sions with GVN authorities, that internal political questions could be discussed with the NLF. If they acknowledged that they are not a government, and that the NLF could form a political party if its members gave up communist ideology and disarmed. (In a later clarification in Viet Nam press, Huong said that the NLF must lay down its arms and give up communist doctrine before any talks with the GVN could take place.)

J. Huong's critics did not fail to point out that his remarks were not all that far removed from the statements which had caused him to dismiss Dr. Dan from the cabinet. But criticism in press and assembly was muted, and in private little exception was taken to Huong's statements by most SVN political figures. This mild reaction was partly due to the nearly total preoccupation with the USG–GVN split and the need to find a way to get the GVN to Paris. However, it also represented a significant movement of political opinion toward the idea of dealing with the NLF in some fashion.

K. Vice President Ky's December 21 comments on "Face the Nation", reiterated in part at the Saigon Airport on his return to Viet Nam December 23, also revealed the shift in Vietnamese opinion. Ky said in essence that while the GVN will not recognize the NLF as an "entity" or a government, it is prepared to talk with the NLF about internal SVN problems because the NLF is a "reality". Ky's views on the proper timing and context of such talks was not entirely clear, but he seemed to be saying that once negotiations were under way for the withdrawal of NVN forces from SVN, the GVN would consider a meeting with the NLF in South Viet Nam.

L. There appeared to be very little opposition to the substance of Ky's remarks. Official reaction was muted, in part perhaps because Ky's remarks were not agreed on beforehand by Thieu and other GVN leaders. None of the top GVN leaders made any comment on Ky's formula, Ky's remarks never appeared in Viet Nam press, and official spokesmen—after a delay of ten days—finally insisted that Ky's statements in no way constituted any departure from previous GVN policy.

M. Much more significant than official silence was the apparent lack of opposition in non-governmental circles. While many expressed amazement that "Superhawk" Ky should make such statements and some made fun of the fine semantic line between "reality" and "entity", virtually none opposed the basic idea that it would be necessary at some point for the GVN to discuss internal SVN matters with NLF representatives. As noted above, the lack of adverse reaction to Huong's comments to the New York Times may have been due in part to popular preoccupation with the November GVN-USG impasse. This was no longer the case when Ky made his statements to "Face the Nation", and the mild reaction to Ky's comments must be taken as a reflection of a considerable shift in SVN opinion since early 1968.

N. Considering the foregoing sequence of official statements and reactions to them, it now seems safe to say that South Vietnamese Nationalists generally accept the proposition that the GVN will at some point and in some form be obligated to deal directly with the NLF. In large part this conclusion flows from the now general understanding that the US commitment is not endless and a negotiated settlement is inevitable. However, this change in Nationalist opinion also reflects increased confidence in GVN and RVNAF ability to handle the NLF and the Viet Cong if they are deprived of the heavy support they now get from Hanoi and the Communist bloc. (Probably this new confidence is reflected in part in the fact that there is increasing talk in political circles about there being some "Nationalists" in the NLF ranks who can be weaned away from the Communist cause). Having accepted the idea of some kind of negotiation with the NLF, a great many if not most Vietnamese political leaders are now thinking about the possible form of a GVN-NLF agreement. Most of their rather painful and muted debate on this question revolves around the possibility of somehow changing the NLF into a legal, law-abiding, and at least ostensibly non-Communist political party under the Constitution.

8. Nationalist conditions for integrating the NLF into the political life of the nation remain very hard, at least on the surface. In general nationalists totally reject any kind of parity with the NLF. Most if not all profess to see talks with the NLF taking place only after Hanoi has withdrawn its troops and logistics support; they generally insist on NLF acknowledgement of the legality of the GVN and the Constitution, including at least pro-forma acceptance of Article 4 (the basic anti-Communist provision of the constitution): the majority want the NLF to disavow Communist ideology as well as disarm.

9. These conditions are not immutable. In large part nationalist leaders are still groping for a position on the NLF which is at once realistic and not too risky. Most are aware that the terms described in Para 8 above would amount to surrender in NLF eyes and for that reason are not realistic. While they seldom say it, most also undoubtedly go on to conclude that a considerably softer formula must ultimately be accepted. Their difficulty, however, is that they find it extremely hard to envisage any softer formula which does not entail risks which they now regard as quite unacceptable.

10. There are some minority opposition groups which seem to fear accommodation with the NLF much less than the majority. These probably include the An Quang Buddhists, some Song Dao Catholics, a few small leftist labor unions, and possibly some radical southern factions. Some of these groups are heavily infiltrated if not controlled outright by the enemy. Probably most of the remainder are motivated more by their intense opposition to the government than by a sober conviction that the nationalist side can or must take more risks in dealing with the NLF. At the moment these groups are small and wield little political influence.

11. The position of these opposition groups is rarely articulated, even in private, and probably varies considerably from group to group. Like other nationalists, they are groping for a solution which meets their needs and the requirements of the situation as they see it. However, it is safe to say that most of these factions would be quite willing to see the constitution scrapped and the present government replaced as part of a settlement with the NFL. (An Quang in particular would welcome such conditions as the fulfillment of their long-standing desire to humble their old antagonists, Thieu and Ky.) Yet probably very few—excepting of course those controlled by the enemy—would feel ready to accept a coalition government as the price of peace with the NLF.

12. In sum, it can be said that Nationalist attitudes toward the NLF have moved a long way from the general assumption of pre-Tet 1968 that the NLF could be destroyed and the problem thereby resolved. It is now widely accepted that at some point the GVN will have to deal directly with the NLF and find some means for reintegrating it into the political life of the nation. While opinion has thus moved a long way and is still moving, Nationalists are still confronted by a very painful dilemma. This is because Nationalists generally remain unable to envisage a GVN–NLF agreement which the NLF would accept and which would not at the same time pose a very grave threat of a Communist takeover of South Vietnam.

HOUSE OF REPRESENTATIVES—*Thursday, May 11, 1972*

The House met at 10 a.m.

The Reverend Clarence L. Fossett, D.D., Wesley United Methodist Church Washington, D.C., offered the following prayer:

Eternal God, we thank Thee for the earth and the fullness thereof, the world and those who dwell therein. Grateful are we that we can join with Thee in Thy work of creation and redemption.

We praise Thee for the many ways Thou hast favored us as a nation. Remind us that we, who have received freely, have been commanded to give freely. Let us not forget that privilege carries responsibility. Bless our President and all other officials, especially these elected representatives of our people. Inspire all of us to be instruments of Thy peace. Hasten the day, O Lord, when nation shall not lift up sword against nation, and when they shall not learn war any more.

In the spirit of Christ, 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolution of the House of the following titles:

H.R. 13334. An act to establish certain positions in the Department of the Treasury, to fix the compensation for those positions, and for other purposes; and

H. Con. Res. 557. Concurrent resolution authorizing the printing of additional copies of House Report No. 92-911.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1379. An act to authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8140) entitled "An act to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States," disagreed to by the House; agrees to the conference asked by

the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. LONG, Mr. HART, Mr. GRIFFIN, and Mr. STEVENS to be the conferees on the part of the Senate.

THE REVEREND DR. CLARENCE L. FOSSETT

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

Mr. FAUNTROY. Mr. Speaker, on behalf of the membership of this House, I want to express my deep appreciation to the Reverend Dr. Clarence Louis Fossett of the Wesley United Methodist Church of this city, for offering the prayer today in the House of Representatives.

His words are always a source of inspiration to those of us who know him and seek his guidance. They are reflective of the hopes and aspirations of a people who seek to do the work of their God, of a people who seek to find the path that God would have them follow.

Dr. Fossett is the pastor of one of the most significant churches here in the District of Columbia. It is a church that has long been involved with the civic activities of the city by contributions to those programs taking place elsewhere and by offering its facilities to every worthwhile cause. Perhaps most notable is the ecumenical spirit that Dr. Fossett has fostered. Every tradition is welcome, even those which are distinctly non-Christian, for Dr. Fossett believes that it is by sharing that one learns and becomes better able to live in the light of Him who came before us.

Washington, D.C., does not lay total claim to Dr. Fossett. Originally born in Birmingham, he was educated in Alabama, California, and Maryland. His theological education was achieved at Garrett Theological Seminary, and he is the recipient of the doctorate of divinity from Western Maryland College. Indeed, he is a man who has a claim to the breadth and width of this Nation.

His pastorates have taken him from Illinois to Maryland, and finally to this city, where he has served as pastor and district superintendent. His lovely wife, Norma, is no less an important person. The city lays total claim to her for she is a native and educated in our public schools. As a former teacher, she has made an impact upon our city by the excellence that she gave and demanded of those who came through her classroom.

Mr. Speaker, I am pleased and honored to have the opportunity to speak of this man who is with us today. He is a man who has led in the tradition of those who have led this body in prayer and I hope that perhaps we will be able to have him with us again.

REQUEST FOR PERMISSION FOR SUBCOMMITTEE ON ACCOUNTS, COMMITTEE ON HOUSE ADMINISTRATION, TO SIT TODAY DURING HOUSE SESSION

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Accounts of the Committee on House Administration be permitted to sit today while the House is in session.

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

Mr. HALL. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

CONGRESSMAN STRATTON INTRODUCES VIETNAM ERA VETERANS REEMPLOYMENT ACT OF 1972 TO GUARANTEE 52 WEEKS OF EMPLOYMENT TO EVERY UNEMPLOYED VIETNAM VETERAN

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

Mr. STRATTON. Mr. Speaker, I have just dropped into the hopper this morning the Vietnam Era Veterans Reemployment Act of 1972, which is designed to provide 52 weeks of employment to any unemployed Vietnam veteran.

Mr. Speaker, the figures which were released just the other day by the Department of Labor indicate very clearly that we have failed so far in our voluntary efforts to find jobs for our returning Vietnam veterans. Their unemployment rate today is still 50 percent more than the national average, with something over 340,000 Vietnam veterans still unemployed. The ratios for black veterans are even higher.

Mr. Speaker, I think this Government of ours has a solemn responsibility to put these young men back into the economic mainstream of American life, and that is what my bill will do.

Specifically, it will provide $3.5 billion over the next 4 years to finance 52 weeks of employment for any unemployed Vietnam veteran, either in public service jobs or, with the help of Federal wage subsidies, in private businesses.

Incidentally, my bill would require that job opportunities funded under it would have to represent an increase in total employment. Veterans could not be hired simply to replace workers who would otherwise be paid under existing programs or contracts.

There are many areas where this bill can provide urgently needed public services, for example in supplementing local police forces; in providing personnel to monitor price increases and aid in the enforcement of price regulations under phase II of the administration's anti-inflation program; and to help in screening airline passengers in an all-out effort to end the increasing rash of hijackings, something the airlines say they are not now equipped to do.

RESIGNATION FROM U.S. DELEGATION, 12TH MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE

The SPEAKER laid before the House the following resignation:

WASHINGTON, D.C.,
May 9, 1972.

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

DEAR MR. SPEAKER: I regret that due to pressing business I will be unable to attend the 12th Mexico-United States Interparliamentary Conference, and wish to submit my resignation from the U.S. Delegation to same.

Sincerely,

SAM STEIGER.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS MEMBER, U.S. DELEGATION, MEXICO - UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86–420, the Chair appoints as a member of the U.S. delegation of the Mexico-United States Interparliamentary Group the gentleman from Nebraska, Mr. THONE, to fill an existing vacancy thereon.

REQUEST FOR SUBCOMMITTEE ON THE PANAMA CANAL TO SIT TODAY DURING HOUSE SESSION

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent that the Subcommittee on the Panama Canal be permitted to sit in executive session while the House is in session today.

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

Mr. HALL. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

RUMANIA'S NATIONAL INDEPENDENCE DAY

(Mr. VIGORITO asked and was given permission to address the House for 1 minute.)

Mr. VIGORITO. Mr. Speaker, I join with my colleagues in saluting all Rumanian peoples around the world on the occasion of the 10th of May, the traditional Rumanian Independence Day.

Every American knows how the 4th of July is an important part of our national heritage. The 10th of May holds as important a place in the heart of every freedom-loving Rumanian.

It is unfortunate that the iron hand of foreign oppressors today prevents the 10th of May from being celebrated in Rumania. Rumania is a captive nation, unable to guide its own destiny. The people are not free to act, think and speak as they wish.

We value greatly our own freedom. Every American should pledge that we will do everything in our power to see that some day—in the very near future—that Rumania will again enjoy the freedom it deserves among all nations of the world.

PRIESTS REPORTED CRUCIFIED BY FOE

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

Mr. YOUNG of Florida. Mr. Speaker, an article appeared on page 17A of the Washington Post this morning that was so small and placed so poorly that I am

afraid the membership might have missed it.

It is datelined "Pleiku, South Vietnam."

The article reads as follows:

The senior U.S. adviser for the Central Highlands said today he has reports that enemy troops have crucified two French priests in Kontum Province. John Paul Vann told a news conference that according to these reports two French priests who stayed with their congregations in the tiny village of Konhring, 20 miles northwest of Kontum City, were crucified in the last week. He gave no further details. He did not identify the sources of his reports or the French priests.

When are the spokesmen for the so-called antiwar movement going to condemn these immoral murders?

Mr. Speaker, I would also like to call to the attention of the Members who might have missed it last night, an article which appeared in the Washington Star. It reports an interview with Mr. Yakov Malik, the Soviet Ambassador to the United Nations which reads in part:

In New York the Soviet Ambassador to the United Nations, Yakov A. Malik, yesterday said, "I agree with many American Congressmen who have condemned this new act of aggression."

Mr. Speaker, I read this into the RECORD to make sure that some of the Members know what kind of grades they are getting from Communist leaders of Soviet Russia.

THE PEOPLE'S RIGHT TO KNOW

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

Mr. KEMP. Mr. Speaker, in the last few days there have been a lot of pious statements made from this microphone about the people's right to know the truth in order to help them understand the great issues of the day.

I am concerned, Mr. Speaker, about an erroneous impression being foisted upon the American people that by voting to cut off all funds and by voting for immediate unilateral withdrawal, we are going to end the war and the killing in Southeast Asia.

An article appearing in the morning's Washington Post reported:

Democrats on the House Committee on Foreign Affairs approved, by a wide margin yesterday, legislation to pull all U.S. forces from Indochina by October 1, subject only to the release of prisoners and the safe withdrawal of all U.S. troops.

They rejected President Nixon's requirement of a cease-fire as a condition for U.S. withdrawal. But the title of the article was "House Democrats Press End-War Act." What a travesty—the headline is misleading the people. If we really want to end the war, a cease-fire is essential, because only a cease-fire will stop the killing by all sides. Anything less would not insure a stop to the killing. There must be support for the President or else unilateral withdrawal and cutting off all funds in the face of this invasion will lead to wholesale slaughter throughout Indochina.

Mr. Speaker, if all killing is to be stopped in Indochina, then the President should be supported in his efforts to get a cease-fire; which, it has been conveniently forgotten, the critics have been demanding for years.

MOTION TO INSTRUCT HOUSE MANAGERS ON S. 659, HIGHER EDUCATION AMENDMENTS, 1971

Mr. WAGGONNER. Mr. Speaker, I send to the desk a privileged motion under clause 1, rule XXVIII.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. WAGGONNER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the House amendment to the bill S. 659 be instructed to insist upon the provisions contained in Sections 1701 and 1703(b) of the House amendment.

The SPEAKER. The gentleman from Louisiana (Mr. WAGGONNER) is recognized for 1 hour.

Mr. WAGGONNER. Mr. Speaker, and Members of the House, this is an effort on my part, and others, to insist upon the instructions previously given to the House conferees to stand by the House language contained in the higher education bill which specifically, under the conditions set forth by the Broomfield amendment, the Ashbrook amendment, as amended by the Green amendment, instruct them to stand by the language of those amendments prohibiting busing to overcome racial imbalance and prohibit coercion by the executive branch of Government.

Now you would ask why, once having instructed the conferees, that we would again at this point in time feel the need for further instruction. It is made necessary first of all because of the poor track record of our House Education and Labor Committee conferees in defending whatever position the House takes and their actions yesterday as well as the statement which the news media has attributed to Mr. QUIE, who I understand is the ranking minority conferee, that we might as well forget anything in the way of legislation having to do with the moratorium on busing this year.

It is further made necessary, in my personal opinion, because of the effort of certain segments of the media to downplay this issue, and to create in the minds of the people of this country that a controversy no longer exists over this matter of busing.

When the media, any part of it, attempts to mislead our public to that extent, then they are far less informed than is the public.

Because all you have to do is to visit around this country and talk to the people all over this country and you will find that this controversy is growing in intensity rather than diminishing.

The issue has been misrepresented. The people overwhelmingly want some prohibition against unnecessary busing. They are opposed to busing for the purpose of achieving racial balance. You know what is happening in Michigan. You have read of the attitude of the Federal judiciary up there wherein they have forbidden the Department of Justice to even intervene.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I was extremely disappointed to read the decision of several days ago by the Federal district judge in the Eastern District of Michigan. He denied the right of the Department of Justice to intervene. The Department of Justice had sought to enter that controversial lawsuit in order to find a solution, other than the kind of solution that is now apparently in the making, so far as Richmond is concerned.

But the Department of Justice was denied the opportunity to participate on behalf of all of the American people about an arbitrary decision of that particular district court judge.

It seems to me, the judiciary has the responsibility to give the Department of Justice, representing all of us, the right to participate in such proceedings that are of such significance to all Americans.

I hope and trust that the Department of Justice will continue to intervene and hopefully that the judiciary, other than this judge, will be more responsive to the legitimate request on behalf of the Attorney General.

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

Mr. WAGGONNER. Mr. Speaker, I yield to the gentleman from Kentucky (Mr. PERKINS) for purposes of debate only.

Mr. PERKINS. Mr. Speaker, I personally feel that the motion of the gentleman from Louisiana is untimely and will render a tremendous disservice to higher education in this country.

We are making tremendous progress in trying to work out an acceptable education. The vast majority of the more than 250 differences have been resolved. The House conferees have already voted and submitted to the Senate a motion that we refuse to recede on busing in accordance with the instructions of the House.

When this issue was debated before, it was indicated and was interpreted by every Member of this body that there would be certain latitude within those instructions where we could not dot every "i" and cross every "t" if we expected to obtain a bill.

To my way of thinking, we have the most important higher education bill that has ever been pending in the Congress of the United States. It is my judgment that we will work out all the differences next week and stay within the instructions.

So I think this motion to reinstruct the conferees not only will muddy the water, but may support those who are not too interested in obtaining a bill. It will only serve one purpose and that will be to play into the hands of those people who are not interested in a higher education bill during this session of the Congress.

Too much time and effort has gone into the most comprehensive higher education bill that has ever been considered by this Congress to allow any one issue to destroy it when we are so close to reaching resolution that everybody can agree to.

To think about instructing the conferees, as diligently as we have been working, can only be interpreted in one way, that we do not want a higher education bill during this session of the Congress, and that we are not concerned about the fact that the law has already expired. Why should we throw away the many millions of dollars that have gone into this study during the past 2 years, when we are on the verge of obtaining a higher education bill which every higher educational institution in this country needs. This is a bill I feel 90 percent of the American people are interested in seeing signed into law.

I say to you when we get down here to try to reinstruct the conferees, when everybody is using his best judgment and due diligence, we are not legislating in the best interest of America. We will be legislating against the public interest in this country.

Mr. Speaker, I should like to yield to the gentleman from Minnesota.

The SPEAKER. The gentleman from Louisiana has the floor.

Mr. WAGGONNER. Mr. Speaker, the gentleman from Kentucky, the distinguished Chairman of the House Committee on Education and Labor, has just said to you that anyone who would want to further instruct this committee would be in opposition today to finally bringing from conference for our consideration a higher education bill.

Let me remind the gentleman that I supported that higher education bill when it passed this House of Representatives. I spoke in favor of it; I am in favor of it still. But I simply want to say to the gentleman and the other Members of the House that rather than being opposed to the legislation, I want to strengthen the gentleman's hand in dealing with the Senate conferees so that he might go ahead and do what he just said he intended to do, and that was comply with the intent of the previous instructions given the House conferees. We want to strengthen his hand to be sure that the American public gets back here for our consideration what they expect to get back from it.

Mr. Speaker, I yield for purposes of debate only 5 minutes to the gentleman from Minnesota (Mr. QUIE).

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

Mr. QUIE. I thank the gentleman from Louisiana for yielding.

As the gentleman from Kentucky indicated, the House conferees have taken only one action on busing so far, and that is to vote to stand by the position of the House. If the House conferees had taken a position contrary to the desires of the majority of the House, or if the conferees were about to do so, I could understand then the desire to instruct the conferees. But we have not taken any action on busing contrary to the wishes of the House.

I say that it is impossible for us to reach an agreement if we require the Senate to take exactly the words of the House. I feel my instructions were that we keep the spirit of the House language.

Let me say what I think is what we ought to try to accomplish. That is, that there should be no effort on the part of any agency of the Federal Government to bring about the transportation of children outside of their attendance area, nor should there be any effort to bring about racial balance.

To me those are the two things that people really are opposed to in this country. They do not want the requirement that every school in the school district have the racial balance of that school district, nor do they want their children transported outside of their attendance area against their wishes, so they lose the sense of community and neighborhood. I think that is what the House has said and the conferees ought to adhere to, and that is what I am going to try my best to get them to adhere to.

I believe we are putting together an excellent higher education bill. I am extremely pleased with the progress we have made so far. I think this will be a much better piece of legislation than came out of the House or the Senate in our blending together of the two views of those bodies on higher education. So if we continue as we are doing now, I expect to come back extremely proud of what we present to the House on higher education.

In so doing, I do not want to bring out an antibusing amendment the House will turn down. I will do everything I can to make certain we will come back with something the House will accept, because otherwise we will not have a higher education bill, and the young people depend on that kind of good legislation we are going to be bringing out.

If I might mention the moratorium, if we were going to adopt the President's moratorium in the conference, we would have to come back and get a rule, because it is just not germane to the conference. The House did not instruct us to take the moratorium. They instructed us to stand by the position of the House. I think that is what we are obligated to do. I do not find enthusiasm for the moratorium expressing itself, and that is why I have expressed myself as I have, as thinking it would not happen.

The most important part of the President's proposal in my estimation is for this Congress to set the standard for remedies for desegregation that the courts ought to abide by, similar to what the President suggested in the Equal Education Opportunity Act which I was pleased to cosponsor. I think that is the responsibility of this Congress before it leaves and goes home—to determine how far the courts should go in transporting kids.

Should they transport the children all the way across town to some foreign area? It does not make any difference what the race is of the people in that area, the objections still arise. I do not think the children ought to be transported against their parents' wishes past schools of their attendance area. Now in the rural areas, as would be the case if my children were still in Minnesota, they would be transported 18 miles, but that is the closest school, and one develops a sense of community to the closest school. But if the children are transported past two or three schools just in order to bring about a racial balance, I do not think the country wants that, and I do not think the Congress wants that. And, if that is the case, we ought to tell the courts that they ought to limit their remedies to that which is acceptable for good education. I think we have the right to do that.

Mr. WAGGONNER. Mr. Speaker, the gentleman from Minnesota has just said to the House that it was his intention to stand by the spirit of the previous instructions given the conferees by the House. His position would have been much stronger had he said, "I will without wavering stand by the instructions previously given the conferees by the House of Representatives."

Let me tell the Members, he properly interprets the attitude of the people of this country, but he does not admit that the people of this country are being frustrated by the courts, who do not agree with the people of this country. They are in contravention of the law when they order busing to achieve racial balance.

But more important than that, let me tell the Members why we must again instruct these conferees. Are the Members aware of the fact that whatever is brought back from the conference will only bring about an up or a down vote here in the House of Representatives, because the conference papers are going not first to the House of Representatives, they are not coming to us, but they are going to the U.S. Senate, and then we will have one vote: Take it or leave it, as it is.

So if we want one more crack at instructing these conferees, we had better do it today. If we really want to stick by the prohibiting language contained in the amendments, passed by this House of Representatives, three good amendments—the Broomfield amendment, the Ashbrook amendment, and the Green amendment to the Ashbrook amendment—I would say to my friends in the House that we must insist upon these amendments.

We do want a higher education bill. This country needs a higher education bill. The gentlewoman (Mrs. GREEN) has worked as hard as anybody ever did for this bill, and I want her to have it. I supported it when she had it here originally, and I think she deserves to have this bill passed. She has no peer as far as education is concerned in this country in the public sector or the private sector. She has experience that few people have ever had.

I think that the language which she gave so much careful consideration to in an effort to prevent coercion by the Executive should be adhered to, so we must instruct again not just to put reins on the court, but also, as important in

my personal opinion, to rein in the bureaucracy who continuously contravene the intent of legislation passed by this House of Representatives.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. Mr. Speaker, I yield to the gentlewoman from Oregon for purposes of debate only.

Mrs. GREEN of Oregon. I thank the gentleman very much. I was not aware that the gentleman was going to offer this motion this morning.

Mr. WAGGONNER. If the gentlewoman would pause for just a moment, I did not make a decision until 5 minutes of convening, myself.

Mrs. GREEN of Oregon. I am not criticizing, I say to my friend.

May I say to my colleagues that it seems to me, the motion, once having been made, must be carried if those people who are opposed to busing want the antibusing amendment to remain in the conference report. It seems to me that now, that the motion is before the House, its defeat would be considered in the conference as an invitation to back down on the House position on the part of the House conferees.

Now let me make two or three other comments, if I may, on this.

The gentleman from Louisiana is very accurate in saying that the higher education bill means a great deal to me. But I would also say to my colleagues that if the conference goes as it has at the present time I do not think the higher education bill should be approved by the Congress this year, and there will be an opportunity to take it up again in 1973.

Why do I say that? Even if we retain all three antibusing amendments that the House approved by an overwhelming majority, we still have at this time in the conference, by the action approved yesterday, the following things:

We have the requirement that every school district that is the recipient of funds shall have a stable, integrated school, I believe that is the wording. But anybody who is knowledgeable knows this means one thing: they must have racial balance in at least one school in any district which applies for funds.

It is argued by the Senator from Minnesota, who is on the conference, that this is voluntary, that no district has to apply for funds. I would say to my colleagues that this is true of every single bill we pass for any funds for any purpose. If a city or a county or a State or a school district, or anybody else, does not want to apply for the funds, they do not have to. It is voluntary.

"Necessitous people are not free people" and cannot make a free choice. Districts today which are having a terrible time supporting their schools are desperate for funds. But if they are to be eligible, they must agree that they are going to have this one stable integrated school—or get no funds.

Again an offhand view would say, "Well, one stable integrated school in every city would be a very good thing." I agree. I do not have any quarrel with that. But is that what it really means?

Take your own city. Do you think your school board could say, "We are going to have one of these schools as an integrated stable school," without making that requirement for every one of them? You know they cannot. Your people in any city or town might be very, very angry if that were the case—to treat one school in your school district differently than the other schools in that district.

So what it really means is that you start out this way, and it sounds like inoffensive language, but what they are really after is a racial balance, as a requirement for all.

There was a second approval yesterday, and I would say this especially to my friends from Detroit and those who are concerned about a recent court decision in Richmond. One of the provisions is that funds will be provided for a metropolitan school district. Five percent reserved for this.

Mr. PERKINS. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. Let me finish, please.

Mr. WAGGONNER. Mr. Speaker, I have the time.

Mrs. GREEN of Oregon. There is a provision for a metropolitan school district. A commissioner is the one to decide this, and he would choose the city in the United States that would become a metropolitan school district, where they would go across school district lines.

Again it is argued it is voluntary, they would not have to do it. But what you are doing if you pass this is that you are really giving the stamp of approval by the Congress of the United States that this is a good idea.

Why did you vote funds for it? Why would Congress vote funds for the establishment of a metropolitan school district in the United States unless you thought it was good? We certainly would not do it if we thought it was bad. Are you so convinced the establishment of a metropolitan district is good educational policy that you are willing to give the Commissioner of Education $75 million to carry out this provision?

There was also a provision agreed to yesterday after much argument. As you recall in the language in the House bill—which I do not have before me—the guidelines and rules and regulations would be uniformly administered throughout the United States.

About 5 years ago, if you recall, Mr. FOUNTAIN first recommended this provision in the Elementary and Secondary Education Act, and the House approved it by a decided majority. If racial isolation is injurious to any child—and there is no body of evidence to prove this, but if one accepts this premise—then it surely is as injurious to a child who is in a de facto racially isolated school as in a de jure racially isolated school. The House approved the Fountain amendment and 5 years ago it was given away in the conference.

In the bill before the conference there is this provision again that any guidelines, rules, and regulations must be uniformly administered throughout the United States. That language was adopted in conference, but in addition the Senate language was presented and referred to as the Stennis amendment. I have discussed it with Senator STENNIS and he is going to have to decide what was in the Senate language, but Senator STENNIS certainly told me he did not advocate a provision that would say the rules and regulations and guidelines shall be the same for all de facto situations and then the rules and regulations and guidelines shall be the same for all de jure situations. But that was MONDALE'S proposal as the Stennis amendment and this was approved in the conference.

So now we treat those schools that are supposedly in a de facto segregated situation one way and we treat the schools that are in a de jure segregated situation in another way.

Mr. Speaker, twice the House has expressed its disapproval of this and said that the Civil Rights Act was not meant to be imposed in one way on one part of the country and imposed in another way on another part of the country. This is an old battle, and we have fought it before. The votes in the House have been decisive. But as of yesterday in the conference report the de jure situations are treated in one way and the de facto situations are treated in another.

Mr. Speaker, there are several other parts of the conference I am finding myself having great difficulty with. Heaven knows I think our colleges and universities are facing a great crisis. In a study by the Association of Independent Colleges, it indicates 365 of them will close their doors if help does not come. I am deeply concerned about it, but there are certain limits beyond which I will not go. I'm keenly aware of the purpose of a conference committee to search a compromise. The House conferees have yielded on many of the 270 points of difference. The Senate conferees have yielded on many points. But these are some major items—some principles that should not be compromised. If these matters of such great importance are part of the confercence report—then I, as one conferee, could not in good conscience—sign the conference report. I will not stand idly by and see financial aid for post secondary education approved at the cost of bringing about a further deterioration in our elementary schools—and an increased polarization in our country. We can afford neither.

Mr. WAGGONNER. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the committee, the gentleman from Kentucky, for the purposes of debate only.

Mr. PERKINS. Mr. Speaker, first let me state that I want to pay my respect to Mrs. GREEN for all the dedicated work that she has done on this higher education legislation not only for the past 2 years but for many years.

She mentioned one provision that has tentatively been accepted in the House bill, the amendment which requires there be one stable quality integrated school in any school district that receives any money under the emergency school aid title.

I agree with the gentlewoman from

Oregon (Mrs. GREEN) that if I had my way this provision would not be in the bill.

The gentleman from Illinois (Mr. PUCINSKI) handled the desegregation bill, both in the subcommittee and here in the House, and I do not think that Mr. PUCINSKI has gone overboard anywhere insofar as any of these provisions are concerned. Neither has the gentleman from California (Mr. BELL).

The conferees have gone along with the House provisions in many instances, but I do want to stress again that with the emergency school aid program it is a give-and-take proposition with the other body. We have eliminated any number of items in their approach.

Mr. WAGGONNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BRADEMAS), for purposes of debate only.

Mr. BRADEMAS. I thank my colleague from Louisiana for yielding.

Mr. Speaker, I would like to say just a word about where we are now on the subject under discussion.

The question of desegregation is a difficult and complex matter. Of that, we are all aware, but the issue in the bill now in conference is not only desegregation. I do not, therefore, address myself at this time to that part of the bill, but, rather, to the overall bill before the conference.

Mr. Speaker, the bill under consideration in conference is a very lengthy one, a bill that contains not only matters that pertain to school desegregation, but also to aid for our colleges and universities, aid to students, Indian education, educational research, and new support for vocational education.

Indeed, Mr. Speaker, I think that the bill now in conference can mark the most significant strides forward for American education at many levels that we have seen in a long time.

The conferees have been making steady progress. We have been meeting for several weeks, sometimes 6 hours a day, and we are now headed into what I hope will be the remaining days of work on the legislation.

Mr. Speaker, passage of this legislation is essential. Witness after witness told our committee that unless Congress acts promptly to expand the Federal commitment to higher education, many of our colleges and universities will be in serious difficulty.

In addition, Mr. Speaker, the immediate future of literally millions of students depends upon our acting now to extend and improve the student aid programs. If we do not act expeditiously, these programs will lapse and students who commenced their education on the promise of Federal financial assistance will find themselves left out in the cold.

Mr. Speaker, as my colleague, the gentleman from Minnesota (Mr. QUIE), and the distinguished chairman of our committee, Mr. PERKINS, have made clear, we are confident that we will get a good bill, a bill that will command the support of both Democrats and Republicans in Congress.

It is clear to the conferees that we must bring out a bill that will have bipartisan support, and we are laboring diligently and, I believe, effectively to fashion legislation that will win the support of Members of both parties, of both bodies, and of the President of the United States.

I, for one, am confident that we will come back to this Chamber with a bill that will win the support of an overwhelming majority of this body and a bill that will fulfill our responsibility to the millions of students of this country and the institutions they attend.

Mr. WAGGONNER. Mr. Speaker, it should be crystal clear now, having heard the distinguished gentlewoman from Oregon, that it is more important than ever that we reaffirm our opposition to busing and prohibiting busing to achieve racial balance as well as coercion by the executive.

It is made even more necessary, if you listened carefully to the compromise language written into other provisions of the bill which will allow accomplishment of exactly the same thing we specifically want to prohibit.

Mr. Speaker, we must insist upon what we have done.

Mr. Speaker, I move the previous question and ask that we instruct the conferees.

MOTION TO TABLE OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I move that the motion of the gentleman from Louisiana to instruct the conferees be laid on the table.

The SPEAKER. The question is on the motion to table offered by the gentleman from Illinois (Mr. YATES).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. YATES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 126, nays 273, not voting 32, as follows:

[Roll No. 143]

YEAS—126

Abourezk	Conyers	Hawkins
Abzug	Corman	Hechler, W. Va.
Adams	Culver	Heckler, Mass.
Anderson, Ill.	Daniels, N.J.	Helstoski
Ashley	Dellenback	Hicks, Wash.
Aspin	Dellums	Holifield
Badillo	Donohue	Horton
Barrett	Dorn	Howard
Begich	Dow	Jacobs
Bell	Drinan	Karth
Bergland	Dwyer	Kastenmeier
Bingham	Eckhardt	Koch
Blatnik	Edwards, Calif.	Kyros
Boggs	Erlenborn	Leggett
Boland	Fascell	Link
Bolling	Findley	McClory
Brademas	Flood	McCloskey
Brown, Ohio	Foley	McCormack
Burke, Mass.	Fraser	McCulloch
Burton	Frenzel	McFall
Byrne, Pa.	Gonzalez	McKay
Carney	Green, Pa.	Madden
Celler	Gude	Maillliard
Chisholm	Hansen, Idaho	Mallary
Clay	Hansen, Wash.	Matsunaga
Collins, Ill.	Harrington	Mayne
Conte	Hathaway	Mazzoli
Meeds	Price, Ill.	Saylor
Melcher	Quie	Scheuer
Mikva	Railsback	Schwengel
Minish	Rees	Seiberling
Mink	Reid	Smith, Iowa
Mitchell	Reuss	Steiger, Wis.
Moorhead	Riegle	Thompson, N.J.
Morgan	Robison, N.Y.	Udall
Mosher	Rodino	Ullman
Moss	Roncalio	Van Deerlin
Nix	Rooney, N.Y.	Vanik
Obey	Rosenthal	Waldie
O'Neill	Roybal	Whalen
Patten	Ruppe	Yates
Perkins	Ryan	Zwach

NAYS—273

Abbitt	Ford, Gerald R.	Mizell
Addabbo	Ford, William D.	Mollohan
Alexander	Forsythe	Monagan
Anderson, Calif.	Fountain	Montgomery
Andrews, Ala.	Frelinghuysen	Murphy, Ill.
Andrews, N. Dak.	Frey	Murphy, N.Y.
Annunzio	Fulton	Myers
Archer	Fuqua	Natcher
Arends	Galifianakis	Nedzi
Ashbrook	Garmatz	Nelsen
Aspinall	Gaydos	Nichols
Baker	Gettys	O'Hara
Baring	Giaimo	O'Konski
Belcher	Gibbons	Patman
Bennett	Goldwater	Pelly
Betts	Goodling	Pepper
Bevill	Grasso	Pettis
Biaggi	Green, Oreg.	Peyser
Biester	Griffin	Pickle
Blackburn	Griffiths	Pike
Blanton	Gross	Pirnie
Bow	Grover	Poage
Brasco	Gubser	Podell
Bray	Hagan	Poff
Brinkley	Haley	Powell
Broomfield	Hall	Price, Tex.
Brotzman	Halpern	Pryor, Ark.
Brown, Mich.	Hamilton	Pucinski
Broyhill, N.C.	Hammer-schmidt	Purcell
Broyhill, Va.	Hanley	Quillen
Buchanan	Hanna	Randall
Burke, Fla.	Harsha	Rarick
Burleson, Tex.	Harvey	Rhodes
Burlison, Mo.	Hastings	Roberts
Byrnes, Wis.	Hébert	Robinson, Va.
Byron	Heinz	Roe
Cabell	Henderson	Rogers
Caffery	Hicks, Mass.	Rooney, Pa.
Camp	Hillis	Rostenkowski
Carey, N.Y.	Hogan	Roush
Carlson	Hosmer	Rousselot
Carter	Hungate	Roy
Casey, Tex.	Hunt	Runnels
Cederberg	Hutchinson	Ruth
Chamberlain	Ichord	St Germain
Chappell	Jarman	Sandman
Clancy	Johnson, Calif.	Sarbanes
Clausen, Don H.	Johnson, Pa.	Satterfield
Clawson, Del	Jonas	Scherle
Cleveland	Jones, Ala.	Schmitz
Collier	Jones, N.C.	Schneebeli
Collins, Tex.	Jones, Tenn.	Scott
Colmer	Kazen	Sebelius
Conable	Keating	Shipley
Cotter	Kee	Shoup
Coughlin	Kemp	Shriver
Crane	King	Sikes
Curlin	Kyl	Sisk
Daniel, Va.	Landgrebe	Skubitz
Danielson	Latta	Slack
Davis, Ga.	Lennon	Smith, Calif.
Davis, S.C.	Lent	Snyder
Davis, Wis.	Lloyd	Spence
de la Garza	Long, La.	Staggers
Delaney	Lujan	Stanton, J. William
Denholm	McClure	Stanton, James V.
Dennis	McCollister	Steed
Dent	McDade	Steele
Derwinski	McDonald, Mich.	Steiger, Ariz.
Devine	McEwen	Stephens
Dickinson	McKevitt	Stratton
Dingell	McKinney	Stuckey
Downing	McMillan	Sullivan
Dulski	Mahon	Symington
Duncan	Mann	Taylor
du Pont	Martin	Teague, Calif.
Edwards, Ala.	Mathias, Calif.	Teague, Tex.
Eilberg	Mathis, Ga.	Terry
Esch	Michel	Thompson, Ga.
Evins, Tenn.	Miller, Calif.	Thomson, Wis.
Fish	Miller, Ohio	Thone
Fisher	Mills, Ark.	Vander Jagt
Flowers	Mills, Md.	Veysey
Flynt	Minshall	Vigorito
		Waggonner

Wampler	Wilson, Bob	Wylie
Ware	Wilson, Charles H.	Wyman
White	Winn	Yatron
Whitehurst	Wolff	Young, Fla.
Whitten	Wright	Young, Tex.
Widnall	Wydler	Zablocki
Wiggins	Zion	

NOT VOTING—32

Abernethy	Hays	Rangel
Anderson, Tenn.	Hull	Smith, N.Y.
Brooks	Keith	Springer
Clark	Kluczynski	Stokes
Diggs	Kuykendall	Stubblefield
Dowdy	Landrum	Talcott
Edmondson	Long, Md.	Tiernan
Eshleman	Macdonald, Mass.	Whalley
Evans, Colo.	Metcalfe	Williams
Gallagher	Passman	Wyatt
Gray	Preyer, N.C.	

So the motion to table was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Macdonald of Massachusetts for, with Mr. Stubblefield against.

Mr. Rangel for, with Mr. Long of Maryland against.

Mr. Stokes for, with Mr. Tiernan against.

Mr. Metcalfe for, with Mr. Gray against.

Mr. Diggs for, with Mr. Brooks against.

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

Mr. Gallagher for, with Mr Kluczynski against.

Mr. Keith for, with Mr. Kuykendall against.

Until further notice:

Mr. Anderson of Tennessee with Mr. Smith of New York.

Mr. Clark with Mr. Williams.

Mr. Hull with Mr. Eshleman.

Mr. Landrum with Mr. Springer.

Mr. Passman with Mr. Talcott.

Mr. Edmondson with Mr. Wyatt.

Mr. Abernethy with Mr. Whalley.

Mr. PRYOR of Arkansas changed his vote from "yea" to "nay."

Messrs. DANIELS of New Jersey, MINISH, and FLOOD changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

Mr. WAGGONNER. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana (Mr. WAGGONNER).

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

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

The yeas and nays were ordered.

The question was taken; and there were—leas 275, nays 125, not voting 31, as follows:

[Roll No. 144]

YEAS—275

Abbitt	Baring	Broyhill, Va.
Abernethy	Belcher	Buchanan
Addabbo	Bennett	Burke, Fla.
Alexander	Betts	Burleson, Tex.
Anderson, Calif.	Bevill	Burlison, Mo.
Andrews, Ala.	Biaggi	Byrnes, Wis.
Andrews, N. Dak.	Biester	Byron
Annunzio	Blackburn	Cabell
Archer	Blanton	Caffery
Arends	Bow	Camp
Ashbrook	Brasco	Carey, N.Y.
Aspin	Bray	Carlson
Aspinall	Brinkley	Carter
Baker	Broomfield	Casey, Tex.
	Brotzman	Cederberg
	Broyhill, N.C.	Chamberlain
	Chappell	Hicks, Mass.
	Clancy	Hillis
	Clausen, Don H.	Hogan
	Clawson, Del	Horton
	Cleveland	Hosmer
	Collier	Hungate
	Collins, Tex.	Hunt
	Colmer	Hutchinson
	Conable	Ichord
	Cotter	Jacobs
	Coughlin	Jarman
	Crane	Johnson, Calif.
	Curlin	Johnson, Pa.
	Daniel, Va.	Jones, Ala.
	Danielson	Jones, N.C.
	Davis, Ga.	Jones, Tenn.
	Davis, S.C.	Kazen
	Davis, Wis.	Keating
	de la Garza	Kee
	Delaney	Kemp
	Denholm	King
	Dennis	Kluczynski
	Dent	Kyl
	Derwinski	Landgrebe
	Devine	Latta
	Dickinson	Lennon
	Dingell	Lent
	Downing	Lloyd
	Dulski	Long, La.
	Duncan	Lujan
	du Pont	McClure
	Dwyer	McCollister
	Edwards, Ala.	McDade
	Eilberg	McDonald, Mich.
	Esch	McEwen
	Evins, Tenn.	McKay
	Fish	McKevitt
	Fisher	McKinney
	Flowers	McMillan
	Flynt	Mahon
	Ford, Gerald R.	Mann
	Ford, William D.	Martin
	Forsythe	Mathias, Calif.
	Fountain	Mathis, Ga.
	Frelinghuysen	Michel
	Frey	Miller, Calif.
	Fulton	Miller, Ohio
	Fuqua	Mills, Ark.
	Galifianakis	Mills, Md.
	Garmatz	Minshall
	Gaydos	Mizell
	Gettys	Mollohan
	Giaimo	Monagan
	Gibbons	Montgomery
	Goldwater	Murphy, Ill.
	Goodling	Myers
	Grasso	Natcher
	Green, Oreg.	Nedzi
	Griffin	Nelsen
	Griffiths	Nichols
	Gross	O'Hara
	Grover	O'Konski
	Gubser	Patman
	Haley	Pelly
	Hall	Pepper
	Halpern	Pettis
	Hamilton	Peyser
	Hammer-schmidt	Pickle
	Hanley	Pike
	Hanna	Pirnie
	Harsha	Poage
	Harvey	Podell
	Hastings	Poff
	Hébert	Powell
	Heinz	Price, Tex.
	Henderson	Pryor, Ark.
		Pucinski
		Purcell
		Quillen
		Randall
		Rarick
		Rhodes
		Roberts
		Robinson, Va.
		Roe
		Rogers
		Rooney, Pa.
		Rostenkowski
		Roush
		Rousselot
		Runnels
		Ruth
		St Germain
		Sandman
		Sarbanes
		Satterfield
		Scherle
		Schmitz
		Schneebeli
		Scott
		Sebelius
		Shipley
		Shoup
		Shriver
		Sikes
		Sisk
		Skubitz
		Slack
		Smith, Calif.
		Smith, N.Y.
		Snyder
		Spence
		Springer
		Staggers
		Stanton, J. William
		Stanton, James V.
		Steed
		Steele
		Steiger, Ariz.
		Stephens
		Stratton
		Stuckey
		Sullivan
		Talcott
		Taylor
		Teague, Calif.
		Teague, Tex.
		Terry
		Thompson, Ga.
		Thomson, Wis.
		Thone
		Vander Jagt
		Vigorito
		Waggonner
		Wampler
		Ware
		White
		Whitehurst
		Whitten
		Widnall
		Wiggins
		Wilson, Bob
		Wilson, Charles H.
		Winn
		Wright
		Wydler
		Wylie
		Wyman
		Yatron
		Young, Fla.
		Young, Tex.
		Zablocki
		Zion

NAYS—125

Abourezk	Chisholm	Frenzel
Abzug	Clay	Gonzalez
Adams	Collins, Ill.	Green, Pa.
Anderson, Ill.	Conte	Gude
Ashley	Conyers	Hansen, Idaho
Badillo	Corman	Hansen, Wash.
Barrett	Culver	Harrington
Begich	Daniels, N.J.	Hathaway
Bell	Dellenback	Hawkins
Bergland	Dellums	Hechler, W. Va.
Bingham	Diggs	Heckler, Mass.
Blatnik	Donohue	Helstoski
Boggs	Dorn	Hicks, Wash.
Boland	Drinan	Holifield
Bolling	Eckhardt	Howard
Brademas	Edwards, Calif.	Jonas
Brown, Ohio	Erlenborn	Karth
Burke, Mass.	Fascell	Kastenmeier
Burton	Findley	Koch
Byrne, Pa.	Flood	Kyros
Carney	Foley	Leggett
Celler	Fraser	Link
	McCloskey	Moss
	McCormack	Murphy, N.Y.
	McCulloch	Nix
	McFall	Obey
	Madden	O'Neill
	Mailliard	Patten
	Mallary	Perkins
	Matsunaga	Price, Ill.
	Mayne	Quie
	Mazzoli	Railsback
	Meeds	Rees
	Melcher	Reid
	Mikva	Reuss
	Minish	Riegle
	Mink	Robison, N.Y.
	Mitchell	Rodino
	Moorhead	Roncalio
	Morgan	Rooney, N.Y.
	Mosher	Rosenthal
		Roy
		Roybal
		Ruppe
		Ryan
		Saylor
		Schwengel
		Seiberling
		Smith, Iowa
		Steiger, Wis.
		Symington
		Thompson, N.J.
		Udall
		Ullman
		Van Deerlin
		Vanik
		Waldie
		Whalen
		Wolff
		Yates
		Zwach

NOT VOTING—31

Anderson, Tenn.	Gray	Passman
Brooks	Hagan	Preyer, N.C.
Brown, Mich.	Hays	Rangel
Clark	Hull	Scheuer
Dow	Keith	Stokes
Dowdy	Kuykendall	Stubblefield
Edmondson	Landrum	Tiernan
Eshleman	Long, Md.	Veysey
Evans, Colo.	Macdonald, Mass.	Whalley
Gallagher	Metcalfe	Williams
		Wyatt

So the motion to instruct was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Stubblefield for, with Mr. Macdonald of Massachusetts against.

Mr. Long of Maryland for, with Mr. Rangel against.

Mr. Tiernan for, with Mr. Stokes against.

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

Mr. Brooks for, with Mr. Dow against.

Mr. Passman for, with Mr. Scheuer against.

Mr. Edmondson for, with Mr. Metcalfe against.

Mr. Gray for, with Mr. Gallagher against.

Mr. Anderson of Tennessee for, with Mr. Landrum against.

Mr. Williams for, with Mr. Keith against.

Mr. Hagan for, with Mr. Preyer of North Carolina against.

Until further notice:

Mr. Clark with Mr. Eshleman.

Mr. Brown of Michigan with Mr. Wyatt.

Mr. Kuykendall with Mr. Veysey.

Mr. Hull with Mr. Whalley.

Mr. LANDGREBE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FAIR LABOR STANDARDS AMENDMENTS OF 1971

Mr. PERKINS. 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. 7130) 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.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 7130, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read the first section of the committee amendment ending on line 21, page 18.

Are there any amendments to section 1?

Mr. BIAGGI. Mr. Chairman, I rise in support of this measure. As a member of the Education and Labor Committee and as a cosponsor of this bill I feel that it is a most important and necessary piece of legislation.

This bill, the Fair Labor Standards Amendments of 1971, would increase the Federal minimum wage rate, extend wage and hour coverage to additional workers, authorize the President to impose restrictions on imports, and prohibit certain procurement practices. There is an urgent need for all of these provisions.

First, H.R. 1730 would increase the present minimum wage rate for nonagricultural workers from the present $1.60 an hour to $2 an hour. In addition, the bill would increase the minimum wage for agricultural workers covered by the Fair Labor Standards Act from the present $1.30 an hour to $1.50 immediately, and to $1.70 by January 1973. There is a crying need for these increases at this time. The last increase in the minimum wage was in 1966 when the $1.60 an hour figure was considered adequate to provide a full-time worker enough money to live at least at the poverty level. At the time the poverty level was defined as $3,200 a year for a family of four. Since that time, however, as a result of inflation, the annual income for subsistence for a family of four is now about $4,500—with the Bureau of Labor Statistics calculating a lower standard of living annual budget at $6,900. In other words, using the $4,500 standard, today's wage of $1.60 an hour buys less than the $1.25 minimum wage bought in 1966. If we are going to help these workers, this inequity must be corrected and the minimum wage must be increased immediately.

Second, this legislation would extend wage and hour coverage to additional workers. This provision is desperately needed by certain categories of workers, because of their severe economic plight. Household domestics, for example, are not currently covered by the Fair Labor Standards Act. In 1969, more than 80 percent of the 1.5 million people in this occupation had total cash incomes of less than $2,000 annually—57 percent had less than $1,000. These are shocking figures when we consider the amount of money needed just to purchase the essentials of life. They must, therefore, be included in the provisions of this law. This bill would do just that.

Mr. Chairman, despite the enactment of the Fair Labor Standards Act in 1938, and subsequent amendments to the measure, over 16 million potentially covered workers remain without its protections. Many workers receiving a minimum wage continue to live in poverty. Moreover, nearly two-thirds of the 24 million poor in America are members of families headed by a worker in the labor force—this includes workers in low-wage, part-time or unemployed categories. Approximately one-fourth of the poor and more than 30 percent of the children growing up in poverty are in families headed by a full-time, year-round worker whose wages are so low that his or her family is impoverished. This bill would go far to correct these deplorable conditions.

Finally, title III of the bill authorizes the President to take "action as he deems appropriate," such as imposing higher tariffs or import quotas, if the Secretary of Labor finds that a foreign import produced under substandard labor standards is threatening the well-being of any group of U.S. workers or threatens the economic well-being of the community in which these workers live. It prohibits Government procurement and procurement financed in whole or in part by Federal funds that involves a contract of more than $10,000 from industries employing persons under "terms or conditions which are" substantially less favorable "than those required in this country."

The time is long overdue when the Congress should take decisive action to protect the American workingman from foreign competition. We must protect our own workers, particularly during a time of severe economic difficulty.

I, therefore, urge my colleagues to join with me in voting in favor of this most necessary piece of legislation, and to vote against any amendments which would weaken any of its provisions.

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

Mr. DENT. Mr. Chairman, when I rose, I intended to ask unanimous consent to offer, en bloc, a list of amendments to do one single thing. I happened to glance to my right and I noted that I was not going to get that unanimous consent. Maybe, it is because one person does not understand what I am doing and, so, I would like to explain it.

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

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

Mr. ERLENBORN. Mr. Chairman, I think the gentleman from Pennsylvania probably had reference to me when he said he glanced to his right. Would the gentleman agree that yesterday, when we discussed the procedure, the gentleman at that time did not suggest offering anything en bloc, but told me he was going to offer one amendment changing the short title so that it would reflect 1972 rather than 1971?

Mr. DENT. I did not say that. I told you that I was going to offer an amendment incorporating my promise to the Committee on Rules that if it granted a rule, the first move that I would make would be to correct the effective dates in the act. The Committee on Rules, I think, would be witness to that. And that is all I am doing. I am not trying to amend this act to undercut the gentleman's grandstand play on this, or anything. He can have his substitute in whatever color or shape he wants. All I am doing in my amendment is just saying that in order for this legislation to truly reflect the most important items in it, the effective dates must be changed, because these rates are no longer applicable under the provisions of the act before us, because of the effective date has passed already. It is just commonsense that we should change the effective date to a later date, and in order to do that I would have to change the citation of the legislation from the "Fair Labor Standards Amendments of 1971" to the "Fair Labor Standards Amendments of 1972."

I would also have to change the effective date of the legislation from January 1, 1972, on the increase of $1.80 to $2 to the first day of the first calendar month which begins more than 30 days after the date of enactment, or July 1, 1972, whichever occurs first.

I would have to change the date of the initial increase in the minimum wage rate from January 1, 1972, to the effective date of the legislation—within 60 days, as discussed above.

I would change the date of the second increase in the minimum wage rate, where applicable, from January 1, 1972, to 1 year after the effective date of the legislation.

I would change the date of the application of the overtime revisions in the bill applicable to transit employees and seasonal industry employees from January 1, 1972, to the effective date of the legislation; change the date of the application of the minimum wage provisions to "Other Employees in Puerto Rico and the Virgin Islands" from January 1, 1972, to the effective date of the legislation. The percentage wage increases required are made applicable 60 days after the effective date; and make other technical and perfecting changes in the Puerto Rico-Virgin Islands provision to:

Clarify the application of the percentage wage increases against the most recent wage orders.

I would clarify the application of the percentage wage increases against the most recent wage order where subsidies are involved, because the language is confusing and is not quite clear; and clarify the application of the proviso that the minimum wage rate in the islands will not exceed that applicable in the United States. We have a situation where it could be interpreted that the wage level would be higher in this area simply because of the language.

I want to clarify this: That there is no substantive change, no change in the material content of the act.

Mr. Chairman, I ask unanimous consent to offer these amendments en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania to be permitted to offer his amendments en bloc?

Mr. ERLENBORN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

For what purpose does the gentleman from Illinois (Mr. ERLENBORN) rise?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. ERLENBORN: Strike out all after the enacting clause of H.R. 7130, and insert in lieu thereof the text of H.R. 14104, as follows:

SHORT TITLE; REFERENCES TO ACT

SECTION 1. (a) This Act may be cited as the "Fair Labor Standards Amendments of 1972".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the section or other provision amended or repealed is 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

NONAGRICULTURAL EMPLOYEES

SEC. 101. (a) Section 6(a) (29 U.S.C. 206 (a)) is amended by striking out "(a) Every employer" and all that follows through paragraph (1) and inserting in lieu thereof the following: "(a) Except as provided in this section, 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, at a wage rate of not less than $2 an hour."

(b) Such section is amended by adding after paragraph (5) the following new paragraph:

"(6) If this section was made applicable to such employee by the amendments made to this Act (other than section 18 thereof) by the Fair Labor Standards Amendments of 1966, not less than $1.80 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972, and not less than $2 an hour thereafter."

AGRICULTURAL EMPLOYEES

SEC. 102. Paragraph (5) of section 6(a) is amended to read as follows:

"(5) If such employee is employed in agriculture, not less than $1.50 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972 and not less than $1.70 an hour thereafter."

GOVERNMENT, 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 setcion, section 6(c), and section 8 shall not apply with respect in the minimum wage rate of any employee employed in Puerto Rico or the Virgin Islands (1) by the United States or by the government of the Virgin Islands, (2) by an establishment which is a hotel, motel, or restaurant, or (3) 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), 6(b)(5), 7, 13, and 14 of this Act."

OTHER EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 104. (a) Section 6(c) is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) (A) In the case of any such employee who is covered by such a wage order and to whom the rate prescribed by subsection (a) would otherwise apply, the following rates shall apply: The rate or rates applicable under the most recent wage order covering such employee issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972, increased by 25 per centum, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed under paragraph (5). The increased rate or rates prescribed by this subparagraph (or if such rate or rates are superseded as authorized by this subparagraph, the superseding rate or rates) shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972 or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(B) Any employer, or group of employers, employing a majority of the employees in an industry in Puerto Rico or the Virgin Islands, may apply to the Secretary in writing for the appointment of a special industry committee to recommend the minimum rate or rates to be paid such employees in lieu of the rate or rates provided by subparagraph (A). Any such application shall be filed before the effective date of the Fair Labor Standards Amendments of 1972.

"(3)(A) 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 (b)(4) for employees in agriculture would otherwise apply, the following rates shall apply:

"(i) The rate or rates applicable under the most recent wage order covering such employee, issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972, increased by 16 per centum, unless such rate or rates ar superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed under paragraph (5). The increased rate or rates prescribed by this clause (or if such rate or rates are superseded as authorized by this clause, the superseding rate or rates) shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972 or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(ii) Beginning one year after the applicable effective date of the increase under clause (i), not less than the highest rate or rates (including any increase provided under clause (i)) in effect on the day before the effective date of the rate or rates under this clause under a wage order covering such employee, increased by an amount equal to 16 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972 covering such employee, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed under paragraph (5).

"(B) Any employer, or group of employers, employing a majority in an industry in Puerto Rico or the Virgin Islands, may apply to the Secretary in writing for the appointment of a special industry committee to recommend the minimum rate or rates to be paid such employees in lieu of the rate or rates provided by clause (i) or clause (ii) of subparagraph (A). Any such application with respect to any rate or rates provided for under clause (i) of subparagraph (A) shall be filed before the effective date of the Fair Labor Standards Amendments of 1972, and any such application with respect to any rate or rates provided for under clause (ii) of subparagraph (A) shall be filed not more than one hundred and twenty days and not less than sixty days prior to the effective date of the rate or rates under such clause.

"(C) Notwithstanding subparagraph (A) or (B) of this paragraph, in the case of any employee described in subparagraph (A) whose hourly wages are subsidized, in whole or in part, by the Government of Puerto Rico, the following rates shall apply:

"(i) The rate or rates applicable under the most recent wage order covering such employee, issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972 increased by (I) the amount of the subsidy in effect on the effective date of such Amendments, and (II) 16 per centum. The increased rate or rates prescribed by this clause shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972.

"(ii) Effective one year after the effective date of the increase under clause (i), not less than the highest rate or rates (including the increase provided under clause (i)) in effect on the day before the effective date of the rate or rates under this clause under a wage order covering such employee, increased by (I) an amount equal to 16 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972, covering such employee, and (II) the amount of the subsidy in effect on the effective date of such Amendments.

"(4)(A) In the case of any such employee who is covered by such a wage order and to whom this section was made applicable by the amendments made to this Act by the Fair Labor Standards Amendments of 1966, the following rates shall apply:

"(i) The rate or rates applicable under the most recent wage order, covering such employee, issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972 increased by 12.5 per centum, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed under paragraph (5). The increased rate or rates prescribed by this clause (or if such rate or rates are superseded as authorized by this clause, the superseding rate or rates) shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1972 or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(ii) Beginning one year after the applicable effective date of the increase under clause (i), not less than the highest rate or rates (including any increase provided under clause (i)) in effect on the date before the effective date of the rate or rates under this clause under a wage order covering such employee, increased by an amount equal to 12.5 per centum of the rate or rates applica-

ble to the most recent wage order issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972, covering such employee, unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed under paragraph (5).

"(B) Any employer, or group of employers, employing a majority of the employees in an industry in Puerto Rico or the Virgin Islands, may apply to the Secretary in writing for the appointment of a special industry committee to recommend the minimum rate or rates to be paid such employees in lieu of the rate or rates provided by clause (i) or clause (ii) of subparagraph (A). Any such application with respect to any rate or rates provided for under clause (i) of subparagraph (A) shall be filed before the effective date of the Fair Labor Standards Amendments of 1972, and any such application with respect to any rate or rates provided for under clause (ii) of subparagraph (A) shall be filed not more than one hundred and twenty days and not less than sixty days prior to the effective date of the rate or rates under such clause.

"(5)(A) The Secretary shall promptly consider any application duly filed under paragraph (2)(B), (3)(B), or (4)(B) for a special industry committee and may appoint a special industry committee if he has reasonable cause to believe, on the basis of financial and other information contained in the application, that compliance with any applicable rate or rates prescribed by paragraph (2)(A), (3)(A), or (4)(A), as the case may be, will substantially curtail employment in the industry with resepct to which the application was filed. The Secretary's decision upon any such application shall be final. In appointing a special industry committee pursuant to this paragraph the Secretary shall, to the extent possible, appoint persons who were most recently convened under section 8 to the special industry committee for such industry. Any wage order issued pursuant to the recommendations of a special industry committee appointed under this paragraph shall take effect on the applicable effective date provided in paragraph (2)(A), (3)(A), or (4)(A), as the case may be. In the event a wage order has not been issued pursuant to the recommendation of a special industry committee appointed under this paragraph prior to the applicable effective date under paragraph (2)(A), (3)(A), or (4)(A), as the case may be, the applicable percentage increase provided by any such paragraph shall take effect on the effective date prescribed therein, except with respect to the employees of an employer who filed an application for appointment of a special industry committee and who files with the Secretary an undertaking with a surety or sureties satisfactory to the Secretary for payment to his employees of an amount sufficient to compensate such employees for the difference between the wages they actually receive and the wages to which they are entitled under this subsection. The Secretary shall be empowered to enforce such undertaking and any sums recovered by him 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 sum 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.

"(B) The provisions of section 5 and section 8, relating to special industry committees, shall be applicable to special industry committees appointed under this paragraph. The appointment of a special industry committee under this paragraph shall be in addition to and not in lieu of any special industry committee required to be convened pursuant to section 8(a), except that no special industry committee convened under that section shall hold any hearing within one year after a minimum wage rate or rates for such industry shall have been recommended to the Secretary, by a special industry committee appointed under this paragraph, to be paid in lieu of the rate or rates provided for under paragraph (2)(A), (3)(A), or (4)(A), as the case may be.

"(C) The minimum wage rate or rates prescribed by this subsection shall be in effect only for so long as and insofar as such minimum wage rate or rates have not been superseded by a wage order fixing a higher minimum wage rate or rates (but not in excess of the applicable rate prescribed in subsection (a) or subsection (b)) hereafter issued by the Secretary pursuant to the recommendation of a special industry committee.

"(6) Notwithstanding any other provision of this subsection, on the effective date of the Fair Labor Standards Amendments of 1972, no wage rate in effect under a wage order for any employee in Puerto Rico or the Virgin Islands may be less than 60 per centum of the wage rate that (but for this subsection) would be applicable to such employee under subsection (a), (b)(4), or (b)(5)."

(b) The third sentence of section 10(a) (29 U.S.C. 210(a)) is amended by inserting after "modify" the following: "(including provision for the payment of an appropriate minimum wage rate)".

TITLE II—REVISION OF EXEMPTIONS

SALES AND MANAGERIAL PERSONNEL

SEC. 201. Section 7 (29 U.S.C. 207) is amended by adding after subsection (j) the following new subsection:

"(k) 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 subsetion (1) or section 13(a)(1)) in a retail or service establishment if—

"(1) such employee is employed in a bona fide sales capacity in, or as 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."

NEWSPAPER DELIVERY EMPLOYEES

SEC. 202. Section 13(d) (29 U.S.C. 213(d)) is amended by inserting after "newspapers" the following: "or shopping news (including shopping guides, handbills, or other types of advertising material)".

HOUSE-PARENTS FOR ORPHANS

SEC. 203. Section 13(a) (29 U.S.C. 213(a)) is amended by striking out the period at the end of paragraph (14) and inserting in lieu thereof "; or" and by adding after that paragraph the following:

"(15) any employee who is employed with his spouse by a nonprofit educational institution to serve as the parents of children—

"(A) who are orphans or one of whose natural parents is deceased, and

"(B) who are enrolled in such institution and reside in residential facilities of the institution,

while such children are in residence at such institution, if such employee and his spouse reside in such facilities, receive, without cost, board and lodging from such institution, and are together compensated, on a cash basis, at an annual rate of not less than $10,000."

TITLE III—EXPANDING EMPLOYMENT OPPORTUNITIES FOR YOUTHS

SPECIAL MINIMUM WAGES FOR EMPLOYEES UNDER 18 AND STUDENTS

SEC. 301. Section 14(b) (29 U.S.C. 214(b)) is amended to read as follows:

"(b)(1) Notwithstanding the minimum wage rates required by section 6(a) or 6(b)(5), any employer may, in compliance with applicable child labor laws, employ any employee—

"(A) to whom such rates would apply but for this subsection, and

"(B) who is (i) under the age of 18 or (ii) a full-time student under the age of 21,

at a wage rate which is not less than 80 per centum of the otherwise applicable minimum wage rate prescribed by such section or $1.30 per hour, whichever is the higher.

"(2) Notwithstanding the minimum wage rates required by section 6(b)(4), any employer may, in compliance with applicable child labor laws, employ in agriculture any employee—

"(A) to whom such rates would apply but for this subsection, and

"(B) who is (i) under the age of 18 or (ii) a full-time student under the age of 21,

at a wage rate which is not less than 80 per centum of the otherwise applicable minimum wage rate prescribed by such section or $1.30 per hour, whichever is the higher.

"(3) The Secretary shall by regulation prescribe standards and requirements to insure that this subsection will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by this subsection is applicable."

TITLE IV—CONFORMING AMENDMENTS

CONFORMING AMENDMENTS

SEC 401. (a) 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 (described in a paragraph of this subsection) 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 paragraphs (5) and (6) (as amended and added by sections 101(b) and 102 of this Act) as paragraphs (4) and (5), respectively.

(b) Subsection (b) of section 6 (as in effect on the date of enactment of this Act) is repealed.

(c) 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 subsetcion (a) of this section is not applicable, wages at a rate not less than the rate provided for in section 6(b)(5)."

(d) Section 8 is amended by striking out "paragraph (1) of" in subsections (a) and (c).

(e) Section 13(b) is amended by striking out "(1)" in paragraph (13).

(f) Section 13(e) is amended by striking out "6(a)(3)" each place it occurs and inserting in lieu thereof "6(b)(2)".

(g) Section 16(d) is amended by striking out "6(a)(3)" and inserting in lieu thereof "6(b)(2)".

(h) Subsection (c) of section 14 is repealed and subsection (d) of such section is redesignated as subsection (c).

TITLE V—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 501. (a) The effective date of this Act and the amendments made by this Act is the first day of the second full month after the date of its enactment.

(b) Notwithstanding subsection (a), 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.

Mr. ERLENBORN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment in the nature of a substitute be dispensed with; that it be printed in the RECORD and open to amendment at any point.

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

Mr. DENT. There is, Mr. Chairman. I object, because I would not be able to get that same request from the gentleman from Illinois.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk proceeded to read the amendment in the nature of a substitute.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the substitute be dispensed with and that it be open to amendment at any point.

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

Mr. GROSS. Mr. Chairman, I would like to inquire who had the change of mind with respect to the demand for the reading of the substitute?

Mr. PERKINS. We are trying to save as much time as possible and get along with the consideration of the bill expeditiously.

Mr. GROSS. I understand that, but who had the change of mind?

Mr. PERKINS. That is my intent and I discussed the subject matter with the gentleman from Illinois (Mr. ERLENBORN) and I intend to make the same request with reference to the bill.

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

Mr. GROSS. I am glad to yield to the gentleman, who originally objected to the dispensing with the reading of the substitute.

Mr. DENT. I objected, as part of my strategy to object to having the bill considered read, but if I do not get the same courtesy when I ask for that, then I just deny it to others—that is all.

If the gentleman from Illinois (Mr. ERLENBORN) wants to have the substitute considered as read, I will be glad to give it to him, but I expect the same courtesy and that my amendments be given the same consideration.

Mr. GROSS. As to the issue of objection to the entertainment of the gentleman's amendments to be considered en bloc, the gentleman ought to understand there is a vast difference between what is offered by the gentleman from Illinois and the amendments by the gentleman from Pennsylvania, which, under the circumstances, ought to be subsequent to the adoption of the committee bill to which the changed dates apply.

There is a vast difference, and I was surprised, I will say to my friend, the gentleman from Pennsylvania, that he objected originally to dispensing with the reading of the 19 pages, or whatever the number of pages, of this substitute amendment.

I do not desire to prolong the pain of having the entire substitute read, and I will not object. I simply point out that the objections in the first instance are not even remotely on all fours with the gentleman's objection dispensing with the reading of the substitute.

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

Mr. GROSS. I yield to the gentleman.

Mr. DENT. I am not doing this because he objected to my amendments being considered en bloc.

Mr. GROSS. That is exactly what the gentleman said a moment ago.

Mr. DENT. No, I said the objection to this would have to carry with it at least consideration of when and if the Erlenborn amendment is defeated. Then I would have the same privilege of having my bill considered as read. Why should I not have a quid pro quo on like substance? His is a comprehensive piece of legislation.

Mr. GROSS. I do not care to prolong this, but the gentleman said in effect that "if I do not get the courtesy I ask for, I deny it to others." Mr. Chairman, I withdraw my reservation of objection.

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

Mr. DENT. Mr. Chairman, reserving the right to object, I would like to have read the request of the chairman so I know its contents.

The CHAIRMAN. A unanimous-consent request is already pending. It would require unanimous consent, and the Chair feels that it should dispose of the pending unanimous-consent request.

Mr. DENT. Mr. Chairman, I would like to know the unanimous-consent request.

The CHAIRMAN. Will the gentleman make his request in the form of a unanimous-consent request?

Mr. DENT. Mr. Chairman, I ask unanimous consent to be given the language of the unanimous consent request of the chairman (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, let me repeat my request. I ask unanimous consent that further reading of the substitute be dispensed with and that it be open for amendment at any point. It would be my purpose to make the same unanimous-consent request when we come to the other bill.

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

Mr. GROSS. Does the gentleman include the words "and printed in the RECORD at this point"?

The CHAIRMAN. Does the gentleman from Kentucky include "and printed in the RECORD at this point" in his request?

Mr. PERKINS. Yes, I include "and printed in the RECORD at this point."

Mr. GROSS. All right.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ERLENBORN) for 5 minutes on his substitute amendment.

Mr. ERLENBORN. Mr. Chairman, I do not think there is any Member in the chamber who really is not aware of the amendment that has just been offered. It is an amendment in the nature of a substitute. It is the text of H.R. 14104, which was made in order by the Rules Committee to be offered as a substitute to the pending bill, H.R. 7130. Of course, we have been debating through the course of the consideration of H.R. 7130 both of these bills, and a good deal has been said about both of them already. It is not my intention to take any more than the 5 minutes that have been allotted to me, because yesterday I spoke on them as best I could and pointed out the differences between the two bills.

H.R. 7130 starts out as an attempt to increase the applicable minimum wage, which has not been increased since the amendments of 1966. Many people feel—I feel as sponsor of the substitute—that it is equitable at this time to increase the minimum wages due to the inflation that has occurred since the last amendments. In both bills the minimum wage rate is increased to $2. This is applicable immediately for those who were covered prior to the 1966 amendments, and in both bills, those that were annually covered in 1966 would go to $1.80 this year and $2 next year. Insofar as the wage rate is concerned, the two bills are, for all intents and purposes, identical. The only other thing that is in the substitute bill that is now pending is a youth differential, a meaningful youth differential. There is a student rate differential in the present law. It is a formula that relates back to the early part of the last decade as to the employment in an establishment of youth, determining whether or not or how many youth can be hired by a particular establishment under that youth differential.

It has a procedure for prior certification that has made the youth differential practically useless. The committee bill

has a student differential also, but the committee bill makes worse a bad situation that is in the present law. It excludes a whole laundry list of vocations from the application of the requirement. It maintains a prior certification which has been a real stumbling block to the implementation of the youth differential. In the substitute bill we have a clean and workable youth differential: 80 percent of the otherwise applicable minimum wage will be available or $1.60 per hour, whichever is the higher.

There are three minor amendments in the substitute that I described yesterday, and I will not take the time to describe them today.

That is all that is in the substitute which is now under consideration.

The committee bill goes much further by extending coverage to State and local and Federal employees, and I point out also the Federal employee definition even would cover our own employees here on the Hill. It does not take into consideration the definition, not only of the minimum wage increase for State and local employees, but also the overtime that would be required to be paid under the Fair Labor Standards Act. It repeals certain exemptions that are in the present law.

The substitute, reiterate, does none of these things. It does not contain title III. Title III has been the subject of a great deal of discussion and debate. Title III in effect would say wherever the Federal dollar goes, in any fashion by way of grant, subsidy, guarantee, in any fashion, at that point any contract using those Federal dollars would shut off, absolutely prohibit imports under that provision of title III.

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

Mr. ERLENBORN. I yield for a question.

Mr. PIKE. In the event the gentleman's substitute is not adopted, is it his intention to offer the substance of it in pieces, in separate amendments, and, if so, can the gentleman give us any idea how many there would be?

Mr. ERLENBORN. It is, of course, my intention that the substitute be adopted so that procedure would not be necessary.

Mr. PIKE. I quite understand.

Mr. ERLENBORN. I know of several Members who have various amendments that would be offered that would accomplish in some cases what the substitute would accomplish by striking and in other cases by amending. It would be a whole new ball game, and I cannot tell the gentleman, but there probably would be, I would guess, many, many amendments. I have no idea how many, but probably in the neighborhood of 20 or more would be offered to the committee bill should the substitute not be adopted.

Mr. Chairman, this brings to mind, of course, that should the substitute now pending be adopted, we would be out of here quite early this afternoon.

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

Mr. Chairman, all of us recognize not only the right, but also the prerogative of differing with each other. First, let me dismiss any idea that there is a threat we might have 20 or more amendments offered in an effort to try to intimidate those who might have to get home for very special reasons tonight. I would say that whatever comes, comes. Whatever is necessary in the minds of the Members of Congress will be exactly what takes place. Whatever they feel is necessary will take place.

That does not give this particular substitute any greater flavor or enhances its contents by the hint that we may be here all day.

If the Lord is willing and I am reelected, I shall probably be here for 2 more years.

But, Mr. Chairman, I do want to say that the substitute has picked up a great deal of whatever strength it has in this House on the issue of title III. It is on the issue of taking away from the conglomerates an exemption that was intended in the beginning and in my mind is still intended to be a consideration for small establishments in this country of ours in their fight to try to compete against the modern octopus known as a conglomerate.

However, it does more than wipe out these two features. It goes to the heart of the child labor laws that have been passed over a great number of years and in a great number of States to correct one of the worst conditions this Nation has ever had visited upon it. We would open up again the doors to employment of those under 18 years of age for a substandard wage, which is offered as an enticement, in a hazardous occupation. And there is no provision for the regulated hours of 40 rather than the restriction which we have during school terms that a young person should not be worked at a subminimum wage for more than 20 hours.

This has worked well. The only objection I have had personally and I have had called to my attention by a great number of employers who employ youth labor is the objection of precertification and a limitation on the number of youth they can hire. That was done, because we were correcting a situation that was so bad that perhaps the pendulum swung, as is normal, a little bit to the other side. In making the correction perhaps we overcorrected it. So we tried at this time to remedy some of that by liberalizing the certification procedure.

We would restrict this substandard wage to school children, students, because we believe if they are under 21 years of age or 18 years of age and enter the full-time work market then the common decency of equal pay for equal work ought to obtain.

We say that we demand equal pay for equal work on account of sex. We are not allowed to have any bias on race or any other bias on the matter of wages paid. Why, then, deny a young fellow 19 or 18 years of age, who has to quit school for reasons of his own? Perhaps he cannot afford to go any further in school. Perhaps he just does not have the aptitude for higher education and wants to enter the work force. Should he not then enter the work force to be treated as a regular worker rather than as a substandard worker?

This is the crux of what is being done in this legislation.

I understand they have barred any kind of amendments. A couple of gentlemen on the other side came to me and talked about an amendment on the increase of the $250,000 limitation for the small establishment.

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

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

Mr. DENT. I listened very intently to the gentleman's request, because it made some sense. He said:

There has been better than a 30-percent increase in the cost of goods since the $250,000 limitation was set.

He asked:

Would you give consideration to this?

I said:

When I come up on the floor, if my bill prevails and we have it before us, I certainly will give it consideration. I want a little time to think about all the ramifications, but I certainly will give it every consideration.

I said:

But you might better put it in the Erlenborn bill.

He said:

I am not allowed to. They are afraid if they get one amendment they will lose the whole thing.

I kind of like the democratic process. If a Member of Congress has an amendment he wants to offer, not only will I not brickbat the amendment, but I will treat him with every bit of consideration, because I do not consider myself to be the ultimate or the know-all in writing this legislation. It is a very difficult piece of legislation in its total, and its ramifications go into many fields and many areas.

So I say to the Members that they ought to give more consideration to what might happen in the final action on this legislation, rather than just to go through a motion today.

I do not know whether all Members understand it or not, but we will be faced with the Erlenborn barebones bill against a piece of legislation over in the Senate that wipes out all exemptions and considerations that this committee of ours has worked on diligently for many years.

The Senate bill wipes out every exemption we now have in any instance where they recognize the difference between an outdoor salesman and an indoor worker. We recognize that there is no way to measure the time of an automobile salesman or someone who is on the road. So therefore we have wisely, I believe, given exemptions; we have wisely given exemptions in the matter of the payment of the minimum wage where there are tips that are a part of the income of the employee. We have gone through the whole matter, and that is what you are voting on here today.

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ERLENBORN

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Illinois to the amendment in the nature of a substitute offered by Mr. ERLENBORN: Page 2, line 13. Strike out "$2 an hour" and insert in lieu thereof the following: "$1.80 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972, and not less than $2 an hour thereafter".

Page 2, line 19. Strike out "$1.80" and all that follows through paragraph (b) and insert in lieu thereof the following: "$1.70 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1972, not less than $1.80 an hour during the second year from such effective date, and not less than $2 an hour thereafter."

Mr. ANDERSON of Illinois. Mr. Chairman, many of you have already received communications concerning this amendment to the Erlenborn substitute. It has been generally referred to as a stretch-out amendment. Perhaps a better term would be a phasein amendment. It is directed to only one element of the substitute. It would leave everything else in Mr. ERLENBORN's very commendable proposal intact—including the youth opportunity wage differential which can do so much to alleviate the increasingly severe problems of teenage unemployment and also the elimination of the iniquitous title III—so damaging to our effort to create favorable international trade policies.

The amendment would follow the eminently wise precedents established in both the 1961 and 1966 amendments to the wage and hour law. Perhaps you will recall when we raised the rate from $1 to $1.25 in 1961 we provided for a two-step increase with a minimum going to $1.15 in 1961 and $1.25 2 years later in 1963. Again in 1966 we followed the same procedure. The increase was first to $1.40 in 1967 and then to $1.60 in 1968. In the case of those workers who were first covered in 1966, that increase was phased in, I would remind you, in five steps, with a rate moving from $1 in 1967 to $1.60 in 1971. In other words, these workers received their last increase, when they were first covered in 1966, just a year ago last January.

This is in essence a small business amendment. I ask you to remember whom you have been hearing from the past few weeks. It has not been the conglomerates or the giants of American industry. For them the level of the minimum wage may be of scant concern. But you and I have been hearing from the little businessmen, the merchants, the family motel operator, the countless small enterprises that are located on the Main Streets of small towns and medium-sized cities across America. I hope that some of the emerging new populists in this body will hear their cry for a little equity as, squeezed by their larger competitors, they turn to us at this time not for the ever-familiar subsidy—but merely for the chance to compete and to continue their operations.

They are not operating sweatshops. You know these people. These are business ventures often undercapitalized and, perhaps, only marginally efficient. They do not enjoy the economics of scale and many other of the benefits of large business, but they do provide useful and gainful employment to both young and old, to the low-skilled worker who might otherwise be just another dismal unemployment statistic.

Mr. Chairman, there are more compelling reasons than there were in either 1961 or 1966 as to why we should not precipitously increase by 25 percent the present level of the minimum wage and whether we should not undertake to completely gut the 5.5-percent guideline of the Pay Board and inevitably inundate that Board and the Price Commission with requests for increases.

And, frankly, I am somewhat amazed at the very people who rail about high prices, who talk about the ineffectiveness of phase II. Now, they want to slice the very heart out of an attempt to restrain the cost-push that has been ravaging the economy of this country.

Let me remind you that this is not only the new age of so-called populism. This is the new age of consumerism. The consumers are unhappy about the high price of food, about the threatened increase in the price of shoes and clothing and all of the other market basket items.

These people are not going to be very happy with you Members of this body who are so irresponsible as to inflate still further the costs of the distributors of these items.

Those who worry about the increased cost of medical care should realize that when you mandate a 25-percent increase in that area you will aggravate and exacerbate that very problem.

The committee report has tried to tell you in rather soothing fashion that only 10 percent of the labor force covered prior to 1966 will be affected.

But they fail to tell you that an aggregate statistic of that kind is practically meaningless, because it is the retailing and service industries that will bear the brunt of this increase.

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

(By unanimous consent Mr. ANDERSON of Illinois was allowed to proceed for 5 additional minutes.)

Mr. ANDERSON of Illinois. Mr. Chairman, the Department of Labor survey in April of 1970 shows very conclusively that when you break down a $2 minimum wage by industry and region and metropolitan and nonmetropolitan areas, that in those two sectors I mentioned—retailing and service—from 25 to 50 percent of the work force would be affected, at least 25 percent of those workers covered before 1966 and 37 percent of those covered after 1966.

Mr. Chairman, to those of you who come from the South let me remind you that in the nonmetropolitan areas of the South, almost 50 percent of the retail workers first covered in 1966 would be affected by this immediate, and I would suggest, precipitous increase to $2 in the minimum wage.

You may ask why should this contribute to the cost-push of inflation. Well, for one reason, and one very clear reason, we are talking about one sector of the economy where both profit margins and productivity are well below the remainder of the economy. Also, the wage bill component of total operating costs is significantly higher and wage scales are usually significantly more compressed and more closely tied to the minimum wage than in other parts of the economy. The total direct effect and the ripple effects that have been mentioned so often in this debate will be relatively greater than in manufacturing where higher costs can be absorbed either through profit reduction or productivity improvement.

And, I would suggest that where you have sectors of the economy where the profit rate is about 2 percent of sales there is not much elbow room there for absorbing these increased costs.

Does anyone in this body with any economic commonsense think we can legislate increased productivity or increases in real income? You know full well, gentlemen, that you can do neither one.

I am accustomed to the argument that we have got to help the working poor. How can you support a family on $65 a week?

Let me say to you that I am not satisfied with the fact that we have 25 million Americans who are supposedly below the poverty line; that while 9.9 percent of white Americans are below that line, in 1970 the figure for black Americans was 34 percent.

Nearly three-fifths of the poor families in America in 1970 which were headed by a male member between 24 and 65 of that family who worked a full year still fell below the poverty line—the market failed to provide a decent standard of living under current wage rates and opportunities for employment. This seems to indicate a need for a substantial increase in the minimum wage. But consider these additional essential facts:

As I said earlier, of 12 million poor who were members of families with some work experience in 1970—fully 46 percent were members of large families—six or more. The problem is one of need.

Let me point out the poverty level for a family of six is nearly $5,300 and for a family of seven it is over $6,400. But to raise the minimum wage to meet the needs of those families would require a rate of $2.65 and $3.20 respectively.

The proposed increase to $2 would raise the annual income of a single worker by $800—just as it would raise the income of a family of seven by $800.

My point is that the minimum wage is a blunt, imprecise instrument when it comes to dealing with the problem of poverty in America.

As I have pointed out even a minimum of $3 would not quite bring the seven-member family up to the poverty level.

The primary reason that the working poor are poor is not simply inadequate wages. Far more important are, first, the lack of full-time job opportunities, and

second, in the case of more than one-half the working poor it is the fact of relatively great income needs, because of large families and the minimum wage is not geared to family units.

But let me remind you of a couple of further figures: That of the 12 million poor who were members of families with some work experience in 1970, fully 46 percent were members of large families of six or more. When you raise the minimum wage you raise the income of that single worker by $800 a year, you raise the wage of that family, and we are considering a family of six or seven, by $800 a year. This does not do anything to bring that family above the poverty line, and you are holding out a wholly false and illusory promise that you are ever going to do so with a minimum wage of less than $3 an hour. We need to address ourselves in more meaningful fashion to the poverty problem in this country. I think we should, and I think the answer lies in the family assistance program, where we provide some income supplements for the working poor. Do you realize that a $3 minimum wage which would be necessary to really attack the problem of poverty in this country would add $65 billion to the wage bill of this country? And I wonder whether anyone in this Chamber this afternoon, given the present economic situation, given the very fact that we are less than 6 months into an effort with a wage and price control program, to try to help cost-push inflation in this country, wants to do anything like that to the economy of this country? Surely not.

So I would suggest that the answer to poverty does not lie in holding out false promises to the poor people of this country. Because, even with the $2 minimum wage you are not going to do too much about the problem.

Let me very quickly in closing point out one other very significant fact, and that is that by adopting the phase-in amendment that I am proposing we can significantly reduce the wage-cost impact of the increase, and we can keep the adverse price and employment effects to a minimum.

The wage cost of the so-called Dent bill, the committee bill, during the first year alone would be nearly $2.4 billion, a figure that is six times greater than the minimum wage cost of the Erlenborn substitute if modified by my amendment.

I hope the amendment will be adopted.

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

Mr. Chairman, I rise in opposition to the substitute, and in favor of the committee bill. The minimum wage law has worked well in this country. It has put purchasing power where it is most needed. It has been of greatest help to workers in industries that have been unorganized. There have been no adverse economic effects—no impairment of the general levels of employment and no inflationary effects—as a result of any previous amendments to the Fair Labor Standards Act.

The committee bill that we bring before you today, in my judgment, is the minimum that should be proposed and enacted into law at this time.

I want to tell my friends that the provisions in this bill were most carefully worked out over a period of years. It is a modest bill, a reasonable bill—a bill that any Member of this House can proudly support. For any Member can be proud to raise the minimum wage, to come to the aid of the "working poor." We must come to the aid of those workers who cannot support their families though they are working full time and sometimes more than full time on more than one job.

I think it is much wiser if we adopt this committee bill and vote against the substitute.

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

Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from Illinois (Mr. ANDERSON). I wish to be associated with his remarks.

At the present time, the Nation is in a critical juncture in our fight against inflation. The inflationary spiral of the past few years has eaten away at the increased earnings of all Americans. As we consider this legislation, we have an obligation to measure its impact on the President's economic stabilization program.

Proponents of the immediate $2 increase argue that, in this day and age, to pay someone at this rate is the very least that we can expect of any employer. They argue that this level of pay will still leave the family of four below the 1970 poverty level.

This argument has an almost irresistible appeal for as legislators, we have a great desire to see all Americans rise above the poverty level. However, I believe a close examination of the facts will reveal that in fact, this measure could very well be counterproductive to the goals we wish to achieve.

Statistics indicate that in excess of 5 million or 20 percent of the poor in this Nation are members of families which consist of seven or more people. In order to bring these poor families above the poverty line, it would be necessary to raise the minimum wage to over $3 an hour. While there are some who have reservations about the effect of raising the minimum wage to $2 an hour, there can be no doubt that a raise to over $3 an hour would have a severe effect on the entire economy. Therefore, we can conclude that raising the minimum wage is not the way to get a substantial number of families above the poverty line.

As a supporter of the President's welfare reform concept, which passed the House, I am convinced that the family-assistance approach is the logical way to improve the economic position of the poor in our Nation. Rather than merely raising the minimum wage, which will reduce the number of available jobs, the President's proposals would be a comprehensive approach. It will provide day-care facilities for the working poor and provide the needed changes in our welfare structure to revitalize the basic family structure which has disintegrated in many poor communities.

When one examines the working poor who are members of small families, the clear indications are that the income deficiency is due to a lack of full-time employment. The Bureau of Labor Statistics state that only 18 percent of the working poor in 1970 worked a full year at a full-time job. However, of the same group, 73 percent were able to find and hold part-time jobs or work on a full-time basis for less than 26 weeks. The real answer is to create an economic situation where jobs will be at the maximum possible level. This cannot be done if we create the economic shock of a 25-percent increase in the minimum wage at one time. The sensible approach is the graduated raise proposed in the amendment we are considering now.

The increase in the minimum wage will have the greatest effect in those sectors of the economy that are today in the most serious trouble. Of special concern to me is the plight of the small businessman who will be seriously affected by this increase of 25 percent in his labor cost at the lower wage levels.

From the many letters and discussions that I have had, it is clear that this immediate increase will cause a significant number of employers to reduce their work force. For other larger concerns who will absorb this increase, they will be forced to pass this increased cost on to the consumer. What we have here is the classic situation of the inflationary spiral pushing up the cost of consumer goods.

Today in America, and indeed in every industrialized nation, we are faced with the problem of a mismatch in the number of low-skilled jobs and potential job applicants. There can be no doubt that, as technology increases, this situation will only become more acute. To the extent that a rapid increase in the minimum wage would reduce the growth rate of jobs in low-skill industries, our current unemployment problem can only continue to deteriorate.

The increase in the minimum wage will be disproportionately felt in certain industries and in certain sections of the Nation. The retail industry which employs a significant number of part-time job seekers will be severely hurt by this immediate 25-percent increase. The Labor Department estimates that in the retail field alone, over 1 million employees will be affected by this increase.

Many individuals who work with young people and the elderly have personally contacted me urging that the minimum wage not be rapidly increased at the rates suggested in this bill. These are people who work daily for the benefit of youth and our senior citizens. The argument they make is that by increasing the minimum wage at a 25-percent rate will cause employers to hire fewer people and the first to go will be the young and the elderly. Many of these individuals are looking for jobs to supplement other income. The statistics clearly indicate that the increase in the minimum wage is not going to solve our Nation's poverty problem, the effect it could have is indeed counterproductive to this goal. It will increase the cost of living which is most severely felt by those at the lower levels

of the economic spectrum. It will reduce the number of low-level job opportunities and again, affect those whom we have tried to help by this bill.

By taking the "stretch out" approach in this amendment, we will give the economy time to adjust to a reasonable planned increase in the minimum wage level.

I urge adoption of this amendment.

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

Mr. Chairman, I do not take this time to make a direct approach as to the position on amendments suggested by the gentleman from Illinois.

We are proceeding in a fashion and in a proper fashion by discussing every angle, and he put his finger on what have been the complaints against any increase in the minimum wage at this time.

However, in going back through the long history of this legislation, I find that on every one of the dates of an increase in the minimum wage the argument has been exactly the same. For example, in 1948, when the minimum was raised from 40 cents to 75 cents and later extended to $1, history shows the Republican policy at that time was in opposition to it. True to that policy, Senator Ball, I believe, of Minnesota, offered an Erlenborn-type substitute. When they awakened to what had happened, they discovered they had removed some of the safeguards against unscrupulous employers, and they had to come right back and put some amendments in to give the protection that the Congress really wanted.

Now, to get down to this cost-of-living thing, I thought you might be interested to know that in September 1947 the University of California was given a project to prepare a budget which would represent a healthful and reasonable living for a wage earner's family. The budget for a family of four, according to their findings and report, came to $3,871.64. This meant that, at that time, it would require a $79.45 weekly wage, or $1.86 an hour for a 40-hour week.

The Bureau of Labor Statistics, not being satisfied with that particular figure because they were at that moment working on the Myers bill—I believe it was Myers and PEPPER—prepared their own budget with their own Bureau of Statistics. This budget showed that it cost a family of four $3,350 a year to maintain American standards across the board. This meant a weekly wage of $66.35. CLAUDE PEPPER, our colleague from Florida, took up the fight at that time, and they put a bill in to represent the so-called requirements of a family, and they raised their coverage in the bill to 5,500,000 persons.

You must remember this was the strongest position that I have taken in my years in the Congress. When coupled with trying to reach a meaningful wage level, I have emphasized the idea of putting all workers under the umbrella; if this new bill of ours passes, we will be able to increase the number covered in this country to about 7.5 million with complete coverage.

I want to assure my friend from Illinois (Mr. ANDERSON) that when we do pass this bill, we will be able to get into the position, I believe, of just taking the level of wage that is universal and establishing an increase based upon the cost-of-living index increase, just as this Congress does for the civil service employees every 2 years.

The stretchout does have one disadvantage, in my opinion, because if you stretch it to 1974 you continue your cost-of-living index increases on exactly the same base as you have for the past 3 years. Panamanians working for the U.S. Government in the Canal Zone, who were covered in 1967 against my wishes, are now receiving the minimum wage law $2.18 an hour against $1.60 for Americans on the mainland.

Now, that particular group, unless my bill passes with the Panamanians removed, at the time your American worker receives $2, they will be receiving $2.84 an hour. To me there is something that just does not click right. This is not an inflationary wage level because we are doing exactly what Congress did for itself.

These workers I am talking about going to the $2 level have not had a pay raise since February 1968. That is a 5-year period. During those 5 years, we have voted a 35-percent increase to civil service employees as a cost-of-living increase in this Congress. We voted ourselves a 42-percent increase in salaries. Why did this Congress have to vote such an enormous boost at one time? Because we were denied the same right given to every other worker of having a raise as the cost-of-living increases. We found ourselves in a position where the chief clerks of some of our committees were receiving $3,000 more than Members of Congress were receiving because of the increases in the cost-of-living index.

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

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

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

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

Mr. DENNIS. Mr. Chairman, I thank the gentleman for doing me the courtesy of yielding.

I wanted to ask the gentleman, in view of the argument he was just making, why he thought the congressional raises were not inflationary. The gentleman says this proposed raise of the minimum wage is not inflationary, because the congressional raise is not inflationary. But who says that the congressional raise is not inflationary? Why does the gentleman think it is not?

Mr. DENT. By the same logic that every time this House has granted a cost-of-living index raise and has raised universally the civil service employees, no one claimed it was not inflationary. Every time there is a pay raise, in the minds of some it is inflationary—even when we created the 25 cents an hour minimum.

Mr. BIAGGI. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

This amendment, which is in effect an entirely new bill, would not expand the fair labor standards coverage or include provisions establishing import or procurement restrictions.

On the first point, the amendment offered by the gentleman from Illinois (Mr. ERLENBORN) would not extend the Fair Labor Standards Act coverage to employees not presently protected by the law. It is most unfair to neglect a sizable number of American workers and not to cover them by this act. If we look at one category of workers which is not now covered by the Fair Labor Standards Act, for example, we can readily understand why they should be included under the provisions of this law. Household domestics are not currently covered by this act. In 1969, more than 80 percent of the 1.5 million people in this occupation had total cash incomes of less than $2,000 annually—57 percent had less than $1,000. Moreover, 97 percent of all domestics are women with 200,000 of them being the heads of families. Of all domestics who are heads of families, 60 percent had incomes in 1969 that were less than the poverty level. By including this group of workers under the provisions of the act we can alleviate this inequity.

The second major difference between the committee bill, of which I am a cosponsor, and the proposal offered by the gentleman from Illinois (Mr. ERLENBORN) is that the latter does not include a provision which would establish a procedure for the President to impose higher import quotas or tariffs and to prohibit certain procurement practices.

Mr. Chairman, to exclude this section, title III, would neglect the protection of the American workingman from detrimental international economic influences. This section is necessary to carry out the intent of the original Fair Labor Standards Act by providing remedies which would prevent the protections of the act from being dissipated by the injurious impact of excessive imports of products produced abroad under conditions below the standard specified in the act. Indeed, if the production of goods imported into this country does not generally carry cost burdens equivalent to that imposed on domestic producers by our wage, hour, and other labor standards, the channels of interstate commerce will be substantially preempted by imported goods. This effect would be to the serious detriment of domestic employment and the standards of living of workers as well as the welfare of the communities in which workers displaced by these imports reside.

Mr. Chairman, more and more U.S. corporations are investing in foreign corporations to accomplish work that could be done here at home. This practice of having inexpensive foreign labor do our work for us has the obvious effect of draining our domestic labor market of potential jobs for all Americans: black, white, rich, and poor. Moreover, this practice is magnified by our current economic difficulties.

I, therefore, urge my colleagues to defeat the amendment offered by the gentleman from Illinois (Mr. ERLENBORN), and to support the committee bill thus

providing the American workingman with the fair shake he deserves.

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

I should like to ask the proponent of the substitute if his bill contains the inequity now applying to professional women so that they do not come within the equal pay for equal work statute. Is that right?

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

Mrs. GRIFFITHS. I yield to the gentleman from Illinois.

Mr. ERLENBORN. The gentlewoman makes it a little difficult for me to answer the question.

Mrs. GRIFFITHS. There are a lot of business and professional women in town today, and I know they would like to hear the answer.

Mr. ERLENBORN. I would be in a better position to answer the gentlewoman if she would refer to the particular section or provision of the law. We make no changes relative to that in the substitute.

Mrs. GRIFFITHS. The law as it now stands does not apply to equal pay for equal work for professional women; is that not right?

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

Mrs. GRIFFITHS. I yield.

Mr. ERLENBORN. The committee bill and the substitute bill, so far as I am aware, treat this subject the same way, so that neither the committee bill nor the substitute bill would change those provisions.

Mrs. GRIFFITHS. Then let me ask the subcommittee chairman a question. Is it not true that the committee bill wipes out this distinction and that women in a professional capacity will qualify under the equal pay for equal work section?

Mr. DENT. Section 207 is the equal pay for equal work section of the act. As the act now stands there is no protection, no guarantee of protection for equal pay for women, so the committee in its bill, which is before the House now, which some seek to amend by the substitute, applies to sex discrimination in employment—section 6(d) of the act. This relates to any employee employed in administrative or professional capacity.

The answer to the question is that the Erlenborn substitute leaves the inequity as it is.

Mrs. GRIFFITHS. So that a woman employed in a law firm or a woman employed as a doctor, or a nurse, or teacher, or a woman employed in one of the automobile companies of this country, in the executive department, now has no protection. She can be employed at a scale, for instance, of $8,000, with a man working beside her on exactly the same job getting $15,000, and the woman getting $8,000 as a professional has no remedy?

Mr. DENT. Absolutely.

Mrs. GRIFFITHS. The remedies are available, then, only if one is working in a plant. Is that not right?

Under those circumstances I would like to say to the distinguished gentleman from Illinois I have spent a long lifetime trying to do something to help women, and I am against the substitute. And, believe me, I think if this were generally known, you would find you would have quite a lot of lobbying against the substitute, Mr. ERLENBORN.

I yield back the balance of my time.

Mr. RYAN. Mr. Chairman, I oppose the pending amendment. By deferring for 1 year the proposed $2 minimum wage for nonagricultural workers who were covered before the 1966 amendments, and by denying the $2 minimum wage to workers who were first covered under the 1966 amendments, the Anderson amendment fails to implement the primary intent of the Fair Labor Standards Act. It was enacted to insure that a worker and his family would have an income which would allow them to live in minimal safety and comfort.

The workers in question are those at the lowest wage level. The minimum wage is not synonymous with the average wage. For example, except for the years in which it was increased, it was always less than half the average wage in the manufacturing industry.

The need for a substantial increase in the minimum wage is especially great at this time, in light of the severe economic situation with which our country is faced today. Prices continue to rise, while the minimum wage law permits a worker to earn less than $4,000 for a year's work. What is needed is a concerted attack on this system, a genuine offer of assistance to the many Americans who are struggling merely to make ends meet.

And this is an important point to remember. The minimum wage is being increased so that a sizable group of Americans will simply be able to afford the essentials of life.

The committee bill will do little more than help restore their purchasing power to enable them to maintain a minimum standard of living. The Anderson amendment would prevent this small step forward and would deny these workers the means to contend with the still spiraling costs of many basic consumer goods.

It has been argued that the immediate 25-percent increase in the minimum wage would have an adverse effect on our already inflationary economy, and that it would hinder the administration's efforts to restore economic stability.

However, in testimony before the Senate Subcommittee on Labor on related legislation, a spokesman for the U.S. Chamber of Commerce stated.

> We do not contend, unlike some of the witnesses that appeared before you apparently, that minimum wage is inflationary. Quite the opposite. Inflation is not caused by minimum wages.

Yet, in an apparent about-face, the U.S. Chamber of Commerce is now supporting the Anderson amendment on the grounds that the provisions of the committee bill would be inflationary.

The contention that a higher minimum wage will increase unemployment has not been substantiated. There is simply no concrete evidence to support this view. We will not eradicate unemployment by keeping wages depressed but by creating new jobs.

An increased minimum wage can only have a beneficial effect. It will increase the purchasing power of the true victims of inflation, the low-income workers. I, therefore, urge defeat of the Anderson amendment.

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

Mr. Chairman, I was present last night at an affair where the distinguished gentlewoman from Michigan was honored very appropriately for her successful sponsorship of a measure in behalf of the women of America, and I want to congratulate her here publicly again on that achievement and on her interest in behalf of equal pay for equal work.

Mr. Chairman, at a time when we should be working on legislation to help provide more jobs for more persons who are anxious to work, we are, instead, considering legislation which, in my opinion, will reduce employment.

Mr. Chairman, when we legislate minimum wages we also legislate unemployment.

Mr. Chairman, the bill before us today, H.R. 7130, the Fair Labor Standards Amendments of 1971 would increase the minimum wage and extend its coverage. This description of increasing minimum wages is an attractive one; it conjures up in our minds pleasant images of citizens gaining ever-larger incomes, and consequently being able to purchase ever more goods and services. But I think that if we look behind the facade to the essence of this legislation, we will find that it would have highly pernicious effects on the less skilled of our citizens, and that its unfortunate repercussions would adversely affect us all.

Most assuredly, this bill would place more cash in the hands of persons who are now earning less than $2 an hour, provided that after enactment of the legislation, they would continue to be employed over an equivalent period of time. My colleagues who speak in favor of this measure seem to ignore this very important proviso. We must keep it in mind, though, because I suspect that many employers who are now paying workers $1.60 or $1.75 an hour may not keep those same people on the payroll at an increased wage rate.

In my view, three types of businesses would be most severely affected. One of these is small business. The National Federation of Independent Business estimates that if this bill became law, its members would be forced to release several hundred thousand workers. Another type of business which would be similarly affected is the service industry. Firms in this field generally provide jobs which cannot be performed more economically by utilizing more capital per worker, and many of them would have to contract considerably if H.R. 7130 were to be enacted. The third type of business which would be hard hit by this bill is that of government. In many communities, governments would have to stop providing useful public services if they had to pay wages as high as the ones this bill requires. In addition, we in legislative bodies at all levels of Government would have to rethink our consideration of what some people have suggested is a possible solution to the wel-

fare problem: making the Government an employer of last resort, in an effort to provide employment opportunities for people now on welfare rolls.

Mr. Chairman, this last point leads me to the most destructive aspect of the bill: Who would be affected by the job cutbacks? Those who would lose their source of income would be in the main the less skilled among us—those at the bottom of the wage scale—teenagers, minority group citizens, and many women.

I took occasion some months ago to review a report which had been made by John A. Renick of the Social Sciences Department of North Chicago, Ill., High School. Mr. Renick, who deals directly with minority group youngsters, speaks from personal knowledge of the young black students who go job-hunting after graduation and during the summer recess. Mr. Renick stated with regard to minimum wage legislation:

> Minority groups . . . are hardest hit by the effect of minimum wage laws.

He declared further:

> These laws are a chief cause of the disproportionately high unemployment levels among blacks, especially teenagers.

Mr. Renick also quoted from President W. Allen Wallis of the University of Rochester, who declared:

> Minimum wage laws are in effect, though not in intention, among the most anti-negro of laws.

Many of the Federal programs which we have initiated here in the Congress over the past several years have had as their objective providing these people with an opportunity to enter into our society as a whole, in the hope that once exposed to the working world, they would gain the incentive to increase their skills and thus improve themselves. H.R. 7130 would have a totally opposite effect—it would exclude these people from the opportunity we have tried to provide.

A final aspect which should concern us in our analysis of H.R. 7130 is the foreign trade provision, title III of the bill. This part of the proposed legislation would drastically modify established U.S. international trade policies, violating many treaties and commitments, undermining pending negotiations, and randomly protecting inefficient enterprises at home while depriving American consumers of access to foreign goods. My colleague from New Jersey (Mr. FRELINGHUYSEN) has explained elsewhere, and in greater detail, why title III is so pernicious, and I commend his remarks to you.

Mr. Chairman, H.R. 7130 is, in summary, a package with attractive wrapping but dangerous contents. This legislation is antithetical to the interests of our less skilled citizens in particular and to all Americans in general. I support the amendments to be proposed by my two colleagues from Illinois, Messrs. ERLENBORN and ANDERSON, only because I believe that if a bill is ultimately to pass, its effect would be less serious if these amendments were adopted. In my opinion, we ought to deny H.R. 7130 our approval.

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

TELLER VOTE WITH CLERKS

Mr. ANDERSON of Illinois. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ANDERSON of Illinois. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. MCCLORY, Mr. DENT, Mr. KEATING, and Mr. BIAGGI.

The Committee divided, and the tellers reported that there were—ayes 216, noes 187, not voting 29, as follows:

[Roll No. 145]

[Recorded Teller Vote]

AYES—216

Abbitt	Flowers	O'Konski
Abernethy	Flynt	Patman
Alexander	Ford, Gerald R.	Pelly
Anderson, Ill.	Fountain	Pettis
Andrews, Ala.	Frelinghuysen	Pickle
Andrews, N. Dak.	Frey	Pirnie
Archer	Fuqua	Poage
Arends	Galifianakis	Poff
Ashbrook	Gettys	Powell
Aspin	Goodling	Quillen
Baker	Griffin	Railsback
Baring	Gross	Randall
Belcher	Grover	Rarick
Bennett	Gubser	Rhodes
Betts	Hagan	Roberts
Blackburn	Haley	Robinson, Va.
Bow	Hall	Robison, N.Y.
Bray	Hammer-schmidt	Rogers
Brinkley	Hansen, Idaho	Roncalio
Broomfield	Harsha	Rousselot
Brotzman	Harvey	Runnels
Brown, Mich.	Hastings	Ruppe
Brown, Ohio	Hébert	Ruth
Broyhill, N.C.	Heckler, Mass.	Sandman
Broyhill, Va.	Henderson	Satterfield
Buchanan	Hillis	Scherle
Burke, Fla.	Hogan	Schmitz
Burleson, Tex.	Hosmer	Schneebeli
Byrnes, Wis.	Hunt	Schwengel
Byron	Hutchinson	Scott
Cabell	Ichord	Sebelius
Camp	Jarman	Shoup
Carlson	Johnson, Pa.	Shriver
Carter	Jonas	Sikes
Casey, Tex.	Jones, N.C.	Skubitz
Cederberg	Jones, Tenn.	Smith, Calif.
Chamberlain	Kazen	Smith, N.Y.
Chappell	Keating	Snyder
Clancy	Kemp	Spence
Clausen, Don H.	King	Springer
Clawson, Del	Kyl	Stanton, J. William
Cleveland	Landgrebe	Steele
Collier	Latta	Steiger, Ariz.
Collins, Tex.	Lennon	Steiger, Wis.
Colmer	Lent	Stephens
Conable	Lloyd	Stuckey
Conte	Lujan	Talcott
Coughlin	McClory	Taylor
Crane	McCollister	Teague, Calif.
Curlin	McCulloch	Teague, Tex.
Daniel, Va.	McDonald, Mich.	Terry
Davis, Ga.	McEwen	Thompson, Ga.
Davis, S.C.	McKay	Thomson, Wis.
Davis, Wis.	McKevitt	Thone
de la Garza	McMillan	Vander Jagt
Dellenback	Mahon	Waggonner
Denholm	Mallary	Wampler
Dennis	Mann	Ware
Derwinski	Martin	Whalley
Devine	Mathias, Calif.	White
Dickinson	Mathis, Ga.	Whitehurst
Dorn	Mayne	Whitten
Downing	Michel	Widnall
Duncan	Miller, Ohio	Wiggins
du Pont	Mills, Md.	Williams
Dwyer	Minshall	Wilson, Bob
Edwards, Ala.	Mizell	Winn
Esch	Montgomery	Wylie
Evins, Tenn.	Mosher	Wyman
Findley	Myers	Young, Fla.
Fish	Nelsen	Zion
Fisher	Nichols	Zwach

NOES—187

Abourezk	Garmatz	Nix
Abzug	Gaydos	Obey
Adams	Giaimo	O'Hara
Addabbo	Gibbons	O'Neill
Albert	Gonzalez	Patten
Anderson, Calif.	Grasso	Pepper
Anderson, Tenn.	Green, Oreg.	Perkins
Annunzio	Green, Pa.	Peyser
Ashley	Griffiths	Pike
Aspinall	Gude	Podell
Badillo	Halpern	Price, Ill.
Barrett	Hamilton	Pryor, Ark.
Begich	Hanley	Pucinski
Bell	Hanna	Quie
Bergland	Hansen, Wash.	Rangel
Bevill	Harrington	Rees
Biaggi	Hathaway	Reid
Biester	Hawkins	Reuss
Bingham	Hechler, W. Va.	Riegle
Blanton	Heinz	Rodino
Boggs	Helstoski	Roe
Boland	Hicks, Mass.	Rooney, N.Y.
Brademas	Hicks, Wash.	Rooney, Pa.
Brasco	Holifield	Rosenthal
Burke, Mass.	Horton	Rostenkowski
Burlison, Mo.	Howard	Roush
Burton	Hungate	Roy
Byrne, Pa.	Jacobs	Roybal
Caffery	Johnson, Calif.	Ryan
Carey, N.Y.	Jones, Ala.	St Germain
Carney	Karth	Sarbanes
Celler	Kastenmeier	Saylor
Clay	Kee	Scheuer
Collins, Ill.	Kluczynski	Seiberling
Conyers	Koch	Shipley
Corman	Kyros	Sisk
Cotter	Leggett	Slack
Culver	Link	Smith, Iowa
Daniels, N.J.	Long, La.	Staggers
Danielson	McCloskey	Stanton, James V.
Delaney	McClure	Steed
Dellums	McCormack	Stokes
Dent	McDade	Stratton
Diggs	McFall	Sullivan
Dingell	McKinney	Symington
Donohue	Madden	Thompson, N.J.
Dow	Mailliard	Udall
Drinan	Matsunaga	Ullman
Dulski	Mazzoli	Van Deerlin
Eckhardt	Meeds	Vanik
Edwards, Calif.	Melcher	Vigorito
Eilberg	Mikva	Waldie
Erlenborn	Miller, Calif.	Whalen
Fascell	Mills, Ark.	Wilson, Charles H.
Flood	Minish	Wolff
Foley	Mink	Wright
Ford, William D.	Mitchell	Wyatt
Forsythe	Mollohan	Wydler
Fraser	Monagan	Yates
Frenzel	Morgan	Yatron
Fulton	Moss	Young, Tex.
	Murphy, Ill.	Zablocki
	Natcher	
	Nedzi	

NOT VOTING—29

Blatnik	Goldwater	Metcalfe
Bolling	Gray	Moorhead
Brooks	Hays	Murphy, N.Y.
Chisholm	Hull	Passman
Clark	Keith	Preyer, N.C.
Dowdy	Kuykendall	Price, Tex.
Edmondson	Landrum	Purcell
Eshleman	Long, Md.	Stubblefield
Evans, Colo.	Macdonald, Mass.	Tiernan
Gallagher		Veysey

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

AMENDMENT OFFERED BY MR. ABBITT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ERLENBORN

Mr. ABBITT. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. ABBITT to the amendment in the nature of a substitute offered by Mr. ERLENBORN of Illinois: Page 2, strike out lines 5 through 22 and insert in lieu thereof the following:

SEC. 101. (a) Section 6(a) (29 U.S.C. 206 (a)) is amended by striking out "(a) Every employer" and all that follows through paragraph (1) and inserting in lieu thereof the following: "(a) Except as provided in this

section, 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, at a wage rate of not less than $1.70 an hour during the first year from the effective date of the Fair Labor Standards Amendment of 1972; not less than $1.80 an hour during the second year from such date; not less than $1.90 an hour during the third year from such date; and $2.00 an hour during the fourth year from such date."

(b) Such section is amended by adding after paragraph (5) the following new paragraph:

"(6) If this section was made applicable to such employee by the amendments made to this Act (other than section 18 thereof) by the Fair Labor Standards Amendments of 1966, not less than $1.70 an hour during the first year from the effective date of the Fair Labor Standards Amendment of 1972; not less than $1.80 an hour during the second year from such date; not less than $1.90 an hour during the third year from such date; and $2.00 an hour during the fourth year from such date.

POINT OF ORDER

Mr. ERLENBORN. Mr. Chairman, I rise to make a point of order to the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ERLENBORN. Mr. Chairman, I was not given a copy of this amendment before it was offered and I still do not have one, but in following the reading of the amendment, it becomes apparent that the language that is sought to be amended by the gentleman's amendment is language which was in the original substitute but has already been amended by the amendment offered by the gentleman from Illinois (Mr. ANDERSON).

I think that the amendment is, therefore, out of order.

The CHAIRMAN. Does the gentleman from Virginia desire to be heard?

Mr. ABBITT. Yes, Mr. Chairman, I think the amendment is in order. It is merely an addition. Due to the parliamentary situation, the amendment as originally drawn had to be redrawn in this way.

The amendment as offered is not as originally drawn due to the parliamentary situation, but the Anderson amendment having been adopted, my amendment had to be drawn in its present form. What it does is simply add two additional steps over the long haul to the Anderson amendment. For instance, the Anderson amendment provides $1.80 an hour during the first year and then goes to $2 an hour. This amendment simply makes two additional steps, from $1.80 to $1.90, and then to $2, taking 4 years to do it, whereas the Anderson amendment takes 2 years to do it.

Mr. Chairman, I think this is in order.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard further?

Mr. ERLENBORN. Mr. Chairman, I now have a copy of the amendment. It apparently does amend the same language that the Anderson language has just amended, and I believe my point of order is correct.

The CHAIRMAN (Mr. BOLLING). The Chair would like to read from page 13 of the Cannon's Procedure, 1957 edition. This is at the bottom of the page under the heading "Application to amendments once disposed of"—Section 474—of the House Rules and Manual. It is not in order to—

Strike out an amendment already agreed to, but other words of the paragraph, including the amendment, may be stricken out to insert a new paragraph of different meaning.

The amendment strikes out the entire section and inserts new language.

The Chair rules that the amendment is in order and overrules the point of order.

The gentleman from Virginia is recognized for 5 minutes in support of his amendment.

Mr. ABBITT. Mr. Chairman, the amendment is very simple. I realize, first, that we are going to have a minimum wage bill, and I desire to soften the impact as much as possible. Under the Anderson amendment, the gentleman starts out by having $1.80 an hour during the first year from the effective date, and then not less than $2 thereafter. That is applicable to those who were put in in 1961. Now as to those who were put in in 1966, he starts out with $1.70 an hour during the first year and then $1.80 an hour the second year, and then $2.

All this amendment we offer now does is to start at $1.70 for all for the first year, and then $1.80 for the second year, and then $1.90 for the third year, and then it goes to $2.

In my opinion, the present bill is just too harsh on the economy. This amendment would keep the change in line with the economic program of the administration. Our retailers are faced with a tremendous economic situation. This does not do away with the Anderson amendment in the least, but simply adds two different steps. It starts at $1.70, and then goes to $1.80, and then $1.90, and then $2. I believe under the present economic conditions that this will go a long way to adjust the wage system effectively.

As I said, the reason I am offering it is that I am convinced this body or the other body is going to act on a wage and hour bill, and I think this in some way will soften the impact. The Nation's industry needs more time than provided even in the Anderson amendment to adjust to wage increases. Both bills and the Anderson amendment goes too far.

The committee bill (H.R. 7130) would raise the minimum in one step from $1.60 to $2 for those covered prior to the 1966 amendments to the Fair Labor Standards Act. In the retail industry alone, such a raise would directly affect one and one-quarter million employees. Both bills do, however, offer a 1-year stretchout for those employers first covered by the 1966 amendments; $1.80 60 days after enactment and $2 a year later. One and one-tenth million retail employees would be directly affected by an immediate raise in the minimum to $1.80. Altogether, therefore, approximately 2,350,000 retail employees will be directly affected by the new minimum contained in these two bills.

The fact is, the impact of such an increase upon the economic stabilization effort—a program designed to hold down inflation and create more jobs—would be disastrous. In a labor intensive industry like retailing, where labor costs run as high as 60 percent of overall operating costs, the effect would be ruinous.

I have stated that approximately 2,350,000 retail employees would be directly affected by the raise in the minimum wage contemplated by these two bills. By directly I mean that this number of employees would immediately get whatever raise was appropriate to them—either $1.80 or $2. "Directly," therefore, is a key word. Let me remind you of a very real additional effect upon retailing—this highly labor intensive industry—the ripple effect. Any increase in the minimum wage means an increase in all retail wages, including the higher skilled retail labor force. Whatever we in this body legislate in terms of an increase, there will be a proportionate increase throughout the entire retail workforce.

According to a 1971 study of the Department of Labor, there are 11,362,000 retail employees in the United States. Of this number 10,224,000 are classed as nonsupervisory employees. Taking either of these figures, the effect the ripple would have on, not only retailing, but on the entire economy, would, to say the least, be devastating.

The total workforce of the United States is approximately 80 million strong. Of this number, retailing employs 12.5 percent in its stores, and about 91 percent of these are in a nonsupervisory capacity—25 percent making less than $2—if you, however, include those retail employees not now covered by the FLSA, this figure would be as high as 40 percent of the nonsupervisory employees or 4,049,816 employees.

Whichever figure you prefer, the 25 percent or the 40 percent of the retail nonsupervisory employees now making under $2, this would entail either 3 or 5 percent of the total U.S. work force. Even if you discounted the ripple effect—the effect of raising the minimum to $2 would have a major impact on the economy even if just applied to either the 3 or 5 percent—who are at best marginal employees.

There is already some serious discussion in retailing circles on the possibility of more automation and/or a move toward the self-service store. What would the unemployment of another 3 or 5 percent of the Nation's workforce do to the economy?

It is with this in mind, Mr. Chairman, that I offer this amendment which would, in effect, do two things. First, stretch-out the raise in the minimum wage over a 4-year period, starting with an immediate raise from $1.60 to $1.70 with raises over the next 3 years of 10 cents each year until the minimum is $2. Second, the effect of this type of raise in the minimum wage would be to make the Fair Labor Standards Act the same for all nonagricultural employees, and make it unnecessary for the Congress to continue to treat

employers, depending on when they were first covered by the Fair Labor Standards Act differently.

In conclusion, therefore, I would like to say, that if this body is serious about wanting prices to stabilize and the employment picture to improve, a raise to $2 at this time, even in an election year, would be disastrous.

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

I would suggest to the Members that we vote and vote immediately upon this amendment, because if we do not get this over with pretty soon the next amendment may begin to cut the minimum wage 10 cents a year. Some of us are afraid that some of the workers covered now will not have any income after we finish.

I suggest that we just have the vote. You have the votes, and we will sit quietly by and watch what you are doing.

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

The question was taken; and on a division (demanded by Mr. ABBITT) there were—ayes 41, noes 102.

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

AMENDMENT OFFERED BY MR. CÓRDOVA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ERLENBORN

Mr. CÓRDOVA. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. CÓRDOVA to the amendment in the nature of a substitute offered by Mr. ERLENBORN: Page 7, strike out line 12 and all that follows down through and including line 12 on page 8 and insert in lieu thereof the following:

"(C) Notwithstanding subparagraph (A) or (B) of this paragraph, in the case of any employee employed in agriculture who is covered by a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed pursuant to section 5 and whose hourly wage is increased above the wage rate prescribed by such wage order by a subsidy (or income supplement) paid, in whole or in part, by the government of Puerto Rico, the following rates shall apply except as otherwise provided in this subparagraph:

"(i) The rate or rates applicable under the most recent such wage order issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972, increased by (I) the amount by which such employee's hourly wage is increased above such rate or rates by the subsidy (or other income supplement), and (II) 16 per centum of the sum of the rate or rates under such wage order and such subsidy (or income supplement). The increased rate or rates prescribed by this clause shall take effect sixty days after the effective date of the Fair Labor Standards Amendments of 1972 or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(ii) Beginning one year after the applicable effective date of the increase prescribed by clause (i), not less than the highest rate or rates (including the increase provided under clause (i)) in effect on the day before the effective date of the rate or rates under this clause under a wage order covering such employee, increased by an amount equal to 16 per centum of the sum of the rate or rates applicable under the most recent wage order, covering such employee, issued by the Secretary before the effective date of the Fair Labor Standards Amendments of 1972 pursuant to the recommendations of a special industry committee appointed under section 5 and the amount by which such employee's hourly wage is increased above such rate or rates by the subsidy (or income supplement). Notwithstanding clause (i) or (ii) of this subparagraph, the minimum wage rate for any employee described in this subparagraph shall not be increased under such clause (i) or (ii) to a rate which exceeds the minimum wage rate in effect under subsection (b)(4).

Mr. BURTON (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.

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

There was no objection.

The CHAIRMAN. The gentleman from Puerto Rico is recognized for 5 minutes in support of his amendment.

Mr. CÓRDOVA. Mr. Chairman, my amendment to the Erlenborn substitute has been cleared with Mr. ERLENBORN, and is acceptable to him.

It is designed to correct an error, which was inadvertently copied from the committee substitute, and which Chairman DENT proposes to correct by a substantially similar amendment to the committee substitute.

The error in the two bills, as written, would provide minimum wages for agriculture in Puerto Rico higher than on the mainland, and in many cases higher than the $2 minimum which the legislation proposes for industrial and commercial employees.

In Puerto Rico we have in recent years pioneered in the field of raising the level of farm wages. Three years ago, a bipartisan legislative effort enacted legislation to increase the minimum farm wage from the then prevailing Federal level of 65 cents in most cases and as low as 58 cents in some, in three annual stages, to a uniform level of $1 an hour. But since farming was and is in a precarious economic situation, principally because the bulk of our farm land is mountainous, hence not susceptible to mechanization, the legislation provided a wage subsidy, reimbursing farmers the difference between the Federal minimum and $1. About 2 months ago, the Federal minimum was increased sharply in certain classifications, and will probably be increased in all other classifications next month. The Legislature of Puerto Rico has moved to support these increases by affording higher wage subsidies that would permit farmers to pay the higher wages and avoid any substantial curtailment of employment. Legislation for this purpose is now moving through the Legislature of Puerto Rico, with the support of the Governor.

We believe that the crisis of Puerto Rico's agriculture presents not only an economic but a social problem, and that the entire community should bear the economic burden of keeping our farms solvent, of avoiding the flow of population from rural to urban areas.

Our government in Puerto Rico will therefore continue to subsidize farm wages and thus provide higher wages on the farm, not in theory but in fact. Our interest in this goal, an interest shared by all of us in Puerto Rico, regardless of political party, is far greater than any Member of this Congress could have. But our means are limited. And they would be substantially wiped out by the extension of coverage to all public employees which the committee bill proposes. This is the basic reason why I support the Erlenborn substitute. My amendment is designed to perfect this substitute. I earnestly ask you to support my amendment.

Mr. BURTON. Will the gentleman yield?

Mr. CÓRDOVA. I yield to the gentleman.

Mr. BURTON. Does this amendment or does it not provide a review committee for subsidized wages?

Mr. CÓRDOVA. It does not provide a review committee for subsidized wages. It does not. I did have such an amendment which I showed to counsel yesterday afternoon, but that change has been made; so it does not.

Mr. BURTON. As some of my colleagues know, I am chairman of the Subcommittee on Insular Affairs, and I have worked, at all times, constructively with our distinguished colleague, the Resident Commissioner of Puerto Rico.

We have some difficulty. The amendment that the gentleman is proposing appears to be at variance with the amendments that the committee is prepared to offer, amendments of a technical nature to the basic proposal.

It appears that because we have not had this amendment before us perhaps our distinguished colleague is reaching a little further than his statement to date would lead the audience to believe.

I will not pursue the matter except to note—and I do not think on this point we would have any difficulty on either side of the aisle, and I do not intend this to be self-serving—that there has been no member of this subcommittee who has been any more concerned than the gentleman from California to see that we did not proceed insensitively in terms of the economic needs of the residents of Puerto Rico. I am a little troubled that we have not had any forewarning, some of us at least, as to this amendment. I am also somewhat concerned as to the scope and the breadth of the gentleman's proposal. Our staff leads us to believe this brings the review committee into those cases of persons whose wages are subsidized.

Mr. ERLENBORN. Will the gentleman yield?

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

Mr. ERLENBORN. Just for the record, it should be noted I am advised counsel, pursuant to my request, saw that some hour or 2 hours ago a copy of Mr. CÓR-

DOVA's amendment to my substitute was delivered to the majority desk.

It is my understanding—and this is a complicated subject, as the gentleman from California (Mr. BURTON) knows—but it is my understanding that any differences between this and the amendment that has been agreed to by the majority to the main bill are stylistic only and are not substantive.

Further, I would say that the gentleman from Puerto Rico (Mr. CÓRDOVA) has never, in my opinion, tried to mislead any of us.

He has told me that this has been prepared by counsel and that is nothing different than what has been agreed to by the majority.

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

Mr. CÓRDOVA. Yes; I yield further to the gentleman from California.

Mr. BURTON. Within the parameters of the assertions of the ranking minority Member, I, for one, within those parameters will not seek to take up any additional time. We will resolve this matter in conference in the event there is a misunderstanding on one side or the other.

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

Mr. CÓRDOVA. I am happy to yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, as a member of the Interior Subcommittee on Insular Affairs, I well know the gentleman's necessity here and I concur in and support his amendment.

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

Mr. CÓRDOVA. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, this is exactly what we agreed upon as to the changes to go into the original bill.

Mr. CÓRDOVA. It is exactly the same with respect to review.

Mr. DENT. Mr. Chairman, I support the amendment.

The CHAIRMAN. The question is on the amendment offered by the Resident Commissioner of Puerto Rico (Mr. CÓRDOVA) to the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. ERLENBORN).

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

AMENDMENTS OFFERED BY MR. BURLISON OF MISSOURI TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ERLENBORN

Mr. BURLISON of Missouri. Mr. Chairman, I offer amendments to the substitute amendment.

The Clerk read as follows:

Amendments offered by Mr. BURLISON of Missouri to the amendment in the nature of a substitute offered by Mr. ERLENBORN: Page 3, strike out lines 2 through 5 and insert in lieu thereof the following: "not less than $1.30 an hour.".

Page 5, strike out line 10 and all that follows down through and including line 12 on page 8.

Page 10, line 17, strike out ", (3) (B),".

Page 10, beginning in line 22, strike out ", (3) (A),".

Page 11, beginning in line 8, strike out ", (3) (A),".

Page 11, line 13, strike out ", (3) (A),".

Page 12, line 18, strike out ", (3) (A),".

Page 13, line 9, strike out ", (b) (4),".

Page 16, line 9, strike out "or $1.30 an hour, whichever is the higher".

Mr. BURLISON of Missouri (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendments be dispensed with and that they be printed in the RECORD.

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

There was no objection.

Mr. BURLISON of Missouri. Mr. Chairman, I ask unanimous consent that the amendments which have been read be considered en bloc.

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

There was no objection.

Mr. BURLISON of Missouri. Mr. Chairman, I offer this amendment on behalf of the farmers of America. The farmer has made great strides forward in recent years, but his relative position has changed little financially. Our farmers, particularly on the small underdeveloped farms, are financially unable to pay higher wages for farm laborers. I, therefore, seek to amend this section of the bill with the result that farm workers' minimum wages will remain at current levels.

Mr. Chairman, in 1972 only one person in 21 lives on a farm. Twenty years ago this figure was one in seven. People today are eating more. They consume twice as much beef per person as they did 20 years earlier. The population has expanded at an explosive rate, and food needs must keep pace, at additional costs.

The per capita disposable income of the farm family is only three-fourths that of the nonfarm family. This income includes both the farmer's rate of return on his farm business and his hourly labor return. Many farm people must supplement their farm labors with off-the-farm income to meet even the three-fourths figure.

The debts incurred by a farmer to carry on his operations are five times as great as they were 20 years ago. The total debt of farmers has risen from $13.1 billion in 1965 to $65.5 billion in 1972.

Increasingly, the farmer's economic welfare is becoming more dependent on what happens in the nonfarm sector of the economy. Greater and greater amounts of nonfarm resources such a machinery, fuel, fertilizer, agricultural chemicals, and electricity are being used to maintain and improve efficient levels of production. The costs of these inputs have increased much faster than the prices the farmer has received, and it has only been through increases in efficiency that some farmers have been able to survive in order to continue to produce an abundant supply of food for this country.

Farm investment in land, buildings, livestock, and similar items has more than doubled in the same 20-year period, rising from $152 billion to $335 billion. Farmers have been burdened with huge increases in real property taxes to help meet the increased revenue needs of local governments. Taxes on land must be paid even when no profit is made, even in a bad year. The typical American farmer has an individual investment of more than $150,000, but shows a net cash return of less than $10,000 annually. Few other industries would remain in business today with that type of profit margin.

The farmer of the seventies pays wages for help that are 2.3 times higher than wages paid 20 years ago, and his machinery costs are nearly double what they were in 1951. His production costs have increased 5 to 7 percent per year resulting in almost double costs in 20 years. Overall, most prices that the farmer pays have risen nearly 50 percent in the past two decades.

Throughout this period farm income has remained below the national average. Today the farmer can only count on receiving 38 cents of each food dollar, compared to 49 cents, 20 years ago. If the 1951 figure is adjusted to correspond to today's dollar value, the difference is even greater.

This, Mr. Chairman, is the American farmer—a hard working, efficient producer, earning the same return on his investment and labor that he did 20 years ago, in spite of his significant improvements. With an income 20 years behind the times, and deflated by inflation, the farmer, who is working for one-fourth less than the workers in the rest of the economy, cannot afford to pay a higher minimum wage and stay in business. Mr. Chairman, the current rate of $1.30 per hour is the maximum that the farmer can pay under current circumstances. I, therefore, propose that the minimum wage for agricultural workers remain as presently stated in the law.

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

Mr. BURLISON of Missouri. I yield to my colleague, the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Missouri.

What the gentleman is saying is that if we increase the minimum wage at this time we are simply going to worsen the lot of the small farmers. I know we are all interested in maintaining at least the present economic status of our farmers. We certainly do not want to make their condition any the worse. But if the minimum wage is upped the plight of the farmer will be worse than it is at the present time.

I am glad that the gentleman has offered this amendment, and I intend to support his amendment.

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

Mr. BURLISON of Missouri. I yield to the gentleman from South Dakota.

Mr. ABOUREZK. Mr. Chairman, I would ask the gentleman does this amendment and the entire bill affect any farmers who gross under $250,000?

Mr. BURLISON of Missouri. Under the present law, as I understand it, coverage is limited to about the size farmer who employes seven employees full time. There is a more complicated way of computing this, but I think it is generally agreed that the present law applies

basically to all farmers who employ seven or more employees full time.

Mr. ABOUREZK. If the gentleman will yield further, how many farmers who gross under $250,000 a year are covered by this law?

Mr. BURLISON of Missouri. I cannot answer that.

Mr. ABOUREZK. Can someone on the committee answer that?

Mr. DENT. Mr. Chairman, if the gentleman will yield, the record shows only 1 percent of the farmers in the country to be covered by this minimum wage, so I do not think there can be too many.

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

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

Mr. BURLISON of Missouri. Mr. Chairman, the gentleman from Pennsylvania (Mr. DENT) has mentioned that only 1 percent of the farmers are covered under the law. I cannot vouch for that, but I can vouch for the fact that in my district a number of farmers fall within this category, and I can say that in the last few years, I have known small farmers, medium size farmers, and also farmers with seven or more full-time employees, going into bankruptcy, and with greater and greater rapidity, thereby resulting in larger and larger farms.

I think that the amendment is necessary to try to be of some help in stemming the tide of evacuation of our farming people from the farms into the cities.

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

Mr. BURLISON of Missouri. I yield to the gentleman from Kansas.

Mr. SEBELIUS. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Missouri, and to state that I intend to vote for his amendment, and I appreciate that the gentleman has brought up this amendment.

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

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

Mr. Chairman, if we enact this amendment, we are going to do much harm to the little farmer throughout the country.

From the standpoint of production, only about 1 percent of the farms are covered by the present law.

If we expect to keep the farm exemption in the future for the small farm and for the medium-size farmer, where this legislation is not applicable today, we had better not go too far to protect the conglomerate, corporate farmer. And that is the net effect of this amendment.

This amendment will do harm to the farm exemptions that have been so carefully worked out in the past. When you go too far in the defense of the huge corporate farms where they can afford to pay, you are endangering the exemption of the small- and middle-sized farmers of this country. And you are doing a grave injustice to the farmworkers as well.

I say to you in all fairness that this amendment should be voted down.

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

Mr. PERKINS. I yield to the gentleman.

Mr. QUIE. I thank the gentleman for yielding.

As the gentleman has indicated, it is important that young people have the opportunity to work on a farm at $1.30. But it is certainly no help to the small farmers of the country to knock down this increase of the minimum wage.

As I recall, the large employers did not come in and testify in opposition to the minimum wage before our committee. Therefore, I urge that the amendment be voted down.

Mr. PERKINS. The gentleman is exactly right. The amendment should be defeated.

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

Mr. Chairman, I would like to say that I represent the farm area, too. I think we should remember we are talking about the farmworker and we should be concerned about the farmworker. He lives in the same society. He lives in the same community and he pays the same prices for food, rent, and clothes, and he is already at the bottom of the economic totem pole.

One thing that is wrong with this total bill and the Erlenborn amendment, too, is the differential between the farmworker and the industrial worker. This is bad for the farmer, the big farmer and the little farmer and the farmworker. In our society the farm employee works just as hard, and maybe harder, than the industrial worker. His expenses are greater because he has to pay more rent, because he is a migrant and must move often at additional expense, and at best he enjoys only seasonal work. I think we should certainly vote down this amendment and we should approve an amendment to give the farmerworker the same minimum wages that the industrial worker enjoys.

Unless this unfair differential between farmworkers and industrial workers is amended out of this bill or the substitute bill, I shall vote against the bill on final passage. Somehow we must call attention to the plight of the farmworker.

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

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BURLISON of Missouri. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendments to the amendment in the nature of a substitute were rejected.

AMENDMENTS OFFERED BY MR. STEIGER OF WISCONSIN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ERLENBORN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer amendments to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendments offered by Mr. STEIGER of Wisconsin to the Amendment in the Nature of a Substitute offered by Mr. ERLENBORN:

Page 4, line 3, strike out "Section" and insert in lieu thereof "Effective on the date of the enactment of this Act, section".

Page 13, strike out lines 3 through 9 and insert in lieu thereof the following:

"(6) Notwithstnading any other provision of this subsection, the wage rate of any employee in Puerto Rico or the Virgin Islands which is subject to paragraph (2), (3), or (4) of this subsection shall, on and after the effective date of the applicable wage rate increase prescribed by paragraph (2)(A), (3)(A)(i), (3)(C)(i), or (4)(A)(i), be not less than 60 per centum of the wage rate that (but for this subsection) would be applicable to such employee under subsection (a) or (b) of this section."

Page 18, strike out lines 16 and 17 and insert in lieu thereof the following:

(d) Section 8 is amended (1) by striking out "the minimum wage prescribed in paragraph (1) of section 6(a)" in the first sentence of subsection (a) and inserting in lieu thereof "the minimum wage rate which would apply under subsection (a) or (b) of section 6 but for section 6(c)", (2) by striking out "the minimum wage rate prescribed in paragraph (1) of section 6(a)" in the last sentence of subsection (a) and inserting in lieu thereof "the otherwise applicable minimum wage rate in effect under subsection (a) or (b) of section 6", and (3) by striking out "prescribed in paragraph (1) of section 6(a)" in subsection (c) and inserting in lieu thereof "in effect under subsection (a) or (b) of section 6 (as the case may be)".

Page 19, line 3, strike out "The effective date" and insert in lieu thereof "Except as provided in section 104(a), the effective date".

Mr. STEIGER of Wisconsin (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendments be dispensed with, that they be printed in the RECORD, and that the amendments be considered en bloc.

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

There was no objection.

Mr. STEIGER of Wisconsin. Mr. Chairman, these small, technical, and clarifying amendments are necessary because of some problems that arose in the Erlenborn substitute. I would be delighted to yield to the gentleman from Illinois for purposes of description.

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Chairman, these are four amendments that are necessary because of draftsmen's errors relative to the Puerto Rican section of title I of the bill. These are errors that were contained in the committee bill, and since we took the language from the committee bill, they were repeated in the substitute. They were called to our attention by the legislative counsel. They are not substantive, and I would hope that they would be adopted. They are technical and clarifying amendments.

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

The amendments to the amendment in the nature of a substitute were agreed to.

Mrs. GREEN of Oregon. Mr. Chairman, I rise to direct two questions to the

chairman of the subcommittee handling the bill.

The CHAIRMAN. The gentlewoman from Oregon is recognized.

Mrs. GREEN of Oregon. In recent weeks I have received many letters in regard to the effects of this bill on young people, high school and elementary school students, who are working in seasonal harvest work, picking beans, strawberries, et cetera. Is it not true that the committee bill which comes to the House floor today does not change the exemption which has always been under the Minimum Wage Act so that youngsters who are engaged in seasonal harvesting are exempt from the coverage of the act?

Mr. DENT. That is correct. We make no changes in the provisions relating to agricultural exemptions.

Mrs. GREEN of Oregon. That is the second question. There seems to be a misunderstanding in regard to the provision that if students work more than 20 hours a week, then they must come under the provisions of the Minimum Wage Act. Am I not correct that young people who are working in seasonal harvest, even though they work more than 20 hours, do not have their conditions of employment changed at all; they are still entirely exempt from the provisions of the minimum wage bill?

Mr. DENT. That is correct.

Mrs. GREEN of Oregon. I thank the gentleman.

AMENDMENT OFFERED BY MR. RANDALL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ERLENBORN

Mr. RANDALL. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. RANDALL to the amendment in the nature of a Substitute offered by Mr. ERLENBORN:

TRANSIT EMPLOYEES

SEC. 204. (a) Paragraph (7) of section 13 (b) (29 U.S.C. 213(b)) is amended by inserting immediately before the semicolon the following: "and if such employee receives compensation for employment in excess of forty-eight hours in any workweek at a rate not less than one and one-half times the regular rate at which he is employed".

(b) Effective January 1, 1973, such paragraph is amended by striking out "forty-eight hours" and inserting in lieu thereof "forty-four hours".

(c) Effective January 1, 1974, such paragraph is repealed.

(d) Section 7 (29 U.S.C. 207) is amended by adding at the end thereof the following new subsection:

"(k) In the case of an employee of an employer engaged in the business of operating a street, suburban, or interurban electric railway, or local trolley or motorbus carrier, whose rates and services are subject to regulation by a State or local agency, in determining the hours of employment of such an employee to which the rate prescribed by subsection (a) applies there shall be excluded the hours such employee was employed in charter activities by such employer if (1) the employee's employment in such activities was pursuant to an agreement or understanding with his employer arrived at before engaging in such employment, and (2) if employment in such activities is not part of such employee's regular employment."

Mr. RANDALL (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.

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

There was no objection.

Mr. RANDALL. Mr. Chairman, each of the last two or three speakers indicated their amendments were simple. May I say I think mine is really easy to understand. It is taken from the language of the Dent bill and is simply put in at the appropriate place in the Erlenborn substitute.

I have recently become concerned about a rather small group of transit workers, who have been neglected or overlooked. They are not asking for very much. They are making more than the minimum wage. Many if not most of them do not have problems with their overtime. Of 70,000 transit workers, it is estimated 50,000 or maybe 60,000 have contracts which provide for overtime. The balance of the transit workers who are not covered by a contract want the exemption in the 1966 bill that they receive overtime only over the 48 hours, that is, 6 days, amended so they receive overtime after or over 44 hours. They are not even asking that regular time be limited to the ordinary 8-hour, 5-day week until a year or two later.

We are talking about the streetcar workers, if there are any left in America, and about the electric lines running to the suburbs, and the interurban lines, and we are talking most of all about the motorbus operators.

The first point I would like to emphasize is that this amendment would affect around 20,000, but not to exceed 30,000 nationwide. Most are of course located in our metropolitan areas. In the metropolitan Kansas City area there are about 450.

I have noted in the report of the additional views of the gentleman, from Wisconsin (Mr. STEIGER), so if he will withhold asking me to yield for a minute, I will continue on to say that the transit industry experiences unusual circumstances because of rush hours, and because of weather conditions. It is charged that paying overtime could result in some increased operating costs. Perhaps there would be some additional costs.

But all of the Members can recall this body last year passed what we called the "Urban Mass Transit Act" authorizing assistance in the amount of $3.1 billion. I am sure that none of us can ever afford to sit by and see all of our transit systems for all of our metropolitan areas terminate operations. It just cannot be. We have to think of our young people in some instances going to school, and certainly our handicapped, and most important of all our aged who would otherwise have no way to get into and out of the cities to visit their doctors and do their necessary shopping. We have no choice but to face up to this problem of maintaining a transit system. In Missouri a multimillion-dollar bond issue will be on the ballot in November to provide funds for St. Louis and Kansas City.

Mr. Chairman, the purpose of my amendment is to provide some encouragement to these hard-pressed transit workers—to tell them to hold on for a while longer. Why is this important? The answer is that these operators are not just like a truck driver. They are really and truly professionals. I think all of us would agree that these drivers have the patience of job and the skill of racing car drivers. They will constitute a sort of cadre who will be around after the newcomers arrive, meaning at the time when there is a revival or rebuilding of our mass transit systems. We hope these present workers will serve as sort of senior counselors to the new workers of the future as the Federal and State and local assistance or subsidy programs become operative.

We are not talking about many persons or much money. We are not talking even about overtime over 40 hours right now. We are only talking about limiting regular time to 44 hours for the first year.

Mr. STEIGER of Wisconsin. Will the gentleman yield?

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

Mr. STEIGER of Wisconsin. Mr. Chairman, this is what I want to ask the gentleman. I have a copy of what the gentleman has offered. The gentleman does not in the subsection take it from 48 to 44. May I suggest to the gentleman from Missouri, as of January 1, 1974, the amendment says such paragraph is repealed. It is the paragraph that grants the overtime exemption. So in effect the gentleman is going to end up with repealing the overtime exemption.

Mr. RANDALL. No, no.

Mr. STEIGER of Wisconsin. But the gentleman eliminates the overtime exemption, even the 44 hours.

Mr. RANDALL. That was certainly not the intention of the amendment. I have followed exactly the wording of H.R. 7130, the so-called Dent bill.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in opposition to the amendment.

Mr. STEIGER of Wisconsin. Mr. Chairman, I would refer the members of the committee to the additional views that are presented to the House on a bipartisan basis, including Mr. QUIE, Mr. ERLENBORN, Mr. ESCH, Mr. ESHLEMAN, myself, Mr. LANDGREBE, Mr. FORSYTHE, Mr. KEMP, and Mr. BIAGGI of New York, in opposition to the language found in the Dent bill.

I do recognize that the gentleman from Missouri apparently did not intend to present the same language as the Dent bill, which completely eliminates the present law insofar as the transit employees are concerned.

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

Mr. STEIGER of Wisconsin. Of course I yield to the gentleman from Missouri.

Mr. RANDALL. I have just discussed this with the manager of the bill. I believe the intent is very clear. It is to change the 1966 law. It simply would provide that they do be paid overtime for over 44 hours. It is that simple.

Mr. STEIGER of Wisconsin. Except I say to the gentleman from Missouri, it would effectively repeal paragraph 7, section 13(b) of the Fair Labor Standards Act. It would not simply take it from 48 to 44 hours, but would in fact, completely repeal the exemption on January 1, 1974. That is the reason why the additional views are in here.

In addition, yesterday in the RECORD, at page 16620, I put in a newsstory, admittedly parochial since it relates to Wisconsin, but the headline on that news story is, "Most State Bus Systems Were in Red for Year 1971."

Sheboygan, Fond du Lac, Oshkosh, Manitowoc, and all across the State of Wisconsin, bus companies at the present time are receiving subsidies, from $2,400 in Watertown up to $40,000 in Eau Claire.

There is a debate in my city of Oshkosh as to whether or not to increase the bus company from the $12,000 the city is giving.

If we did take the subsidy away and began to drive up rates at the same time we would take away from the number of passengers and effectively kill transportation on either public or private mass transportation systems for people across this country.

I think that is wrong. I would urge that the amendment not be agreed to, and then we can get on about the business of debating the substitute amendment.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from California.

Mr. BURTON. Is the gentleman suggesting that employees of bus companies should subsidize the operation?

Mr. STEIGER of Wisconsin. He is not; no.

Mr. BURTON. Why should not the employees of the transit systems be given the same protection as the FLSA overtime provisions apply to other workers.

Mr. STEIGER of Wisconsin. It is my time. If the gentleman wants to go ahead and make a speech he can make a speech on his own time.

The CHAIRMAN. The gentleman from Wisconsin has the floor.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield back the remainder of my time.

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

I believe I ought to clarify this amendment. I believe I know what the gentleman from Missouri wants to do.

The gentleman said on the floor what he was doing was taking the language from our bill, which reduces the hours from 48 under the exemption to 44. That is exactly what he is doing.

Apparently there is some confusion in the minds of some persons, because he also takes from our bill that particular paragraph (c) "effective January 1, 1974," at which time that paragraph is repealed, and then it goes down to the regular 40 hours in 1974. So we understand.

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

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

Mr. STEIGER of Wisconsin. Of course, that is correct. The question is whether or not that is the intent of the gentleman from Missouri.

Mr. DENT. That is why I took the floor, to try to clarify it.

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

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

Mr. RANDALL. The gentleman from Missouri has tried to make it very plain. "Effective January 1, 1973, such paragraph"—and that refers back to the 1966 law. I am striking out the 48 hours and inserting in lieu thereof 44 hours. Perhaps the confusion is over the dates.

Mr. DENT. We understand it, and I believe he understands it as he so sees it.

I might say to the gentleman from Wisconsin, my heart bleeds for him about his community busline. I have not operated one for quite a number of years, but I know the problem.

It is funny how we can fly to the defense of a situation that is purely local, when it comes home and strikes us, for then we know the truth about it.

What I said to this group yesterday, and on many days for 10 years or more, is that every one of my steel companies is operating in the red, just like that little bus company. That is why I have title III here. But no one bleeds for those persons, does he?

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

Mr. DENT. I am happy to yield to the gentleman from Ohio.

Mr. ASHBROOK. If the gentleman would only reiterate something he implied, but we did not get the answer to, it might help. The gentleman from Missouri (Mr. RANDALL) indicates the exemption in his amendment would not reduce coverage from 44 to 40 hours on January 1, 1974.

The gentleman from Wisconsin and the gentleman from Pennsylvania, if I understand you correctly, state that as of January 1, 1974, the exemption would, in effect, be removed and transit workers would enjoy the same 40-hour overtime coverage as all other workers.

Would the gentleman in categorical language state what the situation is?

I am sure many Members having listened to the gentleman from Missouri and the gentleman from Wisconsin are not sure what the case will be on January 1, 1974.

Mr. DENT. I will be happy to.

Mr. ASHBROOK. The gentleman from Pennsylvania is the expert in the field. Would he please explain it?

Mr. DENT. I will be happy to state it.

The statement made by the gentleman from Missouri is correct in that part where it says effective January 1, 1973, strike out 48 and insert 44; but then in the next line where it says effective January 1, 1974, that paragraph is repealed, which gives us the 40-hour week.

That is what he wants to do.

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

The question was taken: and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. RANDALL. Mr. Chairman, I demand tellers.

Tellers were ordered.

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

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. RANDALL, STEIGER of Wisconsin, BADILLO, and ERLENBORN.

The Committee divided, and the tellers reported that there were—ayes 186, noes 208, not voting 38, as follows:

[Roll No. 146]

[Recorded Teller Vote]

AYES—186

Abourezk	Fraser	O'Konski
Abzug	Fulton	O'Neill
Adams	Garmatz	Patman
Addabbo	Gonzalez	Patten
Albert	Grasso	Perkins
Alexander	Gray	Pepper
Anderson, Calif.	Green, Pa.	Pickle
	Griffiths	Pike
Anderson, Tenn.	Gude	Podell
	Halpern	Price, Ill.
Annunzio	Hamilton	Pryor, Ark.
Ashley	Hanley	Pucinski
Aspin	Hanna	Railsback
Badillo	Hansen, Wash.	Randall
Barrett	Harrington	Rangel
Begich	Hathaway	Rees
Bell	Hawkins	Reid
Bennett	Hechler, W. Va.	Reuss
Bergland	Heckler, Mass.	Riegle
Bevill	Heinz	Rodino
Biaggi	Helstoski	Roe
Bingham	Hicks, Mass.	Roncalio
Blanton	Hicks, Wash.	Rooney, N.Y.
Blatnik	Hillis	Rooney, Pa.
Boggs	Holifield	Rosenthal
Boland	Horton	Rostenkowski
Brademas	Howard	Roush
Brasco	Hungate	Roy
Broyhill, N.C.	Ichord	Roybal
Burke, Mass.	Jacobs	Runnels
Burlison, Mo.	Johnson, Calif.	Ryan
Burton	Karth	St Germain
Byrne, Pa.	Kastenmeier	Sarbanes
Carney	Kazen	Saylor
Celler	Kee	Scheuer
Clay	Kluczynski	Schwengel
Collins, Ill.	Koch	Seiberling
Conyers	Kyros	Sisk
Corman	Leggett	Skubitz
Cotter	Lent	Smith, Iowa
Culver	Link	Staggers
Daniels, N.J.	Long, Md.	Stanton, James V.
Danielson	McClure	
Delaney	McCormack	Steed
Dellums	McFall	Stokes
Denholm	McKay	Stratton
Dent	Madden	Sullivan
Diggs	Mailliard	Symington
Dingell	Matsunaga	Thone
Donohue	Meeds	Udall
Dow	Melcher	Ullman
Drinan	Mikva	Van Deerlin
Dulski	Minish	Vanik
Eckhardt	Mink	Vigorito
Edwards, Calif.	Mitchell	Waldie
Eilberg	Monagan	Whalen
Evans, Colo.	Moorhead	Wolff
Evins, Tenn.	Morgan	Wright
Fascell	Moss	Wyatt
Fish	Murphy, Ill.	Yates
Flood	Murphy, N.Y.	Yatron
Foley	Nedzi	Zablocki
Ford, William D.	Obey	
	O'Hara	

NOES—208

Abbitt	Baring	Broyhill, Va.
Abernethy	Belcher	Buchanan
Anderson, Ill.	Betts	Burke, Fla.
Andrews, Ala.	Biester	Burleson, Tex.
Andrews, N. Dak.	Blackburn	Byrnes, Wis.
	Bray	Byron
Archer	Brinkley	Cabell
Arends	Broomfield	Caffery
Ashbrook	Brotzman	Camp
Aspinall	Brown, Mich.	Carlson
Baker	Brown, Ohio	Carter

Casey, Tex.	Harvey	Price, Tex.
Cederberg	Hastings	Purcell
Chamberlain	Henderson	Quie
Chappell	Hogan	Quillen
Clancy	Hosmer	Rarick
Clausen, Don H.	Hunt	Rhodes
Clawson, Del	Hutchinson	Roberts
Cleveland	Jarman	Robinson, Va.
Collier	Johnson, Pa.	Robison, N.Y.
Collins, Tex.	Jonas	Rogers
Colmer	Jones, Ala.	Rousselot
Conte	Jones, N.C.	Ruppe
Coughlin	Jones, Tenn.	Ruth
Crane	Keating	Sandman
Curlin	Kemp	Satterfield
Daniel, Va.	King	Scherle
Davis, Ga.	Kyl	Schmitz
Davis, S.C.	Landgrebe	Schneebeli
Davis, Wis.	Latta	Scott
de la Garza	Lennon	Sebelius
Dellenback	Lloyd	Shoup
Dennis	Long, La.	Shriver
Derwinski	Lujan	Sikes
Devine	McClory	Slack
Dickinson	McCloskey	Smith, Calif.
Dorn	McCollister	Smith, N.Y.
Downing	McDade	Snyder
Duncan	McDonald, Mich.	Springer
du Pont	McEwen	Stanton, J. William
Edwards, Ala.	McKevitt	Steele
Erlenborn	McKinney	Steiger, Ariz.
Esch	McMillan	Steiger, Wis.
Findley	Mahon	Stephens
Fisher	Mallary	Stuckey
Flynt	Mann	Talcott
Ford, Gerald R.	Martin	Taylor
Forsythe	Mathias, Calif.	Teague, Calif.
Fountain	Mathis, Ga.	Teague, Tex.
Frelinghuysen	Mayne	Thomson, Wis.
Frenzel	Mazzoli	Vander Jagt
Frey	Michel	Waggonner
Fuqua	Miller, Ohio	Wampler
Gaydos	Mills, Md.	Ware
Gettys	Minshall	Whalley
Giaimo	Mizell	White
Gibbons	Mollohan	Whitehurst
Goldwater	Montgomery	Whitten
Goodling	Mosher	Widnall
Green, Oreg.	Myers	Wiggins
Griffin	Natcher	Williams
Gross	Nelsen	Wilson, Bob
Grover	Nichols	Winn
Gubser	Nix	Wydler
Haley	Pelly	Wylie
Hall	Pettis	Wyman
Hammer-schmidt	Pirnie	Young, Fla.
Hansen, Idaho	Poage	Young, Tex.
Harsha	Poff	Zion
	Powell	Zwach

NOT VOTING—38

Bolling	Hagan	Peyser
Bow	Hays	Preyer, N.C.
Brooks	Hébert	Shipley
Carey, N.Y.	Hull	Spence
Chisholm	Keith	Stubblefield
Clark	Kuykendall	Terry
Conable	Landrum	Thompson, Ga.
Dowdy	McCulloch	Thompson, N.J.
Dwyer	Macdonald, Mass.	Tiernan
Edmondson	Metcalfe	Veysey
Eshleman	Miller, Calif.	Wilson, Charles H.
Flowers	Mills, Ark.	
Galifianakis	Passman	
Gallagher		

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

AMENDMENT OFFERED BY MR. WILLIAM D. FORD TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ERLENBORN

Mr. WILLIAM D. FORD. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAM D. FORD to the amendment in the nature of a substitute offered by Mr. ERLENBORN: On page 15, strike line 6 and all that follows to and including line 15 on page 16.

And redesignate subsequent titles and sections accordingly.

Mr. WILLIAM D. FORD. Mr. Chairman, the amendment I have offered would strike from the Erlenborn substitute the provisions of title III that he has so very generously provided to protect the young people of this country.

Perhaps the most regressive and onerous provision of the Erlenborn substitute is the creation of a subminimum wage rate for employees under 18 years of age. Using the guise of promoting youth opportunity by the lure to the employer of a subminimum wage rate, the Erlenborn substitute thereby effectively and efficiently emasculates the meaning of a minimum wage as a wage below which no worker should be forced to work. The provision also very neatly denies employment and employment opportunity to older workers.

If you will look at the minority report, and at this particular section of the bill, you will find they are drenched with crocodile tears shed by the sponsors of the substitute who say they bleed for the unemployed youth of this country. I call them crocodile tears, though there is some suspicion because crocodile tears should be salty, but these seem to be a bit more like sulfur water if one judges by their smell. You know that the sulfur water does something to your sense of smell that causes you to take notice that there is something not fresh and pure in the wind.

The sponsors justify this provision in the Erlenborn amendment on the grounds that it is to protect the young people and to give them job opportunities.

It is interesting to note that every group concerned with young people and the special problems of young people and their job opportunities has consistently opposed the broadening of the exemption from the minimum wage law for people simply because of their age. While they will tell you that this provision, while it has been in the law, has been helpful in fighting the battle of the overabundant and the overoppressive portion of unemployment borne by people under the age of 21 and particularly under the age of 18—the facts are that no one can show any correlation between this unemployment and the minimum wage.

The effect of my amendment would be to continue the requirement that says that if an employer wants to take advantage of the provision in the law that allows him to hire a young person at a wage below the minimum wage, he must apply to the Department of Labor and have the Labor Department certify that they have examined the job and examined the circumstances surrounding it and have determined that the purpose of hiring that young person is not to displace another employee by someone who would be hired legally under this exemption at a lower wage than the minimum wage.

What the Erlenborn amendment would seek to do is remove the requirements for that certification even though he has some fancy language in the substitute saying that the Labor Department ought to do something to satisfy itself that an employer is not, in fact, trying to hire cheap labor by displacing adults and replacing them with young people covered by the minimum exemption. The alleged protection that they hold out to the young people who would be involved in this section is not any protection at all. It is hollow language. There is no way to enforce it.

In fact, if the Secretary of Labor attempted to enforce the Erlenborn amendment with the fancy language he has in it, if he made the mistake of thinking they really meant the language as protection for the young people and tried to enforce it, he would have to impose the most stringent kind of form requirements, and redtape that you could possibly imagine.

If any of you, as some of us have, had employers complain of the redtape involved in hiring people at substandard wages, I can only suggest to you that the Erlenborn amendment opens the door for every anxious Secretary of Labor to wrap red tape around an employer without limit.

It is interestmg to note that the representative groups of those the Erlenborn substitute seeks to assist—namely, youth and student groups—vigorously oppose this provision and support instead the committee bill. Both the White House Conference on Youth and the National Student Association are outspokenly on record against such a proposal. Is it any wonder? Which group or category of American workers would enjoy being singled out for special, subminimum economic treatment in the name of increasing employment opportunity? That notion is not only offensive, but illusory.

There is no evidence whatsoever to support the contention of the Erlenborn substitute that a youth subminimum wage will encourage employment opportunity for that group. In actual fact, a 1970 Department of Labor survey, "Youth Unemployment and Minimum Wages," found no relationship between youth employment or unemployment and the minimum wage. Rather, it was found that the most important factors explaining changes in teenage employment and unemployment have been general business conditions as measured by the adult unemployment rate.

The advocates of this provision of the Erlenborn substitute offer youth unemployment statistics to point out the dimension of the problem—never offering, however, any meaningful evidence of a relationship between such unemployment statistics and theminimum wage rate. In minority views in the committee report, they say:

The unadjusted jobless rate for teenagers has climbed to almost 20 percent.

For black teenagers in inner city poverty areas, however, the unemployment rate rose from 34 percent in the first quarter of 1971 to 39 percent in the second.

The 1971 unemployment rate for black males aged 20 to 24 was 16.2 percent, and for black females in that age group, 17.3 percent. The fact that the rate of unemployment for white high school dropouts was lower than that for nonwhite high school graduates is even more striking.

If a special youth minimum wage is to be justified on this basis, and using this twisted logic, why not then also have

a black minimum wage rate; or even more precisely, a black female youth inner city minimum wage? Why not a Puerto Rican-American minimum wage rate? Those unemployment figures are equally staggering! Or a Chicano minimum wage?

Taking this argument even farther, why not a special minimum wage rate for those in the 45- to 64-year-old bracket? The April 1972 unemployment rate for them was 16.2 percent; and maybe their differential should be even lower since they stay unemployed longer and have a more difficult time gaining new employment.

Or maybe the best approach of all is to realize that the concept of the youth minimum outlined in the Erlenborn substitute is ludicrous on its face. The problem is unemployment in general. Beyond that, the problem is unequal employment opportunity for racial minorities, women, and workers at both ends of the working-life ladder. And the solution is employment opportunity across-the-board; not a bold continuation of the isolation and discrimination against a selective group of American workers.

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

The CHAIRMAN. The gentleman from California is recognized.

Mr. BURTON. Mr. Chairman, I have a question I would like to pose to our colleague from Michigan. As I understand, the various student bodies throughout the country, who have demonstrated such a praiseworthy and effective concern and interest in political affairs in the last 3 or 4 months, have an organization called the National Students Association. I would appreciate it if the gentleman from Michigan (Mr. WILLIAM D. FORD) could enlighten me and my colleagues as to the view of the National Student Association on the Erlenborn subminimum wage proposal for college students.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

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

Mr. WILLIAM D. FORD. I thank the gentleman for yielding and for the question. As a matter of fact, the National Students Association has discussed this matter at great length. They have discussed the specific proposal contained in the Erlenborn substitute, and they were unanimously opposed to this kind of protection being given to them. I might also say that the White House Conference on Youth adopted a similar stand with respect to this type of phony protection for young workers.

Mr. BURTON. I yield back the balance of my time.

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

Mr. Chairman, I am a cosponsor of the Erlenborn substitute, in my opinion the youth provision is one of the most important contained in the substitute.

This provision provides that students and young people may have an opportunity to work if they so desire. Under the present bill and the effect of the amendment offered by the gentleman from Michigan, it would revert back to the present law, which has been completely unworkable. The redtape required to be gone through in order to hire students if they so desire to be hired is so cumbersome and involves so much bureaucracy that most businessmen will not resort to it. They avoid its overburdening requirements.

This would simplify the requirement so that many students and many young people, particularly college students can be helped. When I went to college, I had to work and I have not regretted that. Many young people today must work in order to obtain their education.

This provision permits employers to hire at 80 percent of the minimum wage in that category, and they can work in agriculture or in hamburger stands or in fried chicken stands or grocery stores or other places where they want to work.

Furthermore, it will not replace permanent jobs. These are temporary jobs. In cases of rising wages and price-profit squeezes these are the first people who will be eliminated. They are easily eliminated. But principally it provides jobs in the summertime and at other times for the young people who can be employed.

Particularly in the District of Columbia this year, there is a big campaign to employ youth during the summer months so there will not be idleness and so they will not be involved in drugs or other crimes if they have idle time. Keeping them busy, I think, is very important in our effort to eliminate and reduce juvenile delinquency. This provision will help do that, particularly in the college towns.

I have a large number of college students in my district. I have talked to those students. I do not know what organizations they belong to. Our students have to work to make ends meet. This provides an opportunity for them to work and to be employed in a simplified manner. It enables them to find employment.

Mr. Chairman, I urge the committee to vote down the amendment.

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

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

Mr. STEIGER of Wisconsin. Mr. Chairman, I was interested in the commentary of the gentleman from Michigan (Mr. FORD) that the National Student Association approved this change. Is it not true that the Office Education Association representing 37,000 secondary and postsecondary students who are involved in skill training have endorsed the provision and the future business leaders of America who are being trained in business skills and opportunities have also endorsed the student differential?

May I say to the House those two organizations are far more reflective among the young people who are concerned about job opportunities than is the National Student Association. I urge rejection of the Ford amendment.

Mr. FUQUA. All I can say is I suggest the Members ask the young people how they feel about this so they can work in order to further their education.

Mr. Chairman, I urge defeat of the amendment.

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

Mr. Chairman, I urge the Members to vote against this amendment, because as the previous speaker, the gentleman from Florida (Mr. FUQUA) indicated, there is probably no more important part of this substitute than the youth differential. We know what is happening today with the young people not knowing what to do and roaming the streets and getting into all kinds of problems with drugs and tearing up the place. One reason is they are not able to get jobs.

There is another thing. When we raise the job rate minimum to $2 an hour, the young people who have had jobs at $1.60 may not be able to get the jobs at $2 an hour. We also know that after the $2 rate has been in effect for a while, the employers will open up other opportunities for the young people if we have the youth differential at 80 percent. That also will apply to the agricultural areas.

Mr. Chairman, I ask that the Members vote down this amendment and keep this youth differential in the bill.

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

Mr. QUIE. I yield to the gentleman from Minnesota.

Mr. ZWACH. Mr. Chairman, we have many fine vocational and technical schools in our State. We have 32 of them. I have a letter from the State president of the organization which represents the vocational schools, and this is what they say. This is from the Minnesota Area Vocational School Directors:

> Please give your support to the youth provisions of the Erlenborn substitute. We have a large number of students out for occupation experience as part of their regular training program. The provisions of the Dent Bill, which makes no exclusion of youth in training, would make placement of our trainees virtually impossible. I am not sure if the Erlenborn Bill also exempts students (in on-the-job training). It could obligate the employer for unemployment insurance coverage. These two provisions, the unemployment insurance and minimum wage, are important if we are to conduct industrial training programs using industry as a laboratory.
>
> As President of the Minnesota Area Vocational Technical Institute Directors, I wish to urge your support of the Erlenborn substitute in order that more jobs and job training opportunities would be available to the Youth Work Force of America.

I would appreciate having the gentleman's comment on this letter from the president of the State association.

Mr. QUIE. I believe the people working in the area vocational and technical schools realize well what it means for entry level jobs and the necessity for those who are learning that kind of skill. Imagine what the situation is for the unskilled youth, the one who is 16 or 17 years of age especially, who has not found any opportunity for work experience or learning a skill. Can he secure a job at $2 an hour? Not a chance. We need that youth differential so that these young people can start fulfilling some responsibility toward the community, doing something worthwhile for their own dignity. We can do it with a youth differential.

I urge the Members to vote down the amendment.

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

I should like to clear up something. I do not know whether the gentleman who said it understood this. He said we have no provisions for certain types of students and so forth in the act.

The act covers every single case that the gentleman mentioned. Whether Members vote one way or the other on this amendment is not the question before us. The question is, do we or do we not do what the gentleman says we do not do.

Let us take section 14. I will read the first paragraph, so that Members will understand:

> 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.

Then let us go to something else that is not done in the Erlenborn substitute, which is very necessary at the present time. It was not done before, because it was an oversight on our part. We did not understand that there was such a thing as labor employed in education as a part of the educational study purpose.

So we have section 208, which provides that a student work while he is going to school, which shall not be considered as coverage under the minimum wage law.

There are the 7th-Day Adventists. A part of their training is in employment. It is work. So we exempt that from coverage. It has been covered up to now, but inadvertently. We did not intend to cover it.

The persons the gentleman is interested in, believe me, are protected under the law. They all have the opportunity under the present law, as in the school the gentleman mentioned awhile ago. There is no restriction. There is no exemption taken away from the field the gentleman is interested in.

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

Mr. DENT. I am happy to yield to the gentleman from Maryland.

Mr. LONG of Maryland. It has been my impression that the Department of Labor has actually made very few exceptions. Am I incorrect in that impression?

Mr. DENT. No. We have many different interpretations of their activity. They have authority to issue special certificates and do.

Mr. LONG of Maryland. That is the theory, but I wondered whether very many exceptions had been made in practice. I had the impression there were not many.

Mr. DENT. I can only speak for my district. We have had adequate exceptions. Some of them have gotten to 100 percent parity of earnings within 2 years after joining the program.

Mr. MAZZOLI. Will the gentleman yield?

Mr. DENT. I will be happy to.

Mr. MAZZOLI. Perhaps you can clarify this for me. Are you for or against the pending amendment, or has that been made clear?

Mr. DENT. I have not paid any attention to it, because it is my own specific purpose at this time to expedite the work on this floor. We know exactly where each one of us stands, so let us get to it and get to the conference and come back with a decent piece of legislation.

Mr. MAZZOLI. Will the gentleman yield for one further comment?

Mr. DENT. Yes.

Mr. MAZZOLI. That is, if I understand the law correctly, reading from page 85 of the committee report, if the gentleman from Michigan's amendment is agreed to, we will then revert back to the present law, possibly, which means all student employment is paid for at the 1961 rates. The student hours permitted are related to adult hours at the 1961 rates. Is that correct?

Mr. DENT. That is right. I personally would not support it, because of the fact that I told this House what was in my bill where we thought we had what was a reasonable approach to make it easier for us to get jobs and still living within the prescriptions of the intention of the act where you do not take a full-time adult off a job to give it to a youth at a lower rate.

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

Mr. Chairman, the gentleman from Kentucky suggested that if the Ford amendment were agreed to, we could go back to the 1961 situation. That is not correct. If the Ford amendment is agreed to, a boy who is doing a man's work will get a man's pay.

The gentleman from Florida came down here and said that when he went to college he had to work. Well, I had to work, too. I worked in the factories of Detroit when I was 16 and 17 years old. I did a man's work and I got a man's pay. Not a subminimum pay. Not less than the minimum wage as the Erlenborn substitute would have given me, but the same pay as anyone else for doing the same job.

That is all that the Ford amendment asks for. I think it is an eminently reasonable amendment.

It has been suggested here that unemployment among youth is due to the minimum wage law. The Department of Labor under the Republicans the year before last made a study of that question and could find no relationship between the minimum wage and youth employment. They found instead that youth unemployment went up when the general level of unemployment went up. Youth unemployment will come back down when we get the economy working at full speed.

Mr. Chairman, I hope that we can have a record teller vote on this question. The youth organizations of this country ought to be able to distribute a checklist that young voters can take with them when they go to the polls this fall to determine who thinks that a man's work is worth a man's pay and who does not.

Mr. ERLENBORN. Will the gentleman yield?

Mr. O'HARA. I yield back the balance of my time.

Mr. GUDE. Mr. Chairman, during the vote on the youth differential amendment I was unavoidably detained in a meeting with constituents from my district. If present I would have voted in support of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. WILLIAM D. FORD) to the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. ERLENBORN).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. O'HARA. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. O'HARA. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. WILLIAM D. FORD, QUIE, O'HARA, and STEIGER of Wisconsin.

The Committee divided, and the tellers reported that there were—ayes 170, noes 228, not voting 34, as follows:

[Roll No. 147]

[Recorded Teller Vote]

AYES—170

Abourezk	Fraser	Nedzi
Abzug	Fulton	Nix
Adams	Garmatz	Obey
Addabbo	Giaimo	O'Hara
Albert	Gonzalez	O'Konski
Anderson, Calif.	Grasso	O'Neill
	Gray	Patten
Anderson, Tenn.	Green, Pa.	Pepper
	Griffiths	Peyser
Annunzio	Halpern	Pickle
Ashley	Hansen, Wash.	Podell
Badillo	Harrington	Price, Ill.
Barrett	Hathaway	Pryor, Ark.
Begich	Hawkins	Pucinski
Bergland	Hechler, W. Va.	Railsback
Bevill	Heckler, Mass.	Randall
Biaggi	Heinz	Rangel
Biester	Helstoski	Rees
Bingham	Hicks, Mass.	Reid
Blanton	Hicks, Wash.	Reuss
Blatnik	Hillis	Riegle
Boggs	Holifield	Rodino
Boland	Horton	Roe
Brademas	Howard	Roncalio
Brasco	Hungate	Rooney, N.Y.
Burke, Mass.	Jacobs	Rooney, Pa.
Burlison, Mo.	Johnson, Calif.	Rosenthal
Burton	Jones, Ala.	Rostenkowski
Byrne, Pa.	Karth	Roybal
Carey, N.Y.	Kastenmeier	Ruppe
Carney	Kee	Ryan
Celler	Kluczynski	St Germain
Clay	Koch	Sarbanes
Collins, Ill.	Kyros	Scheuer
Conte	Leggett	Seiberling
Conyers	Link	Sisk
Corman	Long, La.	Smith, Iowa
Cotter	McCloskey	Staggers
Culver	McDade	Stanton, James V.
Daniels, N.J.	McDonald, Mich.	
Danielson		Steele
Delaney	McFall	Stokes
Dellums	McKay	Sullivan
Denholm	McKinney	Thompson, N.J.
Dent	Madden	Ullman
Diggs	Matsunaga	Van Deerlin
Dingell	Meeds	Vanik
Donohue	Melcher	Vigorito
Dow	Mikva	Waldie
Drinan	Minish	Whalen
Dulski	Mink	Whitten
Eckhardt	Mitchell	Wilson, Charles H.
Edwards, Calif.	Mollohan	
Eilberg	Monagan	Wolff
Evans, Colo.	Moorhead	Wyatt
Fascell	Morgan	Yates
Flood	Moss	Yatron
Ford, William D.	Murphy, Ill.	Zablocki
	Murphy, N.Y.	

NOES—228

Abbitt	Fountain	Pettis
Abernethy	Frelinghuysen	Pike
Alexander	Frenzel	Pirnie
Anderson, Ill.	Frey	Poage
Andrews, Ala.	Fuqua	Poff
Andrews, N. Dak.	Gaydos	Powell
	Gettys	Price, Tex.
Archer	Gibbons	Purcell
Arends	Goldwater	Quie
Ashbrook	Goodling	Quillen
Aspin	Griffin	Rarick
Aspinall	Gross	Rhodes
Baker	Grover	Roberts
Baring	Gubser	Robinson, Va.
Belcher	Hagan	Robison, N.Y.
Bell	Haley	Rogers
Bennett	Hall	Roush
Betts	Hamilton	Rousselot
Blackburn	Hammer-schmidt	Roy
Bow		Runnels
Bray	Hanley	Ruth
Brinkley	Hanna	Sandman
Broomfield	Hansen, Idaho	Satterfield
Brotzman	Harsha	Saylor
Brown, Mich.	Harvey	Scherle
Brown, Ohio	Hastings	Schmitz
Broyhill, N.C.	Henderson	Schneebeli
Buchanan	Hogan	Schwengel
Burke, Fla.	Hosmer	Scott
Burleson, Tex.	Hunt	Sebelius
Byrnes, Wis.	Hutchinson	Shipley
Byron	Ichord	Shoup
Cabell	Jarman	Shriver
Caffery	Johnson, Pa.	Sikes
Camp	Jonas	Skubitz
Carlson	Jones, N.C.	Slack
Carter	Jones, Tenn.	Smith, Calif.
Casey, Tex.	Kazen	Smith, N.Y.
Cederberg	Keating	Snyder
Chamberlain	Kemp	Springer
Chappell	King	Stanton, J. William
Clancy	Kyl	
Clausen, Don H.	Landgrebe	Steiger, Ariz.
	Latta	Steiger, Wis.
Clawson, Del	Lennon	Stephens
Cleveland	Lent	Stratton
Collier	Lloyd	Stuckey
Collins, Tex.	Long, Md.	Symington
Colmer	Lujan	Talcott
Conable	McClory	Taylor
Coughlin	McClure	Teague, Calif.
Crane	McCollister	Teague, Tex.
Curlin	McCormack	Terry
Daniel, Va.	McEwen	Thomson, Wis.
Davis, Ga.	McKevitt	Thone
Davis, S.C.	McMillan	Udall
de la Garza	Mahon	Vander Jagt
Dellenback	Mailliard	Waggonner
Dennis	Mallary	Wampler
Derwinski	Mann	Ware
Devine	Martin	Whalley
Dickinson	Mathias, Calif.	White
Dorn	Mathis, Ga.	Whitehurst
Downing	Mayne	Widnall
Duncan	Mazzoli	Wiggins
du Pont	Miller, Ohio	Williams
Edwards, Ala.	Mills, Ark.	Wilson, Bob
Erlenborn	Mills, Md.	Winn
Esch	Minshall	Wright
Evins, Tenn.	Mizell	Wydler
Findley	Montgomery	Wylie
Fish	Mosher	Wyman
Fisher	Myers	Young, Fla.
Flowers	Natcher	Young, Tex.
Flynt	Nelsen	Zion
Foley	Nichols	Zwach
Ford, Gerald R.	Pelly	
Forsythe	Perkins	

NOT VOTING—34

Bolling	Green, Oreg.	Michel
Brooks	Gude	Miller, Calif.
Broyhill, Va.	Hays	Passman
Chisholm	Hébert	Patman
Clark	Hull	Preyer, N.C.
Davis, Wis.	Keith	Spence
Dowdy	Kuykendall	Steed
Dwyer	Landrum	Stubblefield
Edmondson	McCulloch	Thompson, Ga.
Eshleman	Macdonald, Mass.	Tiernan
Galifianakis		Veysey
Gallagher	Metcalfe	

Mr. SAYLOR changed his vote from "aye" to "no."

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

Mr. DENT. Mr. Chairman, may I inquire how many amendments are still at the desk?

The CHAIRMAN. The Chair will advise the gentleman that there are two amendments now at the desk.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all time on the amendments, on the Erlenborn substitute and the original bill, be terminated at 3:30 p.m. with the reservation of 5 minutes for the gentleman from Illinois and 5 minutes for myself.

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

Mr. DENT. I am happy to yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. The gentleman said "all amendments to the Erlenborn substitute and to the committee bill."

Mr. DENT. And the final vote on the committee bill, as I understand.

PARLIAMENTARY INQUIRY

Mr. STEIGER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STEIGER of Wisconsin. If the Erlenborn amendment prevails, will the original bill then be open for amendment at any point?

The CHAIRMAN. The Chair will answer the gentleman. If the Erlenborn substitute as amended is adopted, the vote will then occur on the committee amendment in the nature of a substitute, the Dent bill, so-called, as amended by the Erlenborn substitute, and at the conclusion of that vote, if it is agreed to, the Committee will rise and report to the House.

Mr. DENT. Mr. Chairman, then I renew my unanimous-consent request.

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

Mr. DENT. I am happy to yield to the gentleman from Illinois.

Mr. ERLENBORN. I would like to ask the gentleman if he would amend his request to limit debate on the Erlenborn substitute and all amendments thereto.

Mr. DENT. Accepted.

The CHAIRMAN. Will the gentleman please restate his unanimous-consent request so there will be no confusion?

Mr. DENT. If I know what my unanimous-consent request is, as amended by my friend, I will try to repeat it. I am asking unanimous consent that the time on the Erlenborn substitute and all pending amendments to the Erlenborn substitute end at 3:30 p.m.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that all debate conclude on the Erlenborn substitute and all amendments thereto at 3:30 p.m. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Chair suggests that those desiring to use time stand, and those Members who do not desire to use time please sit down.

PARLIAMENTARY INQUIRY

Mr. SNYDER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SNYDER. I would like to know what amendments are to be offered to the Erlenborn substitute.

The CHAIRMAN. There is no way for the Chair to answer that question.

PARLIAMENTARY INQUIRY

Mr. STEIGER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STEIGER of Wisconsin. Is it possible for the Chair to seek to recognize at this point only those who have amendments pending?

The CHAIRMAN. The Chair would be inclined to give preference to recognition of those who do have amendments pending and who do seek recognition.

The Chair would also honor the last unaimous-consent request, which did not designate any further time, and he would seek to recognize those who indicated that they wish to speak by rising. That is why the Chair asked that Members desiring to speak rise. The Chair will recognize Members for slightly more than a minute.

The Chair recognizes the gentleman from Missouri (Mr. BURLISON).

AMENDMENT OFFERED BY MR. BURLISON OF MISSOURI TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ERLENBORN

Mr. BURLISON of Missouri. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. BURLISON of Missouri to the amendment in the nature of a Substitute offered by Mr. ERLENBORN: Page 15, insert after line 5 the following:

NURSING HOME EMPLOYEES

SEC. 204. Section 13 is amended by adding after subsection (f) the following new subsection:

"(g) The provisions of section 6 shall not apply with respect to any employee (1) who 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 (2) who receives compensation for such employment at a rate not less than $1.60 an hour."

Mr. BURLISON of Missouri (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.

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

There was no objection.

Mr. BURLISON of Missouri. Mr. Chairman, the purpose of my amendment is to allow nursing homes to retain their present exemption from the overtime payment provision, and to keep the minimum wage paid by nursing homes at its current level of $1.60 per hour.

As I am sure my colleagues know, our nursing homes, particularly those in the rural and poverty areas, give aid and care to our elder citizens, many of whom cannot afford the full cost of the services they receive. It has been estimated by the American Nursing Home Association that 60 percent of nursing home patients are welfare recipients. Medicare presently pays for only a limited number of days of extended nursing home care. Because of these facts, nursing home budgets are currently very tight and provide for only the basic necessities.

Nursing homes were brought under coverage of this act by the 1966 amendments. They were required to pay $1.15

an hour on February 1, 1968, and were increased 15 cents an hour each year for the next 4 years—bringing them to $1.60 on February 1, 1971—a little over 1 year ago.

Nursing homes have been unable to pass on this 60 cents an hour increase over the 4-year period. During the past 2 years in particular, in many States nursing home rates have been increased very little, not at all, or have been cut.

No one group of newly covered employees has ever been increased as rapidly as the health care field at 15 cents an hour for each year of 4 years in a row. It is unfair to attempt now to escalate immediately another series of increases over another 3-year period. An increase in the minimum wage at this time would result in a reduction of essential services, because the funds to meet a required wage increase could not be found elsewhere. It has been estimated that nursing home costs are now rising at a rate between 10 and 15 percent per year.

Further financial peril is foreseen if the administration's proposal to reduce medicaid matching funds after the 60th day a patient has been in a nursing home, becomes a reality. This would bring the total cutback in Federal matching funds in the nursing home sector alone to over $500 million. These reductions are unduly severe, and to be further burdened at this time with additional labor costs that cannot be absorbed would be totally unacceptable.

Mr. Chairman, I know the problems that would result from a change in the status of nursing homes. Over one-eighth of the people in my district are 65 or older. I have no city in my district over 35,000. These poor, rural people cannot afford to pay the additional costs that a higher minimum wage would produce. Yet, they need nursing care just as much as anyone.

A related concern is that higher costs may put many nursing homes out of business. What then is to become of the old and the poor that are being cared for in these homes? I hope my colleagues will support this amendment.

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

(By unanimous consent, Mr. GROSS yielded his time to Mr. BURLISON of Missouri.)

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

Mr. Chairman, given the time constraints, I will just say it is obvious that carving out this one segment of low wage employes, the nursing home employees, makes little or no sense at all.

Mr. Chairman, I urge the amendment be defeated.

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

The question was taken; and on a division (demanded by Mr. BURTON) there were—ayes 52, noes 55.

Mr. BURLISON of Missouri. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CONTE TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ERLENBORN

Mr. CONTE. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE to the amendment in the nature of a substitute offered by Mr. ERLENBORN: At page 13, between lines 13 and 14, insert the following new subsection (f) of Section 6:

"(f) The minimum wage rates established by the amendments made to this act by the Fair Labor Standards Amendments of 1972 shall not apply to Canal Zone employees."

Mr. CONTE. Mr. Chairman, I have a letter here from David Parker, Governor of the Canal Zone, who appeared before our committee. Governor Parker says there is a great disparity between the wages paid workers in the Canal Zone and those paid workers in Panama:

There presently exists a considerable dispartity between wages paid workers in the Canal Zone and that paid workers in Panama.

Panamanian effective minimum wages vary from 40 cents to 70 cents an hour versus the $1.60 an hour paid in the Canal Zone. Further increase in the Canal Zone minimum wage would widen this gap. This gap is significant because virtually all the employees in the Canal Zone affected by the proposed change in minimum wage reside in and are nationals of the Republic of Panama. The higher minimum wage does not appear justified on the basis of economic need, social policy or sound personnel practices. Indeed, paying Panamanian workers three times the prevailing minimum wage as in the Republic of Panama forces inefficient and uneconomical operations of the Canal and the military bases.

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

Mr. CONTE. Mr. Chairman, I hope the amendment will be adopted.

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

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I continue:

Paying Panamanian workers three times the prevailing minimum wage as in the Republic of Panama forces inefficient and uneconomical operations of the Canal and the military bases. Present wage levels provide more than an adequate number of applicants for employment in all Canal Zone agencies and labor market conditions do not warrant paying more for a labor supply that is already surplus to local needs.

Minimum wage in the Canal Zone is one of the subjects being addressed in the treaty negotiations between the United States and Panama. To change the current wage system while negotiations are in progress would be against the best interests of the United States.

In conclusion, I would just like to point out, in favor of this amendment that the Canal Zone is the only foreign area in which the U.S. Government pays local nationals at a wage rate based on the U.S. minimum wage rather than one based on prevailing rates in the local economy.

For these reasons, Mr. Chairman, we should not include Panama. They are raising havoc down there. Imagine the result of the people in Panama being paid 40 cents an hour and the Panamanian in the Canal Zone being paid $1.80 an hour.

Mr. DENT. Mr. Chairman, I should like to use half my time.

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

Mr. DENT. I should like to ask one question. Does this cover only the Panamanians, or would it not take the American citizen workers out, too?

Mr. CONTE. The intent of the amendment is to cover only the Panamanians.

Mr. DENT. But the amendment does not do it. In the provisions it would uncover everybody.

Mr. CONTE. I am sure that, if my intent in this regard does not coincide with the language of the amendment, the gentleman from Pennsylvania can take care of that problem in conference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE) to the amendment in the nature of a substitute.

The question was taken; and on a division (demanded by Mr. CONTE) there were—ayes 68, noes 20.

Mr. BURTON. Mr. Chairman, I demand tellers.

Tellers were refused.

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

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in support of the original committee bill and in opposition to the substitute offered by our colleague from Illinois (Mr. ERLENBORN).

Everybody talks about the 6 million unemployed in this country, but very few people ever talk about the 2.5 million "working poor." There are 2.5 million workers in this country who work probably harder than anyone else and yet are unable to make enough money to provide the basic needs for their families. These are the "working poor." They are not protected by minimum wage or any other means to guarantee them a living wage.

It seems to me in a nation that boasts a trillion dollars gross national product, it is ironic we still have people who cannot earn a minimum of $2 an hour.

For that reason I hope the House will reject the substitute and stay with the committee bill. It extends coverage to many of those not now protected by minimum wage.

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

Mr. SNYDER. Mr. Chairman, may I inquire, are there other amendments at the desk? If there are no other amendments, I will yield back the balance of my time. I am only concerned with speaking if certain amendments are offered.

The CHAIRMAN. There is an amendment at the desk but the Member has not risen to offer it.

Mr. SNYDER. Then, can I reserve my time?

The CHAIRMAN. No. The gentleman may use his time or yield it back.

Mr. SNYDER. I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, as a cosponsor of the substitute, I urge my colleagues to vote in favor of it.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I rise to call attention to remarks which I inserted in the CONGRESSIONAL RECORD on Tuesday, May 9, on page 16344 which calls attention to the testimony in the Joint Economic Committee by three distinguished economists, Mr. Arthur Okun, a member and Chairman of President Johnson's Council of Economic Advisers, Saul Heyman, president of economics and codirector of research at the University of Michigan, and Dr. Herbert Stein, Chairman of the CEA of President Nixon, all of whom from various aspects of the political, economic, and philosophical spectrum, condemn an increase in the minimum wage at this time.

I rise in support of the substitute on the basis of this testimony from some of the Nation's leading economists.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

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

Mr. Chairman, we have debated this bill for 2 days, but not until this vote on the Erlenborn substitute have we had a chance to express ourselves against the restrictive trade policies in title III. To me this is the key vote on this bill, and title III is the key issue of the bill.

I strongly support the Erlenborn substitute as the only way to remove title III from H.R. 7130.

We have had a chance to vote on the amount of the minimum wage, to vote on certain industry exclusions and to vote on certain age exclusions. Some of these amendments, such as the one by the gentleman from Massachusetts (Mr. CONTE), I have supported. Others, like the amendment of the gentleman from Illinois (Mr. ANDERSON), the amendment of the gentleman from Missouri (Mr. BURLISON), and the amendment of the gentleman from Missouri (Mr. RANDALL), I have opposed. To me, however, these votes were all secondary. The moment of truth—our chance to eliminate title III—is now upon us. I urge an affirmative vote on the Erlenborn amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

(By unanimous consent, Mr. GIBBONS yielded his time to Mr. BURTON.)

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

Mr. BURTON. Mr. Chairman, I think it would be well to note that upon the rejection of the Erlenborn amendment it will be my intention to introduce an amendment to the pending legislation deleting title III.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, I believe it is time to vote.

I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. O'HARA).

(By unanimous consent, Mr. O'HARA yielded his time to Mr. DENT.)

The CHAIRMAN. It is the understanding of the Chair that there are four speakers remaining, and since there has been set a time limitation for a vote on the Erlenborn substitute at 3:30, the Chair will recognize the gentleman from Illinois (Mr. ERLENBORN), the gentleman from Minnesota (Mr. QUIE), the gentleman from Pennsylvania (Mr. DENT), and the gentleman from Kentucky (Mr. PERKINS) for 2½ minutes each.

The Chair recognizes the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I think this has been a good debate today and I think that the debate yesterday and today has made the issues clear.

I would hope that this bipartisan effort, joined in by my colleague, the gentleman from Florida (Mr. FUQUA) and my colleague, the gentleman from Minnesota (Mr. QUIE), will be successful.

Therefore, I urge the support of the substitute amendment.

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

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

Mr. PERKINS. Mr. Chairman, to my way of thinking the committee bill has been well worked out and will serve the best interests of the country, if adopted.

The other bill may have a few provisions that are preferable. However, no bill is perfect.

If the Committee of the Whole House on the State of the Union will go along and adopt and approve the committee bill, I want to state that there are amendments that we intend to offer that will make the bill more satisfactory to all. Moreover the committee bill will help more people where it is needed most. The categories that are covered are those categories where the laboring people of this country need protection and where they are not protected under the substitute bill.

Mr. Chairman, I make that observation because the gentleman from Pennsylvania (Mr. DENT) has spent months and months in working out the committee bill. Any errors that you feel may be contained in this bill, you will have the opportunity to correct by amendment and by additions to the committee bill after the substitute bill offered by the gentleman from Illinois (Mr. ERLENBORN) is defeated.

It is my hope that the committee bill will prevail, and then those Members who want to perfect the committee bill in other ways will have that opportunity. It will serve the best interest of America to adopt the committee bill.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, the House has worked its will now on the rate of minimum wage increases that it wants. It had that opportunity in a separate vote on the amendment which was offered by the gentleman from Illinois (Mr. ANDERSON). Now, we are ready to vote on the substitute.

As a coauthor of the substitute, I think it is a good piece of legislation and rather than take any more of your time, I urge you to vote for the substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. DENT) to close debate.

Mr. DENT. Mr. Chairman, I am sure the gentleman from Minnesota (Mr. QUIE) did not mean that we are going to legislate on the question of whether or not we can go home earlier or stay here a little later.

I want to say to all of you that we have tried our best during the past 5 years of studying this legislation to come up with legislation that would do the greatest good for the greatest number.

There is one thing that sorrows me more than anything, and that is that approximately 6 million uncovered workers in the United States will not have the benefits of the coverage and the protection of the law on minimum wages and maximum hours. I think this is even more important than all of the other things we have talked about today.

It saddens me also, and I hope in the conference we can clear it up, and that is the matter of having taken out even the child labor laws in the Panama Canal law simply because of the manner in which they were offered.

It saddens me also that even though our committee has worked for 5 years in the preparation of this legislation, that it is possible we may see all of this effort washed down the drain. It may be time to change the rules of the House so that at the whim and fancy of any individual Member this can be done, and then take the time to write the legislation on the floor.

However, to all of you who have understood the problem throughout the years, and who have stayed with us, I am sorry that we did not change one section of the act that I think is probably more confusing than it is commonsense in the minds of most of those who have taken a very narrow view, and that is on the subject of title III. I hope to live to see the day that this Congress will take into consideration the soundness of the economy of this country as it relates to international trade, and the international production of goods as they affect the American domestic economy.

I sincerely hope and pray that enough of the Members will stand by the committee in this hour, and do so with the knowledge that in the conference we will write the kind of legislation which will do the greater good for the greater number. So long as we do that in the legislative bodies of this Nation, this Nation will survive, but when we stop doing that, as sometimes we do, then it will not be necessary either for the Nation to survive, because this is a Nation of the people, by the people, and for the people. And the only way this can be done, and the only way the Nation can survive is to see that the greatest good must be done for the greatest number of its citizens.

because only in that manner can we have the kind of government that has brought us to our present state.

And although we seem to be mangled a bit at this point on this legislation today, I still think there are enough among us who understand the work of this committee, and appreciate the sincere efforts of all its members who will support the committee.

Mr. Chairman, the minimum wage increases proposed in the Erlenborn substitute are virtually identical to those in the committee bill—as it will be amended on the floor by Mr. DENT. Both bills call for an ultimate nonagricultural minimum wage rate of $2 an hour and an agricultural rate of $1.70 an hour. Both bills will become effective at about the same time. Therefore, there is no difference to speak of in this regard.

The Erlenborn substitute, however, contains none of the extensions of minimum wage and overtime coverage included in the committee bill. This means that minimum wage and overtime protection will not be extended to public employees—Federal, State, and local—domestic service employees, preschool center employees, or employees of conglomerates. Moreover, overtime protection will not be extended to agricultural processing employees, transit employees, nursing home employees, sugar processing employees, or maids and custodial employees of hotels and motels. In fact, while the traditional threat of amendments to the Fair Labor Standards Act has been to expand coverage, the Erlenborn substitute creates exemptions beyond those in existing law—for example, sales and managerial personnel, newspaper delivery employees, and houseparents for orphans.

Of particular significance—especially to Members from agricultural areas—is a provision in the committee bill, not in the Erlenborn substitute, relating to conglomerates. All rural area Members who view the conglomerate and agri-business takeover of the small- and medium-sized family farm with concern and alarm should take special cognizance of this essential difference in the two proposals. The committee bill offers relief; the Erlenborn substitute does not.

The Erlenborn substitute does not contain provisions relating to relief from low-wage produced foreign goods—title III of the committee bill. All Members whose districts have been adversely affected by imports should look to the committee bill for equitable relief. The Erlenborn substitute offers no such relief.

Perhaps the most regressive and onerous provision of the Erlenborn substitute is the creation of a subminimum wage rate for employees under 18 years of age. Using the guise of promoting youth opportunity by the lure to the employer of a subminimum wage rate, the Erlenborn substitute thereby effectively and efficiently emasculates the meaning of a "minimum wage" as a wage below which no worker should be forced to work. The provision also very neatly denies employment and employment opportunity to older workers.

It is interesting to note that the representative groups of those the Erlenborn substitute seeks to assist—namely, youth and student groups—vigorously oppose this provision and support instead the committee bill. Both the White House Conference on Youth and the National Student Association are outspokenly on record against such a proposal. Is it any wonder? Which group or category of American workers would enjoy being singled out for special, subminimum economic treatment in the name of increasing employment opportunity? That notion is not only offensive, but illusory.

There is no evidence whatsoever to support the contention of the Erlenborn substitute that a youth subminimum wage will encourage employment opportunity for that group. In actual fact, a 1970 Department of Labor survey, "Youth Unemployment and Minimum Wages," found no relationship between youth employment or unemployment and the minimum wage. Rather, it was found that the most important factor explaining changes in teenage employment and unemployment has been general business conditions as measured by the adult unemployment rate.

The advocates of this provision of the Erlenborn substitute offer youth unemployment statistics to point out the dimension of the problem—never offering, however, any meaningful evidence of a relationship between such unemployment statistics and the minimum wage rate. In minority views in the committee report, they say:

> The unadjusted jobless rate for teenagers has climbed to almost 20 percent.

For black teenagers in inner city poverty areas, however, the unemployment rate rose from 34 percent in the first quarter of 1971 to 39 percent in the second.

The 1971 unemployment rate for black males aged 20 to 24 was 16.2 percent, and for black females in that age group, 17.3 percent. The fact that the rate of unemployment for white high school dropouts was lower than that for nonwhite high school graduates is even more striking.

If a special youth minimum wage is to be justified on this basis, and using this twisted logic, why not then also have a black minimum wage; or, even more precisely, a black female youth inner city minimum wage? Why not a Puerto Rican-American minimum wage? Those unemployment figures are equally staggering. Or a Chicano minimum wage?

Taking this argument even further, why not a special minimum wage rate for those in the 45- to 64-year-old bracket? The April 1972 unemployment rate for them was 16.2 percent; and maybe their differential should be even lower since they stay unemployed longer and have a more difficult time gaining new employment.

Or maybe the best approach of all is to realize that the concept of the youth minimum outlined in the Erlenborn substitute is ludicrous on its face. The problem is unemployment in general. Beyond that, the problem is unequal employment opportunity for racial minorities, women, and workers at both ends of the working-life ladder. And the solution is employment opportunity across-the-board; not a bold continuation of the isolation and discrimination against a selective group of American workers.

The Erlenborn substitute, unlike the committee bill, does not apply the sex discrimination in employment prohibition of the act to executive, administrative, and supervisory employees. Simply put, this deficiency in the Erlenborn substitute should be aptly noted by all Members interested in equal employment opportunity for women.

The provisions of the Erlenborn substitute relating to the application of the minimum wage to Puerto Rico and the Virgin Islands could wreak havoc because of serious language imperfections. In fact, as the Resident Commissioner from Puerto Rico has correctly pointed out, the Erlenborn substitute would mandate a higher minimum wage rate for certain Puerto Rican agricultural activities—(that is subsidized) than that applicable to U.S. mainland agriculture. The committee bill, as perfected by the Dent amendments, applies coverage to Puerto Rico and the Virgin Islands with fairness and acceptability to representatives of the islands.

Mr. HALL. Mr. Chairman, I wish to reflect for just a moment on the wording of House Resoution 968, the rule under which this legislation is being debated today:

> To extend coverage, to establish procedures to relieve domestic industry and workers injured by increased imports from low-wage area.

Mr. Chairman, by our actions today are we not now creating a new Frankenstein-like monster of legislation to replace another?

Is it not procedures such as these, disguised as legislation to help labor and industry, that have in fact made it almost impossible for this Nation's free marketplace to function?

Now as to the bill under consideration, can we, in good conscience talk about those who have been injured by low wage countries' imports when our actions today will raise production costs of American industry, enabling the low wage countries to grab off even a bigger slice of the American market?

Reflect for a moment on our beleagured shoe industry. Low wages paid by foreign manufacturers have flooded this Nation with cheaply made shoes, the effect has been the loss of a countless number of jobs. Do you think for a moment that by making us even less competitive this situation will improve? I say "No."

How about the stainless steel industry? With each passing day, foreign stainless steel produced with low labor costs, takes more and more of our domestic steel market.

The list is endless, from television sets, through watches, to clothing; the ability of foreign nations to produce and deliver, at less cost, has brought this Nation closer and closer to the point of where it may soon become a nonmanu-

facturing entity. I cannot vote to let that happen.

Quite aside from the jurisdictional question, this bill—or its substitute—may help a small percentage of our population, but it will have a serious impact on qualifying and included small businesses, forcing many of them out of business, thereby adding to our unemployment problems.

No one has yet fully informed this body in concrete terms, what the deleterious effects of passing this legislation will be. How then can we in good faith foist this monstrous bill on our constituents?

Mr. CRANE. Mr. Chairman, many of those who advocate an increase in the minimum wage do so for the best of reasons. They believe that such an increase will assist even larger numbers of Americans to lead a good and decent life.

Such individuals are of the opinion that, somehow, prosperity can be legislated. Their economic reasoning fails to take into consideration the side effects of their proposals, and few who advocate an increase in the minimum wage do so because they believe that such an increase will adversely effect those who occupy marginal positions in our employment structure.

The legal minimum wage has been pushed up 114 percent between early 1956 and 1968, though average hourly earnings in manufacturing rose only 55 percent. In addition, the Federal minimum wage has become effective over a far greater range.

According to Economist Henry Hazlitt:

> The net result of this has been to force up the wage rates of unskilled labor much more than those of skilled labor. A result of this, in turn, has been that though an increasing shortage has developed in skilled labor, the proportion of unemployed among the unskilled, among teen-agers, females and nonwhites has been growing.

Mr. Hazlitt notes that:

> The outstanding victim has been the Negro, and particularly the Negro teenager. In 1952, the unemployment rate among white teen-agers and non-white teenagers was the same—9 per cent. But year by year, as the minimum wage has been jacked higher and higher, a disparity has grown and increased. In February of 1968, the unemployment rate among white teen-agers was 11.6 per cent, but among non-white teen-agers it had soared to 26.6 per cent.

By a minimum wage of, for example, $2 an hour we have forbidden anyone to work 40 hours a week for less than $80. If we offer the same amount, or something somewhat less, in welfare payments we are saying, in effect, that we have forbidden a man to be usefully employed at $70 a week, in order that we may support him at either the same amount or something less in idleness. Such an approach deprives society of the value of his services and deprives the individual involved of the independence and self-respect that comes from self-support, even at a low level, and from performing wanted work, at the same time that we have lowered what the man could have received by his own efforts.

All of us agree that we would like to see American workers earning as much as possible. The way to raise the real earnings of our citizens, however, is not through the legislative process. We cannot, after all, distribute more wealth than is created. Labor cannot be paid more than it produces.

Economist Hazlitt expresses the view that:

> The best way to raise wages . . . is to raise labor productivity. This can be done by many methods: by an increase in capital accumulation, i.e. by an increase in the machines with which the workers are aided; by new inventions and improvements; by more efficient management on the part of employers; by more industriousness and efficiency on the part of workers; by better education and training. The more the individual worker produces, the more he increases the wealth of the whole community. The more he produces, the more his services are worth to consumers, and hence to employers. And the more he is worth to employers, the more he will be paid. Real wages come out of production, not out of government decrees.

Shortly before Christmas 1929, Harvard University fired, without notice, Mrs. Katherine Donahue, Mrs. Hannah Hogan, and 18 other scrubwomen in the Widener Library rather than raise their pay from 35 cents to 37 cents an hour as demanded by the Massachusetts Minimum Wage Commission. To avoid paying the extra 2 cents, Harvard replaced the women with men, who were not covered by the State's pioneering, but weak, minimum wage law.

As recounted by labor historian Irving Bernstein in "The Lean Years," the case of the Harvard charwomen ended on a brighter note. Yet the problem which we face remains the same. Economist Paul Samuelson recently asked:

> What good does it do a black youth to know that an employer must pay him $1.60 per hour if the fact that he must be paid that amount is what keeps him from getting a job?

Economist Milton Friedman refers to the Fair Labor Standards Act of 1938, the base of the minimum wage, as:

> The most anti-Negro law on our statute books—in its effect, not its intent.

Economists Gene L. Chapin and Douglas K. Adie of Ohio University, in a paper presented before the 23d annual meeting of the Industrial Relations Research Association, declared that:

> Increases in federal minimum wage cause unemployment among teenagers. The effects tend to persist for considerable periods of time. And the effects seem to be strengthening as coverage is increased and enforcement of the laws becomes more rigorous.

The techniques, language, and variables used in their mathematical models may vary, but most other econometricians get the same result: a strong correlation, confirmed by repeated observations in the 1950's and 1960's, between youth unemployment and the minimum wage.

Finis Welch of the National Bureau of Economic Research and Marvin Kosters, now a senior staff economist with the Council of Economic Advisers, concluded in a Rand Corp., study last year that "minimum wage legislation has apparently played an important role in increasing the cyclical sensitivity of teenage employment." They found that as minimums rise, "teenagers are able to obtain fewer jobs, and their jobs are less secure over the business cycle. A disproportionate share of these unfavorable employment effects accrues to the nonwhite teenagers."

A study by economists Jacob Mincer and Masonori Hashimoto of the National Bureau of Economic Research warns that many teenagers are scared out of the labor force by lack of job opportunities and vanish into the gray area of hidden unemployment.

Even the Bureau of Labor Statistics appears to be reconsidering the effects of the minimum wage. In a Labor Department study entitled "Youth Unemployment and Minimum Wages," Assistant Commissioner Thomas W. Gavett notes that:

> While there is a significant relationship * * * where other variables are excluded, a look at the whole set of variables casts doubt upon the importance of minimum wages as an explanatory variable.

Gavett finds the lack of clear evidence "discouraging." He fears that there is some real basis for inferring that extensions of minimum wage coverage, not the rate itself, tended in the 1960's to offset the benefits of Federal manpower programs.

In attempting to help those Americans whose status is most tenuous in the job market, it is essential that we not take a step which will make it even more difficult for young people and members of minority groups to gain employment. The economic evidence available at this time indicates that an increase in the minimum wage would do precisely that: make it less possible for such individuals to find employment in today's job market.

Such a result would have serious consequences not only to the individuals directly involved, but also to the society at large. It is this group of unemployed young people, for example, who have been involved in a high proportion of the crime and violence which has occurred in our cities. A large part of the reason may be attributed to boredom, lack of incentive, and the unavailability of employment.

Those who advocate an increase in the minimum wage should carefully consider the available evidence with regard to its effect upon both the economy and our society as a whole.

I have reviewed this evidence and conclude that it is in our best interest to refrain from any increase in the minimum wage which would have the dire impact set forth so persuasively by our leading economists.

I intend to vote against the pending bill and I encourage my colleagues to do likewise.

Mr. LEGGETT. Mr. Chairman, the legislation before Congress today leads us one step further to bringing about realization of the American dream. The Fair Labor Standards Amendments of 1971 continue the philosophy so uniquely American which was initiated on June 25, 1938—to eliminate, "labor conditions

detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers." These words whose purpose we give effective meaning today would increase the Federal minimum wage rate, extend wage and hour coverage to additional workers, authorize the President to impose restrictions on imports and prohibit certain procurement practices. While I fully agree with many of my colleagues that this is not the most perfect of all bills, it is my feeling that this bill will, with one exception, accomplish its goals more efficiently than any substitute measure that is currently before us. I will speak of that exception presently.

The last time the minimum wage was raised was in 1966. At that time, Congress, in its wisdom, saw fit to raise the minimum to $1.60 per hour. Many at that time foresaw massive hardships, and unemployment as a result of this action. No such catastrophic events took place. The increase of the minimum, in fact, during 1966, brought within the law 10 million nonagricultural employees as well as 536,000 agricultural workers and certain public employees such as hospital workers.

Today, we are voting on extending the coverage to 6 million more workers, among them employees of Federal, State, and local governments—excluding police and firemen—houshold domestic, employees of conglomerates and others as well as extending the equal pay provisions to many more women. The proposed Erlenborn amendment substitute would not provide this additional coverage.

Acceptance of the substitute amendment would be asking large segments of the working public to go without minimal protection of their hourly wages. It would say to State and local workers that the public feels they should not be eligible to come under the protection of the Federal statute. Rejection of the Dent bill would insure that domestic workers would continue to be exposed to predators of the labor market, persons who delight in depriving the least protected employee of their just wages.

Title III of this legislation, Import and Procurement Restrictions, authorizes the President to "take action as he deems appropriate" if the Secretary of Labor finds that a foreign import produced under substandard labor standards is threatening the well-being of any group of U.S. workers or threatens the economic well-being of the community in which these workers live. That this title has drawn the most flack in the bill, I think is understandable. At a time when the country is attempting to shake loose from escalating prices and wage rates, this measure seeks to isolate our markets further from world competition.

As Gardner Ackley, former Chairman of the Council of Economic Advisers said recently in his report to the Democratic Policy Council's Economic Affairs Committee:

> We must avoid at all costs, the neoisolationism that seeks to insulate our markets from legitimate foreign competition. This is essential to protect the consuming public from excessive prices. . . .
>
> We recognize that world competition may have disruptive impact on some industries, but the answer should be found in adequate programs of "adjustment assistance," not in building arbitrary barriers that would only set off a train of reprisals to the injury of all.

For these reasons, I am pleased to have the opportunity to endorse this bill, however, I will vote to have title III removed from the bill.

Mr. SCHNEEBELI. Mr. Chairman, an amendment has been included in the Erlenborn substitute to resolve a problem not foreseen at the time of writing the original wage-and-hour provisions of the Fair Labor Standards Act.

It concerns the problems of recordkeeping and overtime for more than 200 foster parents, referred to as houseparents, employed in Pennsylvania by a nonprofit educational institution and home for male orphans, ages 4 through approximately 18 or 19. The program designed to educate and care for these youngsters is unique and there does not appear to be any other educational institution for orphans like it in the United States.

The young boys are housed in very modern and more than adequate homes in groups of from 12 to 16, according to age. In each of these homes are a married couple who not only act as foster parents, but who develop a strong personal interest in the boys assigned to their care. The number of orphans being cared for at present is close to 1,500 and there are over 100 such homes.

As with all children residing with their natural parents, there are occasions during the night when the houseparents have to minister to the needs of the boys under their care. According to the present statutes, the school would be responsible for recordkeeping and the payment of overtime for these seldom and irregular demands of time.

Each couple averages a cash take-home pay of more than $10,000. Added compensation is provided in the form of a free apartment within the home, food, and laundry service. The employer also provides medical and hospitalization insurance as well as a generous retirement program to which the houseparents do not contribute. They have no concern for property taxes, utility bills, home maintenance or household expenses. Free time is allotted when the youngsters are in school and they are given other time off.

Discussions held with Labor Department officials and the legal staff of the Committee on Education and Labor result in a consensus that the present law with regard to overtime recordkeeping is not deemed practical or advisable in the instance of these houseparents who, themselves, feel no necessity for recordkeeping and overtime pay. Theirs is a maternal and paternal interest in the boys assigned to their care—their compensation and fringe benefits are of such a substantial nature that it is generally agreed this small select group should not come under the requirements of the present law.

Mr. Chairman, this is certainly a desirable and reasonable amendment to the Fair Labor Standards Act and I urge its approval.

Mr. CLAY. Mr. Chairman, as one of the many Members of the House who is deeply troubled by the deteriorating standard of living for millions of workers in this country, I fully support H.R. 7130 and I urge my colleagues to look to the positive aspects of this legislation which far outweigh any of the criticisms that will be expressed in this debate.

There are many powerful arguments to support the various provisions of H.R. 7130. The principal one, I feel, is the one that deals with the problem of poverty among workers in this country.

Mr. Chairman, the last amendment to the Fair Labor Standards Act was enacted in 1966. It provided gradual increases for some covered workers and set the minimum wage at $1.60 per hour for 74 percent of the more than 62 million nonsupervisory employees, while some farmworkers were subjected to a minimum of $1.30 per hour. It would be presumptuous for me to now remind my colleagues that economic conditions have changed drastically since enactment of the last minimum wage legislation. Yet, the commitment we made to workers of America who are at the bottom end of the salary structures in 1966 cannot be carried out unless we act to revise the minimum wage law to allow these workers to keep pace with the highly volatile economic conditions of the last 4 or 5 years.

While many of the several aspects of H.R. 7130 are noteworthy, I would like here particularly to emphasize the provision which extends coverage to Government employees. This part of H.R. 7130 is totally consistent with the established policies of the Federal Government which endeavor to equate Federal employees' pay with pay levels for similiar work prevailing in the private sector. In keeping with this policy it would appear illogical to exclude from coverage of the Fair Labor Standards Act some employees of the Federal, State, and local governments while covering others.

The 1966 amendments to the Fair Labor Standards Act brought within its coverage about 2,686,000 nonsupervisory State and local employees and more than one-half million Federal workers. However, another 1,726,000 Federal and over 3 million State and local government workers are presently exempt from the minimum wage and overtime provisions of the Federal law. H.R. 7130 would bring these employees under the law's coverage except that, in recognition of unique working circumstances surrounding police and firemen in many jurdisdictions, these public safety workers would be exempt from the overtime provisions only. In regard to this point, it is a known fact that many employees in police and fire departments across the country are now paid premium pay for overtime work. The bill before us would not preclude such payments. However, in those jurisdictions where undue hardships would be exerted by a Federal law mandating such coverage, the choice of overtime coverage is left up to the local authorities.

Mr. Chairman, according to a survey conducted by the Department of Labor in 1970, it was found that 18 States and Puerto Rico already had minimum wage laws or orders in effect which cover some or all of their public employees. In seven of these States, the minimum wage for public workers equaled the present Federal minimum of $1.60, and in Puerto Rico several classes of government employees are also covered under the $1.60 minimum rate.

This survey also disclosed that in March 1970, straight-time earnings for nonsupervisory employees in States and local governments averaged $3.27 per hour, and only 3.5 percent of the 2.6 million nonsupervisory employees earned less than the $1.60 minimum. The conclusion is that a vast majority of government workers are paid at minimum or higher levels set by the Federal law.

The new higher minimums called for in H.R. 7130 applicable to public workers would result in an annual increase of less than 1 percent in the nationwide wage bill for all public employees covered under this legislation in the first year. And, in 1973, the wage bill increase would be only slightly more than one-half percent. It is obvious that extending coverage to nonsupervisory government employees as prescribed in H.R. 7130 would have a minimal impact. It would certainly not cause any serious problems for public agencies who are interested in assisting lower-paid employees to keep up with the rising cost of living. And the modest increase in the total wage costs brought about by this provision would by no means exert inflationary pressures on the general economy. Yet, to exclude some workers paid at substandard levels and not others, simply because they may or may not be employees of a government agency, would be a highly discriminatory approach to solving the problem of poverty workers in America.

I believe it is not only our moral but also our legal responsibility to guarantee every worker at the bottom of the income scale both in government and in most of the private sector at least a minimum but livable wage standards.

I therefore urge support for the provisions of H.R. 7130 extending coverage to government employees and I ask my colleagues to vote in favor of the bill so that the well-being of the Nation and the millions of workers who toil to make it great will be promoted.

Since October 1966, when the last amendments to the Fair Labor Standards Act were enacted, the Consumer Price Index has risen almost 26 percent. This increase breaks down to a 5-percent rise per year with no comparable increase in the minimum wage.

It seems only equitable to increase the minimum wage in an attempt to compensate for the disparity between wages and prices. An increase in the Federal minimum wage to $1.80 an hour will provide a worker with a gross salary of $3,744 a year. Even increasing the minimum wage to $2 an hour will only yield a gross salary of $4,160 a year. The poverty level income for a family of four is defined at $4,000 a year. Thus, an increase in the minimum wage to $1.80 an hour will still result in full-time work with earnings below the poverty level. The $2 an hour minimum wage will place a family of four barely above the poverty line.

An increase in the minimum wage will slightly benefit those workers currently covered by the Fair Labor Standards Act. However, the act does not cover several categories of workers, including almost 5 million nonsupervisory employees of State and local governments, many of whom now are paid at a rate far below the minimum wage.

The Bureau of the Census Survey of Consumer Income for 1969—Series P–60, No. 75—indicates that 10.5 percent of the full-time, year round employees of State and local governments had earnings of less than $4,000—752,000 out of a reported total of 7,138,000. As documentation of where the burden falls most severely, 6.4 percent of the 4.1 million males employed full-time were below the $4,000 mark—while 16.1 percent of the 3 million State and local government female employees working full time had annual earnings below the poverty index for a family of four.

The argument has been raised that extension of the Federal minimum wage coupled with an increase of the minimum wage to $1.80 an hour will work an undue hardship on the States. Statistics published by the Department of Labor indicate that this is clearly not the case. In March 1970, there were approximately 2.6 million nonsupervisory employees of State and local governments in the United States. Of the total, only 91,714 were not receiving wages in excess of $1.60 an hour, the present Federal minimum wage. In percentage terms, only 3½ percent of the 2.6 million State and local employees were not so covered. Slightly over 124,000 State and local employees were not being paid in excess of $1.80 an hour. This is only 3.9 percent of the total.

It does not seem that the proposed changes in the act or the immediate adoption of a $1.80 minimum wage can seriously be objected to on economic grounds. The January, 1972 4(d), Report of the Secretary of Labor, entitled "Minimum Wage and Maximum Hours Standards Under the Fair Labor Standards Act," indicates that the cost of raising public employees to the $1.80 minimum wage would result in only a three-tenths percent increase in the national annual wage bill. Approximately 124,000 public employees, or 3.9 percent of the total, would benefit from this increase. Raising the minimum wage to $2 an hour would increase the wage bill by about two-tenths percent and benefit approximately 174,000 public employees, 5.4 percent of the total.

Another issue on which the extension of the minimum wage has been opposed is that of constitutionality. There seems to be no constitutional problem with waiving the exemption that was written into the Fair Labor Standards Act when it was adopted in 1938. In the case of *Maryland* v. *Wirtz*, 392 U. S. 183—at page 199—Justice Harlan, writing for a majority of the Court, noted that Congress had, at the time it wrote the act, the power to omit any exemption of any employee if it so chose. That case upheld a 1966 amendment to the Fair Labor Standards Act extending the minimum-wage protection to employees of State and local hospitals, schools and certain other earlier decisions in the case of the *United States* v. *California*, 297 U.S. 175, which held, in part, that, when a State engages in economic activities that are validly regulated by the Federal Government when engaged in by private persons, the State may be enforced to conform its activities to Federal regulations.

If the Fair Labor Standards Act is to be amended to include public employees, it seems only logical to extend overtime pay provisions to these workers. One cannot raise a serious objection to this extension on economic grounds. The Department of Labor reports that, in State and local governments:

> The increase in the weekly wage bill that would be required by the payment of additional half-time for all hours over 40 is estimated at one percent. It should be noted that the actual impact of a 40-hour overtime standard would be somewhat less than this amount since some State and local government units currently have provisions for premium overtime pay.

These data anticipated coverage of public employees engaged in law enforcement and fire protection activities, the major source of overtime in most communities. Since such public employees are exempted in H.R. 7130, the impact would be significantly less than indicated in the report.

Thus, neither an economic nor a constitutional case can be made opposing the extension of minimum wage and overtime pay coverage to public employees, as proposed in H.R. 7130. Public employees seek to provide needed public services and to protect the health, safety, and welfare of other citizens. They deserve equal protection under the law and equivalent coverage under the Fair Labor Standards Act.

The inclusion of State and local government employees under the coverage of the Fair Labor Standards Act would demonstrate a commitment by the Congress to the principle of equal pay for equal work. Not only is this coverage essential for pay during regular working hours but also for overtime pay.

The Department of Labor, in a study entitled "Nonsupervisory Employees in State and Local Government" states:

> The increase in the weekly wage bill that would be required by the payment of additional half-time for all hours over 40 is estimated at one percent. It should be noted that the actual impact of a 40-hour overtime standard would be somewhat less than this amount since some state and local government units currently have provisions for premium overtime pay.

These data anticipated coverage of public employees engaged in law enforcement and fire protection activities, the major source of overtime in most communities. Since such public employees are exempted in H.R. 7130, the cost impact would be significantly less than indicated in the report.

The study further indicates that an extremely low percentage of employees surveyed worked in excess of 40 hours

a week when compared to the total work hours reported. Only 2.3 percent of the total nonsupervisory man-hours in State and local governments represented hours worked in excess of 40 hours a week. Regionally, the corresponding proportion ranged from 1.7 percent in the Northeast to 1.9 percent in the West to 2.3 percent in the north central region and to 2.7 percent in the South.

It is worth noting again that local government expenditures for overtime pay are inflated by pay to policemen and firemen. Since these individuals are exempted, this total would also greatly decrease.

Almost one-half of all nonsupervisory employees in State and local governments are currently covered by overtime pay standards. Sixty-four percent of all nonsupervisory employees in the Northeast are covered; 30 percent in the South; 40 percent in the north central region; and 43 percent in the West.

Thus, an extension of overtime pay provisions under the Fair Labor Standards Act to nonsupervisory employees of State and local governments would not result in a costly expenditure, as the above statistics demonstrate. It seems only equitable to include overtime pay provisions to public employees in the Fair Labor Standards Act of 1971.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope the House will overwhelmingly approve this measure before us, H.R. 7130, the Fair Labor Standards Amendments of 1971.

In simple substance, Mr. Chairman, this bill is designed to further strengthen the basic policy that was projected in the original Fair Labor Standards Act back in 1938:

> To correct and, as rapidly as practicable, to eliminate labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers.

This current bill provides an increase in the minimum wage rate, extends the protection of the act to many groups of workers not presently covered, and establishes procedures for relief for domestic industries and workers proven to be injured by imports from low-wage areas.

We should be mindful, today, Mr. Chairman, that the last amendments to this act occurred back in 1966. Even at that time the approved rate of $1.60 per hour was barely enough to provide an income above what was then defined as the poverty level by the Government.

Meanwhile millions of Americans have additionally suffered constantly increasing prices during our prolonged and continuing period of inflation. The $1.25 minimum wage rate that prevailed before the 1966 amendments bought more then than today's $1.60.

To those who earnestly fear that these proposed increases in the minimum wage might further aggravate inflation, let us emphasize that no reliable economic study has yet proven that any of the previous increases in the minimum wage has had an adverse effect on the economy. The record shows that our national economy has never had any difficulty in absorbing minimum wage rate increases.

On this score the Congress itself has recognized that poverty level wage increases do not have an inflationary effect by excluding the working poor from the phase II controls of the Economic Stabilization Act. Additionally, every President since Franklin Roosevelt has supported the principle that every workingman should have a fair and adequate wage.

Let me emphasize again that the authoritative statistics demonstrate that today's minimum wage of $1.60 buys substantially less than the $1.25 an hour minimum wage bought in 1966.

In further consideration of this measure, Mr. Chairman, let us be mindful that much of American business and labor has for too long been subjected to unfair competition which has brought increasingly great economic hardships upon great numbers of American businesses and workers. On this score, Mr. Chairman, I believe the Congress has a major responsibility to carry forward the pledges that were made in the original Trade and Tariff Agreements Act by reasonably insuring that "fair trade" is a two-way street, that its operation is actually fair both to our own American businesses and workers as well as to legitimate foreign competitors.

In summary, Mr. Chairman, I very earnestly believe that this fair labor standards act amendments measure before us is urgently needed, that it is eminently reasonable and prudent, and that authoritative evidence heavily indicates that it will not have any adverse effect upon the economy. On the contrary, it will extend vitally important benefits to those American wage earners and their families that need them the most.

From all the testimony and evidence of record it is apparent, I believe, that the overall operation and application of this bill will substantially promote the national interest and I hope that it is resoundingly approved this afternoon.

Mr. VANIK. Mr. Chairman, the Fair Labor Standards Act was last amended in 1966—6 years ago. Since then, inflation has wiped out the additional benefit the $1.60 minimum wage provided by those 1966 amendments.

Justice for low wage earners demands immediate action to raise the minimum wage. The economy needs—and must have—the added purchasing power these increases will provide. It is regrettable that in our action today we did not extend the benefits of this legislation to the large segments of the working poor who were not covered by the 1966 amendments.

Nearly two-thirds of the 24 million poor in America are members of families headed by a worker in the labor force. About 25 percent of the poor and more than 30 percent of all children growing up in poverty are part of families headed by a full-time, year-round worker whose wages are so low that his family is impoverished.

An increase in the Federal minimum wage to at least $2 an hour is required on the basis of simple economic fact. At $2 an hour, a full-time worker would earn about $4,000 a year. The 1970 defined poverty level for a family of four is $4,000. At present, many of these families are making about $3,200 a year.

In the past decade, some progress was made in the reduction of poverty. Millions of Americans at the lower end of the income ladder moved a step above the poverty level. During recent years, many of these people have slipped back into the "poverty pocket."

Inflation has always hit the low income people the hardest. Today's minimum wage of $1.60 an hour buys less than $1.25 an hour bought in 1966. I do not believe that any employed worker should be forced to use welfare supplements in order to survive.

These people work hard at useful jobs, struggle to maintain economic independence and self dignity, and attempt to achieve self-reliance against overwhelming odds—and then we pay them less than a subsistence wage.

It is regrettable that we failed to extend the act's coverage to the largest category of workers still not covered by the Fair Labor Standards Act—nearly 5 million workers of Federal, State, and local governments.

It is also regrettable that we did not include students within the protection of these amendments.

We must direct our efforts toward a full employment economy with income standards which make it possible for the average wage earner to support his family with dignity and provide for his family's retirement security. The action we take today is a step in the right direction.

Mr. REID. Mr. Chairman, I rise in opposition to the Erlenborn substitute, which delays and stretches out the increase and extension of the minimum wage.

However, I do want to say that I am glad this substitute deletes title III of the committee bill, relating to imports. Along with my colleagues Mr. GIBBONS, Mr. FRASER and Mr. CULVER, I will offer an amendment to the committee bill to strike title III, should the Erlenborn substitute be rejected.

Title III, a highly protectionist, "Buy American" section was added in committee by a narrow vote along bipartisan lines. I object to it for a number of reasons:

First, it has no place in a minimum wage bill. Even Andy Biemiller of the AFL-CIO testified that the issue "should be handled separately from . . . the Fair Labor Standards Act." Further, as a trade-related provision, it should be considered by both the Ways and Means Committee and the Foreign Affairs Committee before floor action is taken.

Second, since there are about 2.7 million export-related jobs, and only about 2 million import-affected jobs, a protectionist policy with retaliation by foreign countries could severely limit our exports, thus affecting 2.7 million workers in these jobs.

Third, the trade war which could result from passage of title III would seriously undermine the health of our entire domestic economy, as well as jeopardize our foreign economic and political relations. With multilateral negotiations upcoming, our efforts at these talks could be

seriously undermined, and the passage of a provision which violated GATT could further limit our credibility, let alone our popularity.

Fourth, American agriculture would be devastated by reciprocal quotas imposed by foreign countries. When one considers that the agricultural produce from 1 out of every 4 acres is exported, one is not hard put to understand how retaliatory actions could affect our farmers. Furthermore, not only would our farmers be hurt, but in addition, the costs to the U.S. taxpayer for storing agricultural surpluses would increase.

Fifth, many of our trading partners, unable to sell to the United States would thus be unable to earn the necessary foreign exchange to purchase our exports, again threatening our export-related jobs. For instance, in 1971 we imported $7 billion worth in goods from Japan, while we exported $4.1 billion worth to Japan. If we refused to import a significant portion of that $7 billion, which would be the case under title III, Japan's net purchasing power would greatly decrease and they would be unable to purchase the over $4 billion worth of goods we want to export. Not only would we be hurting Japan's economy, we would again be threatening our export-related jobs.

Sixth and finally, the ultimate loser in many ways would be the American consumer, since protectionism could produce both higher prices and lower quality in goods within the United States. Protectionism would be yet another fan to the flames of inflation—a fan which neither the consumer nor the worker can afford.

Mr. STOKES. Mr. Chairman, I strongly support H.R. 7130 as reported by the Education and Labor Committee. I am unalterably opposed to the Erlenborn substitute which fails to expand the protection of the Fair Labor Standards Act to include millions of presently unprotected workers. The bill will provide minimum wage and overtime protection to about 1.4 million additional Government employees. It will extend wage and overtime protection to 1.1 million domestic employees, most of whom are women. These and other groups of workers covered by this bill have struggled for too long to earn pay which is grossly inadequate to support themselves and their families.

The Anderson amendment would delay and, with respect to many workers, deny any increase in the minimum wage. H.R. 7130 is directed at the nearly 16 million people who make up the working poor of this Nation. The increase to $2 an hour will enable a full-time worker to earn $4,000 annually—just slightly above the poverty level. To say that such an increase would be inflationary is absurd. Income at this level must be spent on the necessities of life.

Inflation has hurt the poor severely. Food prices have continued to rise at an alarming rate. If a cost-of-living clause were in effect, the minimum wage would now be $2.18 an hour. We must adopt an immediate increase to help offset the dire effects of inflation on the working poor.

H.R. 7130 is one of this session's most significant pieces of legislation affecting the poor. We have the opportunity to improve the income and overtime protection of millions of workers. We cannot continue to permit people to work full time and even overtime for wages which are so distressingly inadequate. I urge my colleagues to join me in supporting H.R. 7130 without amendment.

Mr. RARICK. Mr. Chairman, I too am in favor of working productive citizens receiving fair wages for work done; however, this bill, H.R. 7130, far exceeds the desire of many of our colleagues to guarantee a $2 minimum wage to unskilled labor. When Congress starts legislating private salaries and wage scales, we are not only again officiously intermeddling in the free enterprise economy sector, we are in reality passing a new tax which will be borne by all of our people.

There is nothing in the existing law that prevents unskilled labor from receiving $2 or even more depending on their productivity and their employer's success. But, when, by law, we force a salary raise on the employer, be they small businessmen, farmers, housewives, or other, we know in advance that the employer will no more bear the brunt of the salary increase than will those in Congress who think it is good for votes to spend someone else's money. The employer will treat the wage increase like any other Federal tax and merely pass it on to the next consumer. This legislation will raise all prices across the board. In the long run, many of the people we are here talking about helping will end up paying the cost of financing their higher wages.

The American people are already taxed to death, and such gimmicks as use tax, sales tax, minimum wage increases, and other ploys to get around direct taxes no longer fool the people. A tax is a tax is a tax and end up only with additional controls even as in the bill we are debating. H.R. 7130 provides for no direct tax to pay for the salary increases but by the implementation of more stringent Government controls expects to derive additional direct taxes in the long run because of the higher incomes in the lower bracket.

In opposing this minimum wage bill, I am not opposing labor but am assisting the retirees, pensioners, disabled, and welfare recipients by trying to hold down taxes as well as inflation resulting from more money in the marketplace without increased productivity.

I have consistently opposed the use of this Congress to legislate labor contracts and salary equities. I have never regarded Congress as a proper forum to conduct negotiations on wage and working conditions. That is why I opposed the railroad strike legislation and even more recently the dock strike legislation.

Rising prices, inflation, and taxes must stop somewhere. Passage of a $2 minimum wage law will not help us restore fiscal sanity to any sector of our economy. And no one should blame the private sector when the prime reason we are here today is because our intermeddling in other areas of wage determination caused those wages to get so out of line that some feel we must now put the minimum wage earner under the broad umbrella of Government wage fixing.

My main opposition to this bill is that it is nothing but another tax on the consumers of our Nation.

Mr. RYAN. Mr. Chairman, I oppose the Erlenborn substitute and would like to direct my remarks to a few of its many deficiencies.

In considering a bill of this nature, we must be careful not to overlook the purpose of a minimum wage, which is to raise the wages of those employees who are at the bottom of the wage scale and who cannot bargain for themselves. The minimum wage is generally paid to the unskilled and inexperienced worker who is frequently young, black, or a woman. Yet the Erlenborn substitute completely ignores the needs of these groups by retaining many of the exemptions currently in effect.

The committee bill would extend the minimum wage and overtime coverage to approximately 4.7 million Federal, State, and local public employees. Opponents of this provision claim that this constitutes unwarranted interference in the fiscal affairs of State and local governments and that it would exacerbate the already tight budgetary situations in which many State and local governments find themselves today.

However, the findings of the Department of Labor ,which conducted a feasibility study of extending minimum wage and overtime protection to nonsupervisory employees in State and local governments, concluded:

> The nationwide survey of State and local governments (excluding education and hospital institutions) indicates that wage levels for State and local government employees not covered by the FLSA are, on the average, substantially higher than those of workers already covered. Hence, if coverage under the FLSA is extended to these workers, comparable minimum wage and overtime standards would not have as great an impact as did the earlier extension of FLSA coverage to employees of State and local governments schools, hospitals and residential care establishments.

The Department of Labor estimates that fewer than 120,000 of the over 3 million State and local government employees to be covered by the bill would benefit from a $1.80-an-hour minimum wage rate and that 167,000 of that total would benefit by the $2-an-hour minimum wage rate to be effective January 1, 1973.

Therefore, the facts indicate that extending the minimum wage coverage to State and local government employees would not impose undue hardships on these units of government because of the relatively small number of workers involved. This extension would, however, provide vitally needed assistance to those workers who are struggling to maintain an adequate standard of living.

Another group which, under the Erlenborn substitute, would be denied the protection of the minimum wage law, is domestic household employees. There are approximately 1.1 million household employees who would stand to benefit from a minimum wage law.

I have had occasion in the past to ad-

dress the House on the need for Federal assistance to this group of workers. Last March, I introduced a bill which would authorize payment under medicare for services performed by household workers. We have for too long neglected these workers, many of whom are members of minority groups, and who desperately need assistance.

I would like to address my remaining comments to that provision of the Erlenborn substitute which would establish a subminimum wage rate for youth.

I am not pleased, I must say, that the committee limited wage rates for full-time students, except those in hazardous part-time jobs. However, the Erlenborn substitute goes even further by penalizing all those under 18 years of age and all students under the age of 21 by allowing employers to pay them either 80 percent of applicable minimum wage or $1.60 an hour, whichever is higher.

Supporters of this provision argue that a subminimum wage would increase the employment opportunities available to our youth. However, there is no evidence that low wages create jobs. I think that some statistics will shed light on the real problem involved.

In 1970, there were more than 6 million employed teenagers aged 16 to 19. This was 360,000 more than in 1968 and 2 million more than in 1960. Teenagers held almost 8 percent of all jobs in 1970 as compared with 6 percent in 1960. The single most important reason for the relatively high unemployment rate for teenagers is the 41 percent increase in the teenage population during the 1960's.

However, because an increase of only 12 percent in the population of teenagers is projected for the 1970's, we can expect this picture to undergo a dramatic change.

The rate of teenage unemployment was higher in 1961, 1963, and 1964 than in 1970. But while overall employment of teenagers was significantly higher in 1969 than in 1968 and slightly higher in 1970 than in 1968, nonwhite teenagers lost jobs between 1968 and 1970. Between 1969 and 1970, there was a 1-percent increase in white teenage employment but a 6-percent drop in nonwhite teenage employment.

These figures pinpoint the problem with which we must realistically deal: it is not a youth unemployment problem but, more correctly, a black teenage unemployment problem. If this youth differential is established, there will be a subminimum wage for a select group of young people, those who can least afford to have yet another impediment placed in the path of their attempt to earn enough to maintain a minimum standard of living.

The Erlenborn substitute contains many other glaring omissions. For instance, the committee bill would extend the equal pay provisions prohibiting discrimination in pay between men and women doing the same work to include executive, administrative, and professional personnel and outside salesmen. We are all aware of the problems that women face in their attempts to receive equal pay for equal work. The passage of the equal rights amendment was an indication of our concern and our determination to eliminate wage differentials based on sex. However, if we are to truly succeed in our efforts to insure that women are not discriminated against on account of sex, we must wage the battle for equality simultaneously on many fronts. We must use every tool at our disposal, and the act currently under consideration provides yet another vehicle for enacting legislation to assure women equal pay for equal work.

For all of these reasons, I urge my colleagues to defeat this substitute bill which is in fact a step backward in our efforts to improve working conditions in our country.

Mrs. ABZUG. Mr. Chairman, I rise in support of H.R. 7130, the minimum wage bill, and in opposition to the Erlenborn substitute. Let me begin by expressing my concern at the length of time for which this legislation has been prevented from reaching us and my hope that it will be finally enacted into law before the 92d Congress passes into history.

This bill is long overdue, and it is not enough by a long shot. Over 16 million American workers still lack the protection of minimum wage legislation well over three decades after the initial enactment of the Fair Labor Standards Act. In addition, even those receiving the statutory minimum wage are well below the poverty line. Due to the steady progress of inflation in our economy, the present minimum wage of $1.60 per hour buys less than the former minimum of $1.25 did back in 1966. Even with this bill, a worker earning the minimum wage of $2 will receive about $4,000 per year, while the Bureau of Labor Statistics' "Lower Living Standard" is presently calculated at just over $7,000 per year for a family of four.

In addition to increasing the minimum wage, the bill before us rectifies a long-standing injustice to public employees at the Federal, State, and local levels by including them within the minimum wage and overtime provisions of the Fair Labor Standards Act. It is incredible that the workers who make our governments run have not yet been accorded the same benefits and protections as workers in private industry. These working people not only serve the public, but usually do so for salaries which are less than those paid for similar jobs in private industry. There are those who claim that to extend this coverage to employees of State and local governments would stretch their budgets to the breaking point. The facts indicate otherwise. A recent report of the Department of Labor entitled "Nonsupervisory Employees in State and Local Governments" indicates that the burden of the proposed increase would be minimal, and that their average wage outlay would be increased by less than 1 percent by the time-and-a-half-for-overtime requirement of the Fair Labor Standards Act. To date, I have seen no evidence which refutes the conclusions of this report, and I think that simple justice requires that we afford equal treatment to our public servants.

I strongly oppose the Erlenborn substitute, which would strike from this bill the various extensions of coverage contained in it, and the Anderson amendment, which would delay—and in some cases deny altogether—the minimum wage increases in the bill.

In addition to the favorable effect that this legislation will have on workers generally, it includes specific reforms which address themselves to the unique problems of women workers. The most serious of these is that of the domestic worker.

Seven percent—over 2 million—of all women workers in this country are classified by the Department of Labor as "private household workers." Ninety-eight percent of all the workers in this category are women. The duties of these workers consist of general household work, cleaning, laundering, and acting as servants.

Wages in this category are very low. The "Handbook on Women Workers" for 1969, issued by the Department of Labor, showed that in 1966 the median total cash income of these individuals, including all forms of social insurance and public assistance payments in addition to wages and self-employment income, was a mere $1,441. About six out of 10 women private household workers had total cash incomes of under $1,000, and only one out of 10 had a total income of $2,000 or more.

The low annual wages of women private household workers reflect not only their low rates of pay but also the intermittent character of their employment. In 1967, 62 percent of all women in this category over the age of 16 worked less than 35 hours per week; furthermore, four out of every 10 of these people worked 26 weeks or less during 1966.

Full-time private household workers tend to work longer hours than do other employed individuals. In 1967, 37 percent of all workers in this category on full-time schedules worked 41 hours or more a week.

A high proportion of women private household workers are heads of families. For these people especially, the hardship of supporting a family on less than $2,000 a year, when the lower living standard is just over $7,000, is most extreme and unjust.

This legislation is meant to correct these serious abuses which affect over 2 million American women. These women are every bit as valuable as any other class of workers in our society, and they deserve the same protections that other workers have enjoyed for years.

Title II of the bill extends minimum wage and overtime coverage to over 1 million household employees, to maids and custodial employees of hotels and motels, and to employees in preschool centers. It is most unfortunate, however, that the bill does not extend its protections to domestic workers who reside at their place of work. It is illogical, to say the least, to exclude this group. They are in just as much need of income protection as are domestic workers who travel to work.

The legislation is designed not only to aid women workers in lower income brackets, but also those who work at executive level. In 1963, Congress passed

the Equal Pay Act, which prohibited sex discrimination in the payment of wages for all employers subject to the wage and hour provisions of the Fair Labor Standards Act. However, employees in administrative, executive, professional and outside sales categories were exempted from this protection. To correct this, H.R. 7130 directs that the equal pay provisions be extended to include all of the above classes of workers.

Finally, I note title III of the bill, which would authorize or require broad import restrictions with regard to goods produced abroad under working conditions which are below the standards in this country. I have spoken out a number of times over the past year about the need to adjust some of our foreign trade and investment policies in order to reduce the incidence of unemployment of American workers brought about by the exodus of "multinational" corporations to foreign havens. I have suggested that we remove from our laws the various incentives for such activities on the part of corporations which are essentially American in nature, and have introduced legislation—H.R. 11582—which would accomplish this change.

On the other hand, I have consistently opposed the imposition of blanket quotas on the importation of foreign-made goods. I believe that establishing such quotas could lead to a tariff war reminiscent of the disastrous Hawley-Smoot period of the 1930's. In erecting high tariff walls to try to protect American labor in the short run, we entered into a tariff battle which undoubtedly prolonged the great depression.

The effect of title III could be to establish blanket quotas for most, if not all, foreign goods, and that it would open the door to events that we could not control, subjecting us to punitive reprisals and risking a repetition of the Hawley-Smoot experience. I believe that lesser measures, such as those proposed in H.R. 11582 and in parts of the Burke-Hartke bill other than its title III, will be sufficient to turn the tide. For the present at least, I believe that the risks we would run with a quota system such as that authorized under title III are too great in the absence of some proof that other methods will not work.

In addition title III gives broad and ill-defined powers to the President to impose import restrictions. It has been quite accurately described as the Gulf of Tonkin resolution of the foreign trade field. At a point when we are so justifiably concerned and upset with the inordinate powers being exercised by the Executive in the conduct of our military adventures in Indochina, it would be unfortunate to hand the President still another blank check.

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

TELLER VOTE WITH CLERKS

Mr. DENT. Mr. Chairman, I demand tellers.

Tellers were ordered.

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

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. ERLENBORN, PERKINS, QUIE, and DENT.

The Committee divided, and the tellers reported that there were—ayes 217, noes 191, not voting 24, as follows:

[Roll No. 148]

[Recorded Teller Vote]

AYES—217

Abbitt	Frelinghuysen	Pettis
Abernethy	Frenzel	Pickle
Alexander	Frey	Pirnie
Anderson, Ill.	Fuqua	Poage
Andrews, Ala.	Galifianakis	Poff
Andrews, N. Dak.	Gettys	Powell
	Gibbons	Price, Tex.
Archer	Goldwater	Quie
Arends	Goodling	Quillen
Ashbrook	Griffin	Railsback
Aspin	Gross	Randall
Baker	Grover	Rarick
Baring	Gubser	Rhodes
Belcher	Hagan	Roberts
Bennett	Haley	Robinson, Va.
Betts	Hall	Robison, N.Y.
Blackburn	Hammer-schmidt	Rogers
Bow		Rousselot
Bray	Hanley	Ruppe
Brinkley	Harsha	Ruth
Broomfield	Harvey	Sandman
Brotzman	Hastings	Satterfield
Brown, Mich.	Hébert	Scherle
Brown, Ohio	Henderson	Schmitz
Broyhill, N.C.	Hogan	Schneebeli
Broyhill, Va.	Hosmer	Schwengel
Buchanan	Hunt	Scott
Burke, Fla.	Hutchinson	Sebelius
Burleson, Tex.	Jarman	Shoup
Byrnes, Wis.	Johnson, Pa.	Shriver
Byron	Jonas	Sikes
Cabell	Jones, N.C.	Skubitz
Caffery	Jones, Tenn.	Smith, Calif.
Camp	Kazen	Smith, N.Y.
Carlson	Keating	Snyder
Carter	Kemp	Springer
Casey, Tex.	King	Stanton, J. William
Cederberg	Kyl	
Chamberlain	Landgrebe	Steed
Chappell	Latta	Steiger, Ariz.
Clancy	Lennon	Steiger, Wis.
Clausen, Don H.	Lent	Stephens
	Lloyd	Stuckey
Clawson, Del	Lujan	Talcott
Cleveland	McClory	Taylor
Collier	McClure	Teague, Calif.
Collins, Tex.	McCollister	Teague, Tex.
Colmer	McCulloch	Terry
Conable	McDonald, Mich.	Thomson, Wis.
Coughlin		Thone
Crane	McEwen	Vander Jagt
Curlin	McKevitt	Waggonner
Daniel, Va.	McMillan	Wampler
Davis, Ga.	Mahon	Ware
de la Garza	Mailliard	Whalley
Dellenback	Mallary	White
Dennis	Mann	Whitehurst
Derwinski	Martin	Whitten
Dickinson	Mathias, Calif.	Widnall
Dorn	Mathis, Ga.	Wiggins
Downing	Mayne	Williams
Duncan	Mazzoli	Wilson, Bob
du Pont	Michel	Winn
Edwards, Ala.	Miller, Ohio	Wolff
Erlenborn	Mills, Md.	Wright
Esch	Minshall	Wydler
Evins, Tenn.	Mizell	Wylie
Findley	Montgomery	Wyman
Fish	Myers	Young, Fla.
Fisher	Natcher	Young, Tex.
Flowers	Nelsen	Zion
Flynt	Nichols	Zwach
Ford, Gerald R.	O'Konski	
Forsythe	Patman	
Fountain	Pelly	

NOES—191

Abourezk	Barrett	Brasco
Abzug	Begich	Burke, Mass.
Adams	Bell	Burlison, Mo.
Addabbo	Bergland	Burton
Albert	Bevill	Byrne, Pa.
Anderson, Calif.	Biaggi	Carey, N.Y.
	Biester	Carney
Anderson, Tenn.	Bingham	Celler
	Blanton	Chisholm
Annunzio	Blatnik	Clay
Ashley	Boggs	Collins, Ill.
Aspinall	Boland	Conte
Badillo	Brademas	Conyers
Corman	Howard	Pucinski
Cotter	Hungate	Purcell
Culver	Ichord	Rangel
Daniels, N.J.	Jacobs	Rees
Danielson	Johnson, Calif.	Reid
Davis, S.C.	Jones, Ala.	Reuss
Delaney	Karth	Riegle
Dellums	Kastenmeier	Rodino
Denholm	Kee	Roe
Dent	Kluczynski	Roncalio
Dingell	Koch	Rooney, N.Y.
Donohue	Kyros	Rooney, Pa.
Dow	Leggett	Rosenthal
Drinan	Link	Rostenkowski
Dulski	Long, La.	Roush
Eckhardt	Long, Md.	Roy
Edwards, Calif.	McCloskey	Roybal
Eilberg	McCormack	Runnels
Evans, Colo.	McDade	Ryan
Fascell	McFall	St Germain
Flood	McKay	Sarbanes
Foley	McKinney	Saylor
Ford, William D.	Madden	Scheuer
	Matsunaga	Seiberling
Fraser	Meeds	Shipley
Fulton	Melcher	Sisk
Garmatz	Mikva	Slack
Gaydos	Miller, Calif.	Smith, Iowa
Giaimo	Mills, Ark.	Staggers
Gonzalez	Minish	Stanton, James V.
Grasso	Mink	
Gray	Mitchell	Steele
Green, Oreg.	Mollohan	Stokes
Green, Pa.	Monagan	Stratton
Griffiths	Moorhead	Sullivan
Gude	Morgan	Symington
Halpern	Mosher	Thompson, N.J.
Hamilton	Moss	Tiernan
Hanna	Murphy, Ill.	Udall
Hansen, Idaho	Murphy, N.Y.	Ullman
Hansen, Wash.	Nedzi	Van Deerlin
Harrington	Nix	Vanik
Hathaway	Obey	Vigorito
Hawkins	O'Hara	Waldie
Hechler, W. Va.	O'Neill	Whalen
Heckler, Mass.	Patten	Wilson, Charles H.
Heinz	Pepper	
Helstoski	Perkins	Wyatt
Hicks, Mass.	Peyser	Yates
Hicks, Wash.	Pike	Yatron
Hillis	Podell	Zablocki
Holifield	Price, Ill.	
Horton	Pryor, Ark.	

NOT VOTING—24

Bolling	Eshleman	Metcalfe
Brooks	Gallagher	Passman
Clark	Hays	Preyer, N.C.
Davis, Wis.	Hull	Spence
Devine	Keith	Stubblefield
Diggs	Kuykendall	Thompson, Ga.
Dowdy	Landrum	Veysey
Dwyer	Macdonald, Mass.	
Edmondson		

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

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended by the Erlenborn substitute.

The committee amendment in the nature of a substitute as amended was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7130) 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, pursuant to House Resolution 968, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole. If not, the question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. ASHBROOK

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

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ASHBROOK. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. ASHBROOK moves to recommit the bill H.R. 7130 to the Committee on Education and Labor.

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

There was no objection.

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

The motion to recommit was rejected.

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

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 330, nays 78, not voting 23, as follows:

[Roll No. 149]

YEAS—330

Abourezk	Carney	Evans, Colo.
Abzug	Carter	Evins, Tenn.
Adams	Casey, Tex.	Fascell
Addabbo	Cederberg	Findley
Alexander	Celler	Fish
Anderson, Calif.	Chamberlain	Flood
	Chappell	Flowers
Anderson, Ill.	Chisholm	Foley
Anderson, Tenn.	Clancy	Ford, Gerald R.
	Clausen, Don H.	Ford, William D.
Andrews, N. Dak.	Clay	Forsythe
Annunzio	Cleveland	Fountain
Arends	Collier	Fraser
Ashley	Collins, Ill.	Frelinghuysen
Aspin	Conable	Frenzel
Badillo	Conte	Frey
Baring	Conyers	Fulton
Barrett	Corman	Fuqua
Begich	Cotter	Galifianakis
Bell	Coughlin	Gallagher
Bennett	Culver	Garmatz
Bergland	Curlin	Gaydos
Bevill	Daniels, N.J.	Giaimo
Biaggi	Danielson	Gibbons
Biester	Davis, Ga.	Gonzalez
Bingham	Davis, S.C.	Grasso
Blanton	de la Garza	Gray
Blatnik	Delaney	Green, Oreg.
Boggs	Dellenback	Green, Pa.
Boland	Dellums	Griffiths
Bolling	Dent	Grover
Brademas	Derwinski	Gubser
Brasco	Diggs	Gude
Broomfield	Dingell	Haley
Brotzman	Donohue	Halpern
Brown, Mich.	Dow	Hamilton
Broyhill, N.C.	Drinan	Hanley
Burke, Mass.	Dulski	Hanna
Burlison, Mo.	Duncan	Hansen, Wash.
Burton	du Pont	Harrington
Byrne, Pa.	Dwyer	Harsha
Byron	Eckhardt	Harvey
Cabell	Edwards, Calif.	Hastings
Caffery	Eilberg	Hathaway
Carey, N.Y.	Erlenborn	Hawkins
Carlson	Esch	Hébert
Hechler, W. Va.	Miller, Calif.	Sarbanes
Heckler, Mass.	Miller, Ohio	Saylor
Heinz	Mills, Ark.	Scheuer
Helstoski	Mills, Md.	Schneebeli
Henderson	Minish	Schwengel
Hicks, Mass.	Mink	Seiberling
Hicks, Wash.	Minshall	Shipley
Hillis	Mitchell	Shoup
Hogan	Mizell	Shriver
Holifield	Mollohan	Sikes
Horton	Monagan	Sisk
Hosmer	Moorhead	Skubitz
Howard	Morgan	Slack
Hungate	Mosher	Smith, Iowa
Hunt	Moss	Smith, N.Y.
Ichord	Murphy, Ill.	Snyder
Jacobs	Murphy, N.Y.	Springer
Johnson, Calif.	Myers	Staggers
Johnson, Pa.	Natcher	Stanton, J. William
Jones, Ala.	Nedzi	
Jones, N.C.	Nelsen	Stanton, James V.
Jones, Tenn.	Nix	
Karth	Obey	Steed
Kastenmeier	O'Hara	Steele
Kazen	O'Konski	Steiger, Wis.
Keating	O'Neill	Stokes
Kee	Patman	Stratton
Kemp	Patten	Stuckey
King	Pelly	Sullivan
Kluczynski	Pepper	Symington
Koch	Perkins	Taylor
Kyl	Pettis	Thompson, N.J.
Kyros	Peyser	Thomson, Wis.
Leggett	Pickle	Thone
Lennon	Pike	Tiernan
Lent	Pirnie	Udall
Link	Podell	Ullman
Long, La.	Price, Ill.	Van Deerlin
Long, Md.	Pucinski	Vander Jagt
Lujan	Quie	Vanik
McCloskey	Quillen	Vigorito
McCollister	Railsback	Waggonner
McCormack	Randall	Waldie
McCulloch	Rees	Wampler
McDade	Reid	Ware
McDonald, Mich.	Reuss	Whalen
	Rhodes	Whalley
McEwen	Riegle	White
McFall	Robison, N.Y.	Widnall
McKay	Rodino	Williams
McKevitt	Roe	Wilson, Bob
McKinney	Rogers	Wilson, Charles H.
Madden	Roncalio	
Mahon	Rooney, N.Y.	Winn
Mailliard	Rooney, Pa.	Wolff
Mallary	Rosenthal	Wright
Mann	Rostenkowski	Wyatt
Mathias, Calif.	Roush	Wydler
Mathis, Ga.	Roy	Wylie
Matsunaga	Roybal	Wyman
Mayne	Runnels	Yates
Mazzoli	Ruppe	Yatron
Meeds	Ruth	Young, Fla.
Melcