would seriously question the gentleman's statement to the effect that volunteers do not do their share. Most of these Regular Army personnel have served two hitches in Vietnam, and I challenge the statistics of the gentleman from Florida.

Mr. GIBBONS. Has the gentleman from California looked at the casualty figures? They will show that the casualties among the draftees on a percentage basis have been twice as high, although they represent less than one-half of the forces over there. It is the draftee that is fighting in combat over there, and I am surprised that the gentleman from California does not know it.

Mr. GUBSER. The gentleman does not mean to cast slurs upon the thousands of regular Army people who have given their lives over there?

Mr. GIBBONS. No; I do not. I feel very sorry for them.

Mr. GUBSER. I am glad to hear the gentleman say that.

Mr. GIBBONS. But I do not think we should ever go into war with the kind of piecemeal, half-hearted effort that we have had in Vietnam. That is the kind of

situation that this amendment is designed to prevent.

Mr. GUBSER. I think this colloquy has clearly proven my point, if the gentleman's amendment is adopted, we would be enacting unequal treatment under the law, and you know what the courts have said about that.

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

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

(By unanimous consent, Mr. RHODES was allowed to speak out of order.)

NAVY TO NAME NUCLEAL SUBMARINE FOR THE LATE REPRESENTATIVE LIPSCOMB

Mr. RHODES. Mr. Chairman, one of the most beloved Members of this Congress in all time was the late Glenard P. Lipscomb, a Congressman from the State of California. Glen was elected to the 83d Congress with many of the Members who are in this Chamber at this time.

Secretary of the Navy John H. Chafee announced today the new nuclear-powered turbine electric drive submarine—SSN 685—will be named in honor of the late Congressman Glenard P. Lipscomb.

Congressman Lipscomb was born in Jackson, Mich., but lived most of his life in Los Angeles, Calif. After serving 6 years in the California State Assembly he was elected to Congress from California's 24th District in 1953. He was serving his ninth consecutive term in the House at the time of his death in February 1970.

In 1958 Congressman Lipscomb was named to the House Committee on Appropriations. As a member of that committee he was the ranking minority member on the Department of Defense Subcommittee. At the time of his death he was also a member of the U.S. Naval Academy Board of Visitors.

Congressman Lipscomb was a strong proponent of a nuclear-powered Navy including submarines, frigates, and aircraft carriers. He strongly advocated the construction of all-nuclear-powered carrier task forces as a necessary means of countering the rapidly expanding Soviet naval threat. As a member of the Defense Appropriations Subcommittee, he initiated appropriations measures for the present nuclear frigate building program. The first of this series of nuclear frigates, U.S.S. *California*—DLGN 36—is presently under construction at the Newport News Shipbuilding and Dry Dock Co., Newport News, Va., and is scheduled for launching later this year.

The U.S.S. *Glenard P. Lipscomb*—SSN 685—will be constructed at the General Dynamics Corp., Electric Boat Division, Groton, Conn. The keel is scheduled to be laid June 5, 1971.

This ship is one of a new kind of nuclear-propelled attack submarines featuring a turbine electric drive and other advanced silencing techniques for much quieter operation than present submarines. The *Lipscomb* will be a new design nuclear attack submarine which will provide the Navy with experience in submarine silencing techniques.

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

Mr. RHODES. I am pleased to yield to the gentleman from California (Mr. ROUSSELOT) who now represents the district that Congressman Leonard P. Lipscomb represented.

Mr. ROUSSELOT. Mr. Chairman, I wish to join with my colleague, the gentleman from Arizona (Mr. RHODES) and the other Members of the House in further tribute to our former colleague, who served so quietly and so positively on the Committee on Appropriations. Mr. Lipscomb always worked to make sure that our country remained strong in its national defense. I think this is a high tribute to our former colleague, and his efforts in the defense of this country, and that this attack submarine is now being placed in service under the name of Glen Lipscomb, and that it is also an honor to his family.

So again, Mr. Chairman, I join with my colleague and this Congress in paying tribute to a very fine gentleman, the late Glenard P. Lipscomb.

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

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

Mr. Chairman, I would like the record to show that the amendment offered by the gentleman from Florida (Mr. GIBBONS) containing six very specific exceptions, make this the most cogent of a number of amendments that have developed in this discussion, and that have come to the attention of the Members during the debate on the Selective Service Act.

I completely support and endorse this amendment, and urge its adoption.

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

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

Mr. Chairman, the debate on the amendment offered by the gentleman from Florida (Mr. GIBBONS), has drifted away from the precise language that the gentleman has offered. I am sure that was not the intention of the gentleman, although he is a skillful debater and knows how to fuzz up the issues, but I would like to point out to the Members——

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

Mr. DERWINSKI. Mr. Chairman, that was intended as a compliment, of course.

Mr. GIBBONS. I thank the gentleman. I appreciate that.

Mr. DERWINSKI. I would like to point out that the basic thrust of the amendment offered by the gentleman from Florida (Mr. GIBBONS) is that there could not be any use of draftees overseas unless in the process full mobilization of the armed forces are required and ordered.

Now, let us pause for a moment and remember that all through history full mobilization by any country has been a prelude to war-like activity. Rather than help maintain an atmosphere of world peace, if our President were ever saddled with this language and, in his judgment, had to recommend full mobilization, this would certainly be misinterpreted. We would need a hot line to every country in the world, not just one hot line to Moscow to cool off rumors in the light of the confusion that could be produced by this amendment.

I would also like to observe to the gentleman from Florida, whom I also know is one of the great historians of this body, that misunderstandings can easily develop. When the Congo received its freedom and immediately broke into total disarray, one of the problems was that the Belgian officers, in the process of ending colonial rule, sent their wives home to Belgium. It was to them a practical thing to do.

But to the natives of the Congo, sending their wives away was historically the first step in a warlike attack on a neighboring tribe. They presumed that the act of the Belgians in sending their wives home was the prelude to a military attack on the tribes of the Congo. As a result, you had violence where you should have had a peaceful transfer of government.

The gentleman's amendment sounds reasonable, but it would create such tremendous complications for our President, not just in Southeast Asia but in the Mediterranean as well, that it would defeat the very purpose, that he hopes for, which is an atmosphere for lasting peace.

I would suggest, since the debate did wander considerably afar from the point that we would keep in mind the full and very adverse impact inherent in this amendment and that it be rejected.

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

Mr. DERWINSKI. I yield to the gentleman.

Mr. GUBSER. The gentleman from Florida said a moment ago that the volunteers were in the post exchanges and that draftees constituted over two-thirds of the casualties.

I have looked up the figures that have been given to us which are in the hearings.

The figures show that up to December 31 of last year there was a total of 26,132 Army enlisted killed in action up to December 31. A total of 14,324 were draftees, which is slightly over 50 percent. But 12,178 enlisted Marines were casualties—and all of those were volunteers.

So let us start tabulating these figures. We have then the total number of volunteers who were killed in action up to December 31 of 23,986 as contrasted to 14,324 draftees. That comes out roughly two-thirds—but only exactly the opposite of the conclusion drawn by the gentleman from Florida.

I will point out further that these figures do not include any officer personnel whatsoever. They do not include the Navy fliers and the Air Force fliers who were shot down and killed. They are all career people. The officers are substantially all volunteers.

So the gentleman has probably given the approximately correct figures, but he has gotten them reversed. So if two-thirds is the correct figure, it is two-thirds of the volunteers who have been killed and one-third of draftees.

Mr. DERWINSKI. Mr. Chairman, I reiterate the point I made earlier that this debate has wandered a bit away from the point of the amendment.

It is, I am sure, well intended, but it is a most impractical amendment. It would

restrict the flexility of our Armed Forces in their role of defense of the free world.

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

Mr. Chairman, I rise at this time to speak to the intent of the gentleman from Florida (Mr. GIBBONS) in this amendment.

Since this war has developed stage by stage, I have heard speakers come to this well over and over again—be they hawk or dove—and state that we have to restore and reassume the powers of the Congress under the Constitution.

We know what those powers are. They are explicit—to raise and maintain armies for the defense of our country.

Unfortunately, by a series of grave errors, I think of judgment, the Presidents, going back over the last several Presidents of both parties, have felt free to commit American troops in pursuit of any expedition that they felt was proper in the defense of our country.

They may have been right—but one day they may be wrong. What are we here for if not to be consulted by the President in terms of the raising of those armies and their commitments?

We do that now and we do respond to the Commander in Chief in a most responsible way by making available in terms of funding such authorizations and appropriations as he needs to maintain an adequate strike force or strategic weapon or Air Force or Navy or Marine Corps and all of the troop strength that is necessary that he has asked of us.

But when we are asked to conscript, that is total mobilization. The enemy does not have to be convinced by some additional overt act that we mean business. Is the gentleman from Illinois (Mr. DERWINSKI) of the opinion that the enemy does not know what is going on in every corner of the world day and night? The enemy knew more about what was going on in the Laotian campaign than anyone in Congress did. The only way anyone in Congress could find out about what was happening in Laos was to hear the Hanoi news releases when we heard them from other nations.

There are no secrets in this game. The enemy will not be driven to the ramparts any sooner because the President of the United States comes to Congress and asks for troop strength.

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

Mr. CAREY of New York. I yield to the gentleman from Illinois.

Mr. DERWINSKI. This is the very problem that I tried to point out in relation to the amendment which the gentleman is supporting. A mobilization step would be totally misunderstood. This amendment is inherently chaotic. We should be concerned with completely restricting the practical flexibility that the Commander in Chief should have.

Mr. CAREY of New York. The practical flexibility which the gentleman suggests is to send American troops into combat and get them killed rather than to have the President come before Congress. I think it would be far safer and a more responsible operation to require him to come to Congress than to enable him to send troops abroad. The enemy would not be moving to a strike any faster if he were to come to Congress than if he sends troops into combat. By what logic do we support that reasoning?

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield further?

Mr. CAREY of New York. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Has there been any case since the beginning of World War II in which any nation has been the aggressor in an armed conflict and has declared war? Did the Reds declare war in Korea or against South Vietnam?

Mr. CAREY of New York. No; the reason being that all of the nations have felt they were secure and were content to let the United States make war, to let the United States expend their troops, let the United States defend the borders of the countries around the world. They did not have to declare war, because in the undeclared wars around the globe the United States has been using American troops, whether the Congress liked it or not, and we may continue to do so until we wind up fighting on the moon, unless Congress says, "You cannot have any more expeditions into foreign countries or take part in other insurgencies unless you come to Congress and justify your proposed action."

We can close the doors of the Chamber, bring the President in here, and listen to what he proposes. He can tell us whether he needs additional troops or not. I would like to have as much to say about our incursion into the next country as Mr. Kissinger evidently does.

The amendment would restore to Congress our constitutional powers. It is a safeguard against unwise use of our troops.

I disagree with my friend from California (Mr. GUBSER) that the amendment would deny equal protection under law. As it is now, who will say we are giving the equal protection of law to our men in the Armed Forces? In fact, once you are in the armed services, the only law under which you operate is the law of command. I want to bring the law back into the hands of Congress where it belongs. The amendment would restore that power to this body. I believe it is time that we had the President come to Congress to justify his proposed use of troops before they are committed and before we begin getting any more body counts without vote counts.

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

Mr. CAREY of New York. I yield to my colleague from New York.

Mr. PIKE. Let us assume that at the time of the Gulf of Tonkin resolution we had wanted to declare war. Against whom would we have declared war?

Mr. CAREY of New York. That is a very good question. I wonder if the President had come to us with a request for a declaration of war if we would not have felt it unwise and unwarranted to do what the Gulf of Tonkin resolution caused us to do. That was one of the greatest mistakes of all time. If the President had come before us we might have asked a question or two about the Gulf of Tonkin resolution. If I had known about the Gulf of Tonkin resolution what I do now, I would not have voted for it, because the Gulf of Tonkin resolution took us more deeply into this mess.

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

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. DENNIS. Mr. Chairman, I have some sympathy with what the gentleman from Florida is trying to accomplish, but it seems to me that his amendment, and a number of other amendments which have been offered here, more than anything else, possibly, point up the need for a volunteer force. It seems to me that a soldier pretty much has to be a soldier, an army has to be pretty much an army, and I rather doubt whether you can really run an army with two different classes of soldiers, some of whom are liable to certain duties and others of whom are liable to other duties.

The thing is, we have a basic feeling in this country—and I share it—that you should not have to be a soldier and do all these things a soldier has to do except in the case of a national emergency. What we need to do, it seems to me, is to get back to where we used to be, where the fellow who does these things is a soldier, he intends to be a soldier, he expects to be a soldier and he expects to do the duty of a soldier.

That is where we need the volunteer force, and that is why we ought to get there, but until we do get there, I very much doubt whether we can have an armed force with soldiers of two different classes included. I think that is the trouble with the gentleman's amendment.

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

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

Mr. FINDLEY. Mr. Chairman, the gentleman makes a very good point, but at the same time I would like to say the gentleman from Florida (Mr. GIBBONS) is dealing with a very important subject matter that has been neglected in past years and presents several excellent ideas. We should legislate in this field. The gentleman may recall that last year the House passed a bill requiring a prompt and detailed report by the President whenever military forces are sent to foreign territory for whatever purpose. Unfortunately the Senate did not take it up. It came too late in the last session of Congress, but the House committee has already scheduled hearings on this same subject matter. The Senate hearings are already underway. I am sure this Congress will see legislation in this field. War powers constitute a highly technical area where words must be weighed carefully. While I respect Mr. GIBBONS for this initiative, I think it would be far better if the legislative issue were handled through the regular hearing process rather than in such restrictive circumstances in connection with the draft law.

Mr. DENNIS. I may say I voted for the gentleman's resolution, which goes considerably less far than the amendment proposed by the gentleman from Florida but does legislate on the subject.

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

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

Mr. GIBBONS. Mr. Chairman, I think the gentleman recognizes the important part of this amendment. My amendment does not go as far as the volunteer army, because I seriously doubt we can ever recruit the men we need by voluntary processes. I think that is a paradox we are always going to face. I do not think we can build the kind of strength we must have, particularly the strength in reserve and ready to fight, by the kind of volunteer proposals I have heard. So mine is really something in between that, which would let us work through a transition and find out whether we could do it by volunteer forces. If we cannot do it by volunteer forces, by what this bill provides in increases in pay and everything else, I do not think we can ever do it. But I do not want to see my country laid prostrate and not have real honest-to-God manpower it can call on in an honest emergency.

What I tried to do in my amendment was to outline the kinds of realistic emergencies this country might face in the time we were experimenting with a volunteer army.

I think the gentleman points out something important. We need to make a transition. This amendment provides that transition. It keeps our feet flat on the ground as far as realism while we go ahead with our well-meaning efforts to try to provide volunteers.

But I do not intend to support this draft act that was proposed here today unless the amendment such as I have proposed is adopted.

Mr. HÉBERT. Mr. Chairman, I rise merely to point out that this ground has been fought over and over and over. It has been discussed inside out and outside in, and upside down and downside up practically the whole day, and it has been rejected on two other occasions, and now we have the same thing with a different kind of approach, but it all amounts to the same kind of objective, that this House voted down by almost a 2-to-1 vote a short time ago, so I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GIBBONS).

TELLER VOTE WITH CLERKS

Mr. GIBBONS. Mr. Chairman, I demand tellers.

Tellers were ordered.

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

Tellers with clerks were ordered, and the Chairman appointed as tellers Messrs. GIBBONS, HÉBERT, MIKVA, and BRAY.

The Committee divided, and the tellers reported that there were—ayes 97, noes 279, not voting 56, as follows:

[Recorded Teller Vote No. 43]

AYES—97

| | | |
|---|---|---|
| Abourezk | Badillo | Burke, Mass. |
| Abzug | Begich | Burton |
| Adams | Bennett | Byrne, Pa. |
| Addabbo | Bergland | Carey, N.Y. |
| Anderson, Calif. | Bingham | Carney |
| | Blatnik | Celler |
| Anderson, Tenn. | Boland | Chisholm |
| | Brasco | Conte |
| Conyers | Jacobs | Riegle |
| Culver | Karth | Roe |
| Denholm | Kastenmeier | Roncalio |
| Diggs | Leggett | Rooney, Pa. |
| Donohue | Link | Rosenthal |
| Dow | McCloskey | Roush |
| Drinan | McDonald, Mich. | Roy |
| Dulski | | Roybal |
| Edwards, Calif. | Macdonald, Mass. | Ryan |
| Esch | | St Germain |
| Fascell | Madden | Sarbanes |
| Fraser | Mazzoli | Scheuer |
| Gaydos | Mikva | Seiberling |
| Gibbons | Mink | Staggers |
| Gonzalez | Mitchell | Stokes |
| Grasso | Moorhead | Thompson, N.J. |
| Green, Oreg. | Mosher | Tiernan |
| Gude | Moss | Udall |
| Halpern | Nix | Ullman |
| Harrington | Obey | Vanik |
| Hathaway | Podell | Waldie |
| Hawkins | Pryor, Ark. | Whalen |
| Hechler, W. Va. | Pucinski | Yates |
| Helstoski | Rees | Yatron |
| Howard | Reid, N.Y. | |
| Hungate | Reuss | |

NOES—279

| | | |
|---|---|---|
| Abbitt | Fish | Martin |
| Abernethy | Fisher | Mathias, Calif. |
| Albert | Flood | Mathis, Ga. |
| Alexander | Flynt | Matsunaga |
| Andrews, Ala. | Foley | Mayne |
| Andrews, N. Dak. | Ford, Gerald R. | Michel |
| | Forsythe | Miller, Calif. |
| Annunzio | Fountain | Miller, Ohio |
| Archer | Frelinghuysen | Mills |
| Ashbrook | Frenzel | Minish |
| Aspin | Fulton, Pa. | Mizell |
| Aspinall | Galifianakis | Mollohan |
| Baker | Gallagher | Monagan |
| Barrett | Goldwater | Montgomery |
| Belcher | Goodling | Morgan |
| Betts | Gray | Morse |
| Bevill | Griffin | Murphy, Ill. |
| Biaggi | Griffiths | Murphy, N.Y. |
| Biester | Gross | Myers |
| Blackburn | Grover | Natcher |
| Blanton | Gubser | Nedzi |
| Bolling | Hagan | Nelsen |
| Brademas | Haley | Nichols |
| Bray | Hall | O'Hara |
| Brinkley | Hamilton | O'Konski |
| Brooks | Hammer-schmidt | O'Neill |
| Broomfield | | Passman |
| Brotzman | Hanley | Patman |
| Brown, Mich. | Hansen, Idaho | Patten |
| Broyhill, N.C. | Hansen, Wash. | Pelly |
| Broyhill, Va. | Harvey | Pepper |
| Buchanan | Hastings | Perkins |
| Burke, Fla. | Hays | Pettis |
| Burleson, Tex. | Hébert | Peyser |
| Burlison, Mo. | Henderson | Pickle |
| Byron | Hicks, Mass. | Pike |
| Cabell | Hicks, Wash. | Pirnie |
| Caffery | Hillis | Poff |
| Carter | Hogan | Powell |
| Casey, Tex. | Holifield | Preyer, N.C. |
| Cederberg | Horton | Price, Ill. |
| Chamberlain | Hosmer | Purcell |
| Clancy | Hull | Quie |
| Clark | Hunt | Quillen |
| Clausen, Don H. | Hutchinson | Railsback |
| | Ichord | Rarick |
| Clawson, Del | Johnson, Calif. | Reid, Ill. |
| Cleveland | Jonas | Rhodes |
| Collier | Jones, Ala. | Roberts |
| Collins, Tex. | Jones, N.C. | Robinson, Va. |
| Conable | Jones, Tenn. | Robison, N.Y. |
| Corman | Kazen | Rogers |
| Cotter | Keating | Rooney, N.Y. |
| Coughlin | Kee | Rostenkowski |
| Crane | Kemp | Rousselot |
| Daniel, Va. | King | Runnels |
| Daniels, N.J. | Kluczynski | Ruppe |
| Danielson | Kuykendall | Ruth |
| Davis, Ga. | Kyl | Sandman |
| Davis, Wis. | Kyros | Satterfield |
| Delaney | Landgrebe | Saylor |
| Dellenback | Latta | Scherle |
| Dennis | Lennon | Schmitz |
| Derwinski | Lent | Schneebeli |
| Devine | Lloyd | Schwengel |
| Dickinson | Lujan | Scott |
| Dorn | McClory | Sebelius |
| Dowdy | McCollister | Shoup |
| Downing | McCormack | Shriver |
| Duncan | McDade | Sikes |
| duPont | McEwen | Sisk |
| Dwyer | McFall | Slack |
| Eckhardt | McKay | Smith, Calif. |
| Edmondson | McKevitt | Smith, Iowa |
| Erlenborn | McKinney | Smith, N.Y. |
| Eshleman | Mahon | Snyder |
| Evans, Colo. | Mailliard | Spence |
| Findley | Mann | Springer |
| Stafford | Teague, Calif. | Whitten |
| Stanton, J. William | Teague, Tex. | Widnall |
| | Terry | Wiggins |
| Stanton, James V. | Thompson, Ga. | Williams |
| | Thomson, Wis. | Wilson, Bob |
| Steed | Thone | Wilson, Charles H. |
| Steele | Van Deerlin | |
| Steiger, Ariz. | Vander Jagt | Wright |
| Steiger, Wis. | Veysey | Wydler |
| Stephens | Vigorito | Wylie |
| Stratton | Waggonner | Wyman |
| Stubblefield | Wampler | Young, Fla. |
| Stuckey | Ware | Young, Tex. |
| Sullivan | Watts | Zablocki |
| Symington | Whalley | Zion |
| Talcott | White | Zwach |
| Taylor | Whitehurst | |

NOT VOTING—56

| | | |
|---|---|---|
| Anderson, Ill. | Edwards, La. | Landrum |
| Arends | Eilberg | Long, La. |
| Ashley | Evins, Tenn. | Long, Md. |
| Baring | Flowers | McClure |
| Bell | Ford, William D. | McCulloch |
| Boggs | | McMillan |
| Bow | Frey | Meeds |
| Brown, Ohio | Fulton, Tenn. | Melcher |
| Byrnes, Wis. | Fuqua | Metcalfe |
| Camp | Garmatz | Minshall |
| Chappell | Gettys | Poage |
| Clay | Giaimo | Price, Tex. |
| Collins, Ill. | Green, Pa. | Randall |
| Colmer | Hanna | Rangel |
| Corbett | Harsha | Rodino |
| de la Garza | Heckler, Mass. | Shipley |
| Dellums | Jarman | Skubitz |
| Dent | Johnson, Pa. | Winn |
| Dingell | Keith | Wolff |
| Edwards, Ala. | Koch | Wyatt |

So the amendment was rejected.

Mr. HAYS. I move to strike the requisite number of words.

(By unanimous consent, Mr. HAYS was allowed to proceed out of order.)

PRESIDENT NIXON ORDERS IMMEDIATE RELEASE FROM IMPRISONMENT OF LT. WILLIAM L. CALLEY PENDING COMPLETION OF FULL REVIEW OF HIS COURTS-MARTIAL CONVICTION

Mr. HAYS. Mr. Chairman, I want to read something that I think every Member will be interested in that was just on the wire.

It is dated San Clemente, Calif., Associated Press:

President Nixon today ordered the immediate release from imprisonment of Lt. William L. Calley, Jr., pending the completion of a full review of his court martial conviction on murder charges.

Under Nixon's action, Calley was to return to his personal quarters at Fort Benning, Ga., where he lived during the court martial proceedings.

Press Secretary Ronald Ziegler said Nixon felt personally that Calley should not be confined to the Fort Benning stockade or transferred to the military prison at Leavenworth, Kans., until the decision by his jury has run the entire review gamut, including possible appeals.

Mr. Chairman, I want to applaud President Nixon's actions. I served in the House with him, and I know he has very sensitive political antennas, and he felt the heat in a hurry. The White House ordered the courts-martial, and I think it was correct that the White House did something to mitigate it. You can be sure of one thing—the last appeal will not be heard until long after election day 1972.

AMENDMENT OFFERED BY MR. CARNEY

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

The Clerk read as follows:

Amendment offered by Mr. CARNEY: On page 11, line 22, after the word "thereof" strike out "July 1, 1973" and insert "December 31, 1972".

Mr. CARNEY. Mr. Chairman, I do not intend to take over 2 minutes. I think the complete subject matter of my amendment has been well discussed. It is a new approach to a subject upon which there have been two votes. Yesterday the gentleman from Massachusetts (Mr. HARRINGTON) offered a 6-month termination of the draft. I thought that was too short. I voted against it.

The gentleman from Ohio (Mr. WHALEN) introduced a 12-month extension of the draft which was defeated by a vote of 198 to 200.

This is merely the same subject matter that would make an 18-month extension of the draft. I think it is consistent with the position my party took yesterday in caucus, which is to try everything humanly possible to get out of Vietnam and end this war sometime during this session of the Congress.

I would yield to the gentleman from Louisiana (Mr. HÉBERT), the chairman of the Committee on Armed Services, if he desires to speak in opposition to this amendment—and I think he will. However, after he answers I do not think that there is any need for further debate. It is not a new subject matter. At the proper time I will ask that we have a teller vote with clerks on this amendment.

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

Mr. CARNEY. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, I agree with that statement just made by the gentleman from Ohio, and I cetrainly have no intention of debating this since we have already debated this a number of times, and it is merely repetitious, and it is merely bringing us back to the same subject we have debated.

I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CARNEY).

TELLER VOTE WITH CLERKS

Mr. CARNEY. Mr. Chairman, I demand tellers.

Tellers were ordered.

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

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. CARNEY, Mr. HÉBERT, Mr. BRAY, and Mr. GIBBONS.

The Committee divided, and the tellers reported that there were—ayes 170, noes 200, answered present 1, not voting 61, as follows:

[Record Teller Vote No. 44]

AYES—170

| | | |
|---|---|---|
| Abourezk | Bingham | Carey, N.Y. |
| Abzug | Blanton | Carney |
| Adams | Blatnik | Celler |
| Addabbo | Boland | Cleveland |
| Anderson, Calif. | Bolling | Collier |
| | Brademas | Collins, Tex. |
| Andrews, N. Dak. | Brasco | Conte |
| | Broomfield | Conyers |
| Aspin | Brown, Mich. | Cotter |
| Begich | Burke, Mass. | Coughlin |
| Bennett | Burlison, Mo. | Crane |
| Bergland | Burton | Culver |
| Biaggi | Byrne, Pa. | Danielson |
| Biester | Caffery | Denholm |
| Dingell | Helstoski | Pike |
| Donohue | Hicks, Mass. | Podell |
| Dow | Howard | Pryor, Ark. |
| Drinan | Hungate | Pucinski |
| Dulski | Hutchinson | Quie |
| Duncan | Karth | Rees |
| duPont | Kastenmeier | Reid, N.Y. |
| Dwyer | Kazen | Reuss |
| Eckhardt | Keating | Riegle |
| Edmondson | Kyros | Robison, N.Y. |
| Edwards, Calif. | Latta | Roe |
| Eilberg | Leggett | Roncalio |
| Esch | Link | Rooney, Pa. |
| Evans, Colo. | Lloyd | Rosenthal |
| Fascell | McClory | Roush |
| Fish | McCloskey | Roy |
| Foley | McCormack | Roybal |
| Ford, William D. | McDade | Ruppe |
| | McDonald, Mich. | Ryan |
| Forsythe | | St Germain |
| Fraser | McKay | Sarbanes |
| Frenzel | McKinney | Scheuer |
| Galifianakis | Madden | Schwengel |
| Gaydos | Matsunaga | Seiberling |
| Gibbons | Mazzoli | Smith, Iowa |
| Goldwater | Melcher | Snyder |
| Gonzalez | Mikva | Stafford |
| Grasso | Miller, Ohio | Staggers |
| Gray | Minish | Steele |
| Green, Oreg. | Mink | Steiger, Wis. |
| Gross | Mitchell | Stokes |
| Grover | Moorhead | Symington |
| Gude | Morse | Thompson, N.J. |
| Halpern | Mosher | Thone |
| Hamilton | Moss | Tiernan |
| Hanley | Murphy, Ill. | Udall |
| Hansen, Wash. | Natcher | Ullman |
| Harrington | Nedzi | Van Deerlin |
| Harvey | Nix | Vander Jagt |
| Hastings | Obey | Vanik |
| Hathaway | O'Hara | Waldie |
| Hays | O'Neill | Yates |
| Hechler, W. Va. | Pettis | Yatron |
| Heckler, Mass. | Pickle | Zwach |

NOES—200

| | | |
|---|---|---|
| Abbitt | Flynt | Michel |
| Abernethy | Ford, Gerald R. | Miller, Calif. |
| Alexander | Fountain | Mills |
| Andrews, Ala. | Frelinghuysen | Mizell |
| Annunzio | Fulton, Pa. | Mollohan |
| Archer | Gallagher | Monagan |
| Ashbrook | Goodling | Montgomery |
| Aspinall | Griffin | Morgan |
| Baker | Griffiths | Murphy, N.Y. |
| Barrett | Gubser | Myers |
| Belcher | Hagan | Nelsen |
| Betts | Haley | O'Konski |
| Bevill | Hall | Passman |
| Blackburn | Hammer-schmidt | Patman |
| Bray | | Pelly |
| Brinkley | Hansen, Idaho | Pepper |
| Brooks | Hébert | Perkins |
| Brotzman | Henderson | Peyser |
| Brown, Ohio | Hicks, Wash. | Pirnie |
| Broyhill, N.C. | Hillis | Poff |
| Broyhill, Va. | Hogan | Powell |
| Buchanan | Hollifield | Preyer, N.C. |
| Burke, Fla. | Horton | Price, Ill. |
| Burleson, Tex. | Hosmer | Purcell |
| Byron | Hull | Quillen |
| Cabell | Hunt | Railsback |
| Carter | Ichord | Rarick |
| Casey, Tex. | Johnson, Calif. | Reid, Ill. |
| Cederberg | Jonas | Rhodes |
| Chamberlain | Jones, Ala. | Roberts |
| Chappell | Jones, N.C. | Robinson, Va. |
| Chisholm | Jones, Tenn. | Rogers |
| Clancy | Kee | Rooney, N.Y. |
| Clark | Keith | Rostenkowski |
| Clausen, Don H. | Kemp | Runnels |
| | King | Ruth |
| Clawson, Del | Kluczynski | Sandman |
| Conable | Kuykendall | Satterfield |
| Corman | Kyl | Saylor |
| Daniel, Va. | Landgrebe | Scherle |
| Daniels, N.J. | Lennon | Schmitz |
| Davis, Wis. | Lent | Schneebeli |
| de la Garza | McCollister | Scott |
| Delaney | McEwen | Sebelius |
| Dellenback | McFall | Shoup |
| Dennis | McKevitt | Shriver |
| Derwinski | McMillan | Sikes |
| Devine | Macdonald, Mass. | Sisk |
| Dickinson | | Smith, Calif. |
| Dorn | Mahon | Smith, N.Y. |
| Downing | Mailliard | Spence |
| Erlenborn | Mann | Springer |
| Eshleman | Martin | Stanton, J. William |
| Findley | Mathias, Calif. | |
| Fisher | Mathis, Ga. | Stanton, James V. |
| Flood | Mayne | |
| Steed | Thomson, Wis. | Williams |
| Steiger, Ariz. | Veysey | Wilson, Bob |
| Stephens | Vigorito | Wilson, Charles H. |
| Stratton | Waggonner | |
| Stubblefield | Wampler | Wright |
| Stuckey | Ware | Wydler |
| Sullivan | Watts | Wylie |
| Talcott | Whalen | Wyman |
| Taylor | Whalley | Young, Fla. |
| Teague, Calif. | White | Young, Tex. |
| Teague, Tex. | Whitehurst | Zablocki |
| Terry | Whitten | Zion |
| Thompson, Ga. | Wiggins | |

ANSWERED PRESENT—1

Rousselot

NOT VOTING—61

| | | |
|---|---|---|
| Anderson, Ill. | Edwards, Ala. | Lujan |
| Anderson, Tenn. | Edwards, La. | McClure |
| | Evins, Tenn. | McCulloch |
| Arends | Flowers | Meeds |
| Ashley | Frey | Metcalfe |
| Badillo | Fulton, Tenn. | Minshall |
| Baring | Fuqua | Nichols |
| Bell | Garmatz | Patten |
| Boggs | Gettys | Poage |
| Bow | Giaimo | Price, Tex. |
| Byrnes, Wis. | Green, Pa. | Randall |
| Camp | Hanna | Rangel |
| Clay | Harsha | Rodino |
| Collins, Ill. | Hawkins | Shipley |
| Colmer | Jacobs | Skubitz |
| Corbett | Jarman | Slack |
| Davis, Ga. | Johnson, Pa. | Widnall |
| Dellums | Koch | Winn |
| Dent | Landrum | Wolff |
| Diggs | Long, La. | Wyatt |
| Dowdy | Long, Md. | |

Mr. ROUSSELOT. Mr. Chairman, I vote "present."

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to section 1?

There being no further amendments to section 1, the Clerk will read.

The Clerk read as follows:

SEC. 2. Section 1 of the Act of August 3, 1950, chapter 537, as amended (10 U.S.C. 3201 note), is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 3. Section 9 of the Act of June 27, 1957, Public Law 85-62, as amended (81 Stat. 105), is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

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

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

There was no objection.

Mr. PIKE. Mr. Chairman, is that not section 2?

The CHAIRMAN. The Chair will inform the gentleman from New York that section 2 has been read, and section 3 is now open to amendment at any point.

Are there any amendments to section 3?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 4. Sections 302 and 303 of title 37, United States Code, are each amended by striking out "July 1, 1971" whenever that date appears and inserting in place thereof "July 1, 1973".

SEC. 5. Section 203(a) of title 37, United States Code, is amended to read as follows:

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

"COMMISSIONED OFFICERS

| "Pay grade | Years of service computed under sec. 205 | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 | Over 30 |
| O-10[1] | $2,111.40 | $2,185.80 | $2,185.80 | $2,185.80 | $2,185.80 | $2,269.50 | $2,269.50 | $2,443.50 | $2,443.50 | $2,618.40 | $2,618.40 | $2,793.30 | $2,739.30 | $2,967.60 | $2,967.60 |
| O-9 | 1,871.40 | 1,920.60 | 1,961.70 | 1,961.70 | 1,961.70 | 2,011.20 | 2,011.20 | 2,094.60 | 2,094.60 | 2,269.50 | 2,269.50 | 2,443.50 | 2,443.50 | 2,618.40 | 2,618.40 |
| O-8 | 1,695.00 | 1,745.70 | 1,787.40 | 1,787.40 | 1,787.40 | 1,920.60 | 1,920.60 | 2,011.20 | 2,011.20 | 2,094.60 | 2,185.80 | 2,269.50 | 2,361.00 | 2,361.00 | 2,361.00 |
| O-7 | 1,408.20 | 1,504.20 | 1,504.20 | 1,504.20 | 1,571.10 | 1,571.10 | 1,662.60 | 1,662.60 | 1,745.70 | 1,920.60 | 2,052.60 | 2,052.60 | 2,052.60 | 2,052.60 | 2,052.60 |
| O-6 | 1,043.70 | 1,147.20 | 1,221.90 | 1,221.90 | 1,221.90 | 1,221.90 | 1,221.90 | 1,221.90 | 1,263.30 | 1,463.10 | 1,537.80 | 1,571.10 | 1,662.60 | 1,803.30 | 1,803.30 |
| O-5 | 834.60 | 980.70 | 1,047.90 | 1,047.90 | 1,047.90 | 1,047.90 | 1,080.30 | 1,137.90 | 1,213.80 | 1,304.70 | 1,379.70 | 1,421.10 | 1,471.20 | 1,471.20 | 1,471.20 |
| O-4 | 704.10 | 856.50 | 914.40 | 914.40 | 930.60 | 972.30 | 1,038.30 | 1,097.10 | 1,147.20 | 1,197.00 | 1,230.30 | 1,230.30 | 1,230.30 | 1,230.30 | 1,230.30 |
| O-3[2] | 654.30 | 731.10 | 781.20 | 864.90 | 906.00 | 938.70 | 989.10 | 1,038.30 | 1,063.80 | 1,063.80 | 1,063.80 | 1,063.80 | 1,063.80 | 1,063.80 | 1,063.80 |
| O-2[2] | 570.30 | 622.80 | 748.20 | 773.10 | 789.30 | 789.30 | 789.30 | 789.30 | 789.30 | 789.30 | 789.30 | 789.30 | 789.30 | 789.30 | 789.30 |
| O-1[2] | 495.00 | 515.40 | 622.80 | 622.80 | 622.80 | 622.80 | 622.80 | 622.80 | 622.80 | 622.80 | 622.80 | 622.80 | 622.80 | 622.80 | 622.80 |

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

"[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

"COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS" ACTIVE SERVICE AS ENLISTED MEMBERS

| "Pay grade | Years of service computed under section 205 | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Over 4 | Over 6 | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 | Over 30 |
| O-3 | $846.90 | $906.00 | $938.10 | $989.10 | $1,038.30 | $1,080.30 | $1,080.30 | $1,080.30 | $1,080.30 | $1,080.30 | $1,080.30 | $1,080.30 |
| O-2 | 773.10 | 789.30 | 814.20 | 856.50 | 889.80 | 914.40 | 914.40 | 914.40 | 914.40 | 914.40 | 914.40 | 914.40 |
| O-1 | 622.80 | 665.10 | 690.00 | 714.60 | 739.80 | 773.10 | 773.10 | 773.10 | 773.10 | 773.10 | 773.10 | 773.10 |

"WARRANT OFFICERS

| "Pay grade | Years of service computed under section 205 | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 | Over 30 |
| W-4 | $666.30 | $714.60 | $714.60 | $731.10 | $764.40 | $798.00 | $831.00 | $889.80 | $930.60 | $963.90 | $989.10 | $1,022.10 | $1,056.10 | $1,137.90 | $1,137.90 |
| W-3 | 605.70 | 657.00 | 657.00 | 665.10 | 673.20 | 722.40 | 764.40 | 789.30 | 814.20 | 838.80 | 864.90 | 897.90 | 930.60 | 963.90 | 963.90 |
| W-2 | 530.40 | 573.60 | 573.60 | 590.40 | 622.80 | 657.00 | 681.90 | 706.50 | 731.10 | 756.60 | 781.20 | 806.10 | 838.80 | 838.80 | 838.80 |
| W-1 | 441.90 | 507.00 | 507.00 | 549.00 | 573.60 | 598.50 | 622.80 | 648.30 | 637.20 | 698.10 | 722.40 | 748.20 | 748.20 | 748.20 | 748.20 |

"ENLISTED MEMBERS

| "Pay grade | Years of service computed under section 205 | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 | Over 30 |
| E-9[1] | | | | | | | $756.90 | $774.30 | $792.00 | $809.70 | $827.70 | $843.90 | $888.60 | $975.00 | $975.00 |
| E-8 | | | | | | $635.10 | 652.80 | 670.20 | 687.90 | 705.30 | 722.10 | 740.10 | 783.60 | 870.90 | 870.90 |
| E-7 | $443.40 | $478.50 | $496.20 | $513.60 | $531.30 | 548.10 | 565.50 | 583.50 | 609.60 | 626.70 | 644.10 | 652.80 | 696.60 | 783.60 | 783.60 |
| E-6 | 382.80 | 417.90 | 435.00 | 453.00 | 470.40 | 487.50 | 505.20 | 531.30 | 548.10 | 565.50 | 574.50 | 574.50 | 574.50 | 574.50 | 574.50 |
| E-5 | 336.30 | 366.00 | 383.70 | 400.50 | 426.60 | 444.00 | 461.70 | 478.50 | 487.50 | 487.50 | 487.50 | 487.50 | 487.50 | 487.50 | 487.50 |
| E-4 | 323.40 | 341.40 | 361.20 | 389.40 | 405.00 | 405.00 | 405.00 | 405.00 | 405.00 | 405.00 | 405.00 | 405.00 | 405.00 | 405.00 | 405.00 |
| E-3 | 311.10 | 328.20 | 341.10 | 354.60 | 354.60 | 354.60 | 354.60 | 354.60 | 354.60 | 354.60 | 354.60 | 354.60 | 354.60 | 354.60 | 354.60 |
| E-2 | 299.10 | 299.10 | 299.10 | 299.10 | 299.10 | 299.10 | 299.10 | 299.10 | 299.10 | 299.10 | 299.10 | 299.10 | 299.10 | 299.10 | 299.10 |
| E-1 | 268.50 | 268.50 | 268.50 | 268.50 | 268.50 | 268.50 | 268.50 | 268.50 | 268.50 | 268.50 | 268.50 | 268.50 | 268.50 | 268.50 | 268.50 |

"[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1,098.30 regardless of cumulative years of service computed under section 205 of this title."

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 5 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

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

I said earlier in the debate that I was going to offer an amendment—in fact, I have three amendments at the Clerk's desk—pertaining to section 5. The substance of those amendments was to reduce the pay raise provisions in this bill to those which had been recommended by the administration.

I have decided I am not going to offer those amendments. We have treated very lightly the fiscal responsibility area in this bill. The President asked for pay raises totaling a little less than $1 billion. The committee provided pay raises of $2.7 billion. We are in this bill authorizing pay raises $1.7 billion above the President's budget. I believe we ought to take note of the fact. It is $1.7 billion.

There are an awful lot of people who want a volunteer army, and the pay raises will help to achieve the volunteer army, we hope. There are an awful lot of other people who want to cut the amount of our national resources we allocate each year to national defense, and to spend them in other areas.

What we are doing here certainly is not changing our national priorities. It may be helping to achieve a volunteer army but it is not helping to change our national priorities.

I happen to believe that even with these pay raises we are not going to achieve a volunteer army.

The reason why I am not going to offer my amendment at this time is that the mood of this House, the nature of this bill as it leaves this Chamber, is different from what it was when we started this debate 3 days ago. By only two votes we rejected an amendment to limit the draft to only 1 year.

I happen to believe that with that showing of strength for a reconsideration of this bill next year, this bill is going to be reconsidered next year. I happen to believe that somewhere along the legislative line—perhaps in the other body, which has shown itself to feel a little different from what we have on military matters in the past—the term of this extension is going to be cut down. So I believe we are going to get another look at this.

Something else has happened in this country in the past few days. There was a court-martial verdict and a sentence in Georgia which has created a very substantial outcry not only in your districts but also in my district. I believe the net result of that is going to make it a little tougher to get volunteers in our military. I believe it is going to make it so much harder, harder that we are going to need every bit of the money that is in this bill in order to even aproach a volunteer army. For that reason I am not going to do that which I said I was going to do.

I do want to call everybody's attention to the fact that when we are accused, we in the Congress are accused of having added X billions of dollars to the President's budget, this is one of the places where it was done. This was perhaps the principal place where it was done.

Mr. Chairman, if somebody else wants

to offer the amendments, they are at the Clerk's desk, but I am not going to.

The CHARIMAN. Are there any further amendments to section 5?

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

Mr. Chairman, I voted for the extension of the draft in 1963 and again in 1967.

There is no question but that we must maintain an adequate military force to defend our country and I can and will support legislative efforts to do this. But Mr. Chairman, I cannot in good conscious vote to send American boys to fight a "no win" war for a government that then allows the American boys to be tried for discharging that obligation.

During the amendment process on this bill, I supported the amendment to limit the extension to 1 year. That extension, with the increased pay schedule, included in the bill would have been in conformance with the Gates Commission recommendation for transition to a volunteer army. That amendment lost by two votes. Had it been adopted, I would have reluctantly voted for the bill. No vote has caused me more "soul searching" than this one.

Mr. Chairman, I may be wrong but I sincerely believe I am doing right.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. Chapter 5 of title 37, United States Code, is amended by inserting the following new section and a corresponding item in the analysis:

"§ 302a. Special pay: optometrists

"(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each of the following officers is entitled to special pay at the rates set forth in subsection (b) of this section—

"(1) a commissioned officer—

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

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

"(C) who is an optometry officer of the Regular Corps of the Public Health Service; who was on active duty on the effective date of this section; who retired before that date and was ordered to active duty after that date and before July 1, 1973; or who was designated as such an officer after the effective date of this section and before July 1, 1973;

"(2) a commissioned officer—

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

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

"(C) who is an optometry officer of the Reserve Corps of the Public Health Service; who after the effective date of this section and before July 1, 1973, is ordered to active duty for a period of at least one year; and

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

"(b) The amount of special pay to which an officer covered by subsection (a) of this section is entitled is—

"(A) $50 a month for each month of active duty, if he is in pay grade O–1, O–2, or O–3;

"(B) $150 a month for each month of active duty if he is in pay grade O–4 or O–5; or

"(C) $200 a month for each month of active duty if he is above pay grade O–5.

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

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 6 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to section 6? If not, the Clerk will read.

The Clerk read as follows:

SEC. 7. (a) Section 402 of title 37, United States Code, is amended as follows:

(1) The first sentence of subsection (b) is amended to read: "An enlisted member is entitled to a basic allowance for subsistence of one of the following types—

"(1) when rations in kind are not available; and

"(2) when permission to mess separately is granted.".

(2) The fourth sentence of subsection (b) is stricken.

(3) Subsection (d) is amended to read:

"(d) The basic allowance for subsistence for members of the uniformed services is as follows—

| | |
|---|---|
| Officers | $48.00 a month. |
| Enlisted members authorized to mess separately | $48.00 a month. |
| Enlisted members when rations in kind are not available | 3.45 a day.". |

(4) Subsection (e) is amended to read:

"(e) Under regulations prescribed by the Secretary of Defense, an enlisted member who is granted permission to mess separately, and whose duties require him to buy at least one meal in a messing facility of the United States, shall be charged for each such meal not more than the pro rata share prescribed for that meal of $1.60.".

(b) Section 403(a) of title 37, United States Code, is amended to read as follows:

"(a) Except as otherwise provided by this section or by another law, a member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for quarters at the following rates according to the pay grade in which he is assigned or distributed for basic pay purposes:

| "Pay grade | Without dependents | With dependents |
|---|---|---|
| 0–10 | $271.20 | $339.00 |
| 0–9 | 271.20 | 339.00 |
| 0–8 | 271.20 | 339.10 |
| 0–7 | 271.20 | 339.00 |
| 0–6 | 249.30 | 303.90 |
| 0–5 | 233.40 | 281.10 |
| 0–4 | 210.30 | 253.50 |
| 0–3 | 186.30 | 230.10 |
| 0–2 | 163.20 | 206.70 |
| 0–1 | 128.10 | 166.50 |
| W–4 | 202.80 | 244.50 |
| W–3 | 182.70 | 225.60 |
| W–2 | 161.40 | 204.30 |
| W–1 | 145.80 | 189.30 |
| E–9 | 153.90 | 216.90 |
| E–8 | 143.70 | 202.50 |
| E–7 | 123.30 | 189.90 |
| E–6 | 112.80 | 176.40 |
| E–5 | 109.20 | 163.20 |
| E–4 (over 4 years' service) | 96.00 | 143.10 |
| E–4 (4 years' or less service) | 45.00 | 45.00 |
| E–3 | 45.00 | 45.00 |
| E–2 | 45.00 | 45.00 |
| E–1 | 45.00 | 45.00 |

A member in pay grade E–4 (less than 4 years' service), E–3, E–2, or E–1 is considered at all times to be without dependents.".

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 7 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to section 7? If not, the Clerk will read.

The Clerk read as follows:

SEC. 8. Chapter 7 of title 37, United States Code, is amended by inserting the following new section and a corresponding item in the analysis:

"§ 428. Allowance for recruiting expenses

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

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 8 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to Section 8? If not, the Clerk will read.

The Clerk read as follows:

SEC. 9. Section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2203) is amended to read as follows:

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

| "Pay grade | Without dependents | With dependents |
|---|---|---|
| "E–4 (4 years' or less service) | $96.00 | $143.10 |
| E–3 | 85.20 | 120.00 |
| E–2 | 75.00 | 105.00 |
| E–1 | 70.20 | 105.00." |

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 9 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to section 9? If not, the Clerk will read.

The Clerk read as follows:

SEC. 10. Section 4 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2204) is amended by inserting immediately before ": *Provided further*" the following: "; or (7) for the calendar months in which such member serves on active duty for training (including full-time duty performed by members of the Army or Air National Guard for which they receive pay from the United States in accordance with section 204 of title

37, United States Code) if that training is for a period of 30 days or more.".

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 10 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to section 10? If not, the Clerk will read.

The Clerk read as follows:

SEC. 11. Section 7 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2207) is amended by striking out "to enlisted members on active duty for training under section 262 of the Armed Forces Reserve Act of 1952, as amended (50 U.S.C. 1013), or any other enlistment program that requires an initial period of active duty for training.".

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 11 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendmetns to section 11? If not, the Clerk will read.

The Clerk read as follows:

SEC. 12. Section 16 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2216) is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 12 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to section 12? If not, the Clerk will read.

The Clerk read as follows:

SEC. 13. For the fiscal year beginning July 1, 1971, and ending June 30, 1972, each of the following armed forces is authorized an average active duty personnel strength as follows:

(1) the Army, 1,024,309;
(2) the Navy, 616,619;
(3) the Marine Corps, 209,846; and
(4) the Air Force, 758,635;

except when the President of the United States determines that the application of these ceilings will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that section 13 to considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to section 13?

AMENDMENT OFFERED BY MR. MIKVA

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

The Clerk read as follows:

Amendment offered by Mr. MIKVA: On page 19, line 23, after the figure "758,635"—insert the following:

"Provided, however, that on June 30, 1972, the total active duty personnel strength for all the services shall not exceed 2,350,000."

Mr. MIKVA. Mr. Chairman, this amendment is offered on behalf of my colleagues, the gentlemen from Washington (Mr. FOLEY and Mr. HICKS) and myself. I would like to continue the record of success which I started in the last session of Congress. I offered a similar amendment to the Military Manpower Act which was overwhelmingly defeated; however, the military then went on to cut the manpower forces well beyond what I suggested in my amendment.

I would like to continue that record of success.

Mr. Chairman, I think we are talking at this point about the heart of the problem—the size of our military forces. I am still not sure how the force levels found their way into this bill, even though I have read and reread the report several times. However, I would like to share with you a few lines from this report.

First of all, I would like to tell you that the committee accepted the manpower requests that were asked for by the Department of Defense: The manpower levels set forth in section 13 are troop for troop what the Department of Defense asked for. The committee then, with commendable candor—and I commend the chairman of the Committee on Armed Services and the members thereof for such candor—went on to acknowledge:

However, the committee believes that inevitably in an organization the size of the Department of Defense there is adequate room for effecting greater efficiencies in the utilization of military personnel. Therefore, the committee urges the Department of Defense and the individual services to continue to explore the possibility of substituting the use of civilian manpower wherever practicable, as well as attempting to achieve overall reductions in the manpower requirements.

Mr. Chairman, I am suggesting that this Committee, the Committee of the Whole House on the State of the Union, has that responsibility under the Constitution, and up until a few years ago, by tradition as well. Because it is up to the Congress of the United States to raise the armies of the United States, we are the ones who are supposed to set meaningful force levels.

Let me knock down a few strawmen before they get set up too high.

First of all, if an emergency arises, I call your attention to the last proviso of section 13—which I do not change in any manner, shape or form—which allows the President of the United States to exceed the force levels in the bill. He can do this unilaterally, simply by informing us of the basis for such a determination. Thus there is no emergency that can arise whereby the President as Commander in Chief would not be free to exceed the force levels of this bill.

What these force levels are designed to do is to tell the Department of Defense that Congress thinks these are sufficient Americans to be in the military services.

I suggest to you that a force level cut, which is at the least the minimum of the force level cut that the military department on its own created in the last biennium, is the very least that Congress owes to the country if Congress is to carry out its obligations.

Let me expand for a moment, if I may. To those few fiscal conservatives who are left in this era of full employment budgets, let me remind you that for every soldier we put in uniform, for every person that is set forth in section 13, we are talking about $20,000. I suggest to the Members of the House that if you would like to save $3 billion—$3 billion—vote for this amendment which will reduce the force levels by an additional 150,000 over what the military themselves have suggested that the forces should be cut to.

Let me appeal to those of you who think we may be spread in too many places. I will not read all of the places because 15 minutes would not be enough time to tell you all the places where we have troops. But you know that there are more than a few too many places, and more than a few too large numbers.

Mr. Chairman, 150,000 is a token cut for some of those adventuresome places in the far-flung military empire where our military forces are now present.

Let me appeal to those of you who really want to help make the President keep his promise to get us out of Vietnam. A 150,000 force cut is far below the savings in manpower that will be achieved if the President gets us out of Vietnam at the rate he is proposing.

What I am appealing to my colleagues in Congress to do is to exercise their responsibility under the Constitution: set meaningful force levels. If the Pentagon comes in and says "We need 2.5 million," the least we ought to do is to say, "On general principles we can cut that an additional 5 percent." And the advantages to the freedom in this country and the advantages to the military services and the advantages to the solvency of this country would be outstanding.

I urge my colleagues to support this amendment, not because it will end the war, not because it will destroy the military, but because it will put Congress back where it belongs; in charge of the force levels of this country.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment, and I do so with a strong and burning desire to help my dear friend, the gentleman from Illinois (Mr. MIKVA), keep his record straight and have an overwhelming defeat of his amendment.

This force level has been recommended by the Commander in Chief, the President of the United States himself, who is responsible for the force levels, the Defense Department, which placed 46 pages in the record in justification of the force levels, by the Joint Chiefs of Staff, and the arguments have been available.

We do not tell the Defense Department, "You must reach this ceiling," it can be reduced if it is so desired. It is a ceiling, and not a demand.

This might help to answer the question as to why we are trying to include in the bill all of the elements relating to our defense manpower requirements, to bring all of these elements in focus in one bill so that we can debate it and dispose of it as intelligentally and as expeditiously as we can. That is what we are trying to.

Therefore, I urge defeat of the amendment, in order to accommodate my friend, the gentleman from Illinois (Mr. MIKVA), and I would ask for a vote.

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

Mr. Chairman, I just want to say a brief word about the concept involved in cutting back the numbers in our Armed Forces. The average strength of the American military is now about 3.3 million. The strength of the Chinese military force according to the latest figures, is 2,761,000. As great as their numbers are, they have a lesser number of military than we have.

The Russian military forces are less also than our figures; they are 3,220,000.

I would hope that nobody plans an infantry war against the Russian and Chinese manpower.

Let me say that there are two kinds of war that we should contemplate in the future. One of them is a nuclear war, and in that kind of war there will be no need for numbers in the Army. Grandma will be in the trenches. Grandma is in the trenches today, with poised projectiles only a half hour away from her, and everybody else right now. So we do not need numbers to fight a nuclear war.

Now, turning to the other kind of war, an infantry war, it seems to me that we should have learned from Vietnam to fight no more brush fires. We should end the concept of a Pax Americana and close some of the hundreds of bases that we have. They are only provocative of more Vietnams.

So I see no need whatsoever for large numbers of men, greater than either the Chinese or the Russians now muster. It should not be hard to strike a balance between the diminished enlistments under a volunteer system and our true manpower needs under a concept of restraint in our numbers of men, in our numbers of bases, in our outlays of defense dollars, and in our posture generally.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The amendment was rejected.

AMENDMENT OFFERED BY MR. RYAN

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

The Clerk read as follows:

Amendment offered by Mr. RYAN: On page 20, line 3, immediately before the period, insert the following: ", but no part of any such active duty personnel strengths, whether or not increased by the President of the United States, may be assigned for use in South Vietnam, Cambodia, Laos, and North Vietnam, and the waters immediately adjacent thereto, after December 31, 1971."

Mr. RYAN. Mr. Chairman, this amendment, may I remind the members of the caucus, has a very simple objective—to end the war in Vietnam. It offers us a clear-cut opportunity to vote "yes" or "no" on this dead end war.

I offer it on behalf of the gentleman from Maryland (Mr. MITCHELL), myself and some 21 other colleagues who have joined us in sponsoring the amendment.

The 21 Members joining in sponsoring this amendment which I am offering for myself and Mr. MITCHELL are: Mrs. ABZUG, Mr. ASPIN, Mr. BADILLO, Mr. BERGLAND, Mr. BURTON, Mr. CLAY, Mr. CONYERS, Mr. COLLINS of Illinois, Mr. EDWARDS of California, Mr. ECKHARDT, Mr. FRASER, Mr. HALPERN, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. MIKVA, Mr. RANGEL, Mr. REUSS, Mr. RIEGLE, Mr. ROSENTHAL, Mr. VANIK, and Mr. WALDIE.

Section 13 of H.R. 6531, the bill before us, sets the "average active duty personnel strength" for the Army, the Navy, the Marine Corps, and the Air Force.

These strengths are determined, as the hearings show at pages 1050 et seq., by how many troops are needed where, and for what purpose.

Clearly, were it not for the war in Southeast Asia, the levels of strength set by section 13 would be much lower.

Our amendment prevents the assignment or the use of any part of these average active duty personnel strength levels in South Vietnam, Cambodia, Laos, North Vietnam, and the waters immediately adjacent thereto, after December 31, 1971—whether or not the strength levels are increased by the President.

In other words, this amendment would bring about the end of our military involvement in Vietnam by December 31.

There is no need for me to recite statistics of the loss of lives. Some 53,000 Americans have died. Hundreds of thousands of Vietnamese, Cambodians and Laotians have died. There are millions of refugees throughout Southeast Asia. It is clear that the devastation and the killing must cease. That is what this amendment will do.

Whether or not one may agree with the policy of the administration—and everyone knows I do not agree with the policy of the administration—is it not time for all of us to say, "Enough?" Is it not time for us to listen to that 73 percent of the American people who have said that they want withdrawal from Vietnam by December 31? Is it not time that 73 percent of the Members of the House of Representaitves respond to that sentiment which prevails throughout the country?

The hapless people of Southeast Asia want an end to this war which has devastated their land, slain their people. Let us, for the sake of humanity, finally cease.

Some of you say, "But the President is withdrawing troops." And I say, what of the reign of terror unleashed by United States bombers?

Some of you say, "But the President has a plan for ending the war." I say, tell that to the 1 million Cambodian refugees. Tell that to the villagers of Laos. Tell that to the hapless South Vietnamese troops served up to death and maiming in Laos.

Some of you say, "But what of the prisoners of war?" I say, set a withdrawal date, and then negotiations for their release will be feasible. We simply cannot bomb the North Vietnamese into releasing them.

Some of you say, "But what of the American lives lost? Are we to say they died in vain?" I say, no, they did not die in vain, for they have taught all mankind the tragedy of war, and they have brought us to the point of compassion where we can say, let us end it.

We can vote to end the war. Let us do so today.

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

Mr. RYAN. I yield to the gentleman.

Mr. BURTON. Mr. Chairman, I would like to praise our distinguished colleague, the gentleman from New York (Mr. RYAN) for giving us all an opportunity, hopefully, to vote on the record in support of this most important amendment.

Mr. RYAN. I thank the gentleman from California.

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

Mr. RYAN. I yield to the distinguished gentleman from Maryland, Mr. MITCHELL, a cosponsor of the amendment.

Mr. MITCHELL. I thank the gentleman very much for yielding. I would like to assure the Members that whatever food they have at home will keep and whatever booze is waiting for them will not evaporate. We have a little bit of time left. We have charged up the hill on the left and we have charged up the hill on the right. We have vented our spleen. We have argued. We have become intemperate. I have. Now we face the very, very critical decision as to whether or not this body is going to stand and make its decision to end the war.

All of the talk that I have heard on the floor has been, "Let us support the President in getting out of Vietnam." This amendment does it. All the talk that I have heard has been, "Let us support the President in his policies of Vietnamization." This amendment does it. All the talk that I have heard has been: "Let us unify this country in terms of being responsive to that 70-plus percent of America that says: 'No more war in Southeast Asia.'" This amendment becomes a mechanism by means of which that unity can be achieved. I urge support of the amendment.

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

Mr. HÉBERT. Mr. Chairman, to the surprise of no one, I rise in opposition to the amendment. The committee opposes this amendment as it has previously opposed amendments along these same lines throughout the debate. I ask that the amendment be rejected.

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

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CEDERBERG. Mr. Chairman, I will not take the full 5 minutes, but I cannot let the opportunity go by without saying that 30 years ago, on April Fool's Day, I was drafted. Since I have served in the Congress we have had to carry on the draft ever since. After the time I was

drafted I went to Europe as an infantry officer. My son was born while I was there. He was drafted and served his 2 years in the service. This has been the history of our country, tragically.

We would all like to end the draft, get down to zero draft as quickly as possible. I do not know of anyone who wants to carry on the draft. That is why I commend the Armed Services Committee for the work that they have done here, which is designed to try to bring about, as quickly as possible, a zero draft call.

I only hope that conditions around the world will continue to improve and that our presence will never be needed to the extent that it has in the past and that an all-volunteer Army will become practical. But I think my experience is not unique. Many in this chamber have been through the same thing. But it is a fact of life that we have gone through generation after generation. Hopefully, we are going to go towards the end of this draft.

I hope that this legislation is a step in that direction.

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

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

Mr. McCLORY. Mr. Chairman, I make no apologies for my support of a volunteer military service to be authorized immediately following the expiration of the existing Selective Service Act on June 30, 1971, or as soon as the new system can be established.

More than a year ago, the President's Commission on an all-volunteer armed force recommended unanimously that such a volunteer military service was both feasible and desirable.

While the present bill provides for a volunteer military service after a 2-year extension of the Selective Service System, this action will be subject to review in the next Congress—with the possibility that the present system may again be extended.

Mr. Chairman, it is not my purpose to review all of the findings and recommentations of the prestigious Gates Commission. It should be sufficient to point out that the 15-member Commission, headed by former Secretary of Defense—Thomas S. Gates, Jr.—was composed of persons of both military and non-military backgrounds representing both political parties—all of whom are as vitally interested as I and the other Members of this body in providing the maximum of national security for our country.

Mr. Chairman, there are many reasons why I support the establishment of an all-volunteer military force at the earliest possible date. First among these reasons is to serve notice on our military leaders that we do not support the deployment of American ground forces in the farflung sections of the world. When I have visited American military bases in such areas as the Philippines, Thailand, Japan, Taiwan, South Korea, Great Britain, West Germany—and elsewhere—the question keeps recurring to me: "Why are we maintaining these expansive military bases peopled by American ground troops in these friendly countries so remote from our own shores?"

Mr. Chairman, is it true that the people of these nations are unable to defend themselves with their own manpower—even if we supply the arms and materials for their defense?

Second, while the local economy may enjoy the benefits of the American dollars which are expended in maintaining such military bases, substantial hostility toward Americans develops in these host countries as a result of our military presence there. It is for this reason that we frequently try to maintain a low profile in such host countries in order to avoid becoming even more unpopular.

Mr. Chairman, it seems appropriate to recall what occurred in mainland China prior to the successful takeover by the pro-Communist forces—resulting in the fall of the Chiang Kai-shek regime.

For several years our Armed Forces had been stationed on the mainland as a part of our involvement in the Pacific war against the Japanese. After the war, this joint U.S. Military Advisory Group—JUSMAG—lingered on in ostensible support of Chiang Kai-shek. To accommodate these forces, Chinese citizens were expelled from their homes to provide housing for U.S. military personnel. I might add, Mr. Chairman, that before American forces were established in their new Chinese homes, substantial improvements—which might be termed "ostentatious"—had to be made in order to allow American soldiers to live in a manner to which they had become accustomed. Furthermore, I need not expand upon the disenchantment among Chinese citizens who were, because of their circumstances, forced to walk or to ride bicycles to the same offices to which American soldiers were being chauffered.

Mr. Chairman, I do not propose to extend this analogy any further, and I am not unaware of the adverse economic situation of our enlisted soldiers and their families who are forced to live off post in West Germany. This latter situation only serves to add emphasis to my strong conviction that we are indeed overextended in many parts of the world.

Mr. Chairman, is it suggested that a major conflict, which would indeed jeopardize our security on this continent, to be fought elsewhere with American ground troops? This seems to me quite unlikely in this era of sophisticated nuclear weaponry.

Mr. Chairman, I, like all others, have had occasion to visit firsthand with military leaders and to examine authentic literature which describes some military attitudes toward the deployment of American ground forces. The virtual indifference to human life which is implied in some high-level military attitudes is another reason I feel that the draft system should not be extended to satisfy the whim of those militarists who would summarily order the deployment of thousands—and I repeat thousands—of American boys to undertake a single operation in a remote, neutral nation.

Mr. Chairman, I agree precisely with the view expressed by the President in his recent state of the world message when he declared:

> In the era of American predominance we resorted to American prescriptions as well as resources. In the new era, our friends are revitalized and increasingly self-reliant while the American domestic consensus has been strained by 25 years of global responsibilities.

Mr. Chairman, I know that there are many who will misunderstand my attitude and my votes today. Others will find it difficult to interpret the lineups of votes on the amendments as well as on the final action on this measure. It is for that reason that I address these remarks to my colleagues and assert with all sincerity my conviction that the Selective Service System should be permitted to expire and that a volunteer military service—which most members claim they espouse—should take over at the earliest possible date.

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

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

Mr. BURKE of Florida. Mr. Chairman, I was not a Member of the Congress in 1940, but I remember well, all the propaganda that floated about to the effect that our Army could beat any nation that had the audacity to threaten us without the draft of our youth. Yes, I remember it, because I was one of those subject to the draft, but even then I did not fall for the nonsense that was being peddled that the draft was unnecessary or that we could preserve our security by a volunteer Army.

Why must we continue to follow the path of self destruction? Are we more secure today than we were in 1938 or 1940? I think not. While we blindly move along the path which might well—and which I feel—we will surely regret, the Soviet Union and the Sino-Communists rattle the swords of war. The Soviet Union is fast overtaking us in nuclear weapons and in conventional military might. Their navy is a threat to all the free world—in the Atlantic, the Caribbean and in the Indian Ocean. It is not a token fleet, it is a powerful naval threat and it is but an arm of the Soviet's overall military might. The waves from its ships lap our very shores.

Why must we delude ourselves with the idealist belief that all is well in the world and that it is a world of brotherly love. I wish this was true but unfortunately it is not.

The path to world peace is not by weakness—but through strength. Our military strength has been our salvation and our willingness to accept this fact has made our country great.

To be sure, disagreement exists as to the extent we should go to arm ourselves, or should I say to defend ourselves? In the past years prior to World War II we could afford some degree of laxity, because after all, we were separated from Asia by the Pacific and from Europe by the Atlantic. But it appears now we have even forgotten Pearl Harbor. Remember Pearl Harbor—when a sneak attack almost wiped out what most Americans in December 1941 thought was the most powerful Navy in the world? It could not happen to us—but it did.

In the past we held the trump card to prevent another World War. We, and we

alone had the atomic bomb. However, this is no longer true today and the ability to make nuclear weapons is now the prerogative of almost every major nation in the world. The Soviet Union, the Red Chinese, England, and France have missiles while Israel, Germany, and Japan certainly have the knowhow.

Mr. Chairman, I want world peace. As I said, I was one subject to the draft in 1941 and I served in World War II. I want an end to the war in Vietnam. We all do, but with the world situation as it is, this is not the time to cave in to emotion. I feel it is my duty to vote for the extension of the draft, because you see, I remember Pearl Harbor . . . and vigilence and preparedness will forever be the cost of our freedom.

If I felt that our involvement in the Vietnam war was the sole criteria upon which my vote depended then perhaps I could vote against the extension of the draft. I do not condone the fact that we are fighting a nondeclared, no-win war in Vietnam. Neither I nor President Nixon was not the one that escalated this unpopular and divisive war. But I truly believe the President will extricate us from it. As I said, however, it is the uncertainty of the world conditions that makes me cautious and concerned about the future of our country.

I wish we could see the day when we would not be the rumble and the rattle of the armament of unfriendly nations from across the sea, but regrettably today is not that day.

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

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

Mr. RONCALIO. Mr. Chairman, I would like to begin my remarks by expressing pride at being a member of this body, and being a witness and participant in the historic, and the heart-felt debate today. At the heart of this debate is a sense of destiny and new directions for this Nation.

As my distinguished friend and colleague, Mr. MATSUNAGA, and others, have said, the historical perspective on the draft is well worth noting. In the 195 years of national history, some 160 years were free of conscription. In some 139 armed conflicts, the draft has only been resorted to in five instances. America was settled by pioneers who came from central Europe to escape conscription, as odious a duty 100 years ago in Europe's wars of pillage and plunder, as it has become today.

I believe these points are relevant. First, it dispels the notion that universal military conscription is an American tradition and that a volunteer army is an alien, even an undemocratic concept.

Second, it dismisses the argument that those favoring an abolition of the draft are propounding risky or untested principle.

I believe the Congress earnestly desires to fulfill its constitutional obligation to raise and support armies. I believe the Congress wants that Army to be efficient, well-equipped and fully supported by the appropriations of Congress and the spirit of the defense personnel. What we are really debating is the role of the draft in achieving this goal.

In a number of speeches in this body, I have expressed concern about the mood of the Nation. There is a crisis of confidence today, a sense of national limbo, a temper of frustration and helplessness, and, above all, a serious and heart-rending divisiveness.

I believe one of the ingredients in this divisiveness is the draft. It has divided this body and it has reached into every home in America.

When a sense of alienation and disunity plagues this land, the burdens of office are manifest, for the Nation is looking to this House, as well as to the White House, for leadership and for decisive action.

In significant respects, this harkens back to the mood of the early 1930's, when a nation immobilized by fear sought reassurance and responsive action. At that time, Franklin Roosevelt said he would try one approach, and if that did not work, he would try another. But, he said, the important thing was to keep trying.

The psychological effect of that philosophy was instrumental in the recovery from the depression. It was the effect on the spirit and morale of the public that I cite as a valuable lesson today. The public believed it could recover from the depression, and that was as important as any, or all, of the specific programs inaugurated.

Today, there is a thirst for hope and for inspiration and there is a cry for action. We must act as much to reassure and to respond to this despair as to make a judgment on one issue.

A status-quo, stand-pat approach will simply not be acceptable to the American public. I believe the House recognized this mood in rejecting funding for the supersonic transport plane; I hope it will again respond by offering a way to remove the divisiveness caused by the draft.

I am not trying to simplify this issue. The intensity and thoughtfulness of the debate on this issue give ample evidence of the complex proposition we face.

I am going to take the positive approach that my vote supports a voluntary army and the kind of incentives to draw capable and dedicated career men. I am going to tell the people of Wyoming I voted against extending the draft because I want to restore a sense of honor, pride, dignity, and self-respect to the Armed Forces and to reverse the demoralization and despair which the draft has engendered.

I am going to say that this vote corresponds with the wishes of the President and corresponds to the wishes of the Gates Commission.

Above all, I am going to stress that, as our colleague BARRY GOLDWATER has put it, the Congress should abolish the draft at the same time it establishes the mechanism for an all-volunteer army.

At the same time, I would stress that ending the draft is in no way going to limit the ability of this Nation to respond to a need for manpower. This House could, in a day, restore the draft if an emergency required that action. But, because the request would provide for a congressional review, the House would be restoring to the legislative branch its constitutional voice in the raising of an army and the direction of foreign policy.

So, at the same time that I support the freedom of young men to have a choice about military service, I am supporting the freedom of this House to participate in the formation and implementation of foreign policy. I believe the public expects this most responsive branch of Government to reassert that constitutional responsibility.

When I cast my vote against extension of the draft, I am in no way implying that national service is to be exclusively identified with military service. I believe a far more desirable association would be a program of national service which provides for volunteers number of vital fields. If young persons would prefer to make a contribution to this Nation by serving in a hospital, a national forest, a poverty program or community action, I believe this should have the same respect and recognition as military service.

The idealism, dedication, and social conscience of the young American ought to have an outlet in a wide-range of volunteer service, and I welcome any advancement of that goal. The fundamental principle is the freedom of a young person, man or woman, to choose how he will serve. I earnestly hope that the young persons who have told me of their desires in this regard will react to abolition of the draft by selecting a role of public service compatible with their abilities and interests.

I am voting against ending the draft because I want to contribute to the common goal of strengthening the Armies of the Republic, even as we provide young Americans with a choice about national service. Given a choice, I believe they will respond enthusiastically and energetically.

I vote as well to register support for the reordering of national priorities. We must broaden our vision of American greatness to include victories at home, victories against the familiar enemies of ignorance, poverty, prejudice, hunger, hatred, energy crises, and problems of environment.

Mr. LEGGETT previously quoted the President, and I would insert those sentences again:

> The Congress has both the power and the opportunity to take an historic action. As I stated in last year's message, with an end to the draft we will demonstrate to the world the responsiveness of our system of government—and we will also demonstrate our continuing commitment to the principle of insuring for the individual the greatest possible measure of freedom.

I share that sense of opportunity and destiny, and I believe a vote to abolish the draft will not only reconsecrate this Nation to the principle of freedom, but bind us together once more in the pursuit of service to the Nation on the many, many fields of action so urgently calling for attention here at home.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. RYAN. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 14. Sections 4–11 of this Act are effective on the first day of the first month after enactment.

AMENDMENT OFFERED BY MR. RARICK

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

The Clerk read as follows:

Amendment offered by Mr. RARICK: On page 20, add new section to be numbered SEC. 15 and reads as follows:

"SEC. 15. Notwithstanding any other provision of law, and except in instances involving other United States military personnel or allied military personnel, no member of the Armed Forces of the United States, including those inducted into the services under the provisions of the Selective Service Act, shall be indicted for murder as a result of combat action."

Mr. RARICK. Mr. Chairman, I offer this amendment in all sincerity as I feel it is necessary to give some degree of protection to the young men who serve our country in uniform, and who would be drafted under this bill we are considering today, as well as to give assurances to their mothers and their loved ones.

We are being asked to extend the draft another 2 years, to draft young men and to have their young minds and bodies trained in the art of warfare—and that means killing; for if a man will not kill, no army will want him.

I dedicate this amendment to Lieutenant Calley, presently one of our U.S. prisoners of war in a U.S. Army POW camp. As a soldier in the last war, our men were permitted to win, I suffered with Lieutenant Calley over every word of his statement given to his convictors before he was sentenced to life at hard labor, when he said:

And I am not going to stand here and plead for my life and my freedom. But I would like you to ask—ask you to consider the thousand more lives that are going to be lost. . . . I valued my troops' lives more than I did that of the enemy.

His statement—putting country above self—most certainly must be considered as that of a true soldier and a great American. It should touch everyone who wonders where our country is heading and how all of this will stop.

Lieutenant Calley's appeal is a plea for help for the other young men and future soldiers who in combat will face similar incidents under battlefield pressure just as he did. How will they react? Lieutenant Calley's statement indicates he is uncertain. Are we in the safety of this Chamber more qualified to judge them? I say not.

But we can help the fighting men of the future battles by passing this amendment, so there will never be another American soldier indicted for premeditated murder arising from combat.

How can any Member, fresh with the recollection of the Lieutenant Calley outrage, vote for this bill to extend the draft without exerting every effort to protect our fighting men, including the draftees who would be conscripted under this Act and who will be called upon as our agents to do our dirty work?

I do not want another mother to call me and sobbingly ask how I can vote to extend the draft to take her son, train him to kill, and then send him overseas; and if he kills instead of getting killed, to bring him back to our country in disgrace and try him for murder—as was done to Lieutenant Calley.

I am sure each Member has received similar calls from outraged parents. What are the Members telling the mothers and fathers and the veterans? That there is nothing we can do, that it it all up to the President? Well, I submit to the Members there is something we can do. We most certainly can join in support of this amendment, and we will be telling the President and the military brass and the mothers and dads that, while we want a strong country and we want a militarily prepared nation, we will never let another combat man be disgraced by such unconscionable shenanigans as being indicted on a charge of premeditated murder. Other lesser charges and criminal actions—yes—but never the charge of premeditated murder.

What soldier who ever pointed a weapon at a human target did not intend to kill? What is war, if not premeditated murder?

I urge the Members to support this amendment. I think it is a good amendment. I think it is necessary to perfect the draft extension for the benefit of our fighting men and to preserve patriotism in our country.

Mr. HÉBERT. Mr. Chairman, I rise at this time in opposition to the amendment.

Of course, I realize the dedication of my good friend and colleague, the gentleman from Louisiana. I know how deeply he feels.

Mr. Chairman, the amendment the gentleman offered, of course, is not germane. It is subject to a point of order, and I am sure if I had made the point of order, it would have been sustained.

It is an amendment to the military code of justice. It belongs there and not here.

I did not raise the point of order because of courtesy and understanding of the gentleman's intention. However, obviously this is a matter which should not be brought into the debate at this time. Therefore I oppose the amendment and ask for an immediate vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. RARICK).

The amendment was rejected.

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

Mr. Chairman, we are about to vote on a draft bill which is going to continue the senseless killing in this country and and the senseless killing of millions of people across this world in Southeast Asia.

There are voices here that have tried to appeal, that have tried to cajole, and have begged that we end this miserable killing and end this draft.

There are some voices that have not been heard and I, as a woman, as a Representative of the women in my district and throughout this country, want to bring some of these voices into this Chamber. Voices of mothers writing to me by the thousands with respect to this draft before we vote of its renewal—the renewal of the source of killing and endless war.

I want you to listen to this, Mr. Chairman, before you vote to perpetuate the killing and vote to perpetuate the war in this country and in this world.

These are letters from women all over the country. They are going to continue to be collected throughout the country through Mother's Day. They will be presented to you and they will be presented to the President of the United States and to the generals at the Pentagon.

I will read to you the text of some of these letters which have been sent to me with pictures of the sons and children of these women.

This is what this letter says:

DEAR MR. PRESIDENT: Perhaps you'll be surprised to hear from us because, up to now, most of us have been rather quiet.

We're housewives, you see; more than that, we're mothers. And while students have been organizing protests, while businessmen and lawyers have gone to see their Congressmen, while draft resisters have left for Canada or for jail, while a war-induced inflation has spiralled into a crushing burden on our whole nation, by and large, we've done what women have always been expected to do . . . We've stayed home, done our work, cared for our children, kept quiet . . . and above all, *we've paid*.

For a war we never wanted, for a war we never declared, *we've paid*. Each time prices went up again, each time some new tax was levied on our family incomes, each time our children's medical, social or educational needs remained unmet because our country was too busy with war to provide for them, *we've paid*.

But those payments, difficult as they were to make, were nothing in comparison to the ultimate price some of us have had to pay—OUR SONS.

And what have we bought with all that we've paid?

We bought "bombing a village in order to save it."

We bought body counts, surgical strikes, and domino theories, the "enclave idea" and the "bloodbath" threat.

We bought "protective reaction"—"defoliation" — neutralization" — "pacification" — "escalation".

We even bought "Vietnamization" for a while, Mr. President.

Yes, that's what we've bought—words and more words, all of them accepted with the trust that somehow they'd lead to "the light at the end of the tunnel".

And what was the cost? Unnumbered millions of Indochinese dead, injured and homeless; nearly 60,000 American boys who are never coming back, another 300,000 who have come back with bleeding and broken bodies, and the thousands upon thousands more who have come back with minds and spirits so mutilated by what they have seen and endured that they will never be completely healed—*that* was the cost.

And now we're being asked to buy the idea that you can end the war in Vietnam by expanding it into all the rest of Indochina! . . . that as long as our sons are killed

in the air, not on the ground, maybe it won't hurt quite so much . . . that a "reduced" casualty rate is somehow an acceptable substitute for peace.

Which brings us to the reason for this letter, Mr. President. We think the time has come to let you know we're not buying this war any more.

Because we know that the price for more war will be what it's always been . . . more sons.

And we're not going to pay any longer.

All of us have sons, Mr. President—some already draft age, some nearly old enough to go, and some who won't make good war fodder for several years yet.

*We're sending you their pictures. Mr. President, because we think a good long look at the price that's being asked may help you to understand why we're going to boycott the product we've been sold for so many years.*

What's more, we think there are millions of other American women who feel pretty much the same way. If enough of them decide that mothers have paid enough, that they just will not buy this war any more, we suspect that you, too, Mr. President, may come to see that the price is high—too high.

Peace.

The fact is, Mr. Chairman, that there are thousands of letters and thousands of pictures. The fact is, gentlemen, that these women are 55 percent of the population who are presently examining their own rights in the political, social, and economic arenas of our country. The fact is that they are being organized and are organizing the full potential of their political power. The fact is, Mr. Chairman, before you vote, that they and their sons particularly those who are 18 to 21 years of age—have a particularly powerful weapon against this Congress of the United States, against the illegal acts of this Congress and against the illegal acts of the President. And that is their vote. We have insured the right of these young men to vote. We know the women's potential political power, and I urge you to consider very carefully before you proceed with your vote to continue the killing, your vote to continue the drafting of young men—I urge you to consider the full power of this combined group; 73 percent of the people have been trying to get through to you, and these women and the young people will lead them against you unless you vote against this draft bill which is before you today.

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

Mr. RYAN. Mr. Chairman, I oppose the Military Selective Service Act amendments, H.R. 6531. If the draft is to be continued, then concededly there are worthwhile provisions in this bill—as I said earlier in the debate. The provision regarding revision of the composition of local draft boards, so local draft boards will represent the economic, sociological, and ethnic nature of the area served, as provided in my bill, H.R. 1567, is important. So, too, is the greatly increased pay scale, which moves toward rectifying the shocking pay conditions which force some of our men in uniform, and their families, to live in actual poverty. However, what the bill does is to perpetuate the draft—one of the most divisive aspects of our national life. It does not, as I have advocated and have sponsored in terms of legislation, create a volunteer army.

My opposition to the bill before us is premised on several grounds—some of which extend beyond the technical limits of this bill, and some of which are premised on flaws in the bill itself.

First, forced conscription should not be used to create an army of men serving involuntarily unless a national emergency exists—which it does not now. And, I would note here, as an aside—albeit a very important one—that contrary to popular belief, conscription is not a deep-rooted component of the American tradition. From 1776 to 1940, the draft was used only in wartime or as an emergency expedient—for a total of less than 5 years. It is only since World War II that the draft has become a virtual way of life.

Yet, this is a way of life which need not be. The advisory commission on an all-volunteer armed force, known as the Gates Commission, has reported fully and completely on the feasibility and advisability of creating an all-volunteer army. Its conclusions were that such an army is in fact both feasible and advisable. I concur, and so expressed myself when I appeared before the House Armed Services Committee this year to testify on behalf of the Voluntary Military Manpower Procurement Act of 1971, of which I am a sponsor. During the course of my testimony, I quoted from the Gates Commission report, and I think this quotation bears repeating, for it very cogently summarizes the reasons why we should abandon the draft, and replace a conscripted army with a volunteer army:

However necessary conscription may have been in World War II, it has revealed many disadvantages in the past generation. It has been a costly, inequitable, and divisive procedure for recruiting men for the armed forces. It has imposed heavy burdens on a small minority of young men while easing slightly the tax burden on the rest of us. It has introduced needless uncertainty into the lives of all our young men. It has burdened draft boards with painful decisions about who shall be compelled to serve and who shall be deferred. It has weakened the political fabric of our society and impaired the delicate web of shared values that alone enables a free society to exist.

Unfortunately, amendments offered yesterday, which would have abolished the draft system and which would have repealed the 2-year extension of the President's induction authority authorized by the bill before us, were defeated. Also, unfortunately, the Whalen amendment limiting the extension of the draft to 1 year was narrowly defeated.

The most immediate and urgent reason for voting against the bill before us is that is perpetuates the draft system which is being used to provide the manpower for an undeclared war. Putting aside for the moment the Vietnam war—although, in reality, one can never put its horror and its brooding presence blighting this Nation and the peoples of Southeast Asia aside—I want to dwell for a moment upon the general issue of war and congressional responsibility.

The Constitution places the responsibility to declare war upon the Congress. It also places upon the Congess the responsibility to raise and support armies. Inevitably, in determining how many men are to be provided for the armed services—a determination made in section 13 of this bill, which authorizes average active duty personnel strengths—and how they are to be supplied—a determination made by this bill's maintaining the draft system—we must look to the purposes for which the armed services are to be used. Today, they are being used to fight an undeclared war. It is that undeclared war which is the linchpin, the underlying warrant, for this legislation to extend the draft for 2 more years.

Thus, I do not believe that we can in good conscience authorize the draft if we do not first face our prime responsibility of assessing the war. Yet this has not been done. The war has been little debated. It has never been declared. Until it is—and I would make every possible effort to insure that it is not—I will oppose the draft system which provides the men to sustain the war. Were the supply of inductees foreclosed to the Pentagon, the war would be that much closer to an end. Instead, this bill proposes to continue that supply of men. And thereby, it proposes, in effect, to maintain the war.

In addition, putting aside the ultimate abuses of the draft, and the ultimate uses to which draftees—who have borne a disproportionate burden of this war in terms of deaths and casualties, as I pointed out earlier in the debate—have been put, there are other objectionable features of the bill.

One of the most egregious of these features is that concerning conscientious objectors. The bill extends the period of required alternate civilian service from 2 years to 3. It further provides that any conscientious objector who does not satisfactorily perform his assigned civilian work may be immediately inducted into the Armed Forces to fulfill his 2-year military obligation. Unfortunately, the Dennis amendment, which would have corrected this, failed.

The problems raised by the draft and by the war in Vietnam are the most basic to our national life. These problems are not rectified by the bill before us. At best, they are somewhat ameliorated by higher pay levels. But, at worst, they are sustained. Young men will still be drafted. They will still be sent to fight in an undeclared war in Southeast Asia. They will still die, and they will still kill.

By defeating this bill, we will hasten the termination of the Vietnam war. Until the war is ended, the alienation of our young people, the misallocation of our resources, and our festering domestic crisis will continue. Let us being to repair the torn fabric of our society and give the people of America hope that Congress will indeed respond to their desire for peace.

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

I will not take 5 minutes of this Chamber's time, but I feel compelled to speak because of some statements of the gentleman from Louisiana (Mr. RARICK).

I was appalled to hear a Member of this House characterize the pathetic,

the tragic figure of Lieutenant Calley as a great American.

I spent 4 years in the service of this country, in the U.S. Army, in World War II, 3 years of it overseas. I received four military decorations in addition to service ribbons, battle stars, and so forth. I fought against the most evil tyranny of our time, a tyranny that was judicially verified, tried and convicted at a court that we set up at Nuremburg and that established in international law what has been the domestic law of this country for 200 years.

I simply want the RECORD to show that despite the tragedy and despite the pathos of Lieutenant Calley's conviction, this House did not sit silent when he who committed acts which brought great dishonor on this country was described as a great American.

I am sure I reflect the feelings of other Members when I record my protest.

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

Mr. Chairman, I join in the sentiments expressed by our colleague from Ohio.

In my judgment, one of the finest things that the Armed Forces did was to see that a proper court of justice was established and a proper trial was held.

I do not think I want to comment on the final outcome until the appeals have been exhausted, but I am glad that the Army is undertaking to redeem its honor. I think it is essential for the integrity of this Nation.

Mr. LENT. Mr. Chairman, the matter that is before us today is one of those issues that defy description in terms of right and wrong. It is a thorny issue: in our consideration of it we must weigh, on the one hand, the immediate and future military needs of our Nation; and on the other the concept that no man should be subject to coercion by his government. It has been determined by the Committee on Armed Services after extensive hearings, that present conditions make it impossible to fully satisfy both demands. We should rather strive for the best of several admittedly imperfect alternatives.

I should like to indicate that I wholeheartedly support the concept of a volunteer army, and I believe that we are right in making that kind of service our goal. But I accept the committee's determination that to rely on volunteers immediately would be a risky move at best: we have no way of knowing that we could maintain adequate military strength if we were to end the draft this summer.

The President, who has also expressed support for a volunteer military force, requested a 2-year extension of the draft with the intention that that period be used to prepare our Armed Forces more adequately for conversion to a volunteer force. That is the position that the Committee on Armed Services has endorsed. And the legislation before us incorporates some of the necessary preparatory steps: it provides increases in military pay costing $2.6 billion; it allows for alternative forms of service for conscientious objectors; it reforms qualifications for service on draft boards to make them more responsive to the concerns of American youth; it gives the President the means to eliminate deferments for certain young men.

These steps, together with the enactment of the draft lottery and the policy of 1-year vulnerability, make the draft a far more equitable system today than it was just a few years ago. Moreover, the 68-percent pay raise for enlisted men in their first 2 years of service and substantial improvements in living allowances for all personnel will do much to enable us to recruit volunteers.

I believe that the enactment of this legislation before us will permit us to meet the obligations of our national defense while phasing out the draft system. It is my hope that by the end of the 2-year period we will have a draft call of zero, and a military force of well-trained, well-paid, well-motivated volunteers on whom our Nation ran depend.

Mr. McCLOSKEY. Mr. Chairman, I would like to state several reasons in support of continuing the present draft law pending further study.

By way of preliminary comment, I believe that the arguments over the continuation of the draft are distorted by reason of the current unpopularity of our Vietnam war policy. It is understandable that young men asked to kill a people whom they do not hate, in a cause in which they do not believe, might focus their hostility against the law which requires their service. I suspect, however, that the young men of deep sensitivity who have gone to Sweden and Canada or sought conscientious objector status, or willingly undergone jail sentences, would be the same men who, 30 years ago, memorized eye charts and traveled to Canada to enlist in Canadian forces rather than wait for American involvement in the war against Nazi Germany. In brief, I believe that it is the Vietnam war policy which causes today's protest against mandatory military service, not a sudden abandonment of the principle that a young man should serve his country for a short time during his youth.

It may be that I am biased in this regard, but it has always seemed to me that the privileges and freedoms of being an American citizen justify 2 years of service in times of war or threat to the national security.

Aside from these comments, I would like to suggest several specific reasons why the draft should be continued.

First, I have seen no persuasive evidence that reasonable young men will volunteer for combat infantry service despite substantial increases in pay and benefits.

Assuming an end to American participation in the Vietnam war this year, there will still be a peacetime need, in the foreseeable future, for a combat-ready, highly mobile, conventional infantry force. It may be 16, 10, or only six infantry divisions, but whatever number of divisions is required, each man in each rifle company is going to have to be trained to a point of readiness and physical fitness which will permit him to go into combat on 24 hours' notice or less.

We no longer have the privilege of a year's preparation of an American expeditionary force, as in World Wars I and II. Combat readiness in the 1970's requires readiness to do battle instantly and this capability constitutes the sole reason for having a conventional army.

To be ready to survive in combat, and to do a creditable job as a combat infantryman, an individual should have not less than 90 days, and preferably six months, of hard sustained training which includes arduous physical ordeals as well as a good share of the miserable weather conditions which usually characterize the areas where combat infantrymen are sent into battle.

This means that a potential combat soldier should be running 20 miles a day, climbing a 50-foot rope perhaps five times a day, and living a good part of his life either wet, cold and miserable, or dehydrated, hot and miserable.

Troop leaders owe their men this kind of training if they are to have a chance of survival when the shooting starts. Some members of this committee may remember the difficulties encountered by American infantrymen living the soft life of PX's and garrison duty in 1950 just prior to the Korean conflict. I believe it is fair to say that some American infantry units were butchered in the early days of the Korean war partly because of a paternal desire on the part of peacetime commanders to make Army life as comfortable as possible for themselves and their troops.

Comfort has no place in a combat infantry unit, particularly during training in peacetime.

This being so, what reasonable young man is going to give up a life of drinking beer with his friends, enjoying drive-in movies with his girl, and sleeping late on weekends in order to volunteer for the hard and rigorous life of running 20 miles a day, standing watch half the night crawling through jungles, and generally being miserable?

There may be such reasonable young men in America today, but I haven't met any recently. There may be reasonable young men who will volunteer to see the world in the Navy or Air Force, but I have yet to hear of any of the 18- and 19-year-old friends of my children, or the 18- and 19-year-old sons of my friends who are volunteering for the Infantry these days. Occasionally I hear of a young man who has volunteered for the Army or Marines, but on reviewing his situation, it generally turns out that he volunteered for the more arduous branch of service only because he was subject to the draft in the first place and wanted to test himself against the more difficult challenge as long as he was giving up 2 years of his life to the service.

If reasonable men will not volunteer for combat infantry duty in peacetime, I suspect there is little benefit in seeking to attract unreasonable men to volunteer. There are men who love to kill, but it seems to me the Nation is far safer when its army is made up of reluctant citizen-soldiers than by men who take pride in being professional killers.

I have always thought it to be one of the great sources of strength of America that so many of our citizens have shared a brief exposure to the military services. This has resulted in a common awareness in the civilian population that military

leadership is not infallible. An ex-private or second lieutenant is probably more skeptical than most as to whether admirals and generals are capable of error in their recommendations as to where and when wars should be fought.

Our whole national concept and heritage that the civil authority should control the military benefits, it seems to me, by having the civilian leadership of the country knowledgeable about the military.

It would thus be a tragic error, in my opinion, to professionalize the lower ranks of the combat units, and thus lose the continuing benefits of cross-pollenization and communication between the civilian and military communities. In this era of ever-increasing specialization, we may badly need full civilian understanding of the military and vice versa. I have never seen a first-class military combat unit that did not benefit by an influx of inquiring, challenging reservists, nor have I seen a civilian organization which did not benefit by the wisdom and experience of those privileged to serve in combat or rigorous military duty.

In conclusion, I would like to suggest that congressional creation of an all-professional Army at this particular period in our history may do further damage to one of our basic national concepts —that an individual should be proud to serve his country.

The basic thrust of the all-volunteer Army proposal, as I understand it, is to alleviate the discontent over the draft, and particularly the inherent inequities which have surrounded a draft where only one-fourth of the eligible young men may be called upon to serve.

Granted that these inequities exist, I doubt that the Nation is strengthened by hiring mercenaries to perform the more arduous services necessary to the maintenance of our liberties. If the goals of our country are worth fighting for, then we should not feel uncomfortable in asking our young people to participate in the fighting. If our goals in Vietnam are not worth fighting for, then I would suggest that we end our involvement in that particular war rather than abandon the concept of national military service as a minor obligation, well worth the privileges of American citizenship which it protects.

"Duty, honor, country" remain the words which underlie the strength of our Nation's armed services. Those who urge an end to the draft seem to suggest that there be an end to "duty" on the part of American citizens.

I suggest that the real problem today lies in attempting to equate "honor" with our present policies in Vietnam.

If Americans believe that national goals can be pursued with honor, I doubt that a forceful argument can be made that we should abandon the concept of duty to serve one's country.

Mr. HALL. Mr. Chairman, for some time now, the Committee on the Armed Services has involved itself in lengthy and thought-provoking hearings relating to extending the Military Selective Service Act.

It has been the task of the committee to determine which one of a number of recommendations to lay before this body:

First. Permit the draft to expire on July 1, 1971;

Second. Extend the induction authority—with certain modifications—for a period of 2 years, as requested by the President;

Third. Extend the induction authority for only 1 year; or

Fourth. Extend the authority to induct for a period of 4 years, which has been the time frame in the past.

These recommendations are totally different in content, yet in theory, they are all designed to accomplish the same end—"zero" draft calls, leading to the establishment of an all-volunteer military force.

It would be one thing to view the conflicting proposals on their respective merits, in a subjective, clinical way. However, the emotion generated by the Vietnam conflict was reflected not only in the statements of the many individuals who testified—almost 100—but in the attitude of the members of the committee as well. Yet, in the cold hard light of fact, such emergencies as the Vietnam war, go to the very heart of the matter; and probably serve as the one overriding reason why the Military Selective Service Act should remain on the books, and not be permitted to expire.

The decision arrived at by the Committee on the Armed Services was not unanimous, as a reading of the report will indicate. Nor will the vote by this body on final passage of H.R. 6531 be unanimous; on like legislation, it never has been. But, let me say that the differing opinions voiced in the hearings has been traditional and welcome, and gives lie to the oft-heard criticism that the Committee on the Armed Services presents a closed mind to outside voices.

Let me add at this point, in my own mind, I can in no way rationalize that a vote in favor of extending the induction authority can be construed as a vote for or against the Vietnam war. Especially, in view of the fact that recent draft calls have been markedly reduced. Testimony before the committee revealed that draft calls in the calendar year just ended are approximately one half the number inducted in calendar year 1968. Coupled with the fact that American troops are continually being withdrawn from Southeast Asia, it makes it quite obvious that draft calls will continue to be reduced.

For what it is worth, let me further state that I have often raised the question: Why draft men to deal with an emergency, when for years we have been recruiting and maintaining—at considerable expenses—men and equipment in the Ready Reserve and National Guard? Is that not their primary function, to serve, and be the first to be deployed when the need arises? I seem to recall that such a procedure was followed during the Korean conflict. It is why we bear the expense of training and equipment, and indeed, the use of the draft in lieu thereof is one of the documented errors of Robert Strange McNamara's judgment, I submitted to the Congress years ago.

On this basis, it would have been easy enough for me to vote against the 2-year extension. However, it is my contention, that while we find ourselves in such a swift flowing stream, now is not the time to change horses. I have been gratified to learn that many of my colleagues on the committee are of like mind, and are also willing to go along with the 2-year extension in lieu of past actions. This, to my way of thinking, would be the minimum amount of time required to implement the concept of an all-volunteer military force. It gives the Department of Defense and the Commander in Chief all they ask.

Prior to entering the Congress in 1960, I served as chief of personnel in the Office of the Surgeon General, Army. I know of the problems of recruiting and maintaining personnel, especially in the field of medicine. In the past, I have participated in writing draft acts, and I know of the problems involved. With this as a background, I was able to concur in the committee decision to grant extension of the authority to make special calls for the induction of persons in medical, dental, and allied specialists categories, and to grant the President authority to order reserves in those categories to active duty for not more than 2 years. The health and well-being of the men and women who serve in the Armed Forces is no less important than those in civilian life. This bill eliminates the extra 10 years of being "on call" to the selective service of such scarce and critically trained personnel.

I felt compelled to support the President's request for the elimination of student deferments. If we are to use the draft and lottery, that is the only equitable way, and along the same path, we should deny privileged deferments to divinity students. Here again, we are confronted with "what is fair for one, is fair for all". Maybe it is time for us to openly admit that in reality, the draft is not fair; it is nothing more or less than an obligation.

While I strongly support the premise that those who serve in the military should have comparability in pay—of prime importance when attempting to attract recruits for an all-volunteer force—I found it difficult to agree that draftees, those men who are "pressed" into service, should be paid the same as those who have already served 2 years or more. Such a decision appears to remove incentives for extended service.

Finally, I would like to address myself to clause 14, section 1, of the bill which amends the section regarding conscientious objectors.

I think it is fair to test the "courage of the convictions" of those who object to military service on grounds of conscience. The language that requires 3 years of alternate civilian service in lieu of induction is reasonable enough, I think, when one considers that the alternative can involve hazardous duty.

Mr. Chairman, we have heard and will continue to hear many references to the Gates report, and the apparent rejection of that report by the Committee on Armed Services. I do not view our actions as a total out-of-hand rejection; rather, I see it as an action, taken by skeptical individuals, who are experienced in the ways of the military and the attitudes of the American people to-

ward the military, who are nonetheless willing to be proved wrong, but reluctant to hold the President's "feet to the fire," and not give him adequate time to implement his plan. We have recommended pay increases, and 2 years to get on with the job.

Mr. Chairman, I come from the "Show Me" State of Missouri. The President has set June 30, 1973, as the target date for zero draft calls. I, for one, am willing to give him the opportunity to show me that he can do it. I urge my colleagues to look with favor on H.R. 6531.

Mr. KARTH. Mr. Chairman, the question of the extension of the draft or its abolition and the establishment of a voluntary Army is one that has important arguments on both sides of the question. While on one hand the idea of a professional all-volunteer Army seems foreign to American ideals, the question of infringement on individual rights is equal cause for consideration. Likewise, the question of whether the Army will end up being maintained by only the poor is one with many ramifications. Equally or perhaps more important than those just mentioned reasons is the question of our continued involvement in the Vietnam war. With our involvement ended the number of recruits needed should drop substantially. Thus, the important question is our continued involvement in the war.

Now, there is a great temptation to put aside the questions I have mentioned by approving a 2- or 3-year extension of the draft. We thereby shove the problem under the rug.

It seems strange that a governmental policy that so drastically affects the lives of so many of our young people is dodged, while we concern ourselves so easily with yearly debates over every provision in the national budget.

Now I am not downgrading this vital budgetary function that Congress performs—it is an important one that provides our Government and our people with a sense of direction. But while we seem willing to discuss the details of dollars and cents every year for the entire budget, we are negligent in avoiding the question of young people's lives—and our continued participation in a shooting war that goes to the heart of the question before us.

Now whether an annual debate on the question of the draft or an all-volunteer Army is necessary is a complex question. But I submit at this point that legislation affecting thousands of lives and careers is as important as legislation affecting billions of dollars.

There are other highly important reasons for my support of a 1- not a 2- or 3-year extension. Under the present circumstances it is difficult to debate unemotionally the large questions of a draft versus an all-volunteer Army. It is difficult logically and cooly to debate those principles with the constant threat of the war in Indochina hanging over our heads. It is my hope that at the end of a year such a cloud would not hang over the debate as it does today and we may find the issue much easier to decide then.

As it is now, I am afraid that some of the most enthusiastic supporters of an all-volunteer army are basing their support on opposition to the war. Such a question is far too important to be decided on the basis of how one feels about the war. Rather the question of the United States establishing an all-volunteer Army should be decided upon its own merits, not where you stand on the war.

All the same if we are to commit ourselves as a country to a policy of disengagement from that war, and at the same time approve a 2- or 3-year extension of the draft we would saddle ourselves with a system and a procedure that could be hopelessly unnecessary.

There also is substance to the argument that a 2- or 3-year extension of the draft is a blank check to further foreign policy adventurism. A 1-year extension provides Congress with an annual and effective check on a runaway foreign policy. We have so often complained of being powerless in foreign policy matters, and yet we seem willing to legislate away one aspect of that power by extending the draft for more than 1 year.

In conclusion, I can support a 1-year extension of the draft for the reasons I have stated—that of the necessity for Congress to review and debate action that affects thousands of lives more than three or four times a decade. Because circumstances and conditions change rapidly we should do so annually. A 2- or 3-year extension robs us of the vital flexibility we need.

Without the 1-year amendment I cannot support this bill.

Mr. EDWARDS of California. Mr. Chairman, the issue of whether or not to abolish the draft is a moot point. The President and most Members of Congress all along the political spectrum agree that the draft is inequitable, un-American, and outmoded. The issue now in question is when to abolish the draft. The bill before us asks for an extension of the President's authority to induct men into the Army until June of 1973.

No better authority than the President's own Commission, the Gates Commission has recommended that such Presidential authority be ended in June of this year. It further recommends that improved pay and conditions of service would attract a sufficient number of volunteers each year to maintain a stable force level of 2.5 million men. To maintain that volunteer force level, 325,000 men would have to enlist each year from the total of 1.5 million men who will annually turn 19 and who will also meet the military's enlistment requirements. In its report, the Commission noted that 250,000 "true volunteers" have already been enlisting annually within recent years despite the war and an entry pay roughtly 60 percent lower than they could earn in civilian life. The Commission proposed a $2.7 billion basic pay increase to attract the remaining 75,000 men into the Armed Forces each year. And there is even some question as to the validity of maintaining a force as large as 2.6 million which the bill recommends. Representative HARRINGTON maintains in his views on the committee report that there is no evidence to prove that such a large force is necessary. If this is the case, then it should be even easier to maintain an adequate armed force through the volunteer system.

There are some who say it is too dangerous to begin the transition to an all-volunteer army while so many of our troops are still in Vietnam. However, there is no better time than the present for the President to prove that he is serious when he says he is winding down the war. If we are in truth ending this war, then there is no further need for draftees. More than 1.5 million men have been drafted since 1965 and these draftees have supplied 70 percent of the hard-core combat skills for Army operations in Southeast Asia. Army draftees have been killed in Vietnam at nearly double the rate of enlisted men—well over 15,000 since the war began. If we are ending this war, then let us do so properly and end the draft which has supported it—now.

Mr. FINDLEY. Mr. Chairman, the vote yesterday which rejected by 200 to 198 an amendment to reduce to only 1 year the extension of the draft law has deep significance which, hopefully, will be noted by those in executive authority in this Government.

It reflected the broad public discontent with military conscription. To me, it is a clear signal that—barring some unexpected new large-scale involvement of our military forces—the draft law will not be extended when the 2-year term approved yesterday expires.

The administration should take this signal as a plain warning. The executive branch will not be able to rely upon draft authority to provide military manpower after July 1, 1973. It must make substantial adjustments in our overseas military presence, especially in Europe. I find it difficult to believe that voluntary enlistments will provide enough manpower to keep our troops in Europe at the present level of nearly five divisions.

For nearly 3 years I have been trying to persuade the administration to negotiate a reduction in troops in Europe. There is no magic in five divisions. It is only part of what would be needed to resist a determined attack. About 10 years ago former President Eisenhower said one division in Europe would be adequate as a symbol, that is to say, an earnest of U.S. commitment under the NATO treaty.

The important consideration is not the precise level of our troop presence at any given time, but the assurance that the United States will maintain a presence in Europe through the foreseeable future. It is more important to the alliance that our Government give assurance that it will be a part of the alliance structure, say, 5 years from now than to have five divisions in Europe next year. Continuity is much more important than numbers.

I have been urging the negotiation of a 5-year compact under which the United States would agree to keep a minimum of two divisions in Europe throughout the 5 years in exchange for similar agreements on minimum force levels by other NATO powers. An understanding of this sort would enable the United States to reduce its presence to a level that, I believe, could be sustained without a draft

law and without adversely affecting the credibility of alliance deterrent.

If, instead, the administration fights a losing battle for draft extension and for the maintenance of five divisions in Europe, the alliance credibility may indeed suffer a devastating blow. If force reduction comes about unilaterally by force of internal domestic circumstances as opposed to negotiations with our allies, Germany, and other nations may conclude the reduction is the beginning of the end of NATO. In other words, the reduction should be negotiated, not forced.

Military leaders, I believe, can give a valid justification for maintaining a minimum of five divisions. They can make a good case for even more. But military leaders cannot control political events. Yesterday's vote shows clearly the determination of the American people to effect an early end to the draft.

Our military leaders should accept the decision and cooperate with civilian leaders in working out with our allies an agreement on force levels that can be sustained indefinitely without the draft. Otherwise we may soon find ourselves with no NATO, as well as no draft.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise today to present my thoughts on H.R. 6531, a bill to make certain extensions to the existing Selective Service System, to abolish certain deferments and to make certain increases in the pay of members of the armed services.

First, I fully support the goal of this administration for an all volunteer Army, Navy, Marine Corps, and Air Force. I think the idea should be tried for the sole reason of the economies and efficiencies that are bound to result from such a stable system. Moreover, I support it on the basis that I do not believe it is a good national policy to draft young men into the armed services in times of peace if it can at all be avoided. Furthermore, I believe the Defense Department should put a higher priority on the use of Reserve and National Guard forces in any future national emergency and less reliance on the draft.

I also support the volunteer Army concept because it has been the traditional method for backing up national policy in times of peace.

I share the feeling of many people in our country that reckless use of the power to draft could conceivably lead to reckless national policy. In this regard I do not refer to this Nation's involvement in the Vietnam war and our past use of the draft there. Every Member of this body has been fully cognizant of the broad, vital implications of the actions of the two previous administrations to use the Selective Service System in Vietnam. Many have questioned their failure to place a higher priority on the use of our Reserves and National Guard forces rather than the draft in this war.

Mr. Chairman, without raising the spector of a Communist soldier behind every tree and under every rock, I should like to remind the Members that we stand alone today in the free world as a bulwark against further aggressive expansion on the part of Russia and China. During the last decade we, lest we choose to forget yesterday, have seen the movement of these forces into Cuba, 90 miles off our shore; the virtual occupation of the ancient land of Egypt; the movement into Southeast Asia; and the brutal suppression of Czechoslovakia and other once free states of Central Europe who have attempted to free themselves from communistic slavery. For these reasons this Nation cannot denude its armed services to the point it cannot defend itself. I do not subscribe to the theory of minimum half-hearted defenses. Defense must do what our oath implies "to defend this Nation against all enemies both foreign and domestic." I believe this Nation could become involved in future situations where all our power and resources might be required on an urgent basis.

I do not possess a crystal ball nor does any man and for that reason a future draft might be required. Such a requirement, though I dream of peace, might come sooner than we think. For that reason I will not support any move to abolish the draft. I believe it is necessary to keep standby authority ready at a moments notice should it be required in the defense of our country—the world of modern man moves at too fast a pace to wait to restructure this system.

I see no sense in changing the time honored deferment system that has been in effect more or less since the outset of World War II. In time of war our armed services and our industrial system have always needed trained men in arts other than the simple art of pulling a trigger. It will do this Nation no good to abolish deferments or will the Nation suffer any lasting, critical ills by keeping them. I shall vote to sustain the student deferment system in the present law.

I fully support the provisions of this bill that would increase the pay of members of our armed services. This has long been overdue, with or without the draft question. I only question whether we will find it enough to entice sufficient members to volunteer into the armed services to permit a zero draft call.

Mr. Chairman, I want to conclude my thoughts on this subject by bringing what I consider a very grave condition before this body that directly relates to the matter under debate. I speak of the trial concluded yesterday at Fort Benning, Ga., for alleged crimes committed at My Lai.

My thought would question yet another vital ingredient to the legislation before us, that of the declining morale of our Armed Forces and the future effects of these trials on them. It also bears on the confidence our Nation has on our Armed Forces. Yesterday, I sent this letter to our President. It requires drastic action on the President's part. I urge your consideration of this action and your support. My letter reads as follows:

MARCH 31, 1971.

The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: I implore you as Commander-in-Chief of the Armed Services to end the public crucifixion of our defense establishment. Only you can restore confidence to our people, our Armed Forces, and our friends around the world in what was once a source of national pride and respect. Only you can return our men to their loved ones without a sense of shame.

Need we publicly, before the eyes of our enemies, foreign and domestic, disembowel our soldiers, our sailors, and our airmen in order to find a trace of guilt or dishonor for this war? Already some elements of our guiltless press are slyly suggesting a leap from the My Lai trials to some form of an inquisition to try "each of Lt. Calley's superiors in turn until the White House is reached and the President of the United States is placed in the dock."

Mr. President, I think it is time you reminded your political adversaries of their full responsibilities for Vietnam and more important their responsibilities for the future of our Nation. I should think that the American people should also know that the consequences of this blood-letting to establish who is or is not guilty for the death of civilians, if they were in fact non-combatants, could most probably destroy forever the Nation's confidence in our Armed Forces. To me, if this purge is allowed to be continued, we as a Nation have already reached a point of no return. Furthermore, I have serious doubts that we shall ever again be able to raise for any future conflict an Army, Navy, or Air Force from volunteers or by way of a draft which shall again have the full confidence of our people.

I know not whether Lt. Calley is guilty as found by the court at Fort Benning. I know not whether others are also guilty for the My Lai incident. I know not whether there has been a cover-up. I do know that there are those who desire to use this trial to infer some guilt for Vietnam for pure political gain. Others seek publicity for publicity's sake.

I do not believe crimes should go unpunished whether committed in the course of war or in the course of everyday life.

I believe that the mishandling and the publicity this case has received from the beginning has now gotten completely out of hand. I believe that there are those who would consciously or unconsciously lead or allow the American people to involve themselves in some mad, lemming-like dash to the sea to wash themselves free of a wild hallucinating guilt feeling. The anxiety of our people demands immediate, drastic corrective action. The future sanity and existence of our Nation is at stake.

I therefore urgently recommend that you, Mr. President, as Commander-in-Chief set aside the provisions of the Manual for Court Martial for military review of the Calley case and all other cases involved in the so-called My Lai incident and as President of the United States direct the Solicitor General of the United States to refer this entire case to the federal courts for adjudication as a matter of the highest priority of this Nation.

With highest regards, I am
Sincerely,

JOEL T. BROYHILL,
*Member of Congress.*

Mr. McDONALD of Michigan. Mr. Chairman, the Selective Service Act will expire this July 1. May it rest in peace.

Today we are debating the merits and pitfalls of a bill which would provide substantial increases for officers and enlisted men in the service, and extend the draft for 2 years.

I approve the pay increase, but I cannot support another extension of the draft. And cannot help but wonder what ever happened to the concept of an all-volunteer Army?

Almost 18 months ago I submitted to the administration my plan for a Na-

tional Service Academy which could have facilitated the development of an all-volunteers Army. I felt then, as now, that an all-volunteer Army need not, and should not, be a mercenary force.

It is my conviction that the use of incentives other than higher pay for combat duty or higher wages in general must be used if we are to maintain an efficient, strong defense capability with something other than paid killers.

In my plan, education would be the main attraction. Large numbers of people could move into and out of the armed services, offering their time as payment back to the Government for educational benefits and on-the-job training they had received.

They would take with them into the armed services technical skills which would make them more efficient, and while in service receive further training in their chosen field enabling them to be significant contributors to society upon their discharge.

By encouraging the movement in and out of the service of highly trained personnel, we stand to gain a viable Reserve Force within each community which could be called in time of national emergency.

My plan was offered some time ago. The temper of the times is still calling for the establishment of an all-volunteer Army, but there has been considerable footdragging on the part of the administration in bringing that proposal to the Congress for action. The administration has had ample time since the publication of the Gates report on an all-volunteer armed force to come up with a plan that would serve this Nation through a generation of peace. It has had ample time to facilitate the development of an all-volunteer Army in cooperation with my proposed National Service Academy. But it offers this halfway measure instead.

Now the Congress, 90 days from the expiration of the Selective Service Act, is supposed to welcome this proposal and give its stamp of approval.

My concept of a modern army, one that will meet our needs year after year, is one that is staffed by our young men and women on a voluntary basis—an army that attracts people by providing benefits to them.

The first phase of establishing this new, modern Army, is to develop training programs which are compatible with military and civilian objectives. Combat training need not be the sum substance of training in the military.

There are many areas of operation in the military which are perfectly compatible with similar technologies in Government service or private industry. For example, computer technicians, electronics technicians, draftsmen, physical therapists, dental and medical technicians, X-ray technicians, laboratory technicians, and many others are vital to the operation of the military service and public service.

Under my plan, students would be trained in those vital areas at Government expense, then work off their indebtedness with 2 years of national service in the field of their choice.

What I am suggesting as an aid in the development of an all-volunteer Army, Mr. Chairman, is a little bit of old-fashioned bartering.

For example, a young man whose father has died is interested in engineering. He joins the National Service Academy, and completes his studies as a mechanical engineering technician. Upon graduation, he accepts a 2-year assignment as airman third class in a flight maintenance unit of the Air Force.

In another example, a woman working as a nurse's aide in a city hospital aspires to become a registered nurse. She enters a NSA program at a nearby community college and continues her work on a part-time basis. Upon completing her education, she wins her RN and fulfills her national service obligation by 2 years duty in an Army hospital.

When this young man and woman have completed their responsibility to the Government, they enter the mainstream of economic activity as well-trained and mature workers.

With the training they have received before entering the service, and the experience and additional training while in the service, they are easily absorbed into the civilian community, ready and able to make a contribution to society.

And I reiterate that those who leave the service after their 2 years required duty provide a ready reserve of trained talent in the event of a national emergency.

It saddens me to note that there is little of this imagination in the bill currently before us, and too much emphasis on money to attract young men and women.

This generation of young people living within our borders is no different than previous generations when it comes to protecting this Nation's integrity and sovereignty. But the times have changed. This generation cannot be bought, and will not be threatened. It is intelligent and responsible, and will respond to intelligent and responsible programs.

The pay increase sought for our men and women in the service is a noble gesture, but begs the question of whether we are interested in developing an all-volunteer Army. I think it is time to implement this concept by first, letting the draft die a natural death, and secondly by using education and training as additional incentives toward the creation of an all-volunteer Army.

Mr. RUPPE. Mr. Chairman, today we consider a bill, reported from the House Armed Services Committee, to extend the Selective Service for a period of 2 years. The 92d Congress will consider few matters of equal seriousness. In fact, I expect there will be no piece of legislation that will come before this Congress with the potential of demanding more of our citizens.

The young people of America, millions of them, are watching us in the House of Representatives. To the vast majority of this important segment of our society the draft is feared, rated, and against the grain of the most basic principles of personal freedom and honest democratic practice. They are the ones who are affected by it: And they are the ones who want to know how we are going to respond.

To us, their seniors, this passion and unrest is sometimes hard to understand. We remember when the world was challenged by the dark threat of axis domination and, as a matter of survival, all men had to be made available to respond. Quickly, and under great pressure, we devised a system for rapid expansion of our military services. That Selection Service System was neither equitable nor fair—but it worked. That was all the times could afford.

Then, after the war, we became complacent with the draft simply because it worked and we visualized a new potential threat to world peace looming on the horizon. Year in and year out the same people operated the draft in precisely the same way, and it even became a shade unpatriotic to suggest that there might be something wrong.

Then came the war in Indochina. It became a confusing war that we could not win and could not lose. Tens of thousands of young men were pressed into service and it was demanded that they commit their very lives to a battle they little understood. Millions of lives were disrupted, thousands of lives were lost, and for almost all young men the years between 18 and 25 were years of fear and uncertainty. The rabble rousers among them led riots, bombed buildings and called for revolution. The frightened and the drop outs fled to Canada or Europe. Some stood their ground within the system and took jail sentences rather than submit. The overwhelming majority—bitter or proud, patriotic or simply submissive—faced the draft and took their chances. Few, however, missed the point that there were the clever and the educated who could manipulate the local draft boards and the complicated system deferments and regulations and never see the service. And, of course, there were the less clever or less educated who were almost always drawn in. Support for the Selective Service degenerated to the point that to few was it a matter of patriotism or even pride to be drafted and serve the country—it was, at best, a matter of fact. Yet, through all this passion, disillusionment and bitterness, the unfair draft was continued with little change—year in and year out.

Then, with the election of President Richard M. Nixon, the winds of change began to blow through the machinery of Government. The draft was made more fair. The lottery exchanged blind justice for preferential systems. Vulnerability was reduced from 7 to 1 year and young men could better plan their lives. One after another, discriminatory deferments were eliminated. Then came the freshest breeze of all. President Nixon charged a commission under the leadership of a retired Gen. Thomas Gates to take a hard look at the question of whether the draft could not, in fact, be eliminated and replaced by a volunteer army. The Gates Commission came to its conclusion: Through the implementation of a series of reforms in salary scales, life style, and benefits for men in uniform the military draft could be eliminated in a 12-month period.

Now today, this question of burning importance to millions of young Ameri-

cans is before us, the 435 Members of the House of Representatives. As debate opens, I want to publicly commend President Nixon, and the House Armed Services Committee for coming together in the creation of a proposal that adopts many of the most forward recommendations of the Gates Commission.

But, the question is no longer in the exclusive jurisdiction of the President and the Armed Services Committee. It is before the full House of Representatives. I believe, in my heart, that we must take one additional step to prove, beyond a doubt, our commitment that the draft will be ended. A 1-year, rather than a 2-year extension, will, in my view, provide the dramatic evidence that we in the House of Representatives are determinated to keep faith with young Americans. The Gates Commission has concluded the volunteer Army can be created in 1 year, and I concur with the Gates Commission. The aim of this Congress should be to make the volunteer Army a reality in 12 months. But even if we are wrong, in 12 months, Congress can evaluate what progress has been made and take a look at the need for a second year of extension. Can we, in all honesty, do any less than each year review a system that asks so much of a segment of our population?

To millions of young Americans, the credibility of Congress as a responsive institution is on the line. Our willingness to extend the draft for only one-half the recommended time will signal the beginning of the end of a long, dark, and troubled night for the youth of America. Perhaps it can signal the beginning of a new faith in our democratic processes and a reconciliation of the generations.

Truly, today is an important day in the life of the 92d Congress.

Mr. LLOYD. Mr. Chairman, for the first time, I depart from the recommendation of the White House and of our Armed Services Committee in the matter of the extension of the draft. Their request is for a draft extension of 2 years beyond June 30, 1971. I support the Whalen amendment which reduces the period of extension to 1 year, resulting in expiration of the draft on June 30, 1972.

I make this departure for several reasons. At the outset, however, I do not agree with those who assert that we should not have to "bite the bullet" on draft legislation in 1972, an election year. If an emergency still confronts us at that time, then I say that we, as Members of the House of Representatives, should face that issue next year in fairness as to our constituents.

I have long been a supporter of the volunteer army and the legislation before us today, by materially increasing the pay scales for those in military service will in itself do much to replace the draft system involving involuntary servitude with a professional volunteer Army. Moreover, if we limit this extension to 1 year, we, as members of the legislative branch, are putting increased pressure upon the executive branch to replace the draft with a volunteer, professional army, and I believe it is unquestionably our responsibility, as members of the legislative branch, to assert this responsibility.

In addition, it is clear that hawks and doves alike, after nearly 6 years of war and military combat operation in Southeast Asia, and in my opinion the great majority of the American people today, are concluding that this country has fulfilled in overflowing measure our treaty obligations in our efforts to maintain freedom for those who desire freedom. The time has come that the Vietnamization program, which we have supported, must succeed to the point where the South Vietnamese can discharge the responsibility to provide for their own national defense.

I urge adoption of the Whalen amendment, to limit extension of the draft to 1 year.

Mr. DERWINSKI. Mr. Chairman, the draft law which we are reviewing today does not expire until June 30, 1971. While I recognize that the other body will certainly take a great deal of time and, in a torturous manner may rework the House bill, I do not believe that good judgment was shown by the Majority Party Leadership in bringing this bill to the floor this week. It is difficult to maintain composure and objectivity with the debate over the Calley case reaching a peak as a result of the decision and sentencing, and with various groups commencing antiwar tactics in the Nation's Capital.

A law as important to individuals and the defense of our country as this bill deserves thoughtful, calm consideration, with emphases on long-term goals and not immediate pressures and emotions. A month from now there will be more evidence of success of the Vietnamization program; the President will have announced further phaseout of U.S. troops; the antiwar performances will have come and gone, and this body would have plenty of time to evaluate such a measure in a far more objective and, therefore, practical method.

Mr. REID of New York. Mr. Chairman, I rise in opposition to extension of the Selective Service Act.

In considering legislation on the floor, Mr. Chairman, one must constantly weigh the pros and cons of a specific bill. While certain sections may constitute meaningful and long overdue reforms, others may be undeservedly punitive or even reactionary. Unfortunately, the moment comes when one must vote for or against the entire package. This is one of the bills which I consider a "mixed bag." It has some meaningful reforms. For instance, I strongly support the bill's inclusion of a major military pay increase, a provision which is long overdue and without which servicemen—especially those of low ranks—have suffered for years. There is no reason why military salary scales should not be in line with those provided for equivalent skills employed by private enterprise.

Second, I commend the committee for reforming certain other inequities in the present Selective Service System. The provisions which abolish local and State quotas and replace them with a uniform national call will do much to provide more equitable treatment; no longer will one's residence determine one's draft status.

In addition, I support the provisions regarding the composition of local draft boards by revising and reforming age qualifications for draft board members and by attempting to compose the boards of members who "accurately represent the economic and sociological background of the population they serve." This is certainly a step forward from the all too often long-entrenched or purely political appointees on the draft boards.

Clearly, the provisions above are progressive and long-needed, and I commend the committee and the administration for their support of them.

However, on balance I cannot lend my full support to this bill. While I voted for 1-year extension of the draft to facilitate a responsible transition of our national security manpower requirements, a 2-year extension would be inconsistent with ending the war.

The draft and the war in Southeast Asia have become inseparable. In 1969, 88 percent of the U.S. infantry riflemen in Vietnam were draftees. More recently, it appears that 70 percent of the men serving in infantry, armor, and artillery are draftees. More than half of the casualties suffered in Southeast Asia are draftees.

I think that the acceptance of 2 more years of induction authority could tragically—and poignantly—condone the continuation of 2 more years of war and 2 more years of Congress' relinquishing its constitutional powers to the Executive. I cannot in good conscience vote to consign any more young men to the unnecessary slaughter that has become Vietnam.

Under existing law, the Selective Service Act of 1967, which is due to expire on June 30 of this year, a man could be drafted on, say, June 29, 1971. Since he is drafted for 2 years, his service obligation would extend through June of 1973. If he spent a year in training in the United States, he could—barring the passage of prohibitive legislation by the Congress or a change in policy by the Executive—be assigned to Vietnam for a 1-year tour of duty beginning in June of 1972 and ending in June of 1973.

What is clear, then, is that if the draft were ended in June of 1971, draftees could still be serving in Southeast Asia in June of 1973. Therefore, in my judgment, existing law gives the Executive ample time to wind down the war and, if the country so decides, move in the direction of a volunteer army. In fact, a failure to extend the draft past this June would not even counter the President's plans, as the following will explain:

The President is presently withdrawing 12,500 troops per month from Vietnam. Next week he is expected to announce a new withdrawal rate, presumably a higher one—perhaps 15,000 per month, 16,500 per month or even 20,000 per month. On May 1, at the present rate, we are expected to have 284,000 troops in Vietnam.

If the President announces a 16,500 troops per month withdrawal policy, our troops will be reduced by 16,500 in May. However, since we have a policy of rotat-

ing our men back home after 12 months of service, a total of 24,000 of our boys will be eligible to return from Vietnam in May. Since 24,000 will be rotated, and since 16,500 will not be replaced, we will therefore send 7,500 new troops to Vietnam in May, or the difference between the 24,000 and the 16,500.

The following month, in June, under this rate of withdrawal we would have 267,500 soldiers in Vietnam. The 22,500 will be eligible for rotation home, so we will have to send 5,800 new troops in June.

Following this rate of withdrawal to its logical conclusions, by October of this year our monthly troop reduction will almost equal our monthly rotation. In other words, we will have 201,000 troops in Vietnam in October, of whom 16,791 will be eligible for rotation, so we will have to send only 291 new troops to Vietnam.

Then, in November, the men eligible for rotation will actually exceed the President's 16,500 rotation, and no new troops will be needed to send to Vietnam. Therefore, the monthly rotation policy will exceed the 16,500 reduction until October of 1972, when there will be no troops left in Vietnam, unless the President alters his policy.

My question, then, is: If no new troops will be needed to go to Vietnam after November of 1971, and if under the existing law draftees can be sent to Vietnam for a tour of duty between June of 1972 and June of 1973, why do we need to extend the draft?

There are provisions in this bill which in my judgment are absolutely unfounded. I am deeply concerned over the three-pronged fork which has been stabbed in the back of sincere conscientious objectors. Although, for better or worse, the bill before us has in no way changed the qualifications or definitions of conscientious objectors, it has included punitive and restrictive language dealing with their alternative service.

First of all, the alternative service requirement is extended to 3 years rather than 2, and despite the commendable efforts of Mr. DENNIS to reduce it back to 2 years in present law, it remains at 3.

Second, alternative service is by definition in this bill restricted to work in Government agencies or public institutions "which have difficulty finding eligible and qualified individuals to perform essential work." Such a definition would prohibit the performance of alternative service in, for instance, private hospitals or private schools for the handicapped, and would channel CO's into jobs in the Government that nobody else wants. It is a restrictive and limiting section which would deny valuable services to needy organizations.

Finally, under this section, if any employer declares that a conscientious objector does not perform his work—in which it should be understood the CO had virtually no choice and possibly no talent—"satisfactorily," the CO would automatically be inducted into the armed services. In my mind, this provision raises grave constitutional questions based in regard to religious freedom guaranteed in the first amendment. Second, however, this provision could invite a man to break the law. Those men who have gone through the complicated process of applying for and receiving a CO status are far from likely to accept induction as a penalty for "unsatisfactory" work. Many of them may, therefore, choose to refuse induction, thereby breaking the law.

Aside from these punitive and restrictive limitations on conscientious objectors, I would like to see stronger and clarified language in other portions of the bill. Although I commended the committee for the provision making local draft boards representative of their community, this provision becomes almost meaningless when viewed in context of the clause which follows it:

> No induction shall be declared invalid on that ground . . . the board failed to conform . . . to the community's character.

Clearly, there are no enforcement guidelines here, and the original provision becomes, I fear, insignificant.

The various sections dealing with undergraduate student deferments become veiled with uncertainty. The bill gives the President the authority to eliminate these deferments, and the President has said he will do so. However, the President has said that in addition to not granting new student deferments, he will discontinue all such deferments which were granted after April 23, 1970. In other words, the II–S deferments of those who are presently freshmen in college would be revoked.

Whether one favors or opposes the concept of undergraduate student deferments, I think that we must agree that those who have them now should be permitted to reserve them under the old system—until they complete college or fail to progress adequately toward a college degree. I think it is grossly unfair to expect the men who entered college last fall, with bookbag and student deferment in hand and tuition paid, to divine the future actions of two separate bodies of the Congress, and to have to plan their lives around the uncertainties therein.

This whole student deferment issue is a little like a game. I do not think that the umpire can change the rules in the middle of the game and expect the players to accept them. This is not fair play.

Finally, in balance, while there were many worthwhile improvements in the bill, notably the salary increase, a 2-year extension of the draft is basically inconsistent with the war. Hence, I am constrained to vote against final passage of the bill.

Mr. CEDERBERG. Mr. Chairman, if the question before us was a simple extension of the draft I would not hesitate to have supported a 1-year extension. I do, however, believe that as we proceed to the desired goal of zero draft calls and a volunteer force, a 2-year extension is the wisest course. It is generally agreed that it will take longer than a year to achieve this desired goal.

We are making progress in this legislation in the area of pay for our enlisted personnel. However, pay is not the only necessary incentive.

Adequate family housing is a major factor. Just this week our Military Construction Appropriation Subcommittee is holding hearings on this issue. I commend the Defense Department for the increases proposed in this area. I am confident this will be helpful as we proceed toward an all volunteer force. This increased housing, however, cannot be available in 1 year. My concern is that with a 1-year extension we will expect more progress than can reasonably be achieved. The next year the concern will be that an attempt to achieve an all volunteer force will be failing, which may not reflect an accurate situation.

I simply believe that a 2-year extension is the best way to provide an orderly phase-in of a volunteer force.

Mr. PRICE of Texas. Mr. Chairman, I rise in support of the bill reported out by the distinguished members of the House Armed Services Committee under the very able chairmanship of the gentleman from Louisiana (Mr. HÉBERT). And I want to voice my opposition to any amendment which would limit extending the military draft to only 1 year or less.

At the present time the draft is the only way this Nation can raise the manpower needed for national defense. Sure the draft operates unfairly in some respects. Sure the draft interrupts individuals' lives. But no matter how anyone feels about the draft this Nation simply cannot afford to drop it when it is the only workable system we have. And we dare not run the risk of dismantling it, which would surely happen if the 1-year extension were approved, without having a workable alternative means of meeting the manpower needs of our Armed Forces.

President Nixon, the members of the prestigious Gates Commission, and others have advocated switching to an all-volunteer army. This idea has merit, and it should be explored. And in my mind this is exactly what the Armed Services Committee proposal does.

Under the committee bill the present draft, with some modifications, would continue in force for 2 more years. At the same time military pay, which is abysmally low by any standards, would be increased by approximately $2.7 billion—86 percent of which would go to enlisted men and junior grade officers with less than 2 years of military service.

Taken together, the draft extension and the pay raise provide the means by which the volunteer army concept can be tested. If the increased salaries succeed in attracting enough volunteers to fulfill military manpower needs, then plans for an all-volunteer army can be crystallized further. If, on the other hand, the expected personnel increases are not forthcoming, the draft can maintain needed force levels while other alternatives such as the national service system are being explored.

Mr. STEIGER of Wisconsin. Mr. Chairman, it is with mixed emotions that I shall vote for the Selective Service bill as it now stands. During the debate, I had vigorously supported the effort to limit the draft extension to 1 year, which was defeated by only two votes, 200 to 198. The vote for this amendment, which was designed by its sponsors to put the maximum pressure on the Defense Depart-

ment to establish a volunteer force in a year's time, is a clear indication of the considerable sentiment in this body for doing away with the unjust and inequitable institution of conscription.

I supported the 1-year proposal as the only form of extension consistent with our constitutional responsibility to raise and support armies. Certainly, none of us would accept a system of hardware authorization which would preclude a review on an annual basis—and we should not accept a system of manpower procurement that is not subject to yearly congressional oversight. Moreover, I had regarded the 1-year extension as a vote of confidence in our democratic process. Some Members suggested we should not debate the draft in an election year, particularly in view of the 18-year-old vote. In my opinion, when we have asked youth to work within the system, we should not deny them the opportunity to influence the system through their right to vote.

I also regret that the House did not accept the Dennis amendment to retain the 2-year term of service for conscientious objectors. As the draftee is only required to serve for 2 years—and is excluded by current practice from involuntary reserve duty—the requirement for an extra year's service by conscientious objectors would seem to be an unnecessary inequity. In addition, the provision in the new legislation allowing for the induction of any CO who does not perform "satisfactory" service, is an arbitrary concentration of power in the hands of the Selective Service director, and is probably an unconstitutional use of the draft as punishment.

On the other hand, the compensation portions of the bill—which passed overwhelmingly—represent the most significant step this body has taken toward the creation of the all-volunteer force. For the first time in the post-World War II era, we have moved to eliminate the tax-in-kind of forced service which has placed an unfair share of the defense burden upon the youth of this Nation.

As one of the authors of the Gates Commission bill, which was cosponsored by 92 of my colleagues, it is most gratifying to see the House act favorably upon legislation implementing the major portions of the Commission's recommendations. As this provision will enable us to end the draft in the near future, I shall vote for the final bill in spite of my reservations on the length of the extension and restrictions on CO's.

By increasing the pay of first-term servicemen, and by a near victory for the 1-year extension, the House has demonstrated its enthusiasm for ending the draft. I would hope that the other body can better our record.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana (Mr. DENNIS) to change from 3 to 2 years the alternate civilian service requirement for conscientious objectors. The committee report justifies increasing the work requirement to 3 years for CO's on the grounds that—

> The last year of this alternate civilian service is to be as a substitute for the reserve obligation required of military inductees.

Mr. Chairman, in checking with the Department of Defense this morning, I was informed that inductees have no active reserve obligations, except in the rare instance that a unit may be called up or an individual's occupational specialty may be urgently required in an activated reserve unit. In other words, except in the case of a national emergency, the chances are overwhelmingly great that an inductee will not be called upon to give any time or service to his unit during the 4-year reserve period. And yet, the committee bill would require conscientious objectors to serve a third-year of active civilian duty. This makes no sense whatsoever in my estimation. If some equity is desirable to offset the inductee's reserve obligation, it would seem more logical to put the CO on inactive civilian reserve duty for his third year. But to require him to actively serve that third year is inequitable when compared to the inductee's reserve obligations. As the committee bill now stands, this inequitable requirement in effect punishes a person for holding longstanding religious or moral objections to war. I, therefore, urge adoption of the Dennis amendment.

Mr. CLEVELAND. Mr. Chairman, as a cosponsor of the Voluntary Military Manpower Procurement Act of 1971—Steiger-Matsunaga bill—I am on record as favoring an all-volunteer army. On February 17, 1971, during a special order on the bill, I commented on the need for an all-volunteer army and an end to the draft as soon as feasible. My remarks appear in the CONGRESSIONAL RECORD for February 17, 1971.

The volunteer army bill of which I was a cosponsor embodied the recommendations of the Gates Commission, which urged substantial pay increases as a feasible method of achieving an entirely voluntary army. The bill now under debate puts into effect such increases. Thus, with these substantial pay increases for military recruits, from an average of $134 a month to $268 a month, not only will our servicemen be paid a fairer wage, but the objectives of an all-volunteer army may well be achieved.

An issue of public concern as we have debated this bill has been the provision extending the draft for 2 more years, from June 30, 1971, to June 30, 1973. Yesterday there were recorded votes on two amendments to this provision. On the first, to let the draft expire on June 30 of this year, I voted "nay." This amendment was defeated, 330 to 62. My reason for this vote was that we should give the volunteer army provisions a reasonable chance to prove themselves.

However, on the second amendment, the Whalen amendment to extend the draft for only 1 year, I voted "yea." This, too, was defeated, by a vote of 200 to 198. I feel it is desirable that we reserve the opportunity to more frequently reevaluate the draft and the implementation of an all-volunteer army. If, next year, there are not enough enlistments, then the burden will be back on Congress to either extend the draft again or to do whatever is necessary to assure an entirely volunteer army.

For the foregoing reasons, I also voted for an 18-month extention of the draft. This, too, was defeated, 200 to 170.

There have been many other significant issues and votes during the 3 days of debate on the floor. For reasons of time, I have confined these remarks to those issues in which my constituents by mail or other contact have expressed most interest.

On final passage of this legislation, I expect to vote in the affirmative as generally it provides real promise to realize an objective I have long supported—a volunteer army.

### A VOTE AGAINST THE 2-YEAR EXTENSION OF THE DRAFT

Mr. FASCELL. Mr. Chairman, I shall vote against H.R. 6531, the bill to extend the Selective Service Act for 2 years.

This vote reflects some conclusions which I have arrived at concerning the military draft. But I want to first emphasize what that vote does not reflect.

I do not favor a volunteer army at the present time. In fact, I strongly oppose it for the foreseeable future. The infusion of a large civilian element in the military establishment is not only healthy, but absolutely necessary. It compliments the principle of civilian control of the military, a concept which has its roots in the Constitution of the United States.

Having emphasized this important point, let me explain my reasoning in voting against the 2-year extension of the draft.

First, I see no need for an extension of that length of time. Part of any overhaul of the Selective Service System should include not less than an annual congressional review of the military manpower requirements of this country.

If we are in fact winding down the war—and the Congress has made it clear that it strongly supports a policy of termination of U.S. involvement in Southeast Asia—a 2-year extension of the draft would extend the conscription authority until the middle of 1973. To support such a move would be inconsistent with my vote in the recent Democratic caucus calling for an end to U.S. involvement in Indochina by January 3, 1973, at the latest.

It would appear to be more consistent with the policy of withdrawal if the authority contained in this act were deferred until the 93d Congress. The beginning date of the 93d Congress covers the period of time which both the President and the Congress have indicated would be desirable to terminate the U.S. combat role and bring all forces home.

At that time consideration could be given to the manpower needs of a peacetime army, which the Selective Service Act could accommodate quite easily—without the nagging doubt that the current extension is really one which is necessary to meet and maintain manpower requirements in Vietnam.

That doubt could have also been assuaged by the adoption of the Whalen amendment providing for a 1-year extension of the draft and, accordingly, I supported that amendment. Again, the consideration of an annual congressional review of manpower requirements was an important factor in my affirmative vote.

The arguments for a volunteer army as the basis for the maintenance of our rational security are not convincing. I believe that an improved Selective Service System will be necessary for the foreseeable future to maintain the desirable broad civilian base in our military establishment.

But at a time when the war in Indochina continues to be a crucible for U.S. youth, and the total policy of the United States is supposed to be committed to the termination of U.S. involvement, I could not, in good conscience, vote to continue conscription authorization for 2 years.

Finally, Mr. Chairman, my vote against the legislation represents a protest against the continuation of the war in Indochina, substantially manned by draftees. It has been made difficult for us to separate manpower needs to maintain our necessary defense and security posture, and the need to fill manpower commitments in Vietnam.

For that reason, I also supported strongly the amendment offered by our colleague SAM GIBBONS, which would have prohibited sending draftees into combat zones involuntarily after December 31, 1971, except under the following conditions: First, an armed attack against the United States; second, a Presidential declaration that an armed attack is imminent; third, congressional authorization by concurrent resolution; fourth, a Presidential request for a declaration of war; or fifth, a declaration of war by the Congress.

In summary, I am against the extension of the draft for another 2 years not because I favor a volunteer army; but because I want to see an annual review by the Congress of military manpower needs, and because I do not want to see the extension of the draft contribute to the prolonging of the United States presence in Southeast Asia.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, pursuant to House Resolution 350, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. O'KONSKI

Mr. O'KONSKI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. O'KONSKI. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. O'KONSKI moves to recommit the bill H.R. 6531 to the Committee on Armed Services.

Mr. HÉBERT. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

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

The motion to recommit was rejected.

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

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 293, nays 99, answered "present" 2, not voting 38, as follows:

[Roll No. 45]

YEAS—293

| | | |
|---|---|---|
| Abbitt | Donohue | King |
| Abernethy | Dorn | Kluczynski |
| Alexander | Dowdy | Kuykendall |
| Anderson, Ill. | Downing | Kyl |
| Andrews, Ala. | Dulski | Kyros |
| Andrews, N. Dak. | Duncan | Landgrebe |
| Annunzio | duPont | Latta |
| Archer | Dwyer | Leggett |
| Ashbrook | Edmondson | Lennon |
| Aspin | Edwards, Ala. | Lent |
| Aspinall | Eilberg | Link |
| Baker | Erlenborn | Lloyd |
| Baring | Esch | Lujan |
| Belcher | Eshleman | McCloskey |
| Bennett | Evans, Colo. | McCollister |
| Bergland | Evins, Tenn. | McDade |
| Betts | Findley | McEwen |
| Bevill | Fish | McFall |
| Biester | Fisher | McKay |
| Blackburn | Flood | McKevitt |
| Blatnik | Ford, Gerald R. | McKinney |
| Boggs | Fountain | McMillan |
| Boland | Frelinghuysen | Mahon |
| Bolling | Frenzel | Mailliard |
| Brademas | Gallagher | Mann |
| Bray | Garmatz | Martin |
| Brinkley | Gaydos | Mathias, Calif. |
| Brooks | Goldwater | Mathis, Ga. |
| Broomfield | Goodling | Mayne |
| Brotzman | Grasso | Mazzoli |
| Brown, Mich. | Gray | Michel |
| Brown, Ohio | Green, Oreg. | Miller, Calif. |
| Broyhill, N.C. | Griffin | Miller, Ohio |
| Broyhill, Va. | Griffiths | Mills |
| Buchanan | Gross | Minshall |
| Burke, Fla. | Grover | Mizell |
| Burke, Mass. | Gubser | Mollohan |
| Burleson, Tex. | Gude | Monagan |
| Burlison, Mo. | Hagan | Montgomery |
| Byrne, Pa. | Haley | Moorhead |
| Byron | Hall | Morgan |
| Cabell | Hamilton | Murphy, Ill. |
| Caffery | Hammer-schmidt | Murphy, N.Y. |
| Carney | Hanley | Myers |
| Carter | Hanna | Natcher |
| Casey, Tex. | Hansen, Idaho | Nedzi |
| Cederberg | Hansen, Wash. | Nelsen |
| Chamberlain | Harvey | Nichols |
| Chappell | Hastings | O'Hara |
| Clancy | Hathaway | O'Neill |
| Clark | Hébert | Passman |
| Clausen, Don H. | Henderson | Patman |
| Clawson, Del | Hicks, Mass. | Patten |
| Cleveland | Hillis | Pelly |
| Collier | Hogan | Pepper |
| Collins, Tex. | Holifield | Perkins |
| Conable | Horton | Pettis |
| Conte | Hosmer | Peyser |
| Corman | Hull | Pickle |
| Cotter | Hunt | Pike |
| Coughlin | Hutchinson | Pirnie |
| Daniel, Va. | Ichord | Poff |
| Daniels, N.J. | Johnson, Calif. | Powell |
| Danielson | Jonas | Preyer, N.C. |
| Davis, Wis. | Jones, Ala. | Price, Ill. |
| de la Garza | Jones, N.C. | Pryor, Ark. |
| Delaney | Jones, Tenn. | Puciński |
| Dennis | Kazen | Purcell |
| Devine | Keating | Quie |
| Dickinson | Kee | Quillen |
| Dingell | Keith | Railsback |
| | Kemp | Reid, Ill. |
| | | Rhodes |
| Roberts | Smith, Iowa | Vigorito |
| Robinson, Va. | Smith, N.Y. | Waggonner |
| Robison, N.Y. | Spence | Wampler |
| Roe | Springer | Ware |
| Rogers | Stafford | Watts |
| Rooney, N.Y. | Staggers | Whalley |
| Rooney, Pa. | Stanton, | White |
| Rostenkowski | J. William | Whitehurst |
| Rousselot | Steed | Whitten |
| Runnels | Steele | Widnall |
| Ruppe | Steiger, Ariz. | Wiggins |
| Ruth | Steiger, Wis. | Williams |
| St Germain | Stephens | Wilson, Bob |
| Sandman | Stratton | Wilson, Charles H. |
| Satterfield | Stubblefield | Wright |
| Saylor | Sullivan | Wydler |
| Scherle | Talcott | Wylie |
| Schmitz | Taylor | Wyman |
| Schneebeli | Teague, Calif. | Yatron |
| Scott | Teague, Tex. | Young, Fla. |
| Sebelius | Terry | Young, Tex. |
| Shoup | Thompson, Ga. | Zablocki |
| Shriver | Thomson, Wis. | Zion |
| Sikes | Thone | Zwach |
| Sisk | Tiernan | |
| Slack | Vander Jagt | |
| Smith, Calif. | Veysey | |

NAYS—99

| | | |
|---|---|---|
| Abourezk | Ford, William D. | Morse |
| Abzug | Forsythe | Mosher |
| Adams | Fraser | Moss |
| Addabbo | Fulton, Pa. | Nix |
| Anderson, Calif. | Fulton, Tenn. | Obey |
| Anderson, Tenn. | Gibbons | Podell |
| Badillo | Gonzalez | Rarick |
| Barrett | Halpern | Rees |
| Begich | Harrington | Reid, N.Y. |
| Biaggi | Hawkins | Reuss |
| Bingham | Hays | Riegle |
| Blanton | Hechler, W. Va. | Roncalio |
| Brasco | Heckler, Mass. | Rosenthal |
| Burton | Helstoski | Roush |
| Carey, N.Y. | Hicks, Wash. | Roy |
| Celler | Howard | Roybal |
| Chisholm | Hungate | Ryan |
| Conyers | Jacobs | Sarbanes |
| Crane | Karth | Scheuer |
| Culver | Kastenmeier | Schwengel |
| Davis, Ga. | Landrum | Seiberling |
| Dellenback | McClory | Snyder |
| Dellums | McCormack | Stanton, James V. |
| Denholm | McDonald, Mich. | Stokes |
| Derwinski | Macdonald, Mass. | Stuckey |
| Diggs | Madden | Symington |
| Dow | Matsunaga | Thompson, N.J. |
| Drinan | Melcher | Udall |
| Eckhardt | Mikva | Ullman |
| Edwards, Calif. | Minish | Van Deerlin |
| Fascell | Mink | Vanik |
| Flynt | Mitchell | Waldie |
| Foley | | Wolff |
| | | Yates |

ANSWERED "PRESENT"—2

| | |
|---|---|
| O'Konski | Whalen |

NOT VOTING 38

| | | |
|---|---|---|
| Arends | Frey | McCulloch |
| Ashley | Fuqua | Meeds |
| Bell | Galifianakis | Metcalfe |
| Bow | Gettys | Poage |
| Byrnes, Wis. | Giaimo | Price, Tex. |
| Camp | Green, Pa. | Randall |
| Clay | Harsha | Rangel |
| Collins, Ill. | Jarman | Rodino |
| Colmer | Johnson, Pa. | Shipley |
| Corbett | Koch | Skubitz |
| Dent | Long, La. | Winn |
| Edwards, La. | Long, Md. | Wyatt |
| Flowers | McClure | |

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Arends for, with Mr. O'Konski against.
Mr. Bow for, with Mr. Whalen against.
Mr. Shipley for, with Mr. Rangel against.
Mr. Colmer for, with Mr. Koch against.
Mr. Fuqua for, with Mr. Dent against.
Mr. Metcalfe for, with Mr. Ashley against.
Mr. Flowers for, with Mr. Clay against.
Mr. Long of Maryland for, with Mr. Green of Pennsylvania against.

Until further notice:

Mr. Randall with Mr. Bell.
Mr. Gettys with Mr. Skubitz.
Mr. Giaimo with Mr. Harsha.
Mr. Collins of Illinois with Mr. McCulloch.

Mr. Jarman with Mr. Johnson of Pennsylvania.
Mr. Long of Louisiana with Mr. Byrnes.
Mr. Meeds with Mr. Wyatt.
Mr. Price with Mr. Camp.
Mr. McClure with Mr. Frey.
Mr. Winn with Mr. Corbett.

Mr. WHALEN. Mr. Speaker, I have a live pair with the gentleman from Ohio (Mr. Bow). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. O'KONSKI. Mr. Speaker, I have a live pair with the gentleman from Illinois (Mr. ARENDS) who is attending the funeral for his sister. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL ANNOUNCEMENT

Mr. PETTIS. Mr. Speaker, on rollcall No. 41, a teller vote on the amendment by Mr. DENNIS of Indiana, I was necessarily absent due to the fact I was receiving emergency dental treatment. Had I been present I would have voted "nay." I ask that my remarks appear in the RECORD immediately following the vote on final passage.

The SPEAKER. The gentleman's statement will appear in the RECORD.

## THANKS TO THE MEMBERS OF THE HOUSE AND STAFF

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

Mr. HÉBERT. Mr. Speaker, I take this minute to thank the Members of the House for their wonderful cooperation during these last 3 fine days.

They have been trying days, as we all know. We had a minimum amount of useless quorum calls. Members were on the floor. I hope everyone is satisfied that they were allowed to participate in the debate and to continue through.

I particularly want to thank the members of my own committee and the staff, Frank Slatinshek and John Forel. Everyone knows a general could not operate without those stalwart sergeants behind him.

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

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

Mr. BOGGS. I should like to compliment my distinguished colleague from Louisiana on the very splendid and competent way he has handled a most difficult bill, the first one he has handled since he has been chairman of the Committee on Armed Services. I am very proud to have him as one of my colleagues.

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

Mr. HÉBERT. I am glad to yield to the gentleman from California.

Mr. GUBSER. Mr. Speaker, as a member of the minority, I want to express our feelings and our very deep feelings that our chairman provided such excellent leadership in this most difficult circumstance.

We all recognize that emotions ran very high here and that a great segment of our population feels very strongly and very sincerely about this problem in one way, and we feel just as strongly. However, I believe it is a tribute to the chairman of this committee that this debate was conducted without rancor. It was a complete debate.

I might say that the hearings were conducted in the same manner. No one was cut off. We have had the most complete hearings that we ever had on a bill. Every point of view was expressed, and the chairman conducted himself as a complete gentleman at all times.

He is a great leader. Speaking for the minority, I want to say we are proud of his leadership, Mr. Speaker.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I am glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the gentleman yielding to me.

I simply wish to reiterate and reemphasize what has been said by the gentleman from California (Mr. GUBSER) concerning the fine performance of the chairman of the committee, Mr. HÉBERT.

If I might, I would like to compliment those on our side who were thrust into a major role because of the unfortunate passing of the sister of the gentleman from Illinois (Mr. ARENDS). I think those on our side did an exceptional job under these most unfortunate circumstances.

Mr. HÉBERT. I thank the gentleman from Michigan.

I may point out the fact that we expressed our sentiments to our ranking minority member on the committee, feeling great regret at the passing of a loved one in his family.

But I want to indicate exactly what our committee epitomizes and what we tried to present to this body. On the minority side, while the Members on that side, in the absence of the gentleman from Illinois (Mr. ARENDS) participated perhaps six or eight of them, in the debate on the floor, we had the same type of participation occurring on the majority side of the aisle.

One of the most significant things of all is that while these Members stood independent of the position of the committee, they at times voted against what the committee had passed, exercising their own judgment and voting their own will, which is as it should be. As a matter of fact, the chairman at one time found himself voting one way and supposedly defending the committee's position on the other hand in another. So he remained silent until he was asked by a gentleman how he stood. It indicates what I am trying to say to you. We do not use the words "Democrat" or "Republican" in our committee but only American.

Again I want to express my deep thanks to the members of the committee and to every Member of the House and especially to the gentleman from Massachusetts (Mr. BOLAND) who presided so admirably over the Committee of the Whole during these trying 3 days.

And again, Mr. Speaker, I want to go back and thank the two stalwarts of our committee, John Forel and Frank Slatinshek.

## LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, I have requested this time in order to inquire of the distinguished majority leader the program for the remainder of this week, if any, and the schedule for the next week.

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

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

Mr. BOGGS. Mr. Speaker, in reply to the first inquiry, this concludes the business for this week.

ADJOURNMENT TO MONDAY NEXT

Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

Mr. BOGGS. Now, in reply to the second question of the distinguished minority leader, the program for next week is as follows:

Monday is Consent Calendar Day.

We have scheduled House Resolution 333 from the Committee on Education and Labor, investigation authority, and H.R. 5981, the feed grain bill, with 2 hours of general debate, under an open rule.

The vote may be taken on Tuesday on this bill, because Monday is the opening of the baseball season and many Members will undoubtedly want to attend the game.

Mr. GERALD R. FORD. If there is a vote on the rule that vote would be held Monday?

Mr. BOGGS. That is right. However, if the rule is voted down, then the bill would not be called up for consideration.

On Tuesday there is scheduled for consideration the Private Calendar.

There is also the Office of Education appropriation bill, H.R. 7016, which is scheduled for Tuesday but general debate only. I make that announcement because we have said to the Illinois delegation, because of the election there, that we shall not have any votes.

On Wednesday we will continue consideration of the Office of Education appropriation bill and we will conclude it on Wednesday.

Also at the close of business on Wednesday, we will begin the Easter recess which will give us time off until Monday, April 19.

Of course, conference reports may be brought up at any time and any further program will be announced later.

Mr. HALL. Mr. Chairman, would the gentleman from Michigan yield to me?

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

Mr. HALL. Mr. Speaker, in spite of the confusion, I would simply like to clarify whether or not we are going to start making commitments to various delegations not to have votes based upon primaries or elections in the various States or municipalities.

We had this out here in the last few years. Now it has reared its ugly head again. It had been the former majority leadership and minority leadership not to make such commitments. Now we will get a double portion of putting off one vote until Tuesday because of the "national sport" on Monday, or at least the unanimous-consent request that we do so and, second, not have a vote on the education bill because of some commitment or agreement with reference to a city election in Illinois. I do not understand this. I think we ought to either have it one way or the other.

Mr. Speaker, if we are going to start a real workweek around this place, we should not have any such commitments. If we are not going to do it, I am going to be constrained to object and see to it that there is a quorum present on those days.

Mr. BOGGS. Mr. Speaker, I have the most profound respect for the gentleman from Missouri (Mr. HALL). I try to accommodate the gentleman, but he is not the majority leader of the House of Representatives.

As much as he would like to be, he just is not the majority leader, it is just that simple.

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

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

Mr. HALL. Mr. Speaker, the gentleman from Missouri well knows that he is not the majority leader, nor would he be, but if he were he would know his capabilities.

Be that as it may, what I am asking the leadership is whether or not there will be a vote on the bill entitled H.R. 5981, the Feed Grain Bases. If it is not going to be held on Monday, but is going to be programed on Monday, when will that vote be taken?,

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

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

Mr. BOGGS. Mr. Speaker, I had thought I had made it very clear to the gentleman from Missouri that on Tuesday the only bill that there will not be a vote on would be the appropriation for education. If the feed grain bill goes over until Tuesday, there will most likely be a vote on it on Tuesday.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

Mr. GROSS. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman from Iowa reserves the right to object.

Mr. GROSS. Mr. Speaker, let me see if I can get something straight. Is the feed grain bill to come up on Monday?

Mr. BOGGS. The feed grain bill will come up on Monday. I have announced that three times now.

Mr. GROSS. Right.

And there is to be no vote on the feed grain bill on Monday?

Mr. BOGGS. No, I did not say that. I said there will be no vote on the education bill on Tuesday.

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

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

Mr. HALL. Mr. Speaker, I think if the gentleman from Louisiana would read the RECORD back it will be seen that the gentleman did say that whether he is the leader here, or when he steps aside, that there will not be a vote, and obviously it would be put over until Tuesday, and subsequently he said the vote on the education bill would be put over.

Now, I realize it is confusing. I am trying to be as charitable as I can, and I am trying to proceed under the regular order, but I do not think the gentleman from Iowa has yielded to the man who has distinguished himself recently on two occasions but, be that as it may, it is inconsistent, that is, as to when the votes are going to be when the leadership is not here, and you cannot have it both ways.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield, is the gentleman from Iowa propounding an inquiry, and if so, what is the gentleman from Iowa asking?

Mr. GROSS. Mr. Speaker, I still do not know whether there is going to be a vote on Monday or Tuesday on the feed grain bill, or whether we are going to ask unanimous consent to put the bill over or, rather, the vote over, until Tuesday.

Mr. BOGGS. If the gentleman will yield further, may I try to clarify to the gentleman from Missouri and the gentleman from Iowa the situation?

Let me see if I can spell it out.

Mr. GROSS. I wish the gentleman would do that.

Mr. BOGGS. The feed grain bill is scheduled for Monday. We hope to vote on it on Monday.

Mr. GROSS. Fine.

Mr. BOGGS. Is that clear?

Mr. GROSS. That is clear.

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

There was no objection.

## IT IS TIME TO HONOR DR. MARTIN LUTHER KING

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

Mr. NIX. Mr. Speaker, April 4 will be the third anniversary of the death of Martin Luther King by an assassin's bullet at the age of 39.

The time for this Nation to honor Dr. King is now, as he was honored by the world at large during his life.

His life and his work resulted in the passage of three civil rights bills. His life brought within reach equality for all Americans. His life brought the beginning of the end to what foreign commentators have described as the American dilemma.

For his work he received the Nobel Prize from foreigners. For his work many cities and towns in this Nation honor him and in millions of American homes his picture has an honored place.

On May 1, 1968, I introduced legislation which would have required the issuance of a commemorative stamp honoring Dr. King. I requested the postal service to act on its own in issuing such a stamp. No action was taken.

In the spring of 1969, I introduced the identical bill and requested that the postal service act without congressional legislation. Nothing happened.

In February of this year, I introduced a third bill on this subject. No interest has been shown by the postal service in its terms.

Today, I will introduce four bills containing the names of over 90 Members of Congress as cosponsors of legislation requiring the issuance of a Martin Luther King commemorative stamp. I hope that these bills will encourage the postal service to act on its own. If not, the entire commemorative stamp structure should be examined by Congress and a determination made as to whether the postal service, by congressional agreement, should be left with the discretion to issue such stamps.

The postal service has issued commemorative stamps honoring Stone Mountain, Ga., as a Confederate War Memorial. Vice President AGNEW, during the election campaign of 1970, spoke at the first day dedication ceremony for this stamp.

There have been commemorative stamps honoring Grandma Moses, Walt Disney, Henry Ford, W. C. Handy, the jazz musician; Lucy Stone, the suffragette; and Edgar Lee Masters, the poet.

There was a commemorative stamp honoring the American sheep as well as stamps honoring elephants and prehistoric reptiles.

American football has its own commemorative stamp.

On February 24 a stamped envelope was issued commemorating President Nixon's White House Youth Conference.

Why is it impossible for the postal service and its commemorative stamp committee to issue a stamp in Dr. King's honor? I ask this question along with the 70 Members of Congress who have joined with me today in demanding action either by the postal service or by the Congress itself.

The contrast between the willingness to issue a commemorative stamp honoring Stone Mountain, Ga., and the indifference toward issuing a commemorative stamp honoring Dr. Martin Luther King is startling.

Dr. King was a builder, not a destroyer. The prophecies of doom uttered on the passage of Civil Rights Act by some have been proven empty. His work survives in a stronger Nation and a better country. That, of course, is his memorial.

That does not excuse what I presume is an error of omission on the part of this Government. It is an error that I hope will soon be corrected. These bills are a means of correction. It is not too late for the postal service to act. But, if they do not, the Congress will.

Mr. Speaker, I herewith present for the RECORD the cosponsors of legislation to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King, which I introduce today:

LIST OF COSPONSORS

James Abourezk of South Dakota.
Bella S. Abzug of New York.
Joseph P. Addabbo of New York.
Glenn M. Anderson of California.
William R. Anderson of Tennessee.
Frank Annunzio of Illinois.
Les Aspin of Wisconsin.
Herman Badillo of New York.
William A. Barrett of Pennsylvania.
Edward G. Biester, Jr. of Pennsylvania.
Jonathan B. Bingham of New York.
Richard Bolling of Missouri.
John Brademas of Indiana.
Frank J. Brasco of New York.
James A. Burke of Massachusetts.
Phillip Burton of California.
James A. Byrne of Pennsylvania.
Charles J. Carney of Ohio.
Shirley Chisholm of New York.
William (Bill) Clay of Missouri.
James C. Cleveland of New Hampshire.
George W. Collins of Illinois.
John Conyers, Jr. of Michigan.
John C. Culver of Iowa.
Dominick V. Daniels of New Jersey.
George E. Danielson of California.
Ronald V. Dellums of California.
John H. Dent of Pennsylvania.
Charles C. Diggs, Jr. of Michigan.
John D. Dingell of Michigan.
John G. Dow of New York.
Robert F. Drinan of Massachusetts.
Florence P. Dwyer of New Jersey.
Don Edwards of California.
Joshua Eilberg of Michigan.
Marvin L. Esch of Michigan.
Daniel J. Flood of Pennsylvania.
William D. Ford of Michigan.
Donald M. Fraser of Minnesota.
Cornelius E. Gallagher of New Jersey.
Henry B. Gonzalez of Texas.
Ella T. Grasso of Connecticut.
William J. Green of Pennsylvania.
Seymour Halpern of New York.
James M. Hanley of New York.
Richard T. Hanna of California.
Augustus F. Hawkins of California.
Ken Hechler of West Virginia.
Henry Helstoski of New Jersey.
Floyd V. Hicks of Washington.
Frank Horton of New York.
Craig Hosmer of California.
Edward I. Koch of New York.
Robert L. Leggett of California.
Paul N. McCloskey, Jr. of California.
John J. McFall of California.
Ray J. Madden of Indiana.
Spark M. Matsunaga of Hawaii.
Lloyd Meeds of Washington.
Ralph H. Metcalfe of Illinois.
Abner J. Mikva of Illinois.
Patsy T. Mink of Hawaii.
Parren J. Mitchell of Maryland.
F. Bradford Morse of Massachusetts.
John E. Moss of California.
Robert N. C. Nix of Pennsylvania.
Claude Pepper of Florida.
Otis G. Pike of New York.
Bertram L. Podell of New York.
Charles B. Rangel of New York.
Ogden R. Reid of New York.
Henry S. Reuss of Wisconsin.
Donald W. Riegle, Jr., of Michigan.
Peter W. Rodino, Jr., of New Jersey.
Robert A. Roe of New Jersey.
Fred B. Rooney of Pennsylvania.
Benjamin S. Rosenthal of New York.
William R. Roy of Kansas.
Philip E. Ruppe of Michigan.
William F. Ryan of New York.
Fernand J. St Germain of Rhode Island.
Paul S. Sarbanes of Maryland.
James H. Scheuer of New York.
John F. Seiberling of Ohio.
B. F. Sisk of California.
Louis Stokes of Ohio.
Robert O. Tiernan of Rhode Island.
Morris K. Udall of Arizona.
Lionel Van Deerlin of California.
Charles A. Vanik of Ohio.
Jerome R. Waldie of California.
Charles W. Whalen, Jr., of Ohio.
Lester L. Wolff of New York.
Edward J. Patten of New Jersey.
George P. Miller of California.
Thomas S. Foley of Washington.
Dante B. Fascell of Florida.

## RESOLUTION URGING THE PRESIDENT TO RELEASE PUBLIC WORKS FUNDS

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

Mr. HUNGATE. Mr. Speaker, today 44 additional colleagues are joining me in introducing a resolution urging the President to release appropriated public works funds now held by him. This brings the total number of cosponsors to 68, representing 31 different States.

I would like to thank my fellow Members who have joined with me on this resolution and I am sure that their constituents from the many districts and States affected by this Presidential freeze also appreciate their efforts.

## LACK OF GOOD FAITH

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

Mr. ROGERS. Mr. Speaker, for the past 4 months Members of the Congress and especially the committees concerned, have been unwinding and tracking down the rationale behind the administration's—HEW's OMB's—attempt to close down 30 public health clinics and eight public health hospitals across the Nation.

I am sure that an overwhelming majority of the Members of Congress agree with me that to close any or all of these facilities would be to the detriment of the public, would be in violation of the law and would be an abridgment of the responsibility which the Federal Government has to merchant seamen, members of the Coast Guard, the various Federal agencies whose personnel use this health service and the members of the military and their families who also use these facilities.

Because of this concern, the Merchant Marine and Fisheries Committee held hearings last year and the subcommittee on Public Health held 4 days of hearings this year.

The issue is not resolved as yet. But one thing which I and members of these committees certainly felt was resolved was that nothing would be done to close any or all of these facilities without first a review by the Congress.

This assurance was given by the Secretary of Health, Education and Welfare himself during hearings on December 30, 1970. I quote from the transcript:

> Members of my staff are prepared to meet with you and discuss your suggestions, concerns and any additional information which you may wish to provide. Before a final decision is made, we will review our findings with the Congress, beneficiary groups and employee organizations.

Yet despite this assurance from Secretary Richardson, I have discovered that the clinic in Buffalo was scheduled to be closed. Officials from HEW met yesterday with clinic officials and post office officials in Buffalo to advise them of the closing.

This is in violation of the understanding which both House committees had and indeed it is in complete contradiction with Secretary Richardson's word that the Congress would be conferred with on such matters.

As of yesterday, the clinic director had been informed of the closing, the postal officials had been told, and the officials of Buffalo General Hospital have been asked to submit figures as to the cost of contracting this service.

The 34 Federal agencies in Buffalo which avail themselves of the services of the clinic would then be on their own to find health service.

The move to close this clinic, which last year had more than 9,000 patient calls, is thinly veiled by an argument that the building in which it is located is being torn down. But in checking with the director, I find that he had made tentative arrangements to move the clinic to a medical complex which is virtually across the street from the Buffalo General Hospital, in anticipation of the razing of the present Federal building.

I have now an even greater concern that HEW and the administration are again proceeding to close or transfer these health facilities without the knowledge of the Congress, as was the case in December of last year.

I have expressed my concern over the handling of this matter to both Dr. Jack Butler, Director of the Federal Health Program Service, and to Dr. Vernon Wilson, Director of the Health and Mental Health Services Administration.

Dr. Wilson has assured me that the Buffalo decision will be stayed and no further actions taken until the Public Health Committee can properly consider this matter along with the other hospitals and clinics.

But again, this is an after-the-fact situation where the Congress has, if you will, discovered covert actions. And only then, has the Department come to the Congress and expressed a desire to communicate.

I think this latest instance severely

undermines the confidence of the Congress in the actions of the Department of Health, Education, and Welfare, and would, I feel, also undermine the confidence in anyone outside of the Government in dealing with the Department of Health, Education, and Welfare.

## CRIME CONTROL: A POLICY OF REALISTIC DETERRENCE

The SPEAKER pro tempore (Mr. KEE). Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 60 minutes.

Mr. MIKVA. Mr. Speaker, we live today in a crisis-oriented society. So many problems of such great moment face us—the war in Indochina, the draft, urban blight, racial injustice, and so on down the line. Perhaps it is because of the number and the magnitude of these critical problems that we seem to become immune to them all and paralyzed into inaction. I want today to draw attention to another in the continuing catalog of pressing crises, one of the most serious maladies our Nation suffers: crime in America.

By now, enough studies have been made, and enough ink spilled that we should begin to do something to reduce crime, rather than just talk about it.

Over the past few months, I have spent some time in jail, talking with the people who probably know most about the causes and prevention of crime—criminals themselves. These prison visits have convinced me that the first and most direct step we could take to reduce crime in our society is to get about the business of reforming the serious structural flaws in our system of criminal justice which actually contributes to crime. The two bills I am introducing today with bipartisan support attack two of the weakest links in our criminal justice system: corrections and criminal trials.

No words of an outsider can express the frustrations and the folly of our noncorrectional system as well as those of the inmates themselves. Let me read to you some of the poignant comments I have received from prisoners in various jails and prisons. Most of these comments were written in response to questionnaires I distributed in the prisons I visited, in which I asked inmates to list the aspects of prison life they found most debilitating.

One inmate, who signed his name "A Bank Robber" wrote the following:

I believe that a married person should have a chance to visit his family after serving a certain length of time and his record is good. Sir I do hope that you can bring a few things to light. Most guys here are like myself buried alive. I was convicted of bank robbery at the age of 40, given 20 years. Now Sir with the federal that means 20 years. Most guys here have nothing to look forward to, I'm lucky in a sense. As I will be starting my six year in March, I realize I done wrong and must pay for my crime. I'm also lucky that I haven't become bitter. I have no one to blame but myself. What I'm trying to say Sir is the federal keep a person so long that they turn him into a beast or a vegetable. Over 50 years has proven that long sentences doesn't stop crime. They keep you so long that when you do get out you have lost most of your family and your friends have forgot you. Most of the time you are to old to work. One thing they judge a man by his past record and that is very wrong because I believe most of us would like to forget it. But thats what they judge us on. Sir if we live to be a hundred that record will never change, but the person can. Thank you so much for what you trying to do. God Bless you.

A second prisoner stressed the importance of maintaining family ties:

I would arrange for men to be allowed conjugal visit 3 or 4 times a year because it would help not only in keeping families together but would also cut down on the Homosexual problem which all prisons have and are the cause of many unnecessary killings and stabbings. In case you're wondering I'm probably never getting out again. So what happens has little or no effect on me personally, but there's some here who aren't set in their ways as I am and who could with a little help get out and never return to one of this joints and that is the only reason I've said what I have, in the hope that some of those will get a chance to make it.

This deeply felt need for social contact was also expressed in the following comment by another inmate in a Federal prison:

That the visits be a little more private than they are now. A little more physical contact within good taste. Maybe even start a program where a man could earn a night out with his wife each month. This system could be placed on the custody level. If a man were given this chance, 99 out of 100 would make double sure he would not violate his trust just so that he could have another chance out with his wife. Most wives are having it pretty hard because all people are human and each person has emotions and feelings and when a person that pains of loneliness they must find someone to accompany them away from their feelings. Many families are broke up because of loneliness and the person who suffers mostly is the inmate because he is locked up. If a man was sentenced to prison as punishment of his crime, he should be allowed to have his rights as a husband and father, and not be punished in the respect of being cut off from his families ties.

Another voiced the importance of rehabilitative programs which give the prisoner a chance to handle trust and responsibility:

I would then set up program aimed to Social interaction (group therapy, work shops, Human relations labs, etc.) and integrate this into the current vocational training programs, whereas the inmate can develop normal relationships on his job in the community. I would reduce severe sentences to fit the inmates rehabilitative needs (i.e., indeterminate sentences), give him *trust* (specifically, knocking down the walls, fences, electronic doors, etc.) and ***Responsibility***, this being his major "hang up" and what got him here in the first place!"

The need for self-dignity, including a chance to earn money to support one's family and self were expressed in the following comment:

My plea is for the longtimers as I am one myself. I was arrested 8 years ago at the age of 18—sentenced to death at 19—committed and resentenced to life at 21 with a 15 year consecutive sentence at the end. I came to Marion with a bad attitude but the spirit of rehabilitation caught me up. I finished high school, passed the college entrance exam and went to complete a few courses with av. grades. Enrolled in V.T. classes. All of this was done with the expectations (as I was told) that things are changing, which, they were. Now I'm disillusioned. Sure, changes have taken place but they were directed at the youthful offender. Although I was a youthful offender I've since outgrown the title—I'll be 27 this year—so where does that leave me now? It leaves me hoping that I can make a parole in 1988, my first parole hearing—I'll be 44 years old. If you give a man hope in the way of consolation you're going to be rewarded even-stephen. You let a man know that he can spend a few hours with his family in intimate unsupervised surrounding and I tell you you're going to have a model inmate. I think the key to rehabilitating an adult is through his family. With the youth, it is a matter of money management. Most young dudes have never had much of anything tangible in their lives. They want cars, clothes and good times but they don't know how to save for it or even how to stretch their earnings to where there is enough left to save. A good idea would be to work out a way where an inmate can be paid on paper—the minimum wage. Then have him figure out how his money should be spent. Make him pay for his keep. Anything above living expenses can then be put into savings for his release. This plan would work for adult offenders also with the added bonus of permitting him to help support his family which would relieve some of the taxpayers load. If the courts must give people life sentences, etc., the least the prison system can do is give that same person a chance to prove himself deserving of another chance. Let him help support his family—but with his family, unsupervised at frequent intervals. Let him know that if he screws up all privileges will be denied him until expiration of his sentence. See what kind of prisoners you have then. Thank you for listening to me.

The failure of the parole system to provide assistance in rehabilitating prisoners is exemplified in the following two questionnaire responses:

The present system fosters and breeds disrespect for law and order and creates bitterness of profound proportions. The U.S. Parole Board as comprised for the past 30 years is the greatest manufacturer of potential killers and professional criminals the United States has ever known, it is made up in its entirety of political charlatans and commands nothing but hatred and disrespect from all prisoners, not just a majority. Because we are convicted men does not necessarily imply we are immature and without intelligence or education, nor does it imply we are bereft of a sense of responsibility. A thorough investigation regarding the causes of why we are here, or why we repeat our errors, is absolutely necessary: As is an honest appraisal of the circumstances as a whole, something we have never received.

"Lack of incentive is the biggest problem with the residents here. We take all the courses (high school, college, etc.), we learn vocational trades to help us obtain gainful employment on the outside, but *no one* is making paroles. Most of the inmates feel that the staff (parole officers, custodial, educational supervisors, etc.) should have a more active part in deciding when we are ready for release. To the parole board we are numbers and a file filled with our past misdeeds. The people who make up the staff have known most of us for years. We older type (30 and over) inmates want a chance. There are men over 30 that are savable, although it seems the Parole Board doesn't want to take a chance with previous offenders. An illustration of what I said, is my own case. I came from a broken home—I have brothers who have never been in trouble and have made a success out of life. I was weak emotionally and couldn't overcome the lack of love in my childhood. My

brothers could. I continually come to prison at the age of 33 I was emotionally unstable and had the maturity of a 16 or 17 year old boy. I fathered four children, but refused to except the responsibility of their well being. I am now 38 years old—I am a MAN! ! I have matured in the last 3 or 4 years—I know where I'm going—I know what I want to do. I'm not bitter, only grateful I will have the chance someday to give my children the kind of life I was denied and the love they need. I will face the parole board in 10 months, but won't be considered for parole because of my bad past record. I am as ready to return to society right now, as I ever will be but I will be told to serve my complete sentence, because I'm a bank robber. I don't need no help, as my sentence just has 3½ more years to run. I can see the end, but there are many men here who deserve a chance, because they have grown up, they are no longer immature and they could become useful citizens, but they'll never have the chance because of their past records. I hope you are sincere in your efforts for prison reform—there are many here who need a friend out there. Thank you for letting me have a say!

One inmate poignantly expresses the inverse relationship between lengthly confinement and rehabilitation:

I do not have much education, as you can see by my writing, and I don't know if my answers will even be read or considered. I know enough to know that there are a lot of prisoners that would like to straighten up if given a chance, but longer they are kept in prison the further off they get from ever rehabilitation themselves.

Finally, let me read a letter I received from an inmate in a Federal prison who was about to be released and was almost desperate for help:

At present time I am an inmate at the Federal Prison Camp in Allenwood, Pa. For the past six years I have been imprisoned and my record will show that I am not an incorrigible or recalcitrant prisoner. With all sincerity, I have been trying to rehabilitate myself.

Presently, I have about three months left to serve on my sentence. When I am released from prison I will have no home to return to, no job to report to and very little money with which to start a new life. I have requested to be sent to the Community Treatment Center (Halfway House) so that I could use my last months preparing for the future, but I was told it wasn't needed in my case. One of the reasons given to me by the Bureau of Prisons was that I didn't have Vocation Training. My records will show this claim to be untrue. During my incarceration I have taken courses in Electronic, Electricity and Drafting. I passed all of these courses in good order.

At Lewisburg Penitentiary I was working in the prison industry, learning to be a clothing cutter. Against my will, I was taken from that job and sent to Allenwood, where I am now working as a laborer on the construction crew. At Lewisburg I was receiving an hourly wage whereas I am not receiving any wage at all at Allenwood.

There are only a few courses available to prisoners at Allenwood, such as, truck driving and welding. The work release program is also very limited. I have applied for these opportunities and have been denied them also.

What is a man in my position to do? I do not want to come back to prison, but to put a man out with no place in society and no assistance to start anew is placing the odds heavily against him becoming a useful person to the community.

If the Halfway House were available to me I would have the opportunity to find a job and a place to live while I am serving my last months in prison. While I have been imprisoned I have furthered my education, but only because of self-indulgence. During these past six years I have had a lot of time to think and my main goal has been to leave prison and make something of myself. I knew I would need help, and that is where the Community Treatment Center comes in, but now that I have been denied this opportunity I don't feel my chances are very good at getting a new start.

Sir, after a man has been imprisoned for over six years you can't simply give him $30 and a new suit of clothes and expect him to go out and make a new life for himself. It just can't be done. Before he even returns to the street he has two strikes against him. What kind of jobs are available to a person with a record.

I don't want to be part of some statistics bantered around by bureaucrats. Something has to be done about a situation like mine. There are many people with problems such as mine. That is why I am writing to you and to as many other responsible people as I can. The prison system must be reformed if people like myself are to be expected to become good citizens. People such as yourself are needed badly if this reform is to come about.

As I think these questionnaire responses show, and as anyone can see by visiting and studying prisons and jails today, the weakest link by far in our criminal justice system is corrections. It is incredible how we expend great amounts of money and effort catching criminals, convicting them, and incarcerating them in jails and prisons, and then fail to take the most obvious steps to prevent these people from returning to a life of crime after being released. Nine out of 10 criminals who serve time are eventually released and go right out and commit further crimes. No other institution or business in our society would be permitted to maintain such a high failure rate, and neither should our prisons.

The Correctional Services Improvement Act, which I am introducing today, would encourage the States to take advantage of the most up-to-date learning in the field of criminology and penology. The Federal Government is authorized to construct model correctional institutions for various kinds of offenders, and to turn these facilities over to the States. The driving purpose behind these model facilities is to reduce crime by rehabilitating criminals rather than merely incarcerating them. The emphasis is on small institutions, each designed for no more than 300 inmates. In the case of short-term offenders, community treatment centers are stressed, in the hope that inmates can be prepared to return to society better equipped to lead a stable and productive life than when they went in. Job training, work release, and school release programs are to be provided. More normal social contacts, including conjugal visits and furloughs, could be made available. These centers should also be made available to longer term offenders who have less than a year to serve before parole or release.

It simply makes no sense to isolate a man from his family and society, deprive him of any responsibility and independence for years, and then turn him loose and expect him to adjust back to normal society. By cutting him off from the two strongest forces for stability—his family and a meaningful job by which to support them—we virtually guarantee that he will someday return as a ward of the State.

These model institutions will also be encouraged to provided extensive individual counseling, to help the inmates understand the weaknesses and problems which led them to criminal activity in the first place.

There would also be an increased use of ex-offenders, volunteers, and other nonprofessionals in staffing the institutions. The present staffs of our jails and prisons do a surprisingly good job, considering the poor conditions and inadequate resources with which they must operate. However, it is a fact that full-time personnel in time tend to place greater emphasis on security and administrative convenience than on efforts at individual rehabilitation.

Another provision in the Correctional Services Improvement Act establishes a Federal Prison Review Board. The Board would promulgate Federal standards not only for institutions but for correctional services. Provision is made for public participation in the process by which the Board sets and periodically reviews these standards.

Other portions of the bill deal with coordinating research on new methods of treatment and rehabilitation of offenders, liberalizing parole procedures to cure some of the grievances stressed by prisoners in the comments discussed earlier, increased use of halfway houses to ease the transition into noninstitutional society, and procedures for civil commitment of persons found not guilty by reason of insanity.

This bill is not a panacea, but it is an earnest beginning in an area which holds great promise for reducing the incidence of crime in America.

The second bill I am introducing, the Pretrial Crime Reduction Act, is directed toward the problem of court congestion and pretrial crime. The criminal dockets are so badly congested that it is not unusual for 6 months or a year to go by before a criminal case is finally disposed of. Over 80 percent of all criminal cases are disposed of not by trial but by plea bargaining. Some defendants plead guilty even though they are innocent, because they do not have money for bail and they know they will spend less time in jail serving time on a reduced charge than waiting to be tried and acquitted.

Another result of the unconscionable delays in bringing accused persons to trial is the problem of pretrial crime. The Constitution guarantees the right to bail, and unless there is a clear showing that the accused will not return for trial, he is entitled to be released on bond after being charged. Inevitably this means that some dangerous criminals will be set loose on the community for months while their cases inch up on the court calendars.

The bill I am introducing would cut the likelihood that additional crimes will

be committed by persons free on bail awaiting trial by requiring that speedy trials be held in all but the most complex criminal cases—such as tax evasion, antitrust violations, and securities violations. Trials must commence within 120 days after arrest, and in the case of violent crimes, within 60 days. If the prosecution fails to try the case within those time limits, the charges must be dismissed. If the defendant himself, or his attorney, is responsible for the delay, criminal contempt citations may be invoked.

It may appear at first glance that these time limits are unrealistic, and that Congress would just be passing the buck on court reform to the judiciary. This is neither the intent nor the effect of the speedy trial bill. Each judicial circuit would be required to draw up a plan showing how it intends to meet the new time limits in criminal cases. If the problem lies in faulty organization or administration of the courts, this will serve as a prod to see that they put their house in order. If, on the other hand, a circuit demonstrates that it is unable to implement its plan because of lack of resources or manpower, it will be allowed an extension and the Attorney General is directed to submit to Congress the necessary legislation to provide those resources. This places the responsibility back where it belongs: on the Congress and the taxpayers. If we are serious about court reform and crime reduction, we must be willing to pay the price.

Finally, there is still the problem of potential pretrial crime during the 60- or 120-day period between arrest and trial. The speedy trial bill would deal with this in two ways. First, an additional penalty of up to 3 years is established for any crime of violence committed while on release. And second, judges are required to determine whether an accused is presently on parole or probation before releasing him on bail. If he is found to be a parolee or a probationer, the supervising authority is notified of the arrest and is given jurisdiction over any violations of parole or probation.

The time for talk about crime control is past. We must either fish or cut bait. Either we seriously undertake to reduce crime by measures such as I have discussed today, or we may as well not even bother sending criminals to jail, so long as our jails continue to be breeding grounds for crime.

Think of all the money we would save on crime detection, investigation, court trials, prisons, and parole supervision. Unless we make some drastic changes in our system of criminal justice, that money would be more effectively spent providing jobs to the unemployed or treating drug addicts who are likely to turn to crime to feed their habit. We ought to prefer to spend the money providing speedy trials to determine who the criminals are, and rehabilitating those who are guilty, because this offers the best prospect for reducing the level of crime in our society and reducing the chance that all of us will become victims someday.

## POLICY IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 20 minutes.

Mr. BELL. Mr. Speaker, Secretary of State William Rogers last week briefed Members of the Senate on U.S. policy in the Middle East and, according to statements of those present, corrected reports that we were exerting pressure on Israel to withdraw from occupied territory in advance of peace negotiations with the Arab nations.

Our State Department apparently continues to believe, however, that the best hope for peace in the Middle East is for Israel to relinquish what she regards as natural and defensible national boundaries in return for border security guaranteed by the United Nations in conjunction with the big powers.

We apparently have offered direct U.S. participation in a U.N. peacekeeping mission to enforce the formal, written boundaries in the Middle East which, hopefully, will result from Israel-Arab peace negotiations.

And we have pledged that there will be no unilateral withdrawal of our troops.

The promise that there will be no unilateral withdrawal of American troops, however, is far from being the equivalent of a unilateral guarantee of protection from the United States.

This has not been a proposal that our State Department has been willing to suggest.

Rather, we seem to be offering to participate in a peacekeeping mission under the auspices of the United Nations.

And there is no nation in the world which has a better reason than Israel to be skeptical of United Nations decisionmaking machinery in a world security crisis.

More often than any of us have a right to expect, Israel has relied on the United Nations and has suffered by doing so.

U.N.-sponsored partition lines in Palestine were rejected by the Arabs shortly after World War II and the shooting war followed.

The conflict in the Middle East in 1956 began for Israel when Egypt blockaded the Straits of Tiran and barred the Suez Canal to Israeli shipping.

And war came again in 1967 when Egypt again defied the United Nations and reestablished the blockade in the Gulf of Aqaba.

Under pressure from Nassar on this occasion a peacekeeping force was simply withdrawn by a United Nations which, at a critical moment, failed to explore every possibility to postpone such withdrawal.

Israel has good reason, after a quarter of a century of experience with international protectors, to believe that her only real security is in her military power and the natural land defenses which she presently enjoys.

And Israel has good reason to reject arguments heard in the world community that it is her intransigence on the question of unconditional withdrawal from these defensible positions which is sustaining the crisis in the Middle East.

For Israel could hardly see withdrawal to the 1967 boundaries as anything but a return to the circumstances which produced the crisis.

The Governments of Egypt and Jordan, after much delay, now offer Israel a peace treaty and recognition as a state in return for her withdrawal from occupied land.

And, of course, Syria still refuses even to discuss a peace treaty with Israel.

Egypt and Jordan insist, however, that the issue of the Arab refugees be settled as part of this peace package.

It is this virtually unsolvable problem which has been one of the root causes of hostilities almost from the beginning.

Moreover, peace treaties and recognition count for little in providing security for Israel if Egypt and Jordan should renege on their promise to assume responsibility for the border attacks and terrorism of the Palestinian guerrillas, especially in view of Syria's continued encouragement of the terrorism.

There is even a question about the present stability of the three governments whose treaties and recognition Israel is asked to pay so high a price to obtain.

Both Egypt and Syria have had basic changes in national leadership within the past year.

Hussein in Jordan managed to put down still another attempt at revolution by Arab extremists only a few months ago.

The Israeli are perfectly aware of the strong public feeling in the United States against any additional overseas military involvement.

They know they have no right to rely on direct American intervention in the event of a military crisis and, in fact, Israel as a sovereign nation refuses to rely on outside assistance for its own defense.

They even have a right to be skeptical about the extent of our commitment, if a U.N. peacekeeping mission in the Middle East is challenged.

There is also thelikelihood, supported by many recent newspaper reports, that our promise to join a U.N. peace force in the Middle East will, of necessity, be balanced off by similar participation of the Soviet Union.

Already there are 15,000 Soviet troops inside Egypt and many of them are using bases closed even to the Egyptians.

Can anyone seriously believe that the presence of Russian troops on three of her borders would contribute to the security of the State of Israel?

Mr. Speaker, I was pleased to hear of the clarification of policy by the State Department last week.

We should not be pressuring Israel to make a premature withdrawal from occupied land.

And I would hope that no such pressure is being attempted.

It is not going to be easy to secure permanent peace in the Middle East.

But I believe it will never be secured if Israel's position at the bargaining table is weakened by well-meaning friends who have more confidence in the United Nations and in Arab declarations of intent than experience would justify.

## INJUSTICES SUFFERED BY SOVIET JEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BUCHANAN) is recognized for 5 minutes.

Mr. BUCHANAN. Mr. Speaker, I rise to express again what has been repeatedly voiced in this Chamber on a subject which is of very great concern to me and millions of other freedom-loving people throughout the world. I am referring to the continuing repressive policies of the Soviet Union against those within its borders who seek to express their religious beliefs and especially against the Jewish people of that country.

I firmly blieve that this is a matter of appropriate concern to all freedom loving persons who deeply respect and value human rights.

What is being experienced in the Soviet Union is far more than prejudicial attitudes of some citizens toward others; it is the direct reflection of these attitudes through repressive policies and restrictions on the part of the Government toward some of its citizens. These policies and restrictions, furthermore, have cruelly suppressed so many basic human freedoms that in this country are almost taken for granted in their complete acceptance.

Last year I was a member of a special subcommittee conducting hearings in New York on the plight of Jews in the Soviet Union and heard testimony of continued acts of anti-Semitism there. The suppression of Soviet Jews has gone beyond the denial of religious freedom to affect the cultural, economic, educational and economic areas of life. Authorities in the Soviet Union have long suppressed, discouraged, and prevented the free expression of Jewish education and culture, and have deprived Soviet Jews of the opportunity of worshiping freely and in accordance with the traditions of their faith. They are not allowed to learn either Hebrew or the Yiddish language in Soviet schools. Jewish synagogues and schools have been closed. The Jewish theater and the Jewish press are both dead. In Russia today only a few rabbis serve the more than 3 million Jews living there, and in Moscow only three synagogues exist to serve some 500,000 Jews in that city.

Even more unconscionable, however, is the Soviet Union's refusal to let most of these persecuted people emigrate to places where they can live in freedom. This right to emigrate is a precious right recognized by the Universal Declaration of Human Rights, the United Nations Charter, and the International Convention on the Elimination of all Forms of Racial Discrimination—all of which have been ratified by the USSR. The Soviet refusal to recognize this right also flies in the face of a commitment made in 1966 by Premier Aleksei Kosygin to permit Russian families separated by the ravages of war to be reunited with relatives outside Soviet borders. Since that 1966 commitment more than 50,000 applications for family reunions outside of Soviet borders, many of them from Soviet Jews, have not been acted upon. At this time it is estimated that more than 100,000 applications for permission to emigrate are before the Soviet authorities and one of the few fortunate Soviet Jews who have been granted such permission, Mr. Leonid Rigerman, estimates that some 500,000 Soviet Jews would leave the country—many going to Israel—if they were permitted to do so.

Last year we witnessed a tragic acceleration of a flagrant example of Soviet-Jewish persecution in the prosecution of a number of Soviet Jews for various forms of alleged anti-Soviet activity. The entire world was stunned by the prosecution last fall of 11 Soviet citizens—nine of them Jewish—for allegedly planning to hijack an airplane. For this alleged act, the defendants were charged with such serious crimes as high treason, "organizational activity directed to commission of especially dangerous crimes against the state," stealing state property, and anti-Soviet agitation and propaganda. All available evidence, furthermore, can only lead one to the conclusion that these individuals, like others in that country, where entrapped by Soviet officials.

The "show" trial which ensued was a complete mockery of justice resulting in outrageously heavy sentences. The fact that the two death sentences meted out in this trial were commuted to 15-year prison terms—a probable result of the pressure of an outraged world public opinion—does not erase the terrible injustice done to individuals whose only "crime" was apparently their desire to escape persecution and emigrate. In publishing this past weekend a detailed courtroom account of the Leningrad trial just now reaching the West, the Washington Post concluded:

> This Russian-language account makes explicit that the fundamental accusation against the nine Jewish and two non-Jewish defendants was not hijacking, as commonly believed, but attempting to leave the Soviet Union without official permission.

This courtroom account was apparently assembled by friends or relatives of the defendants who were admitted to the courtroom.

This past weekend—March 27—there were reports of another unfortunate incident of anti-Jewish activity in Moscow. Over 30 Jews were arrested for protesting the continuing detention of Jewish defendants in three other cases related to the above Leningrad hijack trial. Among those arrested, 12 were sentenced to 15 days in jail, two were sent to a psychiatric hospital for examination, nine were released, and sentences for the rest varied from 20-ruble fines to 5 days in jail. The sentences, furthermore, were given at administrative hearings that did not include defense counsel.

The protestors were carrying a letter with 213 signatures protesting the detention of Jewish defendants beyond the 9-month maximum prescribed by Soviet law. Among these Jewish defendants—in three cases related to the hijack trial of last December—nine of them are on trial in Leningrad with six of them having been arrested more than 9 months ago. Their trial was adjourned minutes after it opened on January 6 because of a defendant's illness and was never reopened. Four defendants, also arrested more than 9 months ago, are on trial in Riga and their trial has never begun. Nine other defendants are on trial in Kishnev and this trial has not begun either.

In viewing the recent wave of increased Soviet-Jewish repression some observers have expressed an opinion which, in my judgment, is not entirely unfounded. This opinion maintains that the Soviet Union, faced as it is with major economic problems, is attempting to make its Jewish population a scapegoat for the multitude of defects which afflict citizens of the U.S.S.R. The recent wave of attacks on Zionism as an anti-Soviet conspiracy in Soviet media certainly lends support to this thesis.

Speculation as to underlying motives aside, however, Soviet policy toward Russian Jews represents a perfect example of the complete hypocrisy ingrained in so much of Soviet policy. There are laws in the Soviet Union which purportedly guarantee the basic human rights so blatantly being denied there on a daily basis and Soviet officials are continuously proclaiming to the world the justice and humanity of their system of government.

Recently, furthermore, we have seen more and more examples of this hypocrisy as the widespread outcry against their persecution of Jews has prompted Soviet officials to parade Jewish citizens and particularly Jewish leaders into the public eye extolling the justice of the system. There is no doubt in my mind, however, that fear has played a large role in the public allegiance to the Soviet Union of these "spokesmen."

Some weeks ago I was privileged to meet with a young man already referred to, Mr. Leonid Rigerman, who has personally experienced this repression and who battled the Soviet bureaucracy for nearly a year to be allowed to immigrate to the United States. His tale of religious persecution in the Soviet Union is shocking to those of us in this country who often take for granted our freedom of religion.

The tribulations which Leonid Rigerman underwent in obtaining his freedom are also enlightening. The son of a native American mother and a naturalized American father, Mr. Rigerman sought to have himself confirmed an American citizen by the U.S. Department of State. Several times as he attempted to enter our Embassy in Moscow, he was prevented by the Soviet officials from doing so. Once he was arrested and held for 7 days and on a second occasion he and his mother were detained by the Soviet secret police for 4 hours.

As most of us know, Mr. Rigerman's efforts were further complicated by the fact that Soviet officials had claimed his mother's American passport when she and her husband moved to the U.S.S.R. in 1931. The Soviet officials in 1937 informed the United States that Mrs. Rigerman was surrendering her American citizenship. In the following year, therefore, our country determined that she was no longer an American citizen. This action obviously provided yet another stumbling block for the Rigerman's U.S. citizenship and the protection to which a U.S. citizen is entitled.

Late last year, however, our Embassy officials learned that Mrs. Rigerman had not voluntarily submitted her passport, but gave it up under pressure from Soviet officials. It was at this point—November 1970—that I joined a number of my House colleagues in sending a letter to our Secretary of State urgently requesting the confirmation of Leonid Rigerman's U.S. citizenship. Needless to say, we were extremely gratified when the State Department took this requested action in December and greatly relieved that Mr. Rigerman and his mother were allowed to come to this country in February.

When Mr. Rigerman met with some of us in the Congress who had signed the letter on his behalf to Secretary Rogers, we were given a very disquieting firsthand picture of life as a Soviet Jew. He told of restrictions which encompassed not only religious actiivties, but educational and vocational as well.

There are restrictions on the number of Jews who can attend universities, and on the number which can be hired at certain institutions.

Even those who are permitted to attend synagogue often face economic reprisals, Mr. Rigerman said. While his emphasis was mainly on the discrimination against Jews, this accentuated, in my judgment, the basic disregard for human rights which has been continually evidenced by actions of the Soviet Union. While the Soviets officially say that anyone who wants to leave the country can do so, this is not the case according to Mr. Rigerman, and his experiences are a poignant witness to this.

Mr. Speaker, as you know, the Congress has already gone on record with respect to its abhorrence of Soviet persecution of its Jewish citizens. On December 31, 1970, the House of Representatives passed a resolution—House Resolution 1336—expressing—

Its grave concern over the continued injustices to which the Jewish people in the Union of Soviet Socialist Republics have been subjected by the Government of that nation, as manifested most recently by the cruel and unusual punishment imposed upon Jewish citizens of the Soviet Union for allegedly treasonous acts.

This same resolution called upon the President to convey to the Soviet Government this grave concern and to "urge that Government to provide fair and equitable justice for its Jewish citizens." Earlier last year the U.S. Senate approved a similar resolution.

So long as this persecution exists, however, our efforts on behalf of these persecuted people must continue. In the present Congress, therefore, I have already cosponsored a similar resolution—House Concurrent Resolution 221—which requests:

President of the United States to manifest our country's position as the guardian of the traditions of liberty and justice for all, the dignity of all mankind, and the freedom of worship, by taking appropriate affirmative action to persuade the Soviet Union to . . . terminate its practice of depriving Soviet Jewry of the opportunity of worshiping . . . to grant to the Jewish minority the same rights of preserving its cultural identity as the Government grants to other Soviet minority groups; and to permit Jewish persons to emigrate freely from the Soviet Union to Israel or to any country of their choice without restriction or limitation.

In this Congress I have also cosponsored legislation which is intended to challenge the Soviet Union to permit those Jews who wish to leave to do so and to show that the United States would welcome them here. This legislation (H.R. 6698) would provide 30,000 special refugee visas for Soviet Jews who are permitted to leave the Soviet Union and who wish to come to this country. We have made such special provisions many times in the past, most recently by providing special legislation which permitted more than 30,000 Hungarian refugees to settle here after the suppression of their 1956 revolution. As we are all also aware, more than 565,000 Cubans have made the United States their home through exemptions from the immigration laws. It is hoped that the enactment of this legislation might encourage other nations to enact similar legislation.

Mr. Speaker, there are those who feel that such legislative action as the above and such expressions of concern as I am now making are mere exercises in futility, unlikely to be of any help to those who are the object of our concern. I do not accept that opinion. The very arrival of the Rigermans in the United States is testimony to the fact that the Soviet Union is sensitive to world public opinion, as was the commutation of the two death penalties arising from last year's so-called hijacking trial. With increased pressure from outside the Soviet Union, furthermore, the number of Jews permitted to leave Russia has increased to a level which, although still tragically restrictive, is unprecedented in the 53-year history of that nation.

I am hopeful that continued pressure by countries such as the United States and many others will bring about at least a partial degree of the freedom to Soviet citizens that we in the United States have enjoyed for so long. I am particularly hopeful that our efforts—limited though they must be—will bring about some relief for the Jewish citizens who are victims of particular discrimination there.

## LET JUSTICE BE SERVED

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 have withheld public comment on the court-martial of Lt. William L. Calley, Jr., pending his final sentencing.

While I have not had access to the testimony presented at his trial, I am greatly concerned that justice, in its truest and broadcast sense, may not have been served in this case.

I am further concerned about the effect this trial will have on millions of American men in military service, men who are a part of the same system that has chosen to punish Lieutenant Calley for fulfilling what he considered to be his duty.

Most Americans are outraged by the circumstances surrounding this court-martial. I find that large numbers of citizens expressing their opposition to this verdict have themselves experienced the pressures and the heat of battle in Vietnam or in other conflicts.

The citizens of my congressional district, and the cause of justice itself, demand that Lieutenant Calley be given every possible consideration in the appeal procedures open to him.

If ever anyone deserved to be heard, up to and including the highest court of appeal, Lieutenant Calley deserves that right.

In a war in which it has been impossible to tell friend from foe, Lieutenant Calley should not be made a scapegoat or a symbol, for he does not bear sole responsibility for the My Lai affair.

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

## OPPOSITION TO RAILPAX DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. KEE) is recognized for 15 minutes.

Mr. KEE. Mr. Speaker, decisions have been announced by the National Rail Passenger Corporation concerning alternate routes and intermediate stops on the new nationwide passenger train system. I am disappointed that service will be reduced in a number of areas throughout the country. But I was absolutely astonished to learn that Railpax did not include the Roanoke to Williamson to Cincinnati route in its plan.

I strongly protest this curtailment of passenger service of the Norfolk & Western Railroad. If this decision is allowed to stand area residents of Williamson, W. Va., will be left without passenger service after May 1, 1971. This seems to me to be a blatant disregard by Railpax of its responsibilities to the public interest.

Railpax bases its decision to cut passenger service on the need for economy in the railroads operations. It would appear to me that improved management, elimination of extravagance, curtailment of exorbitant salaries, discontinuance of uneconomical purchases and operation, would yield greater returns than would a curtailment of passenger service.

Mr. Speaker, Railpax is planning to discontinue a service which is vital to thousands of people in my congressional district, as well as other areas, in utter disregard for the convenience and interest of the public and their responsibility to the public.

I strongly oppose their decision and hope that the Congress will take immediate action to rectify this injustice.

This can be accomplished by the passage of H.R. 6974, a bill to amend the Rail Service Act of 1970, to provide that all passenger train discontinuance must be in accordance with the provisions of section 13a of the Interstate Commerce Act. I am happy to report that 17 of my colleagues joined me in cosponsoring this meritorious legislation.

I want to take this opportunity to commend the following editorial to the attention of my colleagues as being representative of the sentiment in my district

which opposes the Railpax decisions. The editorial appeared in the Saturday, March 27, 1971, issue of the Williamson Daily News, Williamson, W. Va.

The editorial follows:

DEATH OF A TRAIN

The death of a train!

The obituary of passenger service on the Norfolk and Western Railway, as far as Williamson area residents are concerned, could well be like this:

Born—In the 1890's.

Became Ill—Late 1950's, early 1960's.

Died—March 22, 1971.

Cause of Death—Autos, airplanes, indifference, neglect, Railpax.

Burial—May 1, 1971.

Officiating—The Rev. John Q. Public.

Pallbearers—N&W employes with passes, people too old to drive cars, persons still afraid to fly, drivers who get dizzy going over the mountains toward Bluefield.

While it is true that the N&W has operated only one train daily in and out of Williamson for some time now, the local citizenry knew they could use this mode of transportation if necessary.

Many feel that the top N&W officials were probably smiling from ear to ear when Railpax announced that it would not include the Roanoke to Williamson to Cincinnati route in its plan. The truth of the matter is that the N&W, as well as other railroads, has been trying to get out of the passenger hauling business for a long time.

While it has been a losing proposition money-wise, the N&W, many people felt, owed it to the coal-rich area to continue running passenger trains through this section, since it has made thousands and thousands of dollars over the years hauling our coal to distant markets.

But the railroad officials are business people first, and instead of trying to upgrade their trains to make them more attractive, they let the service dwindle to where most people found it easier to use other transportation.

Many old-timers in the area can remember the golden days when the N&W passenger trains were the center of attraction. Many recall with nostalgia the train runs to Pond Creek, to Matewan, to Beech Creek and to other places.

And how about those excursions to Cincinnati to see the Reds play, and to go to Coney Island and the Zoo. Those were the "good old days."

Many Williamson Wolfpack fans also remember only too well the special trains to Huntington to see the local football team perform against teams in the state's biggest city, or in state championship contests.

Or, how about the troop trains of World War II that came through Williamson by the hundreds. And when the major league baseball teams used to come back from spring training and stop briefly in the heart of the Billion Dollar Coal field.

It used to be a family affair to go to the train station on Sundays to see who was coming in from out of town, or who was heading for points elsewhere.

Many of the congressmen of areas affected will undoubtedly try to do something to revive the "dead" train service in many of the bigger areas of the country, but it is very doubtful if they'll look our way. Of course, we hope something can be done.

Let's face it—the way things now stand railroad passenger service here is dead. It has been dying for a long time, but just like a relative or someone else close, we never realize what it means until the actual death.

Unless the congressmen can get some action, burial time will be May 1, the date set for trains not connected with Railpax, to cease operation. By some strong actions, the time may be delayed, but it may take a miracle to bring the 'ole N&W train back to life.

The eulogy for passenger trains in our area would be brief—you've lived a good life, you've served us well, we're going to miss you. With a little better care and understanding, you might have lived another hundred years or so. If you can't be revived then rest in peace.

## AMENDING FAIR LABOR STANDARDS ACT OF 1938

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, today I am introducing a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate, to extend the coverage of the act, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes.

A summary of the major provisions of the bill follows:

SUMMARY OF PROPOSED CHANGES IN THE FAIR LABOR STANDARDS ACT—"FAIR LABOR STANDARDS AMENDMENT OF 1971"

I. Increase in Minimum Wage:

A. Nonagricultural employees covered before 1971 amendments:

| | |
|---|---|
| Jan. 1, 1972 | $1.80 |
| Jan. 1, 1973 | 2.00 |

B. Agricultural employees:

| | |
|---|---|
| Aug. 1, 1971 | $1.50 |
| Jan. 1, 1972 | 1.60 |
| Jan. 1, 1973 | 1.80 |
| Jan. 1, 1974 | 2.00 |

C. New 1971 coverage (public employees):

| | |
|---|---|
| Jan. 1, 1972 | 1.80 |
| Jan. 1, 1973 | 2.00 |

D. Hotel, motel, restaurant, and food service employees in Puerto Rico and the Virgin Islands: Same coverage as that applied to corresponding U.S. mainland employees.

II. Extention of Coverage: Minimum wage and overtime coverages are extended to include all public employees.

III. Modifications in Overtime Coverage:

A. Repeal of overtime exemption for transit employees.

B. Treat nursing home overtime coverage as that for hospital employees.

C. Repeal of overtime exemption (partial) for employees of bowling alleys.

D. Repeal of overtime exemption for seasonal industry employees (agricultural processors generally).

E. Repeal of overtime exemption for employees in the fish industry.

F. Repeal of overtime exemption for processing employees in the sugar industry.

IV. Equal Pay for Equal Work: Inclusion of "equal pay for equal work" provision relating to female executive, administrative, and professional employees.

V. Relief for Domestic Institutions and Employees Injured by Increased Imports From Low-Wage Areas: Upon the request of the President, or upon resolution of either House of Congress, or upon application of the representatives of any employer organization in a domestic industry, or upon application of any interested party, or upon his own motion, the Secretary of Labor shall make an investigation to determine whether any product is being imported into the United States which is causing or substantially contributing to serious impairment or threat of impairment to the health, efficiency, and general well-being of any group of workers in the United States or the economic welfare of the community in which any group of workers is employed. Should the Secretary find that an imported product is causing such consequencies, he shall promptly report to the President and publish his findings. Upon receipt of the report, the President may take such action as he deems appropriate, in addition to any customs treatment provided by law.

VI. Requirement of Compliance with the Fair Labor Standards Act by Foreign Manufacturers and Suppliers on Domestic Public Contracts: Any contract to which the United States or any agency or instrumentality thereof, any territory, or the District of Columbia is a party or under which payment is to be made in whole or in part from loans or grants from, or loans insured or guaranteed by, the United States or any agency or instrumentality thereof which exceeds $10,000 for the manufacture or furnishing of materials, supplies, or equipment which is performed outside any State but is for use within a State shall require: First, that all persons employed by the contractor in carrying out the contract be employed on terms and conditions which are not substantially less favorable to his employees than those which would be required under the Fair Labor Standards Act; and second, that the contractor make such reports as are necessary to enable the contracting agency to insure that that contractor complies with the provisions of the contract required herein.

VII. Technical and Conforming Amendments.

This morning I had the pleasure of joining our distinguished Speaker and the distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS), in a press conference held to announce introduction of the bill. The Speaker also announced the support of the House Democratic leadership and, in doing so, clearly underscored the importance and urgency of moving forward with the legislation. Chairman PERKINS, in his consistently cooperative way, offered the ability and prestige of his person and position.

The text of the Speaker's statement this morning follows:

STATEMENT OF REP. CARL ALBERT, THE SPEAKER, U.S. HOUSE OF REPRESENTATIVES

I am pleased today to announce the support of the House Democratic leadership for legislation sponsored by Congressman John Dent to raise the minimum wage to $2.00.

Congressional action in this area is overdue. It has been five years since we raised the minimum wage to the prevailing $1.60 an hour. The Consumer Price Index has risen 23 per cent in the meantime and completely wiped out any gains in real earning power. A $1.60 hourly wage is only $3,200 a year—provided the worker is fortunate enough to be on a year-round payroll—and that amount is more than $500 under the current poverty level for a family of four.

It appears that the successful war on poverty of the 1960's has been reversed. The Office of Economic Opportunity a few weeks ago projected the addition of more than one million people to the poverty ranks in 1970—after the number of poor Americans had fallen from 39.5 million to 24.3 million between 1959 and 1969. OEO's statisticians estimate that there would have been a substantial drop in the number of poor instead in 1970 if the unemployment rate could have been held to 1969's 3.5 per cent level.

These are disturbing revelations. As many as 22 million Americans were living just above the poverty line in 1969, and these are the people immediately affected by the economic stagnation we are experiencing today, along with the two-thirds of the nation's poor who live in families headed by

an available worker who is either part-time, low-waged, or among the 5 million unemployed. We must—and intend to—take every possible action to eliminate the conditions which keep these people out of the mainstream of American society.

I would expect broad support for legislation that will raise our lower-paid workers to a $4,000-a-year level. We know that families making this little will spend all that they take in, and this additional money will not only enable them to live with more dignity but will be kept in circulation and provide a part of the stimulus we need to revive our sick economy. The people who will benefit from this legislation are those hardest hit by inflation, not its cause.

Minimum-wage legislation fits into a developing pattern of Congressional initiatives to get people back to work, to put a decent wage in their pockets so they can start buying again, and thereby enable industry to gear up to meet the renewed demand. We must stimulate the economy to get the country moving again and most importantly—on the human level—direct our energies toward enabling all Americans to live their lives in dignity, with a productive role and a fair stake in our society for each.

Mr. Speaker, with your support and that of the House Democratic leadership, Chairman PERKINS, and virtually all majority members of the Committee on Education and Labor—who are cosponsors, this bill has been accorded a good beginning. And we will move expeditiously with it. In fact, I would like to announce that my subcommittee—the General Subcommittee on Labor—will begin public hearings on the bill and all other legislation to amend the Fair Labor Standards Act, on April 20. This is during the first week after the Easter recess. We have also scheduled April 22, and additional hearings may be held the following week if necessary. Extensive hearings over a 4-month period were held late last year, and there is no need—and therefore no justification—for having protracted hearings this year. At this time, however, I would like to invite anyone wishing to present views on this bill or related legislation to the subcommittee, to communicate with the staff.

Mr. Speaker, this bill is reasonably comprehensive but it essentially increases the minimum wage rate to $2 per hour.

When we speak of a worker earning the Federal minimum wage, what are we talking about in terms of dollars and cents? The fact is, we are generally talking about a worker earning $1.60 an hour; and working 40 hours a week for 50 weeks. that worker earns the grand and total sum of $3,200 for his year's labor.

There are those who will say an increase in the minimum wage will further contribute to inflation. This is ludicrous. Can anyone seriously suggest this worker—earning $3,200 a year—is contributing to inflation? Surely, his purchases do not even meet his needs. He is not the one creating the demand for high-priced consumer goods we traditionally associate with inflation. He cannot even dream of such luxuries. His wage is even below what we consider to be the "poverty level," and he is able to purchase only the barest of the bare essentials. Instead of contributing to inflation, he is one of its chief victims.

In actual fact, his last minimum wage increase has already been dissipated by inflation. When President Johnson signed the Fair Labor Standards Amendments of 1966 into law, the Federal minimum wage was raised in two steps from $1.25 an hour to $1.60 an hour for most covered workers: to $1.40 per hour effective February 1, 1967, and $1.60 per hour effective February 1, 1968. Workers newly covered by the 1966 law did not reach $1.60 per hour until this past February, and the minimum wage for farmworkers stopped at $1.30 per hour in 1969.

When the Congress was deliberating the last increase in 1966, the Consumer Price Index was 97.2—based upon 1967 as the base period. By the time the increase for most covered workers reached $1.60 in February 1968, the Consumer Price Index was 102.0. But by the time the increase for those workers covered by the 1966 law became effective this February, the index was a staggering 119.4. This represents an increase of nearly 23 percent in the Consumer Price Index since the $1.60 minimum wage was first considered by the Congress.

What we are seeking is an increase to $2 an hour fully effective for most covered workers by 1973, and for all covered workers by 1974. This is an increase of 25 percent above the $1.60 level—over a 3-year period—and hardly enough to merely match recent percentage increases in the Consumer Price Index. We are seeking a minimum wage which will at least permit the minimum wage earner to maintain his relative position in the economy as it was contemplated 5 years ago, sadly impoverished though that position is. Unfortunately, it may turn out—given President Nixon's economic policies—that by the time the proposed increase to $2 an hour becomes fully effective for all covered workers by 1974, future increases in the cost of living will have already consumed even this modest increase. But ours is a reasonable approach and may be adapted to changing needs.

In addition to increasing the minimum wage rate for covered workers, the bill also extends minimum wage and overtime coverage to public employees—Federal, State, and local. There are nearly 8 million public employees in the United States, of which only slightly over 3 million are already covered by the Fair Labor Standards Act. Therefore, nearly 5 million additional public employees will be added to those already protected by the act.

The bill also proposes extensions of coverage under the overtime provisions to transit employees, employees of bowling alleys and nursing homes, seasonal industry—agricultural processing—employees, and employees in the fish and sugar processing industry.

Significant modifications are proposed with respect to the present treatment of minimum wage rates in Puerto Rico and the Virgin Islands. The bill conforms the coverage of hotel, motel, restaurant, and food service employees in the islands to those applicable on the U.S. mainland. For all other island employees now covered by wage orders, the present rate would be increased by 20 cents on January 1, 1972, and by another 20 cents the following January. During the interims and after the last statute increase, industry committees are charged with the responsibility for bringing all employee rates in Puerto Rico and the Virgin Islands to corresponding U.S. mainland levels.

There are other provisions in the bill, including the concept of "equal pay for equal work" as it relates to female executive, administrative, and professional employees. This principle has been vigorously advocated for some time by the distinguished gentlelady from Oregon (Mrs. GREEN) and certainly deserves inclusion in this proposal.

The bill also establishes a procedure for granting relief to domestic institutions and employees injured by increased imports from low-wage areas, and requires compliance with the Fair Labor Standards Act by foreign manufacturers and suppliers on domestic public contracts.

Mr. Speaker, I am attaching a copy of the bill, which I would like to have included in the RECORD following my remarks. I am also attaching a copy of the Fair Labor Standards Act, as it would be amended by the bill. This latter inclusion will be more helpful than the bill in terms of enabling readers to more precisely understand the effect of the legislation on existing law.

The matter referred to follows:

H.R. 7130

A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that Act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes

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

SHORT TITLE; REFERENCES TO ACT

SECTION 1. (a) This Act may be cited as the "Fair Labor Standards Amendments of 1971".

(b) Whenever in titles I, II, III, and V of this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201–219).

TITLE I—INCREASE IN MINIMUM WAGE

NON-AGRICULTURAL EMPLOYEES

SEC. 101. Section 6(a) (29 U.S.C. 206(a)) is amended—

(1) by striking out in the matter preceding paragraph (1) "Every employer" and inserting in lieu thereof "Except as provided in this section, every employer"; and

(2) by striking out paragraph (1) and inserting immediately after "rates:" in the portion preceding such paragraph the following: "Effective January 1, 1972, not less than $1.80 an hour and effective January 1, 1973, not less than $2.00 an hour."

AGRICULTURAL EMPLOYEES

SEC. 102. Paragraph (5) of section 6(a) is amended to read as follows:

"(5) If such employee is employed in agriculture effective August 1, 1971, not less

than $1.50 an hour; effective January 1, 1972, not less than $1.60 an hour; effective January 1, 1973, not less than $1.80 an hour; and effective January 1, 1974, not less than $2.00 an hour."

HOTEL, MOTEL, RESTAURANT, AND FOOD SERVICE EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 103. Section 5 (29 U.S.C. 205) is amended by adding at the end thereof the following new subsection:

"(e) The provisions of this section and section 8 shall not apply with respect to the minimum wage rate of any employee employed in Puerto Rico or the Virgin Islands (1) by an establishment which is a hotel, motel, or restaurant, or (2) by any other retail or service establishment if such employee is employed primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs. The minimum wage rate of such an employee shall be determined in accordance with sections 6(a), 13, and 14 of this Act."

OTHER EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 104. Section 6(c) is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) In the case of any such employee who is covered by such a wage order and to whom the rate or rates prescribed by subsection (a) would otherwise apply, the following rates shall apply:

"(A) For the period beginning January 1, 1972, the highest rate or rates in effect on or before such date, under any wage order covering such employee, increased by $0.20.

"(B) For the period beginning January 1, 1973, the highest rate or rates (including any increase prescribed by subparagraph (A)) in effect on or before such date, under any wage order covering such employee, increased by $0.20."

## TITLE II—EXTENSION OF COVERAGE; REVISION OF EXEMPTIONS

FEDERAL AND STATE EMPLOYEES

SEC. 201. (a)(1) Subsection (d) of section 3 (29 U.S.C. 203) is amended to read as follows:

"(d) 'Employer' includes any person acting directly or indirectly in the interest of an employer in relation to an employee and includes the United States or any State or political subdivision of a State, but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization."

(2) Subsection (r) of section 3 is amended (A) by striking out "public or private or" in paragraphs (1) and (2), (B) by inserting "or" at the end of paragraph (2), and (C) by inserting after paragraph (2) the following new paragraph:

"(3) as an officer or employee of the United States or of any State or political subdivision of a State,".

(3) Subsection (s) of section 3 is amended (A) by striking out "public or private or" in paragraph (4), and (B) by inserting immediately before the last sentence thereof the following: "such term also includes the United States and any State, or political subdivision of a State, which has officers or employees engaged in commerce or in the production of goods for commerce."

(b) Section 18 (29 U.S.C. 218) is amended by striking out subsection (b) and by striking out "SEC. 18, (a)" and inserting in lieu thereof "SEC. 18.".

FISH EMPLOYEES

SEC. 202. Paragraph (4) of section 13(b) is repealed.

TRANSIT EMPLOYEES

SEC. 203. Paragraph (7) of section 13(b) (29 U.S.C. 213(b)) is repealed.

NURSING HOME EMPLOYEES

SEC. 204. (a) Paragraph (8) of section 13(b) is amended by striking out "any employee who (A) is employed by an establishment (which is an institution other than a hospital) primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises" and the remainder of that paragraph.

(b) Section 7(j) (29 U.S.C. 207(j)) is amended by inserting after "a hospital" the following: "or an establishment which is an institution (other than a hospital) primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises".

SUGAR EMPLOYEES

SEC. 205. Paragraph (15) of section 13(b) is amended by striking out ", or in the processing of sugar beets, sugarbeet molasses, sugarcane, or maple sap, into sugar (other than refined sugar) or syrup".

BOWLING ESTABLISHMENT EMPLOYEES

SEC. 206. Paragraph (19) of section 13(b) is repealed.

SEASONAL INDUSTRY EMPLOYEES

SEC. 207. Subsections (c) and (d) of section 7 are repealed.

CERTAIN SALESMEN IN AND MANAGERS OF RETAIL OR SERVICE ESTABLISHMENTS

SEC. 208. Section 7 is amended by adding after subsection (b) the following new subsection:

"(c) For a period or periods of not more than seven workweeks in the aggregate in any calendar year, the requirements of subsection (a) of this section shall not apply with respect to the employment of any employee not otherwise exempted from such subsection by subsection (1) or section 13(a)(1)) in a retail or service establishment if—

"(1) such employee is employed in a bona fide sales capacity or as a manager of such establishment;

"(2) such employee's regular rate of pay is not less than twice the wage rate in effect under section 6(a); and

"(3) for employment in such establishment in excess of forty-eight hours in any workweek during such period or periods, such employee receives compensation at a rate not less than one and one-half times the regular rate at which he is employed in such establishment."

EQUAL PAY FOR EQUAL WORK

SEC. 209. The portion of section 13(a) that precedes paragraph (1) is amended by inserting "(other than section 6(d) in the case of paragraph (1) of this subsection)" immediately after "section 6".

## TITLE III—RELIEF FOR DOMESTIC INSTITUTIONS AND EMPLOYEES INJURED BY INCREASED IMPORTS FROM LOW-WAGE AREAS

RELIEF FOR DOMESTIC INSTITUTIONS AND EMPLOYEES INJURED BY INCREASED IMPORTS FROM LOW-WAGE AREAS

SEC. 301. (a) Subsection (a) of section 2 (29 U.S.C. 202) is amended to read as follows:

"(a) The Congress finds that the existence, in industries engaged in commerce or in the production of goods for commerce, of labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers and the unregulated importation of goods produced by industries in foreign nations under such conditions (1) causes commerce and the channels and instrumentalities of commerce to be used to spread and perpetuate such labor conditions among the workers of the several States; (2) burdens commerce and the free flow of goods in commerce; (3) constitutes an unfair method of competition in commerce; (4) leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce; and (5) interferes with the orderly and fair marketing of goods in commerce."

(b) Section 2 is further amended by adding after subsection (b) the following new subsection:

"(c) It is further declared to be the policy of this Act, through the exercise by Congress of its power to regulate commerce among the several States and with foreign nations, to provide for the regulation of imports of goods in such manner as will correct and as rapidly as possible eliminate any serious impairment or threat of impairment to the health, efficiency, and general well-being of any group of workers in the United States and the economic welfare of the communities in which they are employed from conditions above referred to in the industries providing them employment in which increased imports are a substantially contributing factor."

(c) Section 4 (29 U.S.C. 204) is amended by striking out subsection (e) and inserting in lieu thereof the following:

"(e)(1) Upon the request of the President, or upon resolution of either House of Congress, or upon application of the representative of any employee organization in a domestic industry, or upon application of any interested party, or upon his own motion, the Secretary of Labor shall promptly make an investigation and make a report thereon not later than four months after the application is made to determine whether any product is being imported into the United States under such circumstances, due in whole or in part to the fact that such foreign goods were produced under conditions such as those referred to in subsection (a) of section 2 of this Act which are causing or substantially contributing to serious impairment or threat of impairment to the health, efficiency, and general well-being of any group of workers in the United States or to the economic welfare of the community in which any such group of workers are employed.

"(2) In the course of any such investigation the Secretary or his delegate shall hold hearings, giving reasonable public notice thereof, and shall afford reasonable opportunity for interested parties to be present, to produce evidence, and to be heard at such hearings.

"(3) Should the Secretary find, as a result of the investigation and hearings, that an imported product is or likely will be sold in competition with like or competitive goods produced in the United States under such circumstances, he shall promptly report his finding to that effect to the President. The Secretary shall immediately make public his findings and report to the President, and shall cause a summary thereof to be published in the Federal Register.

"(4) Upon receipt of the report of the Secretary containing a finding that an imported product is or likely will be sold in competition with like or competitive goods produced in the United States under such circumstances, the President may take such action as he deems appropriate to remove such impairment or threat of impairment, in addition to any other customs treatment provided by law.

"(f) In the case of any contract—

"(1) which is for the manufacturing or furnishing of materials, supplies, articles, or equipment,

"(2) which is an amount exceeding $10,000,

"(3) which is to be performed outside any State, but is for goods, supplies, articles, or equipment to be used within a State,

"(4) to which the United States or any agency or instrumentality thereof, any territory, or the District of Columbia is a party

or under which payment is to be made in whole or in part from loans or grants from, or loans insured or guaranteed by, the United States or any agency or instrumentality thereof,

such contract shall require (A) all persons employed by the contractor in carrying out the contract to be employed on terms and conditions which are not substantially less favorable to such persons than those which would be required under this Act if the contract were to be performed within a State, and (B) the contractor to make such reports, in such form and containing such information, as may be required to enable the contracting agency (or such other Federal agency as the President may designate) to insure that the contractor complies with provisions of the contract required by this subsection, and to keep such records and afford such access thereto as such agency may find necessary to assure the correctness and verification of such reports."

## TITLE IV—AMENDMENT TO WALSH-HEALEY PUBLIC CONTRACTS ACT

### AMENDMENT TO WALSH-HEALEY PUBLIC CONTRACTS ACT

SEC. 401. The last sentence of section 9 of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (41 U.S.C. 43), is amended by inserting before the period at the end thereof the following: "or to certain transportation employees of private carriers of property by motor vehicle, as defined by sections 203(a)(17) and 203(c) of part II of the Interstate Commerce Act, where such transportation employees are subject to regulation as to qualifications and hours of service pursuant to sections 6(e)(5)(c) and 6(f)(2)(a) of the Department of Transportation Act of 1966".

## TITLE V—TECHNICAL AMENDMENTS

### CONFORMING AMENDMENTS

SEC. 501. (a) Section 3(s)(1) is amended by striking out "during the period February 1, 1967" and all that follows down through "and beginning February 1, 1969,".

(b) Section 6(a) is amended—

(1) by inserting before paragraph (2) the following:

"(b) In lieu of the wage rate prescribed by subsection (a), every employer shall pay each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages at the following rates:";

(2) in paragraph (2), by striking out "(2) if" and inserting in lieu thereof "(1) If" and by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (3)—

(A) by striking out "(3) if" and inserting in lieu thereof "(2) If",

(B) by striking out "in lieu of the rate or rates provided by this subsection or subsection (b),", and

(C) by striking out "paragraph (1) of this subsection;" and inserting in lieu thereof "subsection (a).";

(4) in paragraph (4)—

(A) by striking out "(4) if" and inserting in lieu thereof "(3) If",

(B) by striking out "paragraph (1) of this subsection" and inserting in lieu thereof "subsection (a)"; and

(C) by striking out "; or" and inserting in lieu thereof a period; and

(5) by redesignating paragraph (5) (as amended by section 102) as paragraph (4).

(c) Subsection (b) of section 6 (as in effect on the date of enactment of this Act) is repealed.

(d) Section 6(e) is amended to read as follows:

"(e) Notwithstanding the provisions of section 13 of this Act (except subsections (a)(1) and (f) thereof), every employer providing any contract services under a contract with the United States or any subcontract thereunder shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965 (41 U.S.C. 351–357) or to whom subsection (a) of this section is not applicable, wages at rates not less than the rates provided for in such subsection."

(e) Section 7 is amended—

(1) by striking out "(1)" and paragraph (2) in subsection (a);

(2) by redesignating subsections (e), (f), (g), (h), (i), and (j) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) by striking out "subsection (e)" in subsections (f) and (g) (as so redesignated by paragraph (2) of this subsection) and inserting in each such subsection "subsection (d)".

(f) Section 8 is amended by striking out "paragraph (1) of" subsections (a) and (c).

(g) Section 13(b) is amended—

(1) by redesignating paragraphs (5), (6), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), and (18) as paragraphs (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), and (16), respectively;

(2) by striking out "(1)" in paragraph (12) (as so redesignated in paragraph (1) of this subsection); and

(3) by striking out "; or" at the end of paragraph (17) (as so redesignated by paragraph (1) of this subsection) and inserting in lieu thereof a period.

(h) Section 13(e) is amended by striking out "6(a)(3)" each place it occurs and inserting in lieu thereof "6(b)(2)".

(i) Section 16(d) is amended by striking out "6(a)(3)" and inserting in lieu thereof "6(b)(2)".

(j)(1) Section 5341(a) of title 5 of the United States Code is amended by striking out "206a()(1)" and inserting in lieu thereof "206(a)".

(2) Section 303(a)(2) of the Consumer Credit Protection Act (15 U.S.C. 1673(a)(2)) is amended by striking out "6(a)(1)" and inserting in lieu thereof "6(a)".

(3) Section 2(b)(1) of the Service Contract Act of 1965 (41 U.S.C. 351(b)(1)) is amended by striking out "6(a)(1)" and inserting in lieu thereof "6(a)".

(4) Section 610–1(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2951(a)) is amended by striking out "6(a)(1)" and inserting in lieu thereof "6(a)".

### UPDATING AMENDMENTS

SEC. 502. (a) Sections 3(m), 4(b), 4(c), 4(d), 5, 6(b)(1) (as so redesigned by section 501), 7(d)(3) (as so redesigned), 7(b)(3) (as so redesignated), 8(a), 8(b), 8(e), 8(f), 11, 15(a)(1), (15)(a)(2), and 16(c) are each amended by striking out "Administrator" each place it occurs and inserting in lieu thereof "Secretary".

(b) Section 10(b) is amended by striking out "Administrator's" and inserting in lieu thereof "Secretary's".

(c)(1) Sections 3(l)(2) and 12(b) are each amended by striking out "Chief of the Children's Bureau in the Department of Labor" and inserting in lieu thereof "Secretary".

(2) Section 3(l)(2) and the last sentence of section 3(l) are each amended by striking out "Chief of the Children's Bureau" each place it occurs and inserting in lieu thereof "Secretary".

(3) Section 9 is amended by striking out "Administrator, the Chief of the Children's Bureau," and inserting in lieu thereof "Secretary".

(4) Section 11(b) is amended by striking out "and the Chief of the Children's Bureau".

(d) Section 4(a) is amended by striking out "at the rate of $20,000 a year" and inserting in lieu thereof "at the rate prescribed for level V of the Executive Schedule".

(e) Section 4(b) is amended—

(1) by striking out "civil service laws" and inserting in lieu thereof "provisions of title 5 of the United States Code governing appointments in the competitive service"; and

(2) by striking out "Classification Act of 1949, as amended" and inserting in lieu thereof "provisions of such title relating to classification and General Schedule pay rates."

(f) The section heading for such section is amended by striking out "ADMINISTRATOR" and inserting in lieu thereof "ADMINISTRATION."

(g) Section 13(a)(1) is amended by striking out "Administrative Procedure Act" and inserting in lieu thereof "provisions of subchapter II of chapter 5 of title 5 of the United States Code (relating to administrative procedure)."

(h) Section 13(b)(8) (as so redesignated) is amended by striking out "Bureau of the Budget" and inserting in lieu thereof "Office of Management and Budget."

## TITLE VI—EFFECTIVE DATE

### EFFECTIVE DATE

SEC. 601. (a) The effective date of the amendments made by this Act shall be January 1, 1972.

(b) Notwithstanding subsection (a), the amendment made by section 102 shall take effect August 1, 1971.

(c) On and after the date of the enactment of this Act the Secretary of Labor is authorized to prescribe necessary rules, regulations, and orders with regard to the amendments made by this Act.

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## FAIR LABOR STANDARDS ACT OF 1938

AN ACT To provide for the establishment of fair labor standards in employments in and affecting interstate commerce, 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 "Fair Labor Standards Act of 1938."

### FINDING AND DECLARATION OF POLICY

SEC. 2. (a) The Congress finds that the existence, in industries engaged in commerce or in the production of goods for commerce, of labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers and the unregulated importation of goods produced by industries in foreign nations under such conditions (1) causes commerce and the channels and instrumentalities of commerce to be used to spread and perpetuate such labor conditions among the workers of the several States; (2) burdens commerce and the free flow of goods in commerce; (3) constitutes an unfair method of competition in commerce; (4) leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce; and (5) interferes with the orderly and fair marketing of goods in commerce.

(b) It is hereby declared to be the policy of this Act, through the exercise by Congress of its power to regulate commerce among the several States and with foreign nations, to correct and as rapidly as practicable to eliminate the conditions above referred to in such industries without substantially curtailing employment or earning power.

(c) It is further declared to be the policy of this Act, through the exercise by Congress of its power to regulate commerce among the several States and with foreign nations, to provide for the regulation of imports of goods in such manner as will correct and as rapidly as possible eliminate any serious impairment or threat of impairment to the health, efficiency, and general well-being of

any group of workers in the United States and the economic welfare of the communities in which they are employed from conditions above referred to in the industries providing them employment in which increased imports are a substantially contributing factor.

DEFINITIONS

SEC. 3. As used in this Act—

(a) "Person" means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons.

(b) "Commerce" means trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.

(c) "State" means any State of the United States or the District of Columbia or any Territory or possession of the United States.

(d) "Employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee and includes the United States or any State or political subdivision of a State, but does not include any labor organizations (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

(e) "Employee' includes any individual employed by an employer, except that such term shall not, for the purposes of section 3(u), include—

(1) any individual employed by an employer engaged in agriculture if such individual is the parent, spouse, child, or other member of the employer's immediate family, or

(2) any individual who is employed by an employer engaged in agriculture if such individual (A) is employed as a hand harvest laborer and is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (B) commutes daily from his permanent residence to the farm on which he is so employed, and (C) has been employed in agriculture less than thirteen weeks during the preceding calendar year.

(f) "Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15(g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

(g) "Employ" includes to suffer or permit to work.

(h) "Industry" means a trade, business, industry, or branch thereof, or group of industries, in which individuals are gainfully employed.

(i) "Goods" means goods (including ships and marine equipment), wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof, but does not include goods after their delivery into the actual physical possession of the ultimate consumer thereof other than a producer, manufacturer, or processor thereof.

(j) "Produced" means produced, manufactured, mined, handled, or in any other manner worked on in any State; and for the purposes of this Act an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any closely related process or occupation directly essential to the production thereof, in any State.

(k) "Sale" or "sell" includes any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition.

(l) "Oppressive child labor" means a condition of employment under which (1) any employee under the age of sixteen years is employed by an employer (other than a parent or a person standing in place of a parent employing his own child or a child in his custody under the age of sixteen years in an occupation other than manufacturing or mining or an occupation found by the Secretary of Labor to be particularly hazardous for the employment of children between the ages of sixteen and eighteen years or detrimental to their health or well-being) in any occupation, or (2) any employee between the ages of sixteen and eighteen years is employed by an employer in any occupation which the Secretary shall find and by order declare to be particularly hazardous for the employment of children between such ages or detrimental to their health or well-being; but oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file an unexpired certificate issued and held pursuant to regulations of the Secretary certifying that such person is above the oppressive child labor age. The Secretary shall provide by regulation or by order that the employment of employees between the ages of fourteen and sixteen years in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor if and to the extent that the Secretary determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being.

(m) "Wage" paid to any employee includes the reasonable cost, as determined by the Secretary, to the employer of furnishing such employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by such employer to his employees: *Provided*, That the cost of board, lodging, or other facilities shall not be included as a part of the wage paid to any employee to the extent it is excluded therefrom under the terms of a bona fide collective-bargaining agreement applicable to the particular employee: *Provided further*, That the Secretary is authorized to determine the fair value of such board, lodging, or other facilities for defined classes of employees and in defined areas, based on average cost to the employer or to groups of employers similarly situated, or average value to groups of employees, or other appropriate measures of fair value. Such evaluations, where applicable and pertinent, shall be used in lieu of actual measure of cost in determining the wage paid to any employee. In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 50 per centum of the applicable minimum wage rate, except that in the case of an employee who (either himself or acting through his representative) shows to the satisfaction of the Secretary that the actual amount of tips received by him was less than the amount determined by the employer as the amount by which the wage paid him was deemed to be increased under this sentence, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount.

(n) "Resale" shall not include the sale of goods to be used in residential or farm building construction, repair, or maintenance: *Provided*, That the sale is recognized as a bona fide retail sale in the industry.

(o) Hours Worked.—In determining for the purposes of sections 6 and 7 the hours for which an employe is employed, there shall be excluded any time spent in changing clothes or washing at the beginning or end of each workday which was excluded from measured working time during the week involved by the express terms of or by custom or practice under a bona fide collective-bargaining agreement applicable to the particular employee.

(p) "American vessel" includes any vessel which is documented or numbered under the laws of the United States.

(q) "Secretary" means the Secretary of Labor.

(r) "Enterprise" means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units including departments of an establishment operated through leasing arrangements, but shall not include the related activities performed for such enterprise by an independent contractor: *Provided*, That, within the meaning of this subsection, a retail or service establishment which is under independent ownership shall not be deemed to be so operated or controlled as to be other than a separate and distinct enterprise by reason of any arrangement, which includes, but is not necessarily limited to, an agreement (1) that it will sell, or sell only, certain goods specified by a particular manufacturer, distributor, or advertiser, or (2) that it will join with other such establishments in the same industry for the purpose of collective purchasing, or (3) that it will have the exclusive right to sell the goods or use the brand name of a manufacturer, distributor, or advertiser within a specified area, or by reason of the fact that it occupies premises leased to it by a person who also leases premises to other retail or service establishments. For purposes of this subsection, the activities performed by any person or persons—

(1) in connection with the operation of a hospital, an institution primarily engaged in the care of the sick, the aged, the mentally ill or defective who reside on the premises of such institution, a school for mentally or physically handicapped or gifted children, an elementary or secondary school, or an institution of higher education (regardless of whether or not such hospital, institution, or school is operated for profit or not for profit), or

(2) in connection with the operation of a street, suburban or interurban electric railway, or local trolley or motorbus carrier, if the rates and services of such railway or carrier are subject to regulation by a State or local agency (regardless of whether or not such railway or carrier is operated for profit or not for profit), or

(3) as an officer or employee of the United States or of any State or political subdivision of a State,

shall be deemed to be activities performed for a business purpose.

(s) "Enterprise engaged in commerce or in the production of goods for commerce" means an enterprise which has employees engaged in commerce or in the production of goods for commerce, including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person, and which—

(1) is an enterprise whose annual gross volume of sales made or business done is not less than $250,000 (exclusive of excise taxes at the retail level which are separately stated);

(2) is engaged in laundering, cleaning, or repairing clothing or fabrics;

(3) is engaged in the business of construction or reconstruction, or both; or

(4) is engaged in the operation of a hospital, an institution primarily engaged in the

care of the sick, the aged, the mentally ill or defective who reside on the premises of such institution, a school for mentally or physically handicapped or gifted children, an elementary or secondary school, or an institution of higher education (regardless of whether or not such hospital, institution, or school is operated for profit or not for profit). Such term also includes the United States and any State, or political subdivision of a State, which has officers or employees engaged in commerce or in the production of goods for commerce. Any establishment which has as its only regular employees the owner thereof or the parent, spouse, child, or other member of the immediate family of such owner shall not be considered to be an enterprise engaged in commerce or in the production of goods for commerce or a part of such an enterprise, and the sales of such establishment shall not be included for the purpose of determining the annual gross volume of sales of any enterprise for the purpose of this subsection.

(t) "Tipped employee" means any employee engaged in an occupation in which he customarily and regularly receives more than $20 a month in tips.

(u) "Man-day" means any day during which an employee performs any agricultural labor for not less than one hour.

(v) "Elementary school" means a day or residential school which provides elementary education, as determined under State law.

(w) "Secondary school" means a day or residential school which provides secondary education, as determined under State law.

ADMINISTRATION

SEC. 4. (a) There is hereby created in the Department of Labor a Wage and Hour Division which shall be under the direction of an Administrator, to be known as the Administrator of the Wage and Hour Division (in this Act referred to as the "Administrator"). The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate prescribed for level V of the Executive Schedule.

(b) The Secretary may, subject to the provisions of title 5 of the United States Code governing appointments in the competitive service, appoint such employees as he deems necessary to carry out his functions and duties under this Act and shall fix their compensation in accordance with the provisions of such title relating to classification and General Schedule pay rates. The Secretary may establish and utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may appear for and represent the Secretary in any litigation, but all such litigation shall be subject to the direction and control of the Attorney General. In the appointment, selection, classification, and promotion of officers and employees of the Secretary, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency.

(c) The principal office of the Secretary shall be in the District of Columbia, but he or his duly authorized representatives may exercise any or all of his powers in any place.

(d) The Secretary shall submit annually in January a report to the Congress covering his activities for the preceding year and including such information, data, and recommendations for further legislation in connection with the matters covered by this Act as he may find advisable. Such report shall contain an evaluation and appraisal by the Secretary of the minimum wages established by this Act, together with his recommendations to the Congress. In making such evaluation and appraisal, the Secretary shall take into consideration any changes which may have occurred in the cost of living and in productivity and the level of wages in manufacturing, the ability of employers to absorb wage increases, and such other factors as he may deem pertinent.

(e) (1) Upon the request of the President, or upon resolution of either House of Congress, or upon application of the representative of any employee organization in a domestic industry, or upon application of any interested party, or upon his own motion, the Secretary of Labor shall promptly make an investigation and make a report thereon not later than four months after the application is made to determine whether any product is being imported into the United States under such circumstances, due in whole or in part to the fact that such foreign goods were produced under conditions such as those referred to in subsection (a) of section 2 of this Act which are causing or substantially contributing to serious impairment or threat of impairment to the health, efficiency, and general well-being of any group of workers in the United States or to the economic welfare of the community in which any such group of workers are employed.

(2) In the course of any such investigation the Secretary or his delegate shall hold hearings, giving reasonable public notice thereof, and shall afford reasonable opportunity for interested parties to be present, to produce evidence, and to be heard at such hearings.

(3) Should the Secretary find, as a result of the investigation and hearings, that an imported product is or likely will be sold in competition with like or competitive goods produced in the United States under such circumstances, he shall promptly report his finding to that effect to the President. The Secretary shall immediately make public his findings and report to the President, and shall cause a summary thereof to be published in the Federal Register.

(4) Upon receipt of the report of the Secretary containing a finding that an imported product is or likely will be sold in competition with like or competitive goods produced in the United States under such circumstances, the President may take such action as he deems appropriate to remove such impairment or threat of impairment, in addition to any other customs treatment provided by law.

(f) In the case of any contract—

(1) which is for the manufacturing or furnishing of materials, supplies, articles, or equipment,

(2) which is an amount exceeding $10,000,

(3) which is to be performed outside any State, but is for goods, supplies, articles, or equipment to be used within a State,

(4) to which the United States or any agency or instrumentality thereof, any territory, or the District of Columbia is a party or under which payment is to be made in whole or in part from loans or grants from, or loans insured or guaranteed by, the United States or any agency or instrumentality thereof,

such contract shall require (A) all persons employed by the contractor in carrying out the contract to be employed on terms and conditions which are not substantially less favorable to such persons than those which would be required under this Act if the contract were to be performed within a State, and (B) the contractor to make such reports, in such form and containing such information, as may be required to enable the contracting agency (or such other Federal agency as the President may designate) to insure that the contractor complies with provisions of the contract required by this subsection, and to keep such records and afford such access thereto as such agency may find necessary to assure the correctness and verification of such reports.

SPECIAL INDUSTRY COMMITTEES FOR PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 5. (a) The Secretary shall as soon as practicable appoint a special industry committee to recommend the minimum rate or rates of wages to be paid under section 6 to employees in Puerto Rico or the Virgin Islands, or in Puerto Rico and the Virgin Islands, engaged in commerce or in the production of goods for commerce or employed in any enterprise engaged in commerce or in the production of goods for commerce, or the Secretary may appoint separate industry committees to recommend the minimum rate or rates of wages to be paid under section 6 to employees therein engaged in commerce or in the production of goods for commerce or employed in any enterprise engaged in commerce or in the production of goods for commerce in particular industries. An industry committee appointed under this subsection shall be composed of residents of such island or islands where the employees with respect to whom such committee was appointed are employed and residents of the United States outside of Puerto Rico and the Virgin Islands. In determining the minimum rate or rates of wages to be paid, and in determining classifications, such industry committees shall be subject to the provisions of section 8.

(b) An industry committee shall be appointed by the Secretary without regard to any other provisions of law regarding the appointment and compensation of employees of the United States. It shall include a number of disinterested persons representing the public, one of whom the Secretary shall designate as chairman, a like number of persons representing employees in the industry, and a like number representing employers in the industry. In the appointment of the persons representing each group, the Secretary shall give due regard to the geographical regions in which the industry is carried on.

(c) Two-thirds of the members of an industry committee shall constitute a quorum and the decision of the committee shall require a vote of not less than a majority of all its members. Members of an industry committee shall receive as compensation, for their services a reasonable per diem, which the Secretary shall by rules and regulations prescribe, for each day actually spent in the work of the committee, and shall in addition be reimbursed for their necessary traveling and other expenses. The Secretary shall furnish the committee with adequate legal, stenographic, clerical, and other assistance, and shall by rules and regulations prescribe the procedure to be followed by the committee.

(d) The Secretary shall submit to an industry committee from time to time such data as he may have available on the matters referred to it, and shall cause to be brought before it in connection with such matters any witnesses whom he deems material. An industry committee may summon other witnesses or call upon the Secretary to furnish additional information to aid it in its deliberations.

(e) The provisions of this section and section 8 shall not apply with respect to the minimum wage rate of any employee employed in Puerto Rico or the Virgin Islands (1) by an establishment which is a hotel, motel, or restaurant, or (2) by any other retail or service establishment if such employee is employed primarily in connection with the preparation of offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs. The minimum wage rate of such an employee shall be determined in accordance with sections 6(a), 13, and 14 of this Act.

MINIMUM WAGES

SEC. 6. (a) Except as provided in this section, every employer shall pay to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise en-

gaged in commerce or in the production of goods for commerce, wages at the following rates: Effective January 1, 1972, not less than $1.80 an hour and effective January 1, 1973, not less than $2.00 an hour.

(b) In lieu of the wage rate prescribed by subsection (a), every employer shall pay each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages at the following rates:

(1) If such employee is a home worker in Puerto Rico or the Virgin Islands, not less than the minimum piece rate prescribed by regulation or order; or, if no such minimum piece rate is in effect, any piece rate adopted by such employer which shall yield, to the proportion or class of employees prescribed by regulation or order, not less than the applicable minimum hourly wage rate. Such minimum piece rates or employer piece rates shall be commensurate with, and shall be paid in lieu of, the minimum hourly wage rate applicable under the provisions of this section. The Secretary, or his authorized representative, shall have power to make such regulations or orders as are necessary or appropriate to carry out any of the provisions of this paragraph, including the power without limiting the generality of the foregoing, to define any operation or occupation which is performed by such home work employees in Puerto Rico or the Virgin Islands; to establish minimum piece rates for any operation or occupation so defined; to prescribe the method and procedure for ascertaining and promulgating minimum piece rates; to prescribe standards for employer piece rates, including the proportion or class of employees who shall receive not less than the minimum hourly wage rate; to define the term "home worker"; and to prescribe the conditions under which employers, agents, contractors, and subcontractors shall cause goods to be produced by home workers.

(2) If such employee is employed in American Samoa, not less than the applicable rate established by the Secretary of Labor in accordance with recommendations of a special industry committee or committees which he shall appoint in the same manner and pursuant to the same provisions as are applicable to the special industry committees provided for Puerto Rico and the Virgin Islands by this Act as amended from time to time. Each such committee shall have the same powers and duties and shall apply the same standards with respect to the application of the provisions of this Act to employees employed in American Samoa as pertain to special industry committees established under section 5 with respect to employees employed in Puerto Rico or the Virgin Islands. The minimum wage rate thus established shall not exceed the rate prescribed in subsection (a).

(3) If such employee is employed as a seaman on an American vessel, not less than the rate which will provide to the employee, for the period covered by the wage payment, wages equal to compensation at the hourly rate prescribed by subsection (a) for all hours during such period when he was actually on duty (including periods aboard ship when the employee was on watch or was, at the direction of a superior officer, performing work or standing by, but not including off-duty periods which are provided pursuant to the employment agreement).

(4) If such employee is employed in agriculture, effective August 1, 1971, not less than $1.50 an hour; effective January 1, 1972, not less than $1.60 an hour; effective January 1, 1973, not less than $1.80 an hour; and effective January 1, 1974, not less than $2 an hour.

(c)(1) The rate or rates provided by subsections (a) and (b) of this section shall be superseded in the case of any employee in Puerto Rico or the Virgin Islands only for so long as and insofar as such employee is covered by a wage order heretofore or hereafter issued by the Secretary pursuant to the recommendations of a special industry committee appointed pursuant to section 5.

(2) In the case of any such employee who is covered by such a wage order and to whom the rate or rates prescribed by subsection (a) would otherwise apply, the following rates shall apply:

(A) For the period beginning January 1, 1972, the highest rate or rates in effect on or before such date, under any wage order covering such employee, increased by $0.20.

(B) For the period beginning January 1, 1973, the highest rate or rates (including any increase prescribed by subparagraph (A)) in effect on or before such date, under any wage order covering such employee, increased by $0.20.

(d)(1) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: *Provided*, That an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee.

(2) No labor organization, or its agents, representing employees of an employer having employees subject to any provisions of this section shall cause or attempt to cause such an employer to discriminate against an employee in violation of paragraph (1) of this subsection.

(3) For purposes of administration and enforcement, any amounts owing to any employee which have been withheld in violation of this subsection shall be deemed to be unpaid minimum wages or unpaid overtime compensation under this Act.

(4) As used in this subsection, the term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(e) Notwithstanding the provisions of section 13 of this Act (except subsections (a)(1) and (f) thereof), every employer providing any contract services under a contract with the United States or any subcontract thereunder shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965 (41 U.S.C. 351–357) or to whom subsection (a) of this section is not applicable, wages at rates not less than the rates provided for in such subsection.

MAXIMUM HOURS

SEC. 7. (a)(c) Except as otherwise provided in this section, no employer shall employ any of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, for a workweek longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.

(b) No employer shall be deemed to have violated subsection (a) by employing any employee for a workweek in excess of that specified in such subsection without paying the compensation for overtime employment prescribed therein if such employee is so employed—

(1) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employee shall be employed more than one thousand and forty hours during any period of twenty-six consecutive weeks, or

(2) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board which provides that during a specified period of fifty-two consecutive weeks the employee shall be employed not more than two thousand two hundred and forty hours and shall be guaranteed not less than one thousand eight hundred and forty hours (or not less than forty-six weeks at the normal number of hours worked per week, but not less than thirty hours per week) and not more than two thousand and eighty hours of employment for which he shall receive compensation for all hours guaranteed or worked at rates not less than those applicable under the agreement to the work performed and for all hours in excess of the guaranty which are also in excess of the maximum workweek applicable to such employee under subsection (a) or two thousand and eighty in such period at rates not less than one and one-half times the regular rate at which he is employed; or

(3) by an independently owned and controlled local enterprise (including an enterprise with more than one bulk storage establishment) engaged in the wholesale or bulk distribution of petroleum products if—

(A) the annual gross volume of sales of such enterprise is less than $1,000,000 exclusive of excise taxes,

(B) more than 75 per centum of such enterprise's annual dollar volume of sales is made within the State in which such enterprise is located, and

(C) not more than 25 per centum of the annual dollar volume of sales of such enterprise is to customers who are engaged in the bulk distribution of such products for resale,

and such employee receives compensation for employment in excess of forty hours in any workweek at a rate not less than one and one-half times the minimum wage rate applicable to him under section 6,

and if such employee receives compensation for employment in excess of twelve hours in any workday, or for employment in excess of fifty-six hours in any workweek, as the case may be, at a rate not less than one and one-half times the regular rate at which he is employed.

(c) For a period or periods of not more than seven workweeks in the aggregate in any calendar year, the requirements of subsection (a) of this section shall not apply with respect to the employment of any employee (not otherwise exempted from such subsection by subsection (i) or section 13 (a)(1)) in a retail or service establishment if—

(1) such employee is employed in a bona fide sales capacity or as a manager of such establishment;

(2) such employee's regular rate of pay is not less than twice the wage rate in effect under section 6(a); and

(3) for employment in such establishment in excess of forty-eight hours in any workweek during such period or periods, such employee receives compensation at a rate not less than one and one-half times the regular rate at which he is employed in such establishment.

(d) As used in this section the "regular rate" at which an employee is employed shall be deemed to include all remuneration for employment paid to, or on behalf of, the

employee, but shall not be deemed to include—

(1) sums paid as gifts; payments in the nature of gifts made at Christmas time or on other special occasions, as a reward for service, the amounts of which are not measured by or dependent on hours worked, production, or efficiency;

(2) payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause; reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of his employer's interests and properly reimbursable by the employer; and other similar payments to an employee which are not made as compensation for his hours of employment;

(3) sums paid in recognition of services performed during a given period if either, (a) both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employer at or near the end of the period and not pursuant to any prior contract, agreement, or promise causing the employee to expect such payments regularly; or (b) the payments are made pursuant to a bona fide profit-sharing plan or trust or bona fide thrift or savings plan, meeting the requirements of the Secretary set forth in appropriate regulation which he shall issue, having due regard among other relevant factors, to the extent to which the amounts paid to the employee are determined without regard to hours of work, production, or efficiency; or (c) the payments are talent fees (as such talent fees are defined and delimited by regulations of the Secretary) paid to performers, including announcers, on radio and television programs;

(4) contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old-age, retirement, life, accident, or health insurance or similar benefits for employees;

(5) extra compensation provided by a premium rate paid for certain hours worked by the employee in any day or workweek because such hours are hours worked in excess of eight in a day or in excess of the maximum workweek applicable to such employee under subsection (a) or in excess of the employee's normal working hours or regular working hours, as the case may be;

(6) extra compensation provided by a premium rate paid for work by the employee on Saturdays, Sundays, holidays, or regular days of rest, or on the sixth or seventh day of the workweek, where such premium rate is not less than one and one-half times the rate established in good faith for like work performed in non-overtime hours on other days; or

(7) extra compensation provided by a premium rate paid to the employee, in pursuance of an applicable employment contract or collective-bargaining agreement, for work outside of the hours established in good faith by the contract or agreement as the basic, normal, or regular workday (not exceeding eight hours) or workweek (not exceeding the maximum workweek applicable to such employee under subsection (a)), where such premium rate is not less than one and one-half times the rate established in good faith by the contract or agreement for like work performed during such workday or workweek.

(e) No employer shall be deemed to have violated subsection (a) by employing any employee for a workweek in excess of the maximum workweek applicable to such employee under subsection (a) if such employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the duties of such employee necessitate irregular hours of work, and the contract or agreement (1) specifies a regular rate of pay of not less than the minimum hourly rate provided in subsection (a) or (b) of section 6 (whichever may be applicable) and compensation at not less than one and one-half times such rate for all hours worked in excess of such maximum workweek, and (2) provides a weekly guaranty of pay for not more than sixty hours based on the rates so specified.

(f) No employer shall be deemed to have violated subsection (a) by employing any employee for a workweek in excess of the maximum workweek applicable to such employee under such subsection if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, the amount paid to the employee for the number of hours worked by him in such workweek in excess of the maximum workweek applicable to such employee under such subsection—

(1) in the case of an employee employed at piece rates, is computed at piece rates not less than one and one-half times the bona fide piece rates applicable to the same work when performed during nonovertime hours; or

(2) in the case of an employee performing two or more kinds of work for which different hourly or piece rates have been established, is computed at rates not less than one and one-half times such bona fide rates applicable to the same work when performed during nonovertime hours; or

(3) is computed at a rate not less than one and one-half times the rate established by such agreement or understanding as the basic rate to be used in computing overtime compensation thereunder: *Provided*, That the rate so established shall be authorized by regulation by the Secretary as being substantially equivalent to the average hourly earnings of the employee, exclusive of overtime premiums, in the particular work over a representative period of time;

and if (1) the employee's average hourly earnings for the workweek exclusive of payments described in paragraphs (1) through (7) of subsection (d) are not less than the minimum hourly rate required by applicable law, and (ii) extra overtime compensation is properly computed and paid on other forms of additional pay required to be included in computing the regular rate.

(g) Extra compensation paid as described in paragraph (5), (6), and (7) of subsection (d) shall be creditable toward overtime compensation payable pursuant to this section.

(h) No employer shall be deemed to have violated subsection (a) by employing any employee of a retail or service establishment for a workweek in excess of the applicable workweek specified therein, if (1) the regular rate of pay of such employee is in excess of one and one-half times the minimum hourly rate applicable to him under section 6, and (2) more than half his compensation for a representative period (not less than one month) represents commissions on goods or services. In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

(i) No employer engaged in the operation of a hospital or an establishment which is an institution (other than a hospital) primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises shall be deemed to have violated subsection (a) if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of fourteen consecutive days is accepted in lieu of the workweek of seven consecutive days for purposes of overtime computation and if, for his employment in excess of eight hours in any workday and in excess of eighty hours in such fourteen-day period the employee receives compensation at a rate not less than one and one-half times the regular rate at which he is employed.

WAGE ORDERS IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 8. (a) The policy of this Act with respect to industries or enterprises in Puerto Rico and the Virgin Islands engaged in commerce or in the production of goods for commerce is to reach as rapidly as is economically feasible without substantially curtailing employment the objective of the minimum wage prescribed in section 6(a) in each such industry. The Secretary shall from time to time convene an industry committee or committees, appointed pursuant to section 5, and any such industry committee shall from time to time recommend the minimum rate or rates of wages to be paid under section 6 by employers in Puerto Rico or the Virgin Islands, or in Puerto Rico and the Virgin Islands, engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce in any such industry or classifications therein. Minimum rates of wages established in accordance with this section which are not equal to the minimum wage rate prescribed in paragraph (1) of section 6(a) shall be reviewed by such a committee once during each biennial period, beginning with the biennial period commencing July 1, 1958, except that the Secretary, in his discretion, may order an additional review during any such biennial period.

(b) Upon the convening of any such industry committee, the Secretary shall refer to it the question of the minimum wage rate or rates to be fixed for such industry. The industry committee shall investigate conditions in the industry and the committee, or any authorized subcommittee thereof, shall after due notice hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under this Act. The committee shall recommend to the Secretary the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico or in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico and the Virgin Islands.

(c) The industry committee shall recommend such reasonable classifications within any industry as it determines to be necessary for the purpose of fixing for each classification within such industry the highest minimum wage rate (not in excess of that prescribed in section 6(a) which (1) will not substantially curtail employment in such classification and (2) will not give a competitive advantage to any group in the industry, and shall recommend for each classification in the industry the highest minimum wage rate at which the committee determines will not substantially curtail employment in such classification. In determining whether such classifications should be made in any industry, in making such classifications, and in determining the minimum wage rates for such classifications, no classifications shall be made, and no minimum wage rate shall be fixed, solely on a regional basis, but the industry committee shall consider among other relevant factors the following:

(1) competitive conditions as affected by transportation, living, and production costs;

(2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and

(3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

No classification shall be made under this section on the basis of age or sex.

(d) The industry committee shall file with the Secretary a report containing its findings of fact and recommendations with respect to the matters referred to it. Upon the filing of such report, the Secretary shall publish such recommendations in the Federal Register and shall provide by order that the recommendations contained in such report shall take effect upon the expiration of 15 days after the date of such publication.

(e) Orders issued under this section shall define the industries and classifications therein to which they are to apply, and shall contain such terms and conditions as the Secretary finds necessary to carry out the purposes of such orders, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rates established therein.

(f) Due notice of any hearing provided for in this section shall be given by publication in the Federal Register and by such other means as the Secretary deems reasonably calculated to give general notice to interested persons.

ATTENDANCE OF WITNESSES

SEC. 9. For the purpose of any hearing or investigation provided for in this Act, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U.S.C., 1934 edition, title 15, secs. 49 and 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary and the industry committees.

COURT REVIEW

SEC. 10. (a) Any person aggrieved by an order of the Secretary issued under section 8 may obtain a review of such order in the United States Court of Appeals for any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within 60 days after the entry of such order a written petition praying that the order of the Secretary be modified or set aside in whole or in part. A copy of such petition shall forthwith be transmitted by the clerk of the court to the Secretary, and thereupon the Secretary shall file in the court the record of the industry committee upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to affirm, modify, or set aside such order in whole or in part so far as it is applicable to the petitioner. The review by the court shall be limited to questions of law, and findings of fact by such industry committee when supported by substantial evidence shall be conclusive. No objection to the order of the Secretary shall be considered by the court unless such objection shall have been urged before such industry committee or unless there were reasonable grounds for failure so to do. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceeding and that there were reasonable grounds for failure to adduce such evidence in the proceedings before such industry committee, the court may order such additional evidence to be taken before an industry committee and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. Such industry committee may modify the initial findings by reason of the additional evidence so taken, and shall file with the court such modified or new findings which if supported by substantial evidence shall be conclusive, and shall also file its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(b) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of the Secretary's order. The court shall not grant any stay of the order unless the person complaining of such order shall file in court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees affected by the order, in the event such order is affirmed, of the amount by which the compensation such employees are entitled to receive under the order exceeds the compensation they actually receive while such stay is in effect.

INVESTIGATIONS, INSPECTIONS, RECORDS, AND HOMEWORK REGULATIONS

SEC. 11. (a) The Secretary or his designated representatives may investigate and gather data regarding the wages, hours, and other conditions and practices of employment in any industry subject to this Act, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of this Act, or which may aid in the enforcement of the provisions of this Act. Except as provided in section 12 and in subsection (b) of this section, the Secretary shall utilize the bureaus and divisions of the Department of Labor for all the investigations and inspections necessary under this section. Except as provided in section 12, the Secretary shall bring all actions under section 17 to restrain violations of this Act.

(b) With the consent and cooperation of State agencies charged with the administration of State labor laws, the Secretary may, for the purpose of carrying out his functions and duties under this Act, utilize the services of State and local agencies and their employees and, notwithstanding any other provision of law, may reimburse such State and local agencies and their employees for services rendered for such purposes.

(c) Every employer subject to any provision of this Act or of any order issued under this Act shall make, keep, and preserve such records of the persons employed by him and of the wages, hours, and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time, and shall make such reports therefrom to the Secretary as he shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this Act or the regulations or orders thereunder.

(d) The Secretary is authorized to make such regulations and orders regulating, restricting, or prohibiting industrial homework as are necessary or appropriate to prevent the circumvention or evasion of and to safeguard the minimum wage rate prescribed in this Act, and all existing regulations or orders of the Administrator relating to industrial homework are hereby continued in full force and effect.

CHILD LABOR PROVISIONS

SEC. 12. (a) No producer, manufacturer, or dealer shall ship or deliver for shipment in commerce any goods produced in an establishment situated in the United States in or about which within thirty days prior to the removal of such goods therefrom any oppressive child labor has been employed: *Provided*, That any such shipment or delivery for shipment of such goods by a purchaser who acquired them in good faith in reliance on written assurance from the producer, manufacturer, or dealer that the goods were produced in compliance with the requirements of this section, and who acquired such goods for value without notice of any such violation, shall not be deemed prohibited by this subsection: *And provided further*, That a prosecution and conviction of a defendant for the shipment or delivery for shipment of any goods under the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such goods before the beginning of said prosecution.

(b) The Secretary, or any of his authorized representatives, shall make all investigations and inspections under section 11(a) with respect to the employment of minors, and, subject to the direction and control of the Attorney General, shall bring all actions under section 17 to enjoin any act or practice which is unlawful by reason of the existence of oppressive child labor, and shall administer all other provisions of this Act relating to oppressive child labor.

(c) No employer shall employ any oppressive child labor in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce.

EXEMPTIONS

SEC. 13. (a) The provisions of sections 6 (other than section 6(d) in the case of paragraph (1) of this subsection) and 7 shall not apply with respect to—

(1) any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools), or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the provisions of subchapter II of chapter 5 of title 5 of the United States Code (relating to administrative procedure), except that an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in his workweek which he devotes to activities not directly or closely related to the performance of executive or administrative activities, if less than 40 per centum of his hours worked in the workweek are devoted to such activities); or

(2) any employee employed by any retail or service establishment (except an establishment or employee engaged in laundering, cleaning, or repairing clothing or fabrics or an establishment engaged in the operation of a hospital, institution, or school described in section 3(s) (4)), if more than 50 per centum of such establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located, and such establishment is not in an enterprise described in section 3(s) or such establishment has an annual dollar volume of sales which is less than $250,000 (exclusive of excise taxes at the retail level which are separately stated). A "retail or service establishment" shall mean an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the particular industry; or

(3) any employee employed by an establishment which is an amusement or recreational establishment, if (A) it does not operate for more than seven months in any calendar year, or (B) during the preceding calendar year, its average receipts for any six months of such year were not more than 33⅓ per centum of its average receipts for the other six months of such year; or

(4) any employee employed by an establishment which qualifies as an exempt retail establishment under clause (2) of this subsection and is recognized as a retail establishment in the particular industry notwithstanding that such establishment makes or

processes at the retail establishment the goods that it sells: *Provided*, That more than 85 per centum of such establishment's annual dollar volume of sales of goods so made or processed is made within the State in which the establishment is located; or

(5) any employee employed in the catching, taking, propagating, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, or in the first processing, canning or packing such marine products at sea as an incident to, or in conjunction with, such fishing operations, including the going to and returning from work and loading and unloading when performed by any such employee; or

(6) any employee employed in agriculture (A) if such employee is employed by an employer who did not, during any calendar quarter during the preceding calendar year, use more than five hundred man-days of agricultural labor, (B) if such employee is the parent, spouse, child, or other member of his employer's immediate family, (C) if such employee (i) is employed as a hand harvest laborer and is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (ii) commutes daily from his permanent residence to the farm on which he is so employed, and (iii) has been employed in agriculture less than thirteen weeks during the preceding calendar year, (D) if such employee (other than an employee described in clause (C) of this subsection) (i) is sixteen years of age or under and is employed as a hand harvest laborer, is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (ii) is employed on the same farm as his parent or person standing in the place of his parent, and (iii) is paid at the same piece rate as employees over age sixteen are paid on the same farm, or (E) if such employee is principally engaged in the range production of livestock; or

(7) any employee to the extent that such employee is exempted by regulations, order, or certificate of the Secretary issued under section 14; or

(8) any employee employed in connection with the publication of any weekly, semiweekly, or daily newspaper with a circulation of less than four thousand the major part of which circulation is within the county where published or counties contiguous thereto; or

(9) any employee employed by an establishment which is a motion picture theater; or

(10) any switchboard operator employed by an independently owned public telephone company which has not more than seven hundred and fifty stations; or

(11) any employee or proprietor in a retail or service establishment which qualifies as an exempt retail or service establishment under clause (2) of this subsection with respect to whom the provisions of sections 6 and 7 would not otherwise apply, engaged in handling telegraphic messages for the public under an agency or contract arrangement with a telegraph company where the telegraph message revenue of such agency does not exceed $500 a month; or

(12) any employee employed as a seaman on a vessel other than an American vessel; or

(13) any employee employed in planting or tending trees, cruising, surveying, or felling timber, or in preparing or transporting logs or other forestry products to the mill, processing plant, railroad, or other transportation terminal, if the number of employees employed by his employer in such forestry or lumbering operations does not exceed eight; or

(14) any agricultural employee employed in the growing and harvesting of shade-grown tobacco who is engaged in the processing (including, but not limited to, drying, curing, fermenting, bulking, rebulking, sorting, grading, aging, and baling) of such tobacco, prior to the stemming process, for use as cigar wrapper tobacco.

(b) The provisions of section 7 shall not apply with respect to—

(1) any employee with respect to whom the Secretary of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of the Motor Carrier Act, 1935; or

(2) any employee of an employer subject to the provisions of part I of the Interstate Commerce Act; or

(3) any employee of a carrier by air subject to the provisions of title II of the Railway Labor Act; or

(4) any individual employed as an outside buyer of poultry, eggs, cream, or milk, in their raw or natural state; or

(5) any employee employed as a seaman; or

(6) any employee employed by an establishment which is a hotel, motel, or restaurant; or

(7) any employee employed as an announcer, news editor, or chief engineer by a radio or television station the major studio of which is located (A) in a city or town of one hundred thousand population or less, according to the latest available decennial census figures as compiled by the Bureau of the Census, except where such city or town is part of a standard metropolitan statistical area, as defined and designated by the Office of Management and Budget, which has a total population in excess of one hundred thousand, or (B) in a city or town of twenty-five thousand population or less, which is part of such an area but is at least 40 airline miles from the principal city in such area; or

(8) any salesman, partsman, or mechanic primarily engaged in selling or servicing automobiles, trailers, trucks, farm implements, or aircraft if employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles to ultimate purchasers; or

(9) any employee employed as a driver or driver's helper making local deliveries, who is compensated for such employment on the basis of trip rates, or other delivery payment plan, if the Secretary shall find that such plan has the general purpose and effect of reducing hours worked by such employees to, or below, the maximum workweek applicable to them under section 7(a); or

(10) any employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, or operated on a sharecrop basis, and which are used exclusively for supply and storing of water for agricultural purposes; or

(11) any employee with respect to his employment in agriculture by a farmer, notwithstanding other employment of such employee in connection with livestock auction operations in which such farmer is engaged as an adjunct to the raising of livestock, either on his own account or in conjuction with other farmers, if such employee (A) is primarily employed during his workweek in agriculture by such farmer, and (B) is paid for his employment in connection with such livestock auction operations at a wage rate not less than that prescribed by section 6(a); or

(12) any employee employed within the area of production (as defined by the Secretary) by an establishment commonly recognized as a country elevator, including such an establishment which sells products and services used in the operation of a farm, if no more than five employees are employed in the establishment in such operations; or

(13) any employee engaged in ginning of cotton for market, in any place of employment located in a county where cotton is grown in commercial quantities; or

(14) any employee engaged (A) in the transportation and preparation for transportation of fruits or vegetables, whether or not performed by the farmer, from the farm to a place of first processing or first marketing within the same State, or (B) in transportation, whether or not performed by the farmer, between the farm and any point within the same State of persons employed or to be employed in the harvesting of fruits or vegetables; or

(15) any driver employed by an employer engaged in the business of operating taxicabs; or

(16) any employee of a retail or service establishment who is employed primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs.

(c)(1) Except as provided in paragraph (2), the provisions of section 12 relating to child labor shall not apply with respect to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed.

(2) The provisions of section 12 relating to child labor shall apply to an employee below the age of sixteen employed in agriculture in an occupation that the Secretary of Labor finds and declares to be particularly hazardous for the employment of children below the age of sixteen, except where such employee is employed by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

(3) The provisions of section 12 relating to child labor shall not apply to any child employed as an actor or performer in motion pictures or theatrical productions, or in radio or television productions.

(d) The provisions of sections 6, 7, and 12 shall not apply with respect to any employee engaged in the delivery of newspapers to the consumer or to any homeworker engaged in the making of wreaths composed principally of natural holly, pine, cedar, or other evergreens (including the harvesting of the evergreens or other forest products used in making such wreaths).

(e) The provisions of section 7 shall not apply with respect to employees for whom the Secretary of Labor is authorized to establish minimum wage rates as provided in section 6(b)(2), except with respect to employees for whom such rates are in effect; and with respect to such employees the Secretary may make rules and regulations providing reasonable limitations and allowing reasonable variations, tolerances, and exemptions to and from any or all of the provisions of section 7 if he shall find, after a public hearing on the matter, and taking into account the factors set forth in section 6(b)(2), that economic conditions warrant such action.

(f) The provisions of sections 6, 7, 11, and 12 shall not apply with respect to any employee whose services during the workweek are performed in a workplace within a foreign country or within territory under the jurisdiction of the United States other than the following: a State of the United States; the District of Columbia; Puerto Rico; the Virgin Islands; Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (ch. 345, 67 Stat. 462); American Samoa; Guam; Wake Island; Eniwetok Atoll; Kwajalein Atoll; Johnston Island; and the Canal Zone.

LEARNERS, APPRENTICES, STUDENTS, AND HANDICAPPED WORKERS

SEC. 14. (a) The Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, shall

by regulations or by orders provide for the employment of learners, of apprentices, and of messengers employed primarily in delivering letters and messages, under special certificates issued pursuant to regulations of the Secretary, at such wages lower than the minimum wage applicable under section 6 and subject to such limitations as to time, number, proportion, and length of service as the Secretary shall prescribe.

(b) The Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment of full-time students, regardless of age but in compliance with applicable child labor laws, on a part-time basis in retail or service establishments (not to exceed twenty hours in any workweek) or on a part-time or a full-time basis in such establishments during school vacations, under special certificates issued pursuant to regulations of the Secretary, at a wage rate not less than 85 per centum of the minimum wage applicable under section 6, except that the proportion of student hours of employment to total hours of employment of all employees in any establishment may not exceed (1) such proportion for the corresponding month of the twelve-month period preceding May 1, 1961, (2) in the case of a retail or service establishment whose employees (other than employees engaged in commerce or in the production of goods for commerce) are covered by this Act for the first time on or after the effective date of the Fair Labor Standards Amendments of 1966, such proportion for the corresponding month of the twelve-month period immediately prior to such date, or (3) in the case of a retail or service establishment coming into existence after May 1, 1961, or a retail or service establishment for which records of student hours worked are not available, a proportion of student hours of employment to total hours of employment of all employees based on the practice during the twelve-month period preceding May 1, 1961, in (A) similar establishments of the same employer in the same general metropolitan area in which the new establishment is located, (B) similar establishments of the same employer in the same or nearby counties if the new establishment is not in a metropolitan area, or (C) other establishments of the same general character operating in the community or the nearest comparable community. Before the Secretary may issue a certificate under this subsection he must find that such employment will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under this subsection.

(c) The Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by certificate or order provide for the employment of full-time students, regardless of age but in compliance with applicable child labor laws, on a part-time basis in agriculture (not to exceed twenty hours in any workweek) or on a part-time or a full-time basis in agriculture during school vacations, at a wage rate not less than 85 per centum of the minimum wage applicable under section 6. Before the Secretary may issue a certificate or order under this subsection he must find that such employment will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under this subsection.

(d) (1) Except as otherwise provided in paragraphs (2) and (3) of this subsection, the Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment under special certificates of individuals (including individuals employed in agriculture) whose earning or productive capacity is impaired by age or physical or mental deficiency or injury, at wages which are lower than the minimum wage applicable under section 6 of this Act but not less than 50 per centum of such wage and which are commensurate with those paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality, and quantity of work.

(2) The Secretary pursuant to such regulations as he shall prescribe and upon certification of the State agency administering or supervising the administration of vocational rehabilitation services may issue special certificates for the employment of—

(A) handicapped workers engaged in work which is incidental to training or evaluation programs, and

(B) multihandicapped individuals and other individuals whose earning capacity is so severely impaired that they are unable to engage in competitive employment,

at wages which are less than those required by this subsection and which are related to the worker's productivity.

(3) (A) The Secretary may by regulation or order provide employment of handicapped clients in work activities centers under special certificates at wages which are less than the minimums applicable under section 6 of this Act or prescribed by paragraph (1) of this subsection and which constitute equitable compensation for such clients in work activities centers.

(B) For purposes of this section, the term "work activities centers" shall mean centers planned and designed exclusively to provide therapeutic activities for handicapped clients whose physical or mental impairment is so severe as to make their productive capacity inconsequential.

PROHIBITED ACTS

SEC. 15. (a) After the expiration of one hundred and twenty days from the date of enactment of this Act, it shall be unlawful for any person—

(1) to transport, offer for transportation, ship, deliver, or sell in commerce, or to ship, deliver, or sell with knowledge that shipment or delivery or sale thereof in commerce is intended, any goods in the production of which any employee was employed in violation of section 6 or section 7, or in violation of any regulation or order of the Secretary issued under section 14; except that no provision of this Act shall impose any liability upon any common carrier for the transportation in commerce in the regular course of its business of any goods not produced by such common carrier, and no provision of this Act shall excuse any common carrier from its obligation to accept any goods for transportation; and except that any such transportation, offer, shipment, delivery, or sale of such goods by a purchaser who acquired them in good faith in reliance on written assurance from the producer that the goods were produced in compliance with the requirements of the Act, and who acquired such goods for value without notice of any such violation, shall not be deemed unlawful;

(2) to violate any of the provisions of section 6 or section 7, or any of the provisions of any regulation or order of the Secretary issued under section 14;

(3) to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, or has served or is about to serve on an industry committee;

(4) to violate any of the provisions of section 12;

(5) to violate any of the provisions of section 11(c) or any regulation or order made or continued in effect under the provisions of section 11(d), or to make any statement, report, or record filed or kept pursuant to the provisions of such section or of any regulation or order thereunder, knowing such statement, report, or record to be false in a material respect.

(b) For the purposes of subsection (a) (1) proof that any employee was employed in any place of employment where goods shipped or sold in commerce were produced, within ninety days prior to the removal of the goods from such place of employment, shall be prima facie evidence that such employee was engaged in the production of such goods.

PENALTIES

SEC. 16. (a) Any person who willfully violates any of the provisions of section 15 shall upon conviction thereof be subject to a fine of not more than $10,000, or to imprisonment for not more than six months, or both. No person shall be imprisoned under this subsection except, for an offense committed after the conviction of such person for a prior offense under this subsection.

(b) Any employer who violates the provisions of section 6 or section 7 of this Act shall be liable to the employee or employees affected in the amount of their unpaid minimum wages, or their unpaid overtime compensation, as the case may be, and in an additional equal amount as liquidated damages. Action to recover such liability may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of himself or themselves and other employees similarly situated. No employee shall be a party plaintiff to any such action unless he gives his consent in writing to become such a party and such consent is filed in the court in which such action is brought. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action. The right provided by this subsection to bring an action by or on behalf of any employee, and the right of any employee to become a party plaintiff to any such action, shall terminate upon the filing of a complaint by the Secretary of Labor in an action under section 17 in which restraint is sought of any further delay in the payment of unpaid minimum wages, or the amount of unpaid overtime compensation, as the case may be, owing to such employee under section 6 or section 7 of this Act by an employer liable therefor under the provisions of this subsection.

(c) The Secretary is authorized to supervise the payment of the unpaid minimum wages or the unpaid overtime compensation owing to any employee or employees under section 6 or section 7 of this Act, and the agreement of any employee to accept such payment shall upon payment in full constitute a waiver by such employee of any right he may have under subsection (b) of this section to such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages. When a written request is filed by any employee with the Secretary claiming unpaid minimum wages or unpaid overtime compensation under section 6 or section 7 of this Act, the Secretary may bring an action in any court of competent jurisdiction to recover the amount of such claim: *Provided*, That this authority to sue shall not be used by the Secretary in any case involving an issue of law which has not been settled finally by the courts, and in any such case no court shall have jurisdiction over such action or proceeding initiated or brought by the Secretary if it does involve any issue of law not so finally settled. The consent of any employee to the bringing of any such action by the Secretary, unless such action is dismissed without prejudice on motion of the Secretary, shall constitute a waiver by such employee of any right of action he may have under subsection (b) of this section

for such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages. Any sums thus recovered by the Secretary on behalf of an employee pursuant to this subsection shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to the employee or employees affected. Any such sums not paid to an employee because of inability to do so within a period of three years shall be covered into the Treasury of the United States as miscellaneous receipts. In determining when an action is commenced by the Secretary under this subsection for the purposes of the statutes of limitations provided in section 6(a) of the Portal-to-Portal Act of 1947, it shall be considered to be commenced in the case of any individual claimant on the date when the complaint is filed if he is specifically named as a party plaintiff in the complaint, or if his name did not so appear, on the subsequent date on which his name is added as a party plaintiff in such action.

(d) In any action or proceeding commenced prior to, on, or after the date of enactment of this subsection, no employer shall be subject to any liability or punishment under this Act or the Portal-to-Portal Act of 1947 on account of his failure to comply with any provision or provisions of such Acts (1) with respect to work heretofore or hereafter performed in a workplace to which the exemption in section 13(f) is applicable, (2) with respect to work performed in Guam, the Canal Zone, or Wake Island before the effective date of this amendment of subsection (d), or (3) with respect to work performed in a possession named in section 6 (b) (2) at any time prior to the establishment by the Secretary, as provided therein, of a minimum wage rate applicable to such work.

INJUNCTION PROCEEDINGS

SEC. 17. The district courts, together with the United States District Court for the District of the Canal Zone, the District Court of the Virgin Islands, and the District Court of Guam shall have jurisdiction, for cause shown, to restrain violations of section 15, including in the case of violations of section 15(a)(2) the restraint of any withholding of payment of minimum wages or overtime compensation found by the court to be due to employees under this Act (except sums which employees are barred from recovering, at the time of the commencement of the action to restrain the violations, by virtue of the provisions of section 6 of the Portal-to-Portal Act of 1947).

RELATION TO OTHER LAWS

SEC. 18. No provision of this Act or of any order thereunder shall excuse noncompliance with any Federal or State law or municipal ordinance establishing a minimum wage higher than the minimum wage established under this Act or a maximum workweek lower than the maximum workweek established under this Act, and no provision of this Act relating to the employment of child labor shall justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established under this Act. No provision of this Act shall justify any employer in reducing a wage paid by him which is in excess of the applicable minimum wage under this Act, or justify any employer in increasing hours of employment maintained by him which are shorter than the maximum hours applicable under this Act.

SEPARABILITY OF PROVISIONS

SEC. 19. If any provision of this Act or the application of such provision to any person or circumstances is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

WALSH-HEALEY PUBLIC CONTRACTS ACT

An act to provide for the purchase of supplies and the making of contracts by the United States, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in any contract made and entered into by any executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States (all the foregoing being hereinafter designated as agencies of the United States), for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding $10,000, there shall be included the following representations and stipulations:

(a) That the contractor is the manufacturer of or a regular dealer in the materials, supplies, articles, or equipment to be manufactered or used in the performance of the contract;

(b) That all persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under said contract;

(c) That no person employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract shall be permitted to work in excess of eight hours in any one day or in excess of forty hours in any one week;

(d) That no male person under sixteen years of age and no female person under eighteen years of age and no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in such contract; and

(e) That no part of such contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of said contract. Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima-facie evidence of compliance with this subsection.

SEC. 2. That any breach or violation of any of the representations and stipulations in any contract for the purposes set forth in section 1 hereof shall render the party responsible therefor liable to the United States of America for liquidated damages, in addition to damages for any other breach of such contract, the sum of $10 per day for each male person under sixteen years of age or each female person under eighteen years of age, or each convict laborer knowingly employed in the performance of such contract, and a sum equal to the amount of any deductions, rebates, refunds, or underpayment of wages due to any employee engaged in the performance of such contract; and, in addition, the agency of the United States entering into such contract shall have the right to cancel same and to make open-market purchases or enter into other contracts for the completion of the original contract, charging any additional cost to the original contractor. Any sums of money due to the United States of America by reason of any violation of any of the representations and stipulations of said contract set forth in section 1 hereof may be withheld from any amounts due on any such contracts or may be recovered in suits brought in the name of the United States of America by the Attorney General thereof. All sums withheld or recovered as deductions, rebates, refunds, or underpayments of wages shall be held in a special deposit account and shall be paid, on order of the Secretary of Labor, directly to the employees who have been paid less than minimum rates of pay as set forth in such contracts and on whose account such sums were withheld or recovered: *Provided,* That no claims by employees for such payments shall be entertained unless made within one year from the date of actual notice to the contractor of the withholding or recovery of such sums by the United States of America.

SEC. 3. The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of persons or firms found by the Secretary of Labor to have breached any of the agreements or representations required by this Act. Unless the Secretary of Labor otherwise recommends no contracts shall be awarded to such persons or firms or to any firm, corporation, partnership, or association in which such persons or firms have a controlling interest until three years have elapsed from the date the Secretary of Labor determines such breach to have occurred.

SEC. 4. The Secretary of Labor is hereby authorized and directed to administer the provisions of this Act and to utilize such Federal officers and employees and, with the consent of the State, such State and local officers and employees as he may find necessary to assist in the administration of this Act and to prescribe rules and regulations with respect thereto. The Secretary shall appoint, without regard to the provisions of the civil-service laws but subject to the Classification Act of 1923, an administrative officer, and such attorneys and experts, and shall appoint such other employees with regard to existing laws applicable to the employment and compensation of officers and employees of the United States, as he may from time to time find necessary for the administration of this Act. The Secretary of Labor or his authorized representatives shall have power to make investigations and findings as herein provided, and prosecute any inquiry necessary to his functions in any part of the United States. The Secretary of Labor shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 5. Upon his own motion or on application of any person affected by any ruling of any agency of the United States in relation to any proposal or contract involving any of the provisions of this Act, and on complaint of a breach or violation of any representation or stipulation as herein provided, the Secretary of Labor, or an impartial representative designated by him, shall have the power to hold hearings and to issue orders requiring the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any District Court of the United States or of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which said person who is guilty of contumacy, failure, or refusal is found, or resides or transacts business, upon the application by the Secretary of Labor or represent-

ative designated by him, shall have jurisdiction to issue to such person an order requiring such person to appear before him or representative designated by him, to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof; and shall make findings of fact after notice and hearing, which findings shall be conclusive upon all agencies of the United States, and if supported by the preponderance of the evidence, shall be conclusive in any court of the United States; and the Secretary of Labor or authorized representative shall have the power, and is hereby authorized, to make such decisions, based upon findings of fact, as are deemed to be necessary to enforce the provisions of this Act.

SEC. 6. Upon a written finding by the head of the contracting agency or department that the inclusion in the proposal or contract of the representations or stipulations set forth in section 1 will seriously impair the conduct of Government business, the Secretary of Labor shall make exception in specific cases or otherwise when justice or public interest will be served thereby. Upon the joint recommendation of the contracting agency and the contractor, the Secretary of Labor may modify the terms of an existing contract respecting minimum rates of pay and maximum hours of labor as he may find necessary and proper in the public interest or to prevent injustice and undue hardship. The Secretary of Labor may provide reasonable limitations and may make rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act respecting minimum rates of pay and maximum hours of labor or the extent of the application of this Act to contractors, as hereinbefore described. Whenever the Secretary of Labor shall permit an increase in the maximum hours of labor stipulated in the contract, he shall set a rate of pay for any overtime, which rate shall be not less than one and one-half times the basic hourly rate received by any employee affected.

SEC. 7. Whenever used in this Act, the word "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

SEC. 8. The provisions of this Act shall not be construed to modify or amend title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved May 3, 1933 (commonly known as the Buy American Act), nor shall the provisions of this Act be construed to modify or amend the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (commonly known as the Bacon-Davis Act), as amended from time to time, nor the labor provisions of title II of the National Industrial Recovery Act, approved June 16, 1933, as extended, or of section 7 of the Emergency Relief Appropriation Act, approved April 8, 1935; nor shall the provisions of this Act be construed to modify or amend the Act entitled "An Act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes", approved May 27, 1930, as amended and supplemented by the Act approved June 23, 1934.

SEC. 9. This Act shall not apply to purchases of such materials, supplies, articles, or equipment as may usually be bought in the open market; nor shall this Act apply to perishables, including dairy, livestock and nursery products, or to agricultural or farm products processed for first sale by the original producers; nor to any contracts made by the Secretary of Agriculture for the purchase fo agricultural commodities or the products thereof. Nothing in this Act shall be construed to apply to carriage of freight or personnel by vessel, airplane, bus, truck, express, or railway line where published tariff rates are in effect or to common carriers subject to the Communications Act of 1934 or to certain transportation employees of private carriers of property by motor vehicles, as defined by sections 203(a)(17) and 203(c) of part II of the Interstate Commerce Act, where such transportation employees are subject to regulation as to qualifications and hours of service pursuant to sections 6(e)(5)(c) and 6(f)(2)(a) of the Department of Transportation Act of 1966.

SEPARABILITY CLAUSE

SEC. 10. If any provision of this Act, or the application thereof to any persons or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

SEC. 11. This Act shall apply to all contracts entered into pursuant to invitations for bids issued on or after ninety days from the effective date of this Act: *Provided, however,* That the provisions requiring the inclusion of representations with respect to minimum wages shall apply only to purchases or contracts relating to such industries as have been the subject matter of a determination by the Secretary of Labor.

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OTHER LAWS AMENDED

SECTION 5314(a) OF TITLE 5 OF THE UNITED STATES CODE

§ 5341. Trades and crafts

(a) The pay of employees excepted from chapter 51 of this title by section 5102(c)(7) of this title shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with the prevailing rates. Subject to section 213(f) of title 29, the rates may not be less than the appropriate rates provided for by section 206(a) of title 29.

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SECTION 303(a)(2) OF THE CONSUMER CREDIT PROTECTION ACT

§ 303. Restriction on garnishment

(a) Except as provided in subsection (b) and in section 305, the maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed

(1) 25 per centum of his disposable earnings for that week, or

(2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage prescribed by section 6(a) of the Fair Labor Standards Act of 1938 in effect at the time the earnings are payable,

which ever is less. In the case of earnings for any pay period other than a week, the Secretary of Labor shall by regulation prescribe a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph (2).

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SECTION 2(b)(1) OF THE SERVICE CONTRACT ACT OF 1965

SEC. 2. * * *

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(b)(1) No contractor who enters into any contract with the Federal Government the principal purpose of which is to furnish services through the use of service employees as defined herein and no subcontractor thereunder shall pay any of his employees engaged in performing work on such contracts less than the minimum wage specified under section 6(a) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060; 29 U.S.C. 201, et seq.).

SECTION 610-1(a) OF THE ECONOMIC OPPORTUNITY ACT OF 1964

COMPARABILITY OF WAGES

SEC. 610-1. (a) The Director shall take such action as may be necessary to assure that persons employed in carrying out programs financed under part A of title I or title II (except a person compensated as provided in section 602) shall not receive compensation at a rate which is (1) in excess of the average rate of compensation paid in the area where the program is carried out to a substantial number of the persons providing substantially comparable services, or in excess of the average rate of compensation paid to a substantial number of the persons providing substantially comparable services in the area of the person's immediately preceding employment, whichever is higher or (2) less than the minimum wage rate prescribed in section 6(a) of the Fair Labor Standards Act of 1938.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

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## PEOPLE POWER OVER WAR AMENDMENT

Mr. RARICK. Mr. Speaker, several days ago, members of the Democratic Caucus spent hours debating a resolution to end our involvement in an undeclared war in Southeast Asia. This week we spent days in consideration of a bill to extend the draft; the opposition being that by defeating the bill, we would thereby be forced to disengage from the conflict.

Last week, I had notified all members of my proposal to offer a constitutional amendment to give to the people the sole power to declare war or engage our forces overseas except in the case of an attack on our country or hemisphere.

I was sorely disappointed that so few of my colleagues who have been so outspoken and concerned over the present war and war in general expressed little interest in or concern with averting the involvement of U.S. military forces in future foreign wars. I say this because only two of my fellow colleagues have agreed to cosponsor this constitutional amendment.

In the past we have witnessed State legislatures futilely trying through the passage of State legislation to abide by the wishes of their people in avoiding undeclared wars and in exerting some control over a foreign policy that would allow them. But in all efforts they were unsuccessful because they did not amend the Constitution. This proposed amendment may well serve as a model for State action.

In my opinion, passage by the necessary number of State legislatures of the People Power Over War Constitutional Amendment that I have introduced today is a sure way the American people can have restored to them a voice and a degree of partnership with our Federal Government in avoiding future wars.

Cosponsoring this legislation were Representative ROBERT L. LEGGETT, Democrat, of California, and Representative PARREN J. MITCHELL, Democrat of Maryland. I am most appreciative of their consistency in purpose.

I insert a copy of the People Power Over War Amendment to follow my remarks.

H.J. RES. 535

Joint resolution proposing an amendment to the Constitution of the United States for a referendum on war

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several states within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"SECTION 1. Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas.

"SEC. 2. Congress shall have the power to carry out this article by appropriate legislation."

## NATURAL GAS ACT AMENDMENTS OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 15 minutes.

Mr. MURPHY of New York. Mr. Speaker, on January 29 of this year, I introduced H.R. 2513, a bill that is urgently needed to correct a situation which has contributed to the existing crisis in natural gas supplies.

In the interest of the gas consumers of the Nation, Congress must act with intelligence and dispatch on this matter.

Realizing that more than 140 million Americans depend on natural gas to heat their homes, to cook their food, to keep the fires of industry burning, and to turn the turbines with which the electric power utilities supply electricity to the Nation, 32 Members of the House have joined with me in reintroducing H.R. 2513.

That there is a supply crisis in natural gas is generally recognized.

In January of this year, one member of the Federal Power Commission told the National Association of Home Builders that interstate gas pipelines have "virtually ruled out new customer attachments this winter." This means that needed construction of new houses and apartments will be retarded, thus aggravating the housing shortage.

Earlier this month another member of the Commission told the Council of Economics of the AIME "that many pipeline companies have found it difficult, in some cases impossible, to maintain their reserve levels. Pipeline deliverability has fallen. Our fourteen-year reserve cushion has receded significantly."

The President's Economic Report to the Congress in February of this year recognized the gas supply crisis.

The ratio of gas reserves to production has shown a drastic decline in recent years. In 1954, when a Supreme Court decision made producers subject to regulation by the Federal Power Commission, proved gas reserves were equivalent to nearly 23 times the year's production. By the end of 1969, the latest year for which complete figures are available, these reserves were down to just 13 times production.

Twenty-five years ago, in 1946, the ratio of reserves to production was 32.5 to 1. In that year, 3.59 times as much new gas was found as was consumed. But by 1968, for the first time in the history of the domestic production industry, more gas was produced than the amount of new supply developed—5.6 trillion cubic feet more. The deficit in 1969 was 12.2 trillion cubic feet.

In 1970, the deficit in the lower 48 States was 10.3 trillion cubic feet. However, reserves for total United States were increased to 290.7 trillion cubic feet by the inclusion of 26 trillion cubic feet of reserves in the Prudhoe Bay reservoir in Alaska. These gas reserves are associated with the tremendous oil reserves of this area and can only be produced along with the oil. Also, there are now no pipeline facilities to bring either oil or gas from the Prudhoe Bay area into the lower 48 States and Government permission to build an oil pipeline to the ice free port of Valdez has not yet been given. Studies for a gas pipeline from Prudhoe Bay through Canada to the lower 48 States are under way but these projects are not only dependent on approval of the United States and Canadian Governments but also upon the availability of the gas reserves which in turn are dependent upon oil production.

The critical fuel supply problem faced by the Nation has resulted from this unprecedented increase in the demand for natural gas. The problem was defined in plain language by Dr. Wilson M. Laird, director of the Interior Department's Office of Oil and Gas, in an address he delivered last October in Denver. Dr. Laird warned:

> The flat, unpleasant, but incontrovertible truth of the matter is that we are short of all kinds of energy, and we are due to remain in this condition for a good number of years to come.

Between 1960 and 1969, gas consumption grew at an average rate of 5.7 percent and it grew by 7 percent in 1970.

The American people are deeply concerned about pollution of the environment. Requirements of State and Federal law relating to air quality will turn the Nation increasingly to the use of this most clean burning of all fuels—natural gas. Its ecological benefits are beyond question.

A recently released survey by the Federal Power Commission showed there were very little uncommitted gas reserves in the contiguous 48 States or in the Outer Continental Shelf. The Commission found as of October 1970, only 4.375 trillion cubic feet of gas reserves were uncommitted (or only 1.6 percent) of a total of 269.9 trillion cubic feet of reserves.

Since consumption of gas is outrunning the discovery and development of new supplies, consumers may rightly wonder if the United States is in danger of running out of gas.

The answer is: Not necessarily.

Despite the present gas supply shortage, the Nation has great potential reserves of this fuel. The U.S. Geological Survey has estimated that our total potential undiscovered gas reserves stand at 2,100 trillion cubic feet, 1,550 trillion cubic feet in the lower 48 States.

But these potential undiscovered reserves are of no use to the consumer unless and until they are found and developed. Their discovery and development are hindered by the elements of uncertainty and delay under which natural gas producers must labor at present.

Mr. Speaker, the legislation I propose, offering validity of contract amendments to the Natural Gas Act, is designed to remove at least some of these elements.

Let me say most emphatically that my proposed amendments do not provide for decontrol of gas prices by the Federal Government. The legislation I offer will not of itself result in higher prices for the gas consumer. It will not relieve the gas producer from regulation by the Federal Power Commission.

What the legislation will do is move toward correction of the situation which has contributed heavily to the fuel shortage that now faces the Nation—and of which the consumer, surely, will be the main victim.

The situation to which I refer is this: Under present Federal law, after a gas producer has contracted to sell gas to an interstate pipeline company, he does not know how much he will be paid for the gas, he does not know how long he will be paid a specific price for his gas, he does not know how much gas he must deliver, and he does not know how long he must make deliveries.

To sum up the matter, his contract terms possess neither validity nor binding effect. Every provision of his contract can be changed by order of the Federal Power Commission. Even prices established by the Commission itself can be, and have been, subsequently reduced.

No group of businessmen can be expected to operate effectively under such conditions. It is hardly surprising that gas producers have lost much of their enthusiasm for the costly and high-risk undertaking of seeking to find and develop new gas reserves. Nor is it surprising that the gas producer who does find new gas reserves would try to avoid the interstate market and would seek to sell them in the intrastate market where his contracts are valid and binding, and are not subject to being rewritten by a Federal agency, usually after delays of many years.

These are the reasons which have contributed to the failure of supplies of natural gas to keep pace with the growing demand.

The legislation which my colleagues and I propose would, in effect, validate a contract between a gas producer and an interstate pipeline company once it has been approved by the Federal Power Commission.

Our bill requires that all new contract between gas producers and interstate pipelines—new contracts being defined as those under which deliveries begin after the effective date of the bill—must be submitted to the Federal Power Commission.

One of three courses will then be open to the Commission.

First, it can approve the contract as drawn, and the contract then becomes valid and binding on all parties concerned and is not subject to further review by the Commission.

Or, the Commission can approve the contract subject to conditions it stipulates, and if the parties to the contract accept those conditions, it will be a binding contract not subject to review except with respect to indefinite pricing clauses and any definite pricing clause disallowed by the Commission.

Or, the Commission can disapprove the contract, which then becomes null and void.

The purpose of these amendments is to give gas producers encouragement to go out and explore for gas to meet the constantly increasing consumer demand. They simply provide that the rules will not be changed after the game has started. They remove delays, confusion, and uncertainty of existing regulation, under which the Federal Power Commission in the past frequently reversed itself, changed the rules, and rewrote long-standing contracts to which producers had in good faith committed their gas for sale.

The regulatory powers of the Commission, designed to protect consumers, are fully safeguarded.

If a contract with an indefinite pricing clause is approved, an increase in price cannot be placed in effect under the clause without review and approval by the Commission at the time it would become effective.

New small producer contracts; that is, contracts for less than 10,000 Mcf of gas per day—are exempted from Commission jurisdiction, with provisions protecting this exemption from abuse. This would greatly lighten the Commission's work load without adversely affecting the control of prices by the Commission.

Existing contracts will remain subject to the Natural Gas Act, as they now are, except that prices which are approved by the Commission are not subject to downward revision.

My bill also establishes new guidelines for the Commission in setting prices. They include consideration of present and future gas supplies and requirements and the rate levels necessary to elicit supplies sufficient to meet the requirements. Other guidelines recognize economic and cost factors indicators and trends, but not cost of service.

Mr. Speaker, that in essence is the effect of the amendments to the National Gas Act that I am placing before the House.

This legislation is urgently needed by the consumers of this country, if they are not to become overly dependent upon unreliable high-cost foreign sources of energy and if the Nation is not to be deprived of the ecological benefits of this clean-burning fuel.

The effect of my bill will be to place regulation of natural gas prices on a rational and responsible basis. It would simply make gas sales contracts valid and binding on all parties concerned once they have Federal Power Commission approval.

This is a public interest bill—a consumer interest measure. I hope it will receive prompt and favorable consideration by the Congress.

## LT. WILLIAM CALLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. STUCKEY) is recognized for 10 minutes.

Mr. STUCKEY. Mr. Speaker, the American people have been tossing and turning in their sleep over the past several nights. We are distressed, indignant, and I believe most of all we are suffering from acute guilty conscience.

Lt. William Calley, an American soldier has been sentenced to life imprisonment. He killed civilians while serving in Vietnam.

I do not condone the killing of civilans, Mr. Speaker, especially women and children. But, the American people and the military establishment must not lose sight of the fact that this war we have been involved in for over 17 years is still considered a civil conflict. It is not a declared war. Our soldiers most often cannot even distinguish the enemy they are supposed to kill from the civilian whose life they must risk their own to protect.

A small child tosses a hand grenade and wipes out the lives of a dozen U.S. soldiers. American newsmen are tortured and killed, it is chalked up as casualties of war but, they are civilians, and without weapons.

Kill or be killed has become an instinct among our fighting men. What goes through the mind of a man when he is fighting half way around the world to prevent the spread of communism?

I have written to the President, Mr. Speaker. My letter will take its place among the hundreds of thousands which I am confident he will receive. My letter respectfully but urgently requests that Mr. Nixon do all in his power, as Commander In Chief of the armed services and take action to prevent the life sentence of William Calley from being on the conscience of the American people.

And, I have done more, Mr. Speaker, I am today introducing a resolution calling on the House Armed Services Committee to conduct a full and thorough investigation into this matter. It is imperative—I repeat, imperative, that a full examination be made and a determination made as to whether Lt. William Calley is just a scapegoat.

And, Mr. Speaker, I believe that we must insist that the Pentagon issue a clear-cut statement as to what is expected of our men in this war that has taken so many thousands of American lives and left other countless thousands maimed for life.

And, finally, Mr. Speaker, as I tried to sleep last night, knowing the action I planned to take as a Member of the House of Representatives and representing the better than 350,000 people in the Eighth District of Georgia—sleep still would not come—and I realized that all this is not enough.

No, Mr. Speaker, I decided that if the American people, if our Government, the establishment cannot support our fighting men, then I can no longer justify drafting them into an impossible situation where it is kill or be killed. But you better watch out because if you kill then you stand the chance that you will be sent up for life when you get home.

So, Mr. Speaker, today I will vote against the extension of the draft. This is my protest for the fighting men in Vietnam. I do not want to send any more of the boys from my district to Vietnam until there is more evidence of support here at home.

The President is bringing home troops. I support him in this. And, if we are not going to fight a war to win—then I say, let us not continue drafting young men to send over there.

## ADVOCATING WITHDRAWAL OF ALL GROUND COMBAT FORCES FROM VIETNAM BY END OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 20 minutes.

Mr. ST GERMAIN. Mr. Speaker, from the very beginning of the Vietnam war, a fundamental error has confused our policymaking. We have never drawn a clear line on how much money and how much manpower was a reasonable limit in the light of what we could hope to gain there. We assumed that whatever was needed fell within our means.

Even though the goals to be achieved in Vietnam were never crucial to our national security, we uncritically committed ourselves to allocating all the money and manpower necessary to defeat the enemy and keep the Saigon Government in power. We never dreamt that over 50,000 Americans would die there, and that it would swallow up over $120 billion. If we had known at the start what we know now, would we ever have committed ourselves to such a drain on our national resources?

Our purpose in South Vietnam has been to prevent the spread of communism. Yet the Soviet Union must be delighted with our continuing involvement in Southeast Asia. Communists view their world struggle on more than the military level. As each month goes by the Soviet Union sees the United States being hurt economically and politically by the war, losing status in the eyes of world opinion, losing opportunities for solving domestic problems, becoming a divided people, and losing the trust of the American people in the leadership of their Government.

Vietnamese Communism on any analysis must be regarded as nothing more than an indirect and long range threat to our national security. By devoting all our energies there we do nothing to counteract Communist movements in other countries, such as in South America, which could, indeed, have a far greater impact on the United States. We also fail to develop the social and economic model on the domestic scene that would prove the superiority of our

Democratic form of government over Communist rule.

At the very outset a limit should have been placed on the amount of money and number of men that the Vietnam situation warranted. If that had been done, we would never have begun thinking that the opposite of success in Vietnam is defeat. It would simply have been a case of the goals not being worth the price. Obviously by calling upon all our weaponry, nuclear arms if need be, and the total force of all our manpower, a military victory could have been achieved.

But Vietnam has never deserved an all-out effort of American money and manpower. We did think that certain desirable goals could be attained without much cost. We were wrong. The cost has been much heavier than we guessed. The opposite of victory in Vietnam, then, is not defeat. It would be simply lack of success and nothing more—lack of success with the limited resources we are willing to devote to the war. No matter what happens Vietnam will not be an American defeat. But it is an American mistake.

When President Nixon states the issue in terms of victory or defeat, he does us a great disservice. Since the American people do not want to be labeled as having been defeated, such language encourages an unlimited compaign, until military victory is achieved. But if military victory at any price had been worth it to us, we could have been victorious long ago. The alternatives the President presents us are too simplistic and, indeed, dangerous.

The situation must be viewed from a broader perspective. What we were trying to accomplish in Vietnam was worth far less than we have already spent. It is plain commonsense to stop bidding at an auction when the item you are bidding for turns out to be going for a far higher price than you first envisioned. Only fools spend their family rent, food, and clothing money in such a way.

I think it is absolutely essential that we come to our senses and draw a line. The costs are way out of line with the goals. We must make the judgment that other causes both within our country and in other parts of the world better deserve the energy which we have given to Vietnam.

The United States has acted like a doctor in an emergency ward who spends all his time and medicines on one patient while others are suffering and dying around him. The time has come to order the doctor to treat some of the other patients.

Last year I supported the various "end the war" resolutions. It goes without saying that I would like to see us completely out of Vietnam by the end of this year. But there are other views and other voices both in the Congress and in this country. Thus, to gain the support of the majority, I have introduced legislation that sets a limit but is designed to get wider support than the ones proposed so far. My bill is a practical and realistic compromise—the withdrawal of all ground combat troops by December 31, 1971.

If the South Vietnamese Army has already borne the full brunt of the ground fighting in Cambodia and Laos, then they should be able to do the same in their own country by the end of the year. If we could achieve congressional agreement on at least this proposal, then I believe that the end of our involvement in the war will be in sight. Dates for the end of air support and for complete withdrawal will almost certainly follow.

I hope that we have learned something from this war. I hope that we will never again rely on such shoddy intelligence information that got us involved in Vietnam, that depended almost exclusively on the advisers around Diem and gave us a false impression of the popular support for the Saigon Government and numerous misconceptions about the opposition. I hope that never again will Americans be involved in another Mylai incident, in bombing villages in neutral countries as we did in Laos and Cambodia, in destroying the ecology of a country with defoliants and saturation bombing. I hope that we will never again ally ourselves with another government whose practices violate the very ideals we are fighting for by incarcerating political prisoners without trial, muzzling the press, and permitting the torture of prisoners.

I hope we have learned that moral considerations must guide our involvement and conduct in war, and that if they do not, military victory may mean nothing in the end. Finally, I hope we have learned that there are better ways to strengthen and protect the free world than war.

## WHAT DO YOU CALL THE PEOPLE WHO SEEK TO CRIPPLE THE NATION'S GOVERNMENT?

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

Mr. SIKES. Mr. Speaker, if enemy agents stormed this city, crippled our national defense capability, halted the business of the Congress, and brought the Government of the United States to its knees, what would you call it?

That is what a band of militants plan to do within the next 2 months. They call it antiwar.

In recent years, that label has been pinned on just about every criminal and radical act in the book. When a campus erupts, buildings burn, police are killed, drug dens flourish, people lie dead, and citizens are terrorized, it is all done in the name of the "antiwar" movement.

Now we are reading detailed press accounts of plans to shut down military bases, block the entrances to Washington, invade Government buildings, harass workers and in general, disrupt the Nation's Capital and the workings of Government. There are some people who seem willing to excuse this behavior because the destruction is to be done at the hands of "antiwar" demonstrators. Let's keep these plans in perspective. The leaders are not "antiwar." Their attitude and their efforts are anti-American, and everyone in America should know it.

Among them there is the National Student Association. In December, 15 leaders of this group went to Hanoi where they signed a "declaration of solidarity" with the Vietcong and North Vietnamese Communists. They also signed a peace treaty calling for the abandonment by the United States of both the South Vietnamese people and our own prisoners of war.

The NSA in February came to terms with the Peoples Coalition for Peace and Justice headed by Rennie Davis and David Dellinger of Chicago Seven notoriety.

The agreement took place at a meeting in Washington attended by leaders of the Communist Party USA, Socialist Workers Party, Young Socialist Alliance, War Registers League, Mayday Movement, and the National Welfare Rights Organization.

To date, about 100 groups and organizations have announced plans to participate in the April and May demonstrations here. They have a right to air their grievances in an orderly and peaceful manner. But I strongly disagree with the premise that the organizers of these demonstrations, with allegiance to philosophies that are enemy to the United States, have a right to come to Washington for the announced purpose of rendering the Government powerless.

These people are not against war. They are for war. Their aim is to destroy the United States by any means including war and violence, and to replace our Government with one of their choosing. For them to openly threaten this city, this Congress, and this Nation in such a manner goes far beyond the right of peaceful assembly and the redress of grievances. Their self-assumed label of "antiwar" demonstrators does not cloak their true motives.

The Federal Government should, as it has in the past, do all in its power to make certain the right of protest is not infringed upon. The police and security forces necessary to assure this right should be made available. These forces also should be given the clear duty to take all necessary steps to protect the Government and people of the United States. In the exercise of that duty they deserve the backing of every American. And the fullest support and cooperation from the Congress and Government officials. They cannot do their work alone. They should not be asked to accept risk and responsibility without a show of appreciation and support from those they protect.

## THE LAOTIAN INVASION LOOKS LIKE A MINUS

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

Mr. SIKES. Mr. Speaker, from an overall analysis, the military operation conducted by South Vietnam forces in Laos is disappointing. Military professionals call it successful in that an invasion was launched, an objective was reached, enemy supplies were destroyed, heavy casualties were inflicted, and a successful withdrawal was accomplished.

This does not disguise the fact that withdrawal took place weeks earlier than had been intended. The South Vietnam forces had expected to remain in Laos, conduct extensive searches for supplies, and disrupt enemy communications until the monsoon season begins in late April or May. This they failed to do. The operation barely reached its major objective at Tchepone. The troops remained in that area for a limited time only before beginning a retreat to South Vietnam. Tchepone is a major Communist supply area and it was anticipated that a wealth of supplies would be unearthed and destroyed there. Some of this was accomplished. Much more would have been possible had the South Vietnam troops remained there longer. Withdrawal by these forces did not look like an orderly planned withdrawal. Appearances are that they were pushed out of Laos by superior North Vietnam forces. Nevertheless, they fought bravely against much larger forces and they inflicted heavier casualties than they took.

The operation was not a failure. It demonstrated that the South Vietnamese forces have made very substantial progress in developing effective military forces. Such an operation would not have been possible without the support of American ground forces even a few months ago. South Vietnamese are now more confident and they have better leadership. It is to be hoped that failure to accomplish all that was desired in the Laos operation will not have an adverse effect upon morale either among troops or among the Vietnamese population. Let us hope that it does not also sour the American population more.

## THE LATE MADISON FAY BOYCE

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

Mr. SIKES. Mr. Speaker, the Members of the House have suffered the loss of a good and a long time friend, and the Congress has lost a faithful and dedicated employee. As a personal friend, I deeply regret his passing.

For many years, Madison Fay Boyce was one of those dedicated but unheralded public servants who perform so well in the service of America. Rising to the important position of Chief Bill Clerk of the House, his contributions to the work of the Congress were unique and invaluable.

As one who was privileged to share his friendship, I knew that he was looking forward with great joy to the prospect of a well deserved retirement in Florida next month, and frequently we had discussed his plans for living in my State. Suddenly he has been taken from us, and our sense of loss is very keen. I join with his legion of friends in expressing earnest sympathy to all of his family. The Congress and the Nation share a deep sense of loss at his passing.

## STAFFING OF COMMITTEES

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

Mr. MITCHELL. Mr. Speaker, during the last few years, this body legislated often to insure equal opportunity in employment. Congress created a Federal agency, the Equal Employment Opportunity Commission, with that specific responsibility, and other Federal departments and agencies established guidelines for themselves in this area. Most Federal contracts with the private sector now contain provisions that fair employment practices will be followed. Congress has made a good beginning of which it can be proud. With energetic Executive enforcement of the law, job discrimination should disappear from the Federal Government, and should be notably reduced in the private sector.

You can imagine my surprise, therefore, to learn recently that congressional committee staffs included almost no blacks as employees.

It is easy to see that blacks are underrepresented in the body of the House itself, and that this disproportion carries over into personal congressional staffs.

Nevertheless, committee staffs are supposed to represent a more ongoing part of the congressional structure, providing service and expertise to their committees and to the House as a whole. Their operations and responsibilities extend beyond the sectarian interests of a particular district. And, consequently, committee staffs should be judged by more demanding standards.

It is difficult to see how the Congress can legislate in favor of Equal Employment Opportunity, and at the same time practice job discrimination itself. Why should we expect the private sector to end unfair employment practices, when the Congress itself does not provide an example of equal employment opportunity. A Washington Post editorial of January 1, 1971, highlights the problem:

THE PALENESS OF A POLICY

To hear all those fine U.S. government public service messages about the importance and requirements of equal opportunity employment, you might think that Uncle Sam would be right out there at the head of the march, seeing to it that competent, deserving black people are tapped for top policy-making roles. And a casual observer, told by the administration that great strides have been taken in this direction, can immediately notice that not all black people in government are janitors anymore.

But some findings last month by a Washington television program point up dramatically an element of illusion in all this. The staff of "Black News" (WTT-Channel 5) simply went out and made some headcounts. Correspondent Don Alexander found, for example, there were 530 people on the White House staff payroll. Of these, only one special assistant, Mr. Robert Brown, was black. Mr. Brown could name only four other black professionals on the White House staff.

On Capitol Hill, the news team made a floor-by-floor survey that found no more than 80 black professionals, including secretaries. "Only 17 senators' offices have any black staffers at all," Mr. Alexander reported. "There are no black administrative assistants or committee counsels, just 12 legislative assistants and four black special assistants."

In the House, the survey found that only 27 of the 435 congressmen had any black staff members; totals showed two administrative assistants and four legislative assistants. The report came up with no black professionals on House committees except for Education and Labor and Government Operations, where the former chairman, Adam Clayton Powell and William Dawson, were black.

Those blacks who do hold supergrade jobs in the administration told the interviewers candidly that they are not at all pleased with the equal opportunity picture in government today. What's more, they noted, there is not even a significant number of blacks in positions of power to make any policy decisions really affecting the minority.

Given this disturbing picture, it is no small wonder that many black people are somewhat cynical about Uncle Sam's eagerness to give them a fair shake. The phase "black power" may conjure up all sorts of images for white people, but the realities of *black powerlessness* make "equal opportunity" seem to many others to be a put-on.

As you can see, this pattern of unfair job discrimination extends to every sector of the Government. This should not be an excuse, however, for our own inaction.

It is conceivable that other agencies of the Government fail to actively seek blacks to fill professional positions, because they see the lily-white staffs of Congress. Given this state of affairs, how sincere can Congress be?

I want to stress the fact that there are many blacks capable of serving on committee staffs. It is simply a question of Congress failing to energetically seek minority people who would work for committees. This failure is a disservice not only to ourselves, but to the Nation as a whole.

Mr. Speaker, I call upon the Congress to rectify this situation immediately. By example as well as by legislation, this body should lead the fight against job discrimination.

## LEGISLATION TO ESTABLISH HEALTH STANDARDS FOR FOOD SERVICE ESTABLISHMENT EMPLOYEES IN THE HOUSE AND SENATE RESTAURANTS AND IN THE DISTRICT OF COLUMBIA

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

Mr. HALL. Mr. Speaker, I am today introducing two bills which are designed to protect the health and well-being of Congressmen, Senators, Government employees, visitors to—and citizens of the District of Columbia; by the establishment of health standards for the employees of food establishments in the District.

The first bill was introduced by myself last August, and, was in reaction to the tuberculosis outbreak on Capitol Hill that occurred in the early part of 1970.

This bill, now joined in by my friend from South Carolina, the Honorable JOHN MCMILLAN, brings the District Health Code in line with the better codes of other major cities in the Nation.

The District code now contains a law stating that no person afflicted with any communicable disease can work "with food." But no law or regulation requires current congressional food-handling em-

ployees or such applicants anywhere in the District of Columbia area to take a physical examination of any sort, let alone annually.

In essence, the "Hallbill" requires that no person can be employed by any food establishment in the District of Columbia unless he meets such health standards prescribed by the District of Columbia Council, in pursuance to the tests outlined in the bill. The bill calls for annual examination which include a tuberculin test, X-ray, of the chest—uncovered—a serological test, and examination of hands, skin, nose, and throat and body orifices—including a culture where appropriate. These standards would provide sufficient protection against further outbreaks of communicable diseases such as tuberculosis, and other common and rarer diseases ordinarily associated with food-handling and preparation.

These requirements would be administratively and budgetarily feasible. Tuberculin tests are not costly. Up to 1957 the District of Columbia required an annual physical examination and health permit requirement, for restaurant workers. The point is, we cannot afford to do without them. The marvel is, that an entire Capitol Hill force has escaped so long.

Tuberculosis is a highly contagious bacterial disease usually associated with poverty, stress, overworked, and social problems. The average active case of tuberculosis will be the source for the infection of 15 persons, before it is detected. The TB victim can begin infecting others well before his own symptoms force him to seek medical advice. Therefore, people constantly in contact with the public, should meet such minimal health requirements as I have outlined above in order to prevent outbreaks similar to that of Capitol Hill.

It may surprise you to know, the District of Columbia ranks fifth in the incidence of active new tuberculosis cases among the more than 50 cities in the Nation with a population of 250,000 or more. New case-rates are nearly three times the national average and the death rate more than triple that of the rest of the Nation, according to H. Michael Cannon, director of District of Columbia's Tuberculosis and Respiratory Disease Association.

Now, Mr. Speaker, my second bill would repeal that section of the District of Columbia code which exempts the House and Senate restaurants for the District health regulations. This proposed legislation is identical to legislation I had prepared last year and Chairman McMILLAN introduced. It seems ludicrous that restaurants which feed the leaders of our Nation, should be "exempt" from any minimum health standards. The folly of this exemption was clearly witnessed by the death and disease, tuberculosis brought to Capitol Hill last year.

Finally, Mr. Speaker, public apathy is one of the greatest problems now confronting those involved in controlling tuberculosis or any other contagious disease. Given the record of the District of Columbia, I strongly feel that it is time that the Congress set an example for the rest of the Nation in the field of public health. As one of the "doctors in the House," I am sure of it.



## DEFEAT OF THE SST

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

Mr. MONAGAN. Mr. Speaker, there has been a great deal of public discussion about the underlying causes of the defeat of the supersonic transport program, and in the barrage of comment and conjecture about what was right and what was wrong with the program the relatively simple reasons for the defeat have been obscured.

An excellent editorial concerning the defeat of the SST program appeared in the March 25 edition of the Ansonia Evening Sentinel, and I am inserting the article in the RECORD at this point for the benefit of my colleagues.

GROUNDING THE SST

Major issues seldom are simple, and the issue of the supersonic transport is no exception. Strong arguments can be made both for and against building the SST.

Last week the House of Representatives accepted the arguments of those opposed to the plan and voted 215 to 204 to cut off federal funding on March 30. Rep. John S. Monagan, who represents the Valley, was one of those voting to kill the plane. Yesterday the Senate concurred.

Those favoring the SST had six principal arguments. They contended that:

Someone—either Russia or Britain and France or the United States—is going to build it. Therefore, it should be the U.S.

The U.S. could earn large amounts of foreign exchange through the sale of the SST throughout the world, thereby improving the balance of payments.

Development of the SST would give American science and technology a big boost.

Manufacture of the plane would improve employment in depressed areas and increase the profits of faltering companies.

The challenge of flying commercial aircraft faster than the speed of sound should be met for its own sake.

Speedier flight would benefit American and other travelers.

Opponents of the SST has six main arguments. They contended that:

The giant plane would cause pollution of the upper atmosphere, perhaps diluting the earth's protective blanket of gasses to let more cancer-causing rays reach the surface.

The SST would be unbearably noisy.

The SST would have to be flown over water only because of the noise, thus barring it from the many routes that cross the land.

It would benefit certain airlines and aircraft makers at the expense of the taxpayers in general.

It would fill no real need since people do not really have to fly faster than sound.

The cost of the plane would be out of all proportion to its benefits, especially when large amounts of money should be spent on human needs here on earth.

To us, the question comes down to two points: Is the SST a threat to the environment? And is it worth what it will cost?

The truth is that nobody knows whether the supersonic transport would damage the upper atmosphere—or even how unpleasant its noise would be. This includes the scientists who know more about these fields than anyone else. Until we know more about these things, we would be well advised to go slowly.

But the basic question is whether the benefits of the plane would outweigh its cost. The best answer seems to be that they would not. There is no overwhelming need for such a speedy transport now. There is a need to save the billions of dollars that development of such a plane would represent.

Nor should be we moved by arguments that if the U.S. does not fly the SST, other nations will. The British-French Concorde project is in deep trouble. The Russian supersonic transport can be built only at enormous cost. Even then, the U.S. could exclude it from American airports on grounds of air pollution and noise pollution, making its commercial success impossible.

The Congress dealt the SST a near-mortal blow. The project should be allowed to expire without further efforts at resuscitation.

## AMERICA'S GREAT ACCOMPLISHMENTS

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

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Of the world's 10 largest dams, five are in the United States. No other nation in the top 10 has more than two. The five U.S. dams comprise a total volume of structure of 442.4 million cubic yards.

## PROPOSED TERMINATION OF SUGAR QUOTA ALLOCATED TO REPUBLIC OF SOUTH AFRICA

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

Mr. DOW. Mr. Speaker, today I am introducing legislation to amend the Sugar Act of 1948 to terminate the sugar quota allocated to the Republic of South Africa.

The Sugar Act expires this year and is presently before the Congress for review. Now is the most appropriate time to discuss the policy of continuing support by economic means a government which practices an apartheid policy repugnant to the principles and ideals of all Americans.

My bill simply eliminates the quota presently given to South Africa and redistributes it to the other countries who receive a quota under the act. This approach emphasizes the issue before this country and the Congress: Should we in any way lend economic support to this regime unless it changes its racial policies?

We must also remember that it was U.S. support which absorbed the sugar market previously imported by Great Britain before it stopped trading with South Africa in 1962. The economic benefits to South Africa are substantial, they are worth more than $5 million above the market price.

For many years it has been the policy of the U.S. Government to preserve within the United States the ability to produce a substantial portion of our sugar requirements. In earlier years protection of our domestic producers was provided by a tariff policy, then, in 1934

a quota system which protected the domestic market by quotas for both domestic producers and foreign suppliers was enacted. This quota system was revised in 1937 and further revised in 1948 under the present act. The House Agriculture Committee report on the sugar program of December 31, 1920, states on page 29 that—

> It is unlikely any significant quantity of sugar would be grown in the United States if American producers had to compete on the open world market with sugar produced with cheap tropical labor or under subsidy in other countries.

The committee report highlights the economic fact that the U.S. price is above the world price and, therefore, under the quota, any country trading with us does therefore receive a form of economic aid. A recognition of this view was made by our Government on November 20, 1965, when the quota of Southern Rhodesia was suspended pursuant to the terms of the Sugar Act after a Presidential finding that it would be contrary to the national interest of the United States to continue the sugar quota for Southern Rhodesia.

The other precedent of suspension was the withdrawal of the entire quota for Cuba by President Eisenhower in 1960 in response to the expropriation of American property by the Castro regime.

I believe that the continuation of a quota for South Africa is very much against our national interest. The racial policies of the South African Government have been deplored by our own officials but no governmental act has followed these pronouncements. The treatment by the South African Government of our own citizens is the ground on which to base the withdrawal of the quota. Two of our colleagues, Congressman CHARLES DIGGS and Congressman OGDEN REID, were refused visas to that country as was an American well known to the world of sports, Mr. Arthur Ashe. I have asked the Congressional Research to provide me with a complete list of other U.S. citizens who were denied visas or expelled by the South African Government.

Mr. Speaker, one of the factors considered by the Congress in the apportionment to individual countries of the portion of the market reserved for imports is, according to the House Agriculture Committee print of December 31, 1970, page 48:

> Friendly government to government relations, *including non-discrimination against U.S. citizens in the quota country* and indemnification for property owned by U.S. citizens in cases of expropriation. (Emphasis added.)

I strongly believe that the Government which clearly stands for a policy abhorrent to our own citizens and which has practiced discrimination against our citizens and our Congressmen should not continue to be rewarded with a quota when the Sugar Act is reviewed by the Congress. My amendment would simply extinguish this benefit and redistribute it to other importers:

## ROLLCALL VOTE IN THE DEMOCRATIC CAUCUS ON SETTING DATE TO END WAR

(Mrs. ABZUG asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. ABZUG. Mr. Speaker, I rise today to discuss the new practice in the Democratic caucus of denying the public access to the journal of the caucus. While I was not a Member of the 91st or prior Congresses, it is my understanding that the proceedings of the caucus, including the yeas and nays on any question, were made available to the press and the public following Democratic caucuses.

Rule 11 of the Democratic caucus states that—

> The Caucus shall keep a journal of its proceedings, which shall be published after each meeting, and the yeas and nays on any question shall, at the desire of one-fifth of those present, be entered on the journal.

The precedents of the House of Representatives indicate that the intention of this rule to facilitate public access to the journal, and all matters entered thereon. Section 3608—volume VIII, page 954—states—

> Proceedings of the Democratic caucus are recorded in its journal, which is open to inspection by the public.

In 1913, Speaker Champ Clark could proudly proclaim that—

> So far as an open caucus is concerned, the Democratic caucus blazed the way to give publicity to caucus action.

Mr. Speaker, it is indeed ironic that at the very moment the House is recording teller votes, the Democratic caucus is marching backward toward the 19th century in terms of its procedures. It is my view that the Democratic leadership should abandon this new practice of denying the press and the public access to the complete journal of the caucus, including the yeas and nays on any question, as provided in rule 11 of the caucus.

Yesterday, for example, the caucus adopted by one vote, 101 to 100, the Bolling-Dent substitute to the Matsunaga resolution, and thereby contributed to a year-long prolongation of the conflict in Indochina and the needless suffering of all parties to that conflict. The substitute also gives the President a free hand to invade such countries as he may choose all over Indochina. The Matsunaga resolution would have set December 31, 1971, as the deadline for our withdrawal. The American people have a stake in knowing how the vote went. They have a right to know just how their representatives vote in committee, in the caucus, and on the floor, it is a right requiring consistency, not a hit-or-miss application depending on the sensitivity of the issue. And the policy of the leadership should reflect this right. Because of my deep belief in this concept so fundamental to a democracy I override my freshman misgivings and submit for the RECORD the following article which appeared in today's Baltimore Sun:

THE 1973 PULLOUT IS ENDORSED

(By Adam Clymer)

WASHINGTON, March 31.—House Democrats today discarded their hawkish image and called for withdrawal from Indochina by January 3, 1973.

Doves failed by only one vote—101 to 100—to back a pullout deadline of December 31, 1971.

The Democratic caucus resolution called on the House to "work to end the United States military involvement in Indochina and to bring about the release of all prisoners in a time certain during the 92d Congress."

It also urged—in a way Democratic doves denounced as dangerously vague and as a blank check, and Republicans, perhaps some of them whimsically, praised as patriotic—"full support wherever possible" of presidential and congressional efforts "pertinent to these ends."

The vote to approve the resolution was 138 to 62, with 54 Democrats not voting.

The opposition was almost evenly divided among hawks who did not want any deadline, like Representatives F. Edward Hébert (La.) and George H. Mahon (Texas), the chairmen of the Armed Services and Appropriations committees, and doves who insisted on the earlier deadline, like Representatives Bella S. Abzug (N.Y.), Andrew Jacobs, Jr. (Ind.) and Parren J. Mitchell (Md.).

A few minutes earlier, supporters of the final resolution like Representative Carl Albert (Okla.), the Speaker of the House, had only barely got it approved as a substitute for the December 31 resolution. They persuaded hawks like Mr. Hébert that, if the substitute was not approved, the December 31 measure would carry.

Hawks and middle-of-the-roaders formed the 101 votes in the majority to change the December deadline. Two identifiable hawks were in the group of 100 that opposed amending the original resolution and substituting the later date (patterned closely on a resolution passed by Senate Democrats February 22).

The meeting was closed to press, and, despite Rule 11 of the caucus which directs that its journal must be published, officials refused to release the rollcall.

VARIETY OF INTERPRETATIONS

However, an unofficial tally, kept by members, showed two Marylanders, Representatives Edward A. Garmatz (3d) and Goodloe E. Byron (6th) as not voting; two others, Mr. Mitchell and Representative Paul S. Sarbanes (4th) preferring the December 31 deadline; and one, Representative Clarence D. Long (2d), preferring the 1973 version.

The series of votes and the secret nature of the speeches that were made on the various proposals, led to a variety of interpretations.

Most significant, perhaps, were the views of the five members who had introduced the resolution with the December 31 pullout and prisoner-return deadlines. All of them backed the final version, although they had voted against it on the 101-to-100 vote.

"We consider this to be a victory," Representative Spark M. Matsunaga (D., Hawaii) said.

"GULF OF TONKIN"

Another author, Representative Sam Gibbons (D., Fla.) said, "We got what we realistically thought we were going to get," indicating that the 1973 resolution was an agreeable fall-back position.

But Mr. Jacobs, for example, called it a "Gulf of Tonkin" resolution and added, "Any fool knows now" that the President could use the language as an excuse to invade North Vietnam.

Mr. Albert told reporters that, although he has repeatedly opposed any deadline in the

past, "I don't think it was either a slap at the President or a vote of confidence." He added that he thought the resolution did not say the United States must be out of Vietnam by the end of this Congress but only that Congress should try to get it out.

The Republicans sought to interpret the resolution in a way helpful to the administration. Representative Gerald R. Ford (R., Mich.), the minority leader, said, "The President will be strengthened by the support of all Americans in the courageous course he is pursuing."

HOW THEY VOTED ON RESOLUTIONS

WASHINGTON, March 31.—Below is the vote for substituting a withdrawal deadline of January 3, 1973, for the December 31, 1971, deadline first proposed.

"X" indicates the congressman then voted against the amended resolution. Representative Henry S. Reuss (D., Wis.) voted "present" on the amended resolution.

IN FAVOR (101)

xAbernethy (Miss.), Albert (Okla.), Alexander (Ark.), xAndrews (Ala.), Ashley (Ohio) Aspinall (Colo.), xBaring (Nev.), Bennett (Fla.), xBevill (Ala.), Boggs (La.), Bolling (Mo.), xBrainkley (Ga.), Books (Texas), Burlison (Mo.), xCabell (Texas), Carney (Ohio), Casey (Texas), xChappell (Fla.), Clark (Pa.), xColmer (Miss.), xDaniel (Va.), Daniels (N.J.), Danielson (Calif.), de la Garza (Texas), Denholm (S.D.), Dent (Pa.), Dingell (Mich.), Dorn (S.C.), Dulski (N.Y.), Edmondson (Okla.), Evans (Colo.), and Fascell (Fla).

xFisher (Texas), Flood (Pa.), Flowes (Ala.), xFlynt (Ga.), Foley (Wash.), Fuqua (Fla.), Gaydos (Pa.), Giaimo (Conn.), xGriffin (Miss). Hanley (N.Y.), Hansen (Wash.), Hays (Ohio), xHébert (La.), xHenderson (N.C.), Hicks (Mass.), Ichord (Mo.), Johnson (Calif), Jones (Ala.), Jones (Tenn.), Kazen (Texas), Kee (W. Va.), Landrum (Ga.), xLennon (N.C.), Long (Md.), McCormack (Wash.), McFall (Calif.), McKay (Utah), xMahon (Texas), Mann (S.C.), Mathis (Ga.), and Meeds (Wash.).

Miller (Calif.), Mills (Ark.), Mollohan (W. Va.), Monagan (Conn.), xMontgomery (Miss.), Morgan (Pa.), Murphy (N.Y.), xNichols (Ala.), Nix (Pa.), Pepper (Fla.), Perkins (Ky.), Pickle (Texas), Pike (N.Y.). Price (Ill.), Purcell (Texas), Randall (Mo.), xRarick (La.), Roberts (Texas), Rogers (Fla.), xRunnels (N.M.), xSatterfield (V.), xSikes (Fla.), Sisk (Calif.), Slack (W. Va.), Smith (Iowa), Stanton (Ohio), Steed (Okla.), Stephens (Ga.), xStratton (N.Y.), Stubblefield (Ky.), xTaylor (N.C.), Teague (Texas), xWaggonner (La.), Watts (Ky.), White (Texas), xWhitten (Miss.), Wright (Texas), and Yatron (Pa.).

OPPOSED (100)

xAbourezk (S.D.), xAbzug (N.Y.), Adams (Wash.), Addabbo (N.Y.), xAnderson (Calif.), Anderson (Tenn.), Aspin (Wis.), xBadillo (N.Y.), xBegich (Alaska)), Bergland (Minn.), Bingham (N.Y.), Blatnick (Minn.), Boland (Mass.), Brademas (Ind.), Brasco (N.Y.), Burke (Mass.), xBurleson (Texas), Burton (Calif.), xCarey (N.Y.), xChisholm (N.Y.), xConyers (Mich.), Corman (Calif.), Cotter (Conn.), Culver (Iowa), and xDelaney (N.Y.).

xDellums (Calif.), xDiggs (Mich.), Donohue (Mass.), Dow (N.Y.), Drinan (Mass.), Eckhardt (Texas), xEdwards (Calif.), xEilberg (Pa.), xFord (Mich.), Fulton (Tenn.), Fraser (Minn.), Galifianakis (N.C.), Gibbons (Fla.), Grasso (Conn.), Griffiths (Mich.), Hamilton (Ind.), xHarrington (Mass.), xHathaway (Maine), Hawkins (Calif.), xHechler (W. Va.), Helstoski (N.J.), xHoward (N.J.), xHungate (Mo.), xJacobs (Ind.), Karth (Minn.), xKastenmeier (Wis.), Kyros (Maine), Leggett (Calif.), xLink (N.D.). Madden (Ind.), Matsunaga (Hawaii), and Mazzoli (Ky.).

Melcher (Mont.), Metcalfe (Ill.), Mikva (Ill.), Minish (N.J.), xMink (Hawaii), xMitchell (Md.), Moorhead (Pa.), Moss (Calif.), Murphy (Ill.), Nedzi (Mich.), Obey (Wis.), O'Hara (Mich.), O'Neill (Mass.), xPatten (N.J.), Podell (N.Y.), Preyer (N.C.), Pryor (Ark.), Pucinski (Ill.), xRees (Calif.), Reuss (Wis.), Roe (N.J.), Roncalio (Wyo.), Rooney (Pa.), xRosenthal (N.Y.), Rostenkowski (Ill.), Roy (Kan.), xRoybal (Calif.), xRyan (N.Y.), Sarbanes (Md.), Scheur (N.Y.), Seiberling (Ohio), and Staggers (W. Va.).

xStokes (Ohio), Symington (Mo.), Thompson (N.J.), Tiernan (R.I.), Udall (Ariz.), Ullman (Ore.), Van Deerlin (Calif.), xWaldie (Calif.), xWilson (Calif.), Wolff (N.Y.), and Yates (Ill.).

ABSENT OR NOT VOTING

Abbitt (Va.), Annunzio (Ill.), Barrett (Pa.), Biaggi (N.Y.), Blanton (Tenn.), Byrne (Pa.), Byron (Md.), Caffery (La.), Celler (N.Y.), Clay (Mo.), Collins (Ill.), Davis (Ga.), Dowdy (Texas), Downing (Va.), Edwards (La.), Evins (Tenn.), Fountain (N.C.), Gallagher (N.J.), Garmatz (Md.), Gettys (S.C.), Gonzalez (Texas), Gray (Ill.), Green (Ore.), Green (Pa.), Hagan (Ga.), and Haley (Fla.).

Hanna (Calif.), Hicks (Wash.), Holifield (Calif.), Hull (Mo.), Jarman (Okla.), Jones (N.C.), Kluczynski (Ill.), Koch (N.Y.), Long (La.), McMillan (S.C.), Macdonald (Mass.), Natcher (Ky.), Passman (La.), Patman (Texas), Poage (Texas), Rangel (N.Y.), Rodino (N.J.), Rooney (N.Y.), Roush (Ind.), St Germain (R.I.), Shipley (Ill.), Stuckey (Ga.), Sullivan (Mo.), Vanik (Ohio), Vigorito (Pa.), Young (Texas), and Zablocki (Wis.).

This article should have been issued as a matter of policy by the caucus itself.

## WHO IS TO BLAME?

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

Mr. HUNT. Mr. Speaker, this week a young American soldier-officer was convicted of the willful and premeditated killing of a number of civilians in South Vietnam. This young American was entered into the military service of his country, trained in the expertise of modern warfare and weaponry, physically and mentally hardened to face an enemy of his country, and taught that in combat he must kill or be killed. This young American was selected, commissioned to be a leader of other young American soldiers, and then ordered to duty by his Government to an alien land thousands of miles from his homeland. There, he was left in an environment totally foreign to his upbringing, where the "enemy" is indistinguishable from the "friends," and where his attitude, training, and love of life must have been conditioned by the knowledge of the bitterly divided Nation he left behind.

I do not condone the wanton slaying of innocent civilians anywhere by anyone. But neither do I condone the Government's action of taking the flower of our youth, training them in the art of modern warfare, and ordering them to a combat area where, from the highest echelons, it has been predetermined they will not be permitted to win. So, they must fight in the muck and mire of a foreign land with no hope of eventual victory, where their only hope is that they will sweat out their time and return home—alive.

No, Mr. Speaker, I do not condone wanton slaying nor do I condone a no-win—cannot win—war. It is time to make a major decision—now. I have stood behind our President and his policy of Vietnamization so that we might extricate ourselves from this tragic war carried over from prior administrations while at the same time leaving behind a just and stable peace.

God rest those brave men who did not make it in their struggle to keep alive while fighting, as it were, with one hand tied behind their back. Our fighting men who in the past have been inspired by a history of fighting the winning cause —and we have never before been involved in a war that was lost—cannot be expected by any standard to face battle with honor, offering their very lives, if our leaders and our Nation become resigned to a "no-win" policy that will insure national disgrace and the defeat of our Allies.

## GROUNDING OF THE U.S. SUPERSONIC TRANSPORT

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include an editorial.)

Mr. GERALD R. FORD. Mr. Speaker, one fact stands out more starkly than any other in connection with the congressional decision to ground the U.S. supersonic transport.

That fact is that a majority in the Congress for the first time is satisfied to make the United States a second-best nation.

The halting of the SST development marked a turning point for the United States. With that vote, the Congress said it does not matter if the Soviet Union, or England and France, surpass the United States in the production and sale of the commercial aircraft of the future.

The economic arguments against the U.S. SST are reminiscent of the opposition which greeted other great technological developments in American history—the steamboat and the first airplane. Columnist Judd Arnett of the Detroit Free Press also has a commentary on the early days of the automobile. His column follows:

WILL VOTE TO DROP THE SST PROVE ANOTHER BUM GUESS?

(By Judd Arnett)

This is going to be about airplanes, automobiles and bum guesses, all timely subjects in view of recent developments.

It has been inspired by the decision of the United States Senate to terminate appropriations for the development of the Super-Sonic Transport; and by a letter from Frank S. Hedge, vice president of American Motors Corporation. From such acorns, hopefully, do columnists fashion mighty oaks. Anyhow, away we go . . .

On the basis of the Senate's decision reached on Wednesday, one might be excused for assuming that the pattern of commercial aviation in America has been established for a number of years to come.

We will have to be "content," if that is an adequate word, with plowing through the air at a sedate 600-miles-per-hour in the 707, 747 and the various other jetliners already perfected.

Forget about New York-to-London in three hours or Detroit-to-Los Angeles before the ice melts in your first martini. The United States Senate in all of its infinite wisdom has frozen the operations of the aviation industry and that is the way it is going to be.

Right? Well, perhaps, but don't bet on it.

For if recent history tells us anything,

it is this: That man has consistently underestimated his capacity to perform miracles in the fields of transportation.

Let us turn now to the letter from Frank S. Hedge for a few illustrations, uncovered recently while researchers at American Motors were seeking material for an article.

1908—William C. Durant, in the process of putting General Motors together, predicted to George W. Perkins of J. P. Morgan & Co. that "The time will come when 500,000 automobiles will be manufactured and sold in this country every year."

Mr. Perkins was so incensed by Mr. Durant's "effrontery and stupidity" that he left the room.

1920—John W. Prentiss, another banker, was quoted in "The Spur" in this light: "Much discussion has been heard for a good many years about the saturation point in the automobile business, but no saturation point will probably be seen until there are at least 30,000,000 automobiles in the world."

1920—(This was evidently a vintage year for bum guesses): The Federal Trade Commission's report on fuel led to a general conclusion that the nation's supply of gasoline and oil for motor vehicles would be exhausted in approximately six years.

1921—Leonard P. Ayres, vice president of the Cleveland Trust Co., states: "The theoretical number of possible purchasers of motor vehicles seems to be limited to about 20,000,000.

1921—(This, too, was a vintage year!): The following appeared in the August 9 report of the Babson Statistical Organization:

"The most important question in industry is: 'What is the saturation point with our population of 105 million people?' Under constant conditions, there must be a saturation point. The optimists say 20 million cars; the conservatives say 10 million cars. Our estimate is 12 million, until coal dust or some cheap fuel can be used."

Having considered the prognostications of those sages of the past, one might also be well-advised to remember that the record of government in the control of traffic has been studded with a few clinkers, too. In 1908, for instance, the Texas Legislature ruled as follows:

"(1) On discovery of an approaching team of horses, the motorist must stop off the side of the road and cover his machine with a tarpaulin painted to correspond to the scenery. (2) In case the horse will not go past the scenic tarpaulin, the motorist will take his machine apart as quickly as possibly and hide the parts in the grass. (3) Motorists on a country road at night must send up a red rocket every mile and wait ten minutes for the road to clear—then proceed carefully, blowing his horn and shooting Roman candles."

Such, dear friends, has been the vision of some of those who would either finance or control transportation. The Senate decision notwithstanding, one suspects there will be some changes in the future of aviation, too.

## HOUSE CONCURRENT RESOLUTION PAYING TRIBUTE TO THE FIRST ANNUAL NATIONAL EXPLORERS PRESIDENTS' CONGRESS OF THE BOY SCOUTS OF AMERICA

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

Mr. ROGERS. Mr. Speaker, I am proud to join with my colleagues Mr. RODINO and Mr. POFF in introducing a concurrent resolution commemorating the first annual National Explorers Presidents' Congress of the Boy Scouts of America. This Congress will take place in Washington, D.C., from June 2 to June 6, and will assemble between 4,500 and 5,000 young leaders of the more than 350,000 young men and women who make up American Scouting. This Washington Congress will provide these young men and women with firsthand experience in the democratic process as they elect their national officers and conduct their business, as well as affording them an opportunity to observe their Federal Government in operation.

Scouting offers many constructive alternatives to our Nation's youth, and gives them a unique opportunity to participate in potential career fields under professional guidance. I salute this group of young Americans as they approach their first national Congress. I ask that the text of the concurrent resolution appear in the RECORD following my remarks.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. CAMP of Oklahoma (at the request of Mr. GERALD R. FORD) on account of illness.

Mr. GALIFIANAKIS (at the request of Mr. ALBERT) for today on account of official business.

Mr. LONG of Maryland for April 1–19, 1971, on account of Appropriations Committee business.

Mr. GETTYS (at the request of Mr. PATTEN) for today on account of illness.

Mr. FREY of Florida (at the request of Mr. GERALD R. FORD) on account of official business as a member of the House Committee on Science and Astronautics.

Mr. WINN of Kansas (at the request of Mr. GERALD R. FORD) on account of official business as a member of the House Committee on Science and Astronautics.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LENT) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. BELL for 20 minutes today.

Mr. BUCHANAN for 5 minutes today.

Mr. MIZELL for 5 minutes today.

(The following Members (at the request of Mr. BEGICH) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. KEE for 15 minutes today.

Mr. DENT for 30 minutes today.

Mr. RARICK for 15 minutes today.

Mr. MURPHY of New York for 15 minutes today.

Mr. STUCKEY for 10 minutes today.

Mr. ST GERMAIN for 20 minutes today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FLYNT, and to include extraneous material in his remarks made on the Selective Service Act amendments today.

(The following Members (at the request of Mr. LENT) and to include extraneous matter:)

Mr. DERWINSKI in two instances.

Mr. SCHERLE.

Mr. PETTIS.

Mr. ESCH.

Mr. HILLIS.

Mr. WYMAN in two instances.

Mr. PELLY.

Mr. FISH in two instances.

Mr. MORSE.

Mr. STEIGER of Wisconsin.

Mr. HOSMER in two instances.

Mr. SNYDER.

Mr. BURKE of Florida.

Mr. KEMP.

Mr. LENT in two instances.

Mr. SCHMITZ.

Mr. SAYLOR in two instances.

Mr. YOUNG in five instances.

Mr. RAILSBACK.

Mr. BROYHILL of Virginia in three instances.

Mr. GUDE.

Mr. BOB WILSON in three instances.

Mr. LANDGREBE in two instances.

Mr. MIZELL in three instances.

Mr. HANSEN of Idaho.

Mr. COLLIER in five instances.

Mr. MCCLOSKEY.

Mr. ROBISON of New York.

Mr. HOGAN in five instances.

(The following Members (at the request of Mr. BEGICH) and to include extraneous matter:)

Mr. DE LA GARZA in 10 instances.

Mr. BADILLO in two instances.

Mr. RUNNELS.

Mr. ANDERSON of California in two instances.

Mrs. SULLIVAN in two instances.

Mr. WALDIE in two instances.

Mr. BOLLING in two instances.

Mr. NIX.

Mr. ABBITT in two instances.

Mr. RODINO in three instances.

Mr. VAN DEERLIN.

Mr. HELSTOSKI.

Mr. MATSUNAGA.

Mr. O'HARA in two instances.

Mr. MINISH in two instances.

Mr. RARICK in four instances.

Mr. WOLFF.

Mr. ROE.

Mr. MURPHY of New York.

Mr. FOUNTAIN in two instances.

Mr. EILBERG in two instances.

Mrs. HICKS of Massachusetts in two instances.

Mr. KARTH in two instances.

Mr. PICKLE in two instances.

Mr. GONZALEZ in two instances.

Mr. COTTER in six instances.

Mr. LONG of Maryland.

Mr. BEGICH in two instances.

Mr. DORN.

Mr. COLLINS of Illinois.

Mr. CAFFERY.

Mr. BYRON in three instances.

Mr. DANIELS of New Jersey.

Mr. FOLEY in two instances.

Mr. MONAGAN.

Mr. HAGAN in two instances.

Mr. RONCALIO in two instances.

Mr. HICKS of Washington in two instances.

## BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on March 31, 1971, present

to the President, for his approval, a bill of the House of the following title:

H.R. 5432. A bill to provide an extension of the interest equalization tax, and for other purposes.

## ADJOURNMENT

Mr. BEGICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, April 5, 1971, at 12 o'clock noon.

## CONTRACTUAL ACTIONS, CALENDAR YEAR 1970, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85–804:

ASSISTANT SECRETARY OF DEFENSE,
*Washington, D.C.*

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

DEAR MR. SPEAKER: In compliance with Section 4(a) of Public Law 85–804, the calendar year 1970 report on extraordinary contractual actions to facilitate the national defense is transmitted herewith.

Table I shows that 277 contractual actions were approved with a cost to the Government of $4,158,000, and that 95 actions were disapproved. Included in the number of actions approved are 108 actions for which a potential Government liability cannot be estimated.

Table II lists the actions which have an actual or potential cost to the Government of $50,000 or more. Also included in this list are the 108 actions above for which a potential cost cannot be estimated.

Sincerely,

GLENN V. GIBSON,
*Acting Assistant Secretary of Defense*
*(Installations and Logistics.)*

TABLE I.—SUMMARY REPORT OF CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY–DECEMBER 1970

[Dollar amounts in thousands]

| Department and type of action | Actions approved | | | Actions denied | |
|---|---|---|---|---|---|
| | Number | Amount requested | Amount approved | Number | Amount |
| Department of Defense (total) | 277 | $4,961 | $4,158 | 95 | $12,057 |
| Amendments without consideration | 7 | 395 | 200 | 12 | 4,469 |
| Correction of mistakes | 118 | 2,396 | 1,820 | 67 | 6,766 |
| Formalization of informal commitments | 17 | 233 | 201 | 8 | 138 |
| Contingent liabilities | 108 | | | | |
| Disposition of property | 1 | | | 2 | |
| Other | 26 | 1,937 | 1,937 | 6 | 684 |
| Army (total) | 69 | 2,230 | 1,511 | 24 | 6,742 |
| Amendments without consideration | 1 | 236 | 106 | 4 | 1,268 |
| Correction of mistakes | 29 | 1,776 | 1,219 | 14 | 5,418 |
| Formalization of informal commitments | 11 | 218 | 186 | 4 | 56 |
| Contingent liabilities | 13 | | | 0 | |
| Disposition of property | 1 | | | 2 | |
| Other (employee compensation clauses ASPR 18–703.2) | 14 | | | 0 | |
| Navy (total) | 106 | 473 | 469 | 7 | 1,379 |
| Amendments without consideration | 5 | 48 | 48 | 4 | 725 |
| Navy—Continued | | | | | |
| Correction of mistakes | 23 | $407 | $403 | 2 | $7 |
| Formalization of informal commitments | 3 | 14 | 14 | | |
| Contingent liabilities | 74 | | | | |
| Other (secretarial authority and residual powers) | 1 | 4 | 4 | 1 | 647 |
| Air Force (total) | 40 | 195 | 128 | 38 | 1,607 |
| Amendments without consideration | 1 | 111 | 46 | 2 | 520 |
| Correction of mistakes | 17 | 84 | 82 | 32 | 1,006 |
| Formalization of informal commitments | | | | 3 | 81 |
| Contingent liabilities | 21 | | | | |
| Other (contract modification or termination) | 1 | | | 1 | |
| Defense Supply Agency (total) | 62 | 2,063 | 2,050 | 26 | 2,329 |
| Amendments without consideration | | | | 2 | 1,956 |
| Correction of mistakes | 49 | 129 | 116 | 19 | 335 |
| Formalization of informal commitments | 3 | 1 | 1 | 1 | 1 |
| Other | 10 | 1,933 | 1,933 | 4 | 37 |

TABLE II.—LIST OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85–804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY–DECEMBER 1970

| Name and location of contractor | Actual or estimated potential cost | Description of product or service | Justification |
|---|---|---|---|
| Amendments without consideration: | | | |
| Army: Janke & Co., 38–44 Railroad Ave., Hackensack, N.J. | $106,000 | 154 type D–5B hydraulic test stands | The company applied for relief on Aug. 25, 1967, stating that defective specifications and Government-caused delay resulted in additional expenses not contemplated by the contract. Notwithstanding its critical financial condition, however, throughout this period of delay Janke continued to produce the test stands under the encouragement and at the insistence of the Government and in apparent reliance on the contracting officer's favorable recommendation for relief. |
| Correction of mistakes: | | | |
| Army: | | | |
| Collins Radio Co., 1200 North Alms Rd., Richardson, Tex. | 113,188 | 14 radio terminal sets AN/TRC–132A | A requirement of the contract was for the contractor to submit provisioning data and a vendor list to the procuring officer. Collins Radio Co., submitted their bid with an asterisk by the price stating in a footnote that it did not include the cost of the vendor list. The contract was executed not taking this into consideration. The contractor is being reimbursed to correct a mutual mistake. |
| Continental Motors Corp., Post Office Box 90, Mobile, Ala. | 436,500 | Rebuilding of LSD 465–1A engines | On Dec. 6, 1967 Continental was awarded a letter contract for the rebuilding of 3,000 engines with an option for the Government to increase this amount by 100 percent. On Dec. 26, 1967 Continental gave written confirmation that an error had been made in its offer in that the cost of pistions (6 per engine at $24.25 each) had been omitted as a result of a clerical error. On May 9, and 17, 1968, the Government exercised its option and increased the engines to 6,000. The contractor is being granted relief in that the option was exercised with full knowledge of the mistake. |
| Pope, Evans & Robbins International Ltd., 179 Truong Minh Giang, Saigon, Republic of Vietnam, FPO San Francisco. | 500,000 | Transportation services for the Saigon area | Negotiations were conducted with the contractor based upon 14.4 cents per ton-mile. 2 days before the contract was to be executed the Saigon Support Command advised that a contract written on a ton-mile basis could not be monitored and proposed a trip rate basis instead. A time table was included in the solicitation using an average speed of 13.5 miles per hour. The contract as written did not specify either the 14.4¢ ton/mile rate or the 13.5-mile per hour rate of speed. After several weeks of operation the contractor determined the rate of return was substantially less than the agreed-upon return due to inaccuracies in the travel time chart. The contract as written failed to clearly express the intent of the parties at the time the agreement was entered into. |
| Navy: Kaman Corp., Bloomfield, Conn. | 214,000 | Aircraft spare parts | To correct a mutual mistake to reimburse the contractor for the cost of reusable containers used in packaging of the space parts. |
| Other: | | | |
| Defense Supply Agency: | | | |
| Waller Petroleum Co., Inc., Baltimore, Md. | | Residual fuel oil | The Defense Fuel Supply Center awarded 153 contracts for residual fuel oil for delivery to 566 installations. Each contract contains a price escalation provision permitting escalation with the market up to 10 percent above the contract price and each bidder certified that the bid price included no contingencies for price increase. The combination of increased demand, decreased supply and an overloaded transportation system has resulted in higher prices and all but one of the suppliers have exceeded their maximum excalation under the contract. It has been determined that the escalation celling be removed from these contracts. The exact amount involved cannot be determined as the contracts are for indefinite quantities but 6 of these actions will involve more than $50,000. |
| F. L. Roberts & Co., Inc., Springfield Mass. | | | |
| Dahl Oil Co., Inc., Norwich, Conn. | | | |
| National Heat & Power Co., Philadelphia, Pa. | | | |
| Union Oil Co. of Boston, Revere, Mass. | | | |
| A. R. Wright, Co., Portland, Maine. | | | |

CONTINGENT LIABILITIES

Provisions to indemnify contractors against liabilities on account of claims for death or injury or property damage arising out of nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in 108 contracts (the potential cost of these liabilities cannot be estimated inasmuch as the liability to the Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause). Items procured are generally those associated with nuclear-powered vessels, nuclear-armed guided missiles, experimental work with nuclear energy, handling of explosives or performance in hazardous areas.]

| Name of contractor | Number of contracts | | |
|---|---|---|---|
| | Army | Navy | Air Force |
| Aerojet General Corp | | | 1 |
| Aerojet Solid Propulsion Co | | | 1 |
| Air America, Inc | | | 1 |
| Avco Corp | | 1 | |
| Bell Aerospace Corp | | | 2 |
| Bendix Corp | | 1 | |
| Boeing Co | | | 2 |
| Burlington Northern Inc. & Union Pacific Railroad Co | 1 | | |
| Clinchfield Railroad Co | 1 | | |
| D.C. Transit System, Inc | 1 | | |
| General Dynamics Corp | | 10 | 2 |
| General Electric Co | 1 | 11 | |
| Hercules, Inc | | 1 | 2 |
| Honeywell, Inc | | 1 | 1 |
| Hughes Aircraft Co | | 1 | |
| International Terminal Operating Co | 1 | | |
| Lockheed Aircraft Corp | | 16 | |
| Louisville & Nashville RR | 1 | | |
| Luzon Stevedoring Corp | 1 | | |
| Martin Marietta Corp | | | 2 |
| Meadowgold Dairies | 1 | | |
| NUS Corp | 1 | | |
| Newport News Shipbuilding & Drydock Co | | 7 | |
| North American Rockwell Corp | | 10 | 4 |
| Northrop Corp | | 1 | |
| Raytheon Co | | 4 | |
| Seaboard Coastline RR | 1 | | |
| Southern Railway System | 1 | | |
| Thiokol Chemical Corp | | | 3 |
| Vitro Corp. of America | | 1 | |
| WMA Transit Co | 1 | | |
| Westinghouse Electric Corp | | 9 | |
| Proposed awards | 1 | | |
| Total | 13 | 74 | 21 |

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

508. A letter from the Director of Science and Education, Department of Agriculture, transmitting a report on activities concerned with laboratory animal welfare, pursuant to 84 Stat. 1560; to the Committee on Agriculture.

509. A letter from the Secretary of the Air Force, transmitting the semiannual report of Department of the Air Force contracts for military construction awarded without formal advertisement, pursuant to section 804 of Public Law 90–110; to the Committee on Armed Services.

510. A letter from the Acting Secretary of the Army, transmitting the semiannual report of Department of the Army contracts for military construction awarded without formal advertisement, pursuant to section 604 of Public Law 91–511; to the Committee on Armed Services.

511. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize additional appropriations during the fiscal year 1971 for research, development, test, and evaluation for the Navy, and for other purposes; to the Committee on Armed Services.

512. A letter from the Secretary of the Interior; transmitting a copy of a proposed amendment to a concession contract for the operation of concession facilities and services within the area administered by the National Capital Parks, for the year ending December 31, 1971, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

513. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the Graham Canal Co. and the Curtis Canal Co. for loans and a grant under the Small Reclamation Projects Act, pursuant to section 4(c) of the act; to the Committee on Interior and Insular Affairs.

514. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to remove the statutory ceiling on salaries payable to U.S. magistrates; to the Committee on the Judiciary.

515. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a draft of proposed legislation to authorize appropriations for the Commission on Civil Rights; to the Committee on the Judiciary.

516. A letter from the Executive Director, American Revolution Bicentennial Commission, transmitting the 1970 Annual Report of the Commission, pursuant to section 7(b) of Public Law 89–491; to the Commission on the Judiciary.

517. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide that the Federal Government shall assume the risks of its fidelity losses; to the Committee on Post Office and Civil Service.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. H.R. 1795. A bill for the relief of Leonard Alfred Brownrigg; (Rpt. No. 92–104). Referred to the Committee of the Whole House.

Mr. MAYNE: Committee on the Judiciary. H.R. 2070. A bill for the relief of Maria Luigia Di Giorgio; with an amendment (Rept. No. 92–105). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on the Judiciary. H.R. 3929. A bill for the relief of Gheorghe Jucu and Aurelia Jucu; (Rept. No. 92–106). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severaly referred as follows:

By Mr. COTTER:

H.R. 7087. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for adoption fees and related costs incurred in connection with the adoption of a child by the taxpayer; in the Committee on Ways and Means.

By Mr. WILLIAMS (for himself, Mr. BARRETT, Mr. BIESTER, Mr. BYRNE of Pennsylvania, Mr. CLARK, Mr. CORBETT, Mr. COUGHLIN, Mr. DENT, Mr. EILBERG, Mr. ESHLEMAN, Mr. FLOOD, Mr. FULTON of Pennsylvania, Mr. GAYDOS, Mr. GOODLING, Mr. HUNT, Mr. JOHNSON of Pennsylvania, Mr. MCDADE, Mr. MORGAN, Mr. NIX, Mr. SAYLOR, Mr. SCHNEEBELI, Mr. VIGORITO, Mr. WARE, Mr. WHALLEY, and Mr. YATRON):

H.R. 7088. A bill to provide for the establishment of the Tinicum Environmental Center in the Commonwealth of Pennsylvania, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DELLENBACK:

H.R. 7089. A bill to amend the act of August 20, 1954, authorizing the Talent division of the Rogue River Basin reclamation project, Oregon (68 Stat. 752), as amended (76 Stat. 677), in order to increase the amount authorized to be appropriated for such work; to the Committee on Interior and Insular Affairs.

H.R. 7090. 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.

By Mr. DOW:

H.R. 7091. A bill to amend the Sugar Act of 1948 to terminate the quota for South Africa, and to redistribute said quota among certain nations to the Committee on Agriculture.

By Mr. DOWNING (for himself, Mr. WHITEHURST, Mr. SATTERFIELD, Mr. ABBITT, Mr. DANIEL of Virginia, Mr. POFF, Mr. ROBINSON of Virginia, Mr. SCOTT, Mr. WAMPLER, Mr. BROYHILL of Virginia):

H.R. 7092. A bill to remove the defense of limitation of liability as one of the defenses of the United States in the court proceedings arising out of the collision of the U.S.S. *Yancey* with the Chesapeake Bay Bridge-Tunnel; to the Committee on the Judiciary.

By Mr. EDMONDSON (for himself, Mr. CAMP, Mr. JARMAN, and Mr. STEED):

H.R.7093. A bill to provide for the disposition of judgment funds of the Osage Tribe of Indians of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mrs. GREEN of Oregon:

H.R.7094. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted without deductions from benefits; to the Committee on Ways and Means.

By Mr. HALL:

H.R. 7095. A bill to provide that the health regulations of the District of Columbia shall extend to the restaurants of the U.S. Senate and the House of Representatives; to the Committee on the District of Columbia.

By Mr. HALL (for himself and Mr. McMILLAN):

H.R. 7096. A bill to direct the establishment of health standards for employees of food service establishments in the District of Columbia; to the Committee on the District of Columbia.

By Mrs. HICKS of Massachusetts:

H.R. 7097. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

H.R. 7098. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 7099. A bill to amend the act of March 3, 1905, to extend the authority of the Secretary of the Army over transporting and dumping materials in certain waters, and for other purposes; to the Committee on Public Works.

By Mr. KING:

H.R. 7100. A bill to provide for the regulation of strip coal mining, for the conservation, acquisition, and reclamation of strip coal mining areas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KOCH (for himself, Mr. BINGHAM and Mrs. HECKLER of Massachusetts):

H.R. 7101. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. LONG of Maryland (for himself, Mr. BURTON, Mr. MATSUNAGA, Mr. STEELE, Mr. MAZZOLI, Mr. NELSEN, and Mr. ROUSH):

H.R. 7102. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. MACDONALD of Massachusetts:

H.R. 7103. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits thereunder, with subsequent cost-of-living increases in such benefits and a minimum primary benefit of $100, and to raise to $3,000 a year the amount of outside earnings a beneficiary may have without loss of benefits; to the Committee on Ways and Means.

By Mr. MADDEN:

H.R. 7104. 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. MIKVA (for himself, Mr. KOCH, Mr. ABOUREZK, Mr. ADDABBO, Mr. ANDERSON, of California, Mr. ASHLEY, Mr. BEGICH, Mr. BELL, Mr. BOLLING, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. CORMAN, Mr. DENT, Mr. DENHOLM, Mr. DONOHUE, Mr. DRINAN, and Mr. EDWARDS of California):

H.R. 7105. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. KOCH, Mr. EILBERG, Mr. FRASER, Mr. GROVER, Mr. HALPERN, Mr. HAMILTON, Mr. KYROS, Mr. JACOBS, Mr. MCCORMACK, Mr. MITCHELL, Mr. MORSE, Mr. NEDZI, Mr. PODELL, Mr. REES, Mr. RIEGLE, Mr. RONCALIO, Mr. ROSENTHAL, Mr. ROY, Mr. ST GERMAIN, Mr. SCHWENGEL, Mr. THOMPSON of New Jersey, Mr. SYMINGTON, and Mr. BRADEMAS):

H.R. 7106. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. KOCH, Mr. ABOUREZK, Mr. ANDERSON of California, Mr. ASHLEY, Mr. BELL, Mr. BIAGGI, Mr. BOLLING, Mrs. CHISHOLM, Mr. CLAY, Mr. CLEVELAND, Mr. CORMAN, Mr. DENT, Mr. DENHOLM, Mr. DONOHUE, Mr. EDWARDS of California, and Mr. EILBERG):

H.R. 7107. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, to strentghen controls over dangerous defendants released prior to trial, to provide means for effective supervision and control of such defendants, and for other purposes; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. KOCH, Mr. FRASER, Mr. HALPERN, Mr. HAMILTON, Mr. HARRINGTON, Mr. KYROS, Mr. JACOBS, Mr. MCCORMACK, Mr. NEDZI, Mr. PODELL, Mr. RAILSBACK, Mr. REES, Mr. RIEGLE, Mr. RONCALIO, Mr. ROSENTHAL, Mr. ROY, Mr. ST GERMAIN, Mr. SCHWENGEL, Mr. THOMPSON of New Jersey, and Mr. BRADEMAS):

H.R. 7108. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, to strengthen controls over dangerous defendants released prior to trial, to provide means for effective supervision and control of such defendants, and for other purposes; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 7109. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Astronautics.

By Mr. MOSS:

H.R. 7110. A bill to extend the State Technical Services Act of 1965 for 3 additional years; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX (for himself, Mr. UDALL, Mr. WALDIE, Mr. DANIELS of New Jersey, Mr. BRASCO, Mr. HANLEY, Mr. WILLIAM D. FORD, Mr. HOSMER, Mr. BOLLING, Mr. MCCLOSKEY, Mr. SCHEUER, Mr. ROSENTHAL, Mr. ESCH, Mr. HORTON, Mr. MATSUNAGA, Mr. CLEVELAND, Mr. HALPERN, Mr. WHALEN, Mr. MORSE, Mr. CARNEY, Mr. WOLFF, Mrs. GRASSO, Mr. PIKE, Mr. HICKS of Washington, and Mr. ANNUNZIO):

H.R. 7111. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King; to the Committee on Post Office and Civil Service.

By Mr. NIX (for himself Mr. BARRETT, Mr. BYRNE of Pennsylvania, Mr. GREEN of Pennsylvania, Mr. EILBERG, Mr. DENT, Mr. ROONEY of Pennsylvania, Mr. DINGELL, Mr. EDWARDS of California, Mr. ANDERSON of Tennessee, Mr. ROE, Mr. BINGHAM, Mr. GALLAGHER, Mr. DOW, Mr. DANIELSON, Mr SISK, Mr. MIKVA, Mr. ABOUREZK, Mr. BURKE of Massachusetts, Mrs. ABZUG, Mr. PEPPER, Mr. BRADEMAS, Mr. MEEDS, Mr. MADDEN, and Mr. TIERNAN):

H.R. 7112. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King; to the Committee on Post Office and Civil Service.

By Mr. NIX (for himself, Mr. FRASER, Mr. REUSS, Mr. BIESTER, Mr. HELSTOSKI, Mr. MOSS, Mr. DRINAN, Mr. RUPPE, Mr. ASPIN, Mr. LEGGETT, Mr. RYAN, Mr. CULVER, Mr. VANIK, Mr. ADDABBO, Mrs. MINK, Mr. SARBANES, Mr. BIAGGI, Mr. RIEGLE, Mr. BURTON, Mrs. DWYER, Mr. FLOOD, Mr. GONZALEZ, Mr. HECHLER of West Virginia, Mr. KOCH, and Mr. MCFALL):

H.R. 7113. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King; to the Committee on Post Office and Civil Service.

By Mr. NIX (for himself, Mr. DIGGS, Mr. HAWKINS, Mr. CONYERS, Mrs. CHISHOLM, Mr. STOKES, Mr. CLAY, M. RANGEL, Mr. MITCHELL, Mr. BADILLO, Mr. METCALFE, Mr. DELLUMS, and Mr. COLLINS of Illinois):

H.R. 7114. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King; to the Committee on Post Office and Civil Service.

By Mr. NIX (for himself, Mr. PODELL, Mr. REID of New York, Mr. RODINO, Mr. SEIBERLING, Mr. KYROS, Mr. COUGHLIN, Mr. VAN DEERLIN, and Mr. HANNA):

H.R. 7115. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King; to the Committee on Post Office and Civil Service.

By Mr. NIX (for himself, Mr. FASCELL, Mr. FOLEY, Mr. METCALFE, Mr. MILLER of California, Mr. PATTEN, Mr. ROY, and Mr. ST GERMAIN):

H.R. 7116. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of a man of peace, Martin Luther King; to the Committee on Post Office and Civil Service.

By Mr. PELLY (for himself, Mr. DINGELL, Mr. LENNON, Mr. KEITH, Mr. LEGGETT, Mr. BIAGGI, Mr. ANDERSON of California, Mr. FORSYTHE, Mr. TIERNAN, and Mr. BLACKBURN):

H.R. 7117. A bill to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHNEEBELI (for himself, Mr. GOODLING, Mr. ESHLEMAN and Mr. YATRON):

H.R. 7118. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

By Mr. SEIBERLING (for himself and Mr. CARNEY):

H.R. 7119. A bill to amend the Rail Passenger Service Act of 1970 to provide that all passenger train discontinuances must be in

accordance with the provisions of section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER (for himself, Mr. BEGICH, Mr. FRENZEL, Mr. HELSTOSKI, Mr. PERKINS, and Mr. ROE):

H.R. 7120. A bill to establish the Office of Drug Abuse Control within the Executive Office of the President; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK:

H.R. 7121. A bill to amend the Federal Food, Drug, and Cosmetic Act to require appropriate identification of imitation dairy products, to modify the identification requirements for oleomargarine or margarine served in public eating places, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H.R. 7122. A bill to prohibit the importation of harp seal furskins and articles made in whole or part of such furskins; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.R. 7123. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7124. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. WINN:

H.R. 7125. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. ASHBROOK:

H.R. 7126. A bill to amend section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959 by adding to the list of offenses conviction of which bars the person convicted from holding union office; to the Committee on Education and Labor.

By Mr. ASPIN (for himself, Mr. VEYSEY, Mr. WILLIAM D. FORD, Mr. BADILLO, Mr. HULL, Mr. HAMILTON, Mr. DOWNING, Mr. ROY, Mr. MONTGOMERY, Mr. FULTON of Pennsylvania, Mr. MORSE, Mr. PUCINSKI, Mr. DENT, Mr. DORN, Mr. LEGGETT, Mr. HALPERN, Mr. ZWACH, Mrs. ABZUG, Mr. ST GERMAIN, and Mrs. CHISHOLM):

H.R. 7127. A bill to amend the Communications Act of 1934 to ban sports from closed-circuit television; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT:

H.R. 7128. A bill to amend chapter 55 of title 10, United States Code, to provide health benefits for dependents of war veterans who die of a service-connected disability, and of those war veterans whose service-connected condition for disability compensation is rated permanent and total; to the Committee on Armed Services.

By Mrs. CHISHOLM:

H.R. 7129. A bill to amend title II of the Social Security Act to reduce from 20 to 10 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record; to the Committee on Ways and Means.

By Mr. DENT (for himself, Mr. PERKINS, Mr. HAWKINS, Mr. BURTON, Mr. CLAY, Mr. GAYDOS, Mr. WILLIAM D. FORD, Mr. BIAGGI, Mr. BRADEMAS, Mr. PUCINSKI, Mrs. HICKS of Massachusetts, Mr. DANIELS of New Jersey, Mr. THOMPSON of New Jersey, Mrs. GREEN of Oregon, Mrs. CHISHOLM, Mr. O'HARA, Mr. SCHEUER, and Mrs. GRASSO):

H.R. 7130. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes; to the Committee on Education and Labor.

By Mr. DUNCAN:

H.R. 7131. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on the Judiciary.

By Mr. DUNCAN (for himself and Mr. KUYKENDALL):

H.R. 7132. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 7133. A bill to authorize the Secretary of the Interior to sell certain rights in the State of Michigan; to the Committee on Interior and Insular Affairs.

By Mr. FRASER (for himself, Mr. FRENZEL, and Mr. KARTH):

H.R. 7134. A bill providing for the conveyance of certain real property to the State of Minnesota for park and recreation purposes; to the Committee on Government Operations.

By Mr. HANLEY:

H.R. 7135. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Great Lakes Basin conservation program; to the Committee on Agriculture.

By Mr. McKAY (for himself and Mr. LLOYD):

H.R. 7136. A bill to establish the Arches National Park in the State of Utah; to the Committee on Interior and Insular Affairs.

H.R. 7137. A bill to revise the boundaries of the Canyonlands National Park in the State of Utah; to the Committee on Interior and Insular Affairs.

By Mr. McMILLAN (for himself, Mr. FOLEY, Mr. JONES of North Carolina, Mr. JONES of Tennessee, Mr. MATHIS of Georgia, Mr. MELCHER, Mr. STUBBLEFIELD, Mr. BLANTON, and Mr. LINK):

H.R. 7138. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs and for other purposes; to the Committee on Agriculture.

By Mr. MURPHY of New York (for himself, Mr. STEELE, Mr. ADDABBO, Mr. JOHNSON of Pennsylvania, Mrs. CHISHOLM, Mr. SLACK, Mr. HALPERN, Mrs. HICKS of Massachusetts, Mr. MYERS, Mr. COLLINS of Illinois, Mr. THOMPSON of New Jersey, Mr. HELSTOSKI, Mr. MINISH, Mr. BRASCO, Mr. CAREY of New York, Mr. ROE, Mr. BARRETT, Mr. GALLAGHER, Mrs. REID of Illinois, Mr. ROUSH, Mr. MIKVA, Mr. O'NEILL, Mr. WRIGHT, Mr. BYRNE of Pennsylvania, and Mr. RONCALIO):

H.R. 7139. A bill to amend the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mr. KEMP, Mr. ARCHER, Mr. BIAGGI, Mr. HOSMER, Mr. JAMES V. STANTON, Mr. STUCKEY, Mr. ROSTENKOWSKI, Mr. MURPHY of Illinois, Mr. CARNEY, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mrs. ABZUG, Mr. MOSS, Mr. DANIELS of New Jersey, and Mr. CHARLES H. WILSON):

H.R. 7140. A bill to amend the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN (for himself, Mr. ADDABBO, Mr. BRASCO, Mr. BUCHANAN, Mr. CARNEY, Mr. CARTER, Mr. CHAPPELL, Mr. CLEVELAND, Mr. DERWINSKI, Mr. DONOHUE, Mr. FISHER, Mr. FLOWERS, Mr. GARMATZ, Mr. HALPERN, Mrs. HICKS of Massachusetts, Mr. HUNGATE, Mr. JONES of North Carolina, Mr. KUYKENDALL, Mr. McCOLLISTER, Mr. MILLER of California, Mr. MOSS, Mr. NIX, Mr. PRICE of Illinois, Mr. RODINO, and Mr. ROE):

H.R. 7141. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. PATTEN (for himself, Mr. ROUSH, Mr. SISK, Mr. CHARLES H. WILSON, and Mr. WOLFF):

H.R. 7142. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 7143. A bill to amend the Higher Education Act of 1965 to extend the Teacher Corps for 5 additional years; to the Committee on Education and Labor.

By Mr. PICKLE (for himself, Mr. ROBERTS, Mr. CASEY of Texas, and Mr. PURCELL):

H.R. 7144. A bill to amend the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 7145. A bill to establish a commission to review U.S. antitrust laws; to the Committee on the Judiciary.

By Mr. ST GERMAIN (for himself and Mr. PIKE):

H.R. 7146. A bill to protect the political rights and privacy of individuals and organizations and to define the authority of the Armed Forces to collect, distribute, and store information about civilian political activity; to the Committee on Armed Services.

By Mr. ST GERMAIN:

H.R. 7147. A bill to amend title 23, United States Code, relating to the use of American materials in highway projects; to the Committee on Public Works.

H.R. 7148. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 7149. A bill to amend the Age Discrimination in Employment Act of 1967, to extend its protection to governmental em-

ployees; to the Committee on Education and Labor.

H.R. 7150. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hard-core unemployed; to the Committee on Ways and Means.

H.R. 7151. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H.R. 7152. A bill to amend the Labor Management Relations Act, 1947 to expedite its processes and strengthen its remedies, and for other purposes; to the Committee on Education and Labor.

By Mr. O'HARA:

H.R. 7153. A bill to amend the Labor Management Relations Act, 1947 to expedite its processes and strengthen its remedies, and for other purposes; to the Committee on Education and Labor.

By Mr. WHITEHURST:

H.R. 7154. A bill to amend the act of December 5, 1969 (Public Law 91–135); to the Committee on Merchant Marine and Fisheries.

By Mr. DON H. CLAUSEN:

H.J. Res. 531. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HAMILTON:

H.J. Res. 532. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mrs. HANSEN of Washington:

H.J. Res. 533. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week"; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.J. Res. 534. Joint resolution authorizing the President to proclaim April 14 of each year as "John Hanson Day"; to the Committee on the Judiciary.

By Mr. RARICK (for himself, Mr. LEGGETT, and Mr. MITCHELL):

H.J. Res. 535. Joint resolution proposing an amendment to the Constitution of the United States for a referendum on war; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.J. Res. 536. Joint resolution to authorize the President to issue annually a proclamation designating the first week in June of each year as "National PBX Operators Week"; to the Committee on the Judiciary.

By Mr. DAVIS of Georgia:

H. Con. Res. 251. Concurrent resolution expressing the sense of Congress that the President of the United States shall exercise prompt review in the case of Lt. William Calley; to the Committee on Armed Services.

By Mr. PEPPER (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. ANDERSON of Tennessee, Mr. BADILLO, Mr. BIAGGI, Mr. BLACKBURN, Mr. BRASCO, Mr. BURTON, Mr. CHAPPELL, Mr. COTTER, Mr. DEVINE, Mr. DULSKI, Mr. EILBERG, Mr. FASCELL, Mr. FRENZEL, Mr. FULTON of Pennsylvania, Mr. GIBBONS, Mr. GOLDWATER, Mr. HALPERN, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. HOLIFIELD, Mr. KEE, and Mr. KYROS):

H. Con. Res. 252. Concurrent resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. PEPPER (for himself, Mr. MADDEN, Mr. MILLER of California, Mr. MINISH, Mr. MITCHELL, Mr. MORSE, Mr. MOSS, Mr. PIKE, Mr. PODELL, Mr. REES, Mr. ROE, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SIKES, Mr. SISK, Mr. SMITH of Iowa, and Mr. YATRON):

H. Con. Res. 253. Concurrent resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. RODINO (for himself and Mr. HOGAN):

H. Con. Res. 254. Concurrent resolution requesting the President of the United States of America to take immediate and determined steps to encourage and persuade the Soviet Union to permit persons of the Jewish faith who express the desire to emigrate to a country of their choice; to the Committee on Foreign Affairs.

By Mr. ROGERS (for himself, Mr. RODINO, and Mr. POFF):

H. Con. Res. 255. Concurrent resolution paying tribute to the first annual National Explorers President's Congress; to the Committee on the Judiciary.

By Mr. ZABLOCKI (for himself, Mr. FASCELL, Mr. LUJAN, Mr. PIRNIE, and Mr. VANIK):

H. Con. Res. 256. Concurrent resolution that the Congress hereby creates an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. HUNGATE (for himself, Mr. BARING, Mr. BEGICH, Mr. BEVILL, Mr. BRADEMAS, Mr. BURKE of Massachusetts, Mr. BURTON, Mr. CLARK, Mr. CLAY, Mr. COLLINS of Illinois, Mr. CORMAN, Mr. DANIELSON, Mr. DENHOLM, Mr. DENT, Mr. DIGGS, Mr. EDWARDS of Louisiana, Mr. FOLEY, Mr. FULTON of Tennessee, Mr. GARMATZ, Mr. GIBBONS, and Mr. HECHLER of West Virginia):

H. Res. 359. Resolution urging the President to release appropriated public works funds now frozen; to the Committee on Appropriations.

By Mr. HUNGATE (for himself, Mr. HENDERSON, Mr. MATSUNAGA, Mr. MACDONALD of Massachusetts, Mr. MCKAY, Mr. MILLER of California, Mr. HICKS of Washington, Mr. LINK, Mr. MADDEN, Mrs. MINK, Mr. MOLLOHAN, Mr. MOSS, Mr. PICKLE, Mr. PODELL, Mr. PRICE of Illinois, Mr. RANGEL, Mr. RONCALIO, Mr. ROUSH, Mr. ST GERMAIN, Mr. RYAN, Mr. SYMINGTON, Mr. THOMPSON of New Jersey, Mr. WRIGHT, Mr. HARSHA, and Mr. HALPERN):

H. Res. 360. Resolution urging the President to release appropriated public works funds now frozen; to the Committee on Appropriations.

By Mr. MATHIAS of California:

H. Res. 361. Resolution; "Fair Play" amendment; to the Committee on Rules.

By Mr. TEAGUE of Texas (for himself, Mr. EDWARDS of California, Mr. TEAGUE of California, and Mr. DANIELSON):

H. Res. 362. Resolution expressing the sense of the House of Representatives with respect to the prompt replacement of the Veterans' Administration hospital facilities destroyed by the recent California earthquakes; to the Committee on Veterans' Affairs.

By Mr. WYMAN:

H. Res. 363. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

101. By the SPEAKER: Memorial of the House of Representatives of the State of Arkansas, relative to the phosphate content of detergents; to the Committee on Interstate and Foreign Commerce.

102. Also memorial of the Legislature of the State of Oregon, relative to increasing the size of the House of Representatives by adding one seat for each of the States of Oregon and Connecticut; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 7155. A bill for the relief of Salvatore Fiorello; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 7156. A bill for the relief of Carl E. Anderson; to the Committee on the Judiciary.

H.R. 7157. A bill for the relief of Elizabeth J. Nussbaumer; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.R. 7158. A bill for the relief of Whitehouse Paper Co., Elsie Heilveil, and Maurice Heilveil; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 7159. A bill authorizing the President to award the Medal of Honor to Harry S Truman; to the Committee on Armed Services.

H.R. 7160. A bill for the relief of Tito Pasquale Romero; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H.R. 7161. A bill for the relief of Harry A. Condon; to the Committee on Armed Services.

By Mrs. HICKS of Massachusetts:

H.R. 7162. A bill for the relief of Francesco Andreottola; to the Committee on the Judiciary.

H.R. 7163. A bill for the relief of Enrico Carrieri; to the Committee on the Judiciary.

H.R. 7164. A bill for the relief of Salvatore Gaspero; to the Committee on the Judiciary.

H.R. 7165. A bill for the relief of Marcelo F. Gregorio, Beatriz Ozan deGregorio, and Marcelo F. Gregorio; to the Committee on the Judiciary.

H.R. 7166. A bill for the relief of Giovanni Marzullo; to the Committee on the Judiciary.

H.R. 7167. A bill for the relief of Giuseppe Francesco Schichilone; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:

H.R. 7168. A bill for the relief of Mrs. Giovanna Pucci; to the Committee on the Judiciary.

By Mr. MADDEN:

H.R. 7169. A bill authorizing the President to award the Medal of Honor to Harry S. Truman; to the Committee on Armed Services.

By Mr. QUILLEN:

H.R. 7170. A bill to provide private relief for certain members of the U.S. Navy recalled to active duty from the Fleet Reserve after September 27, 1965; to the Committee on the Judiciary.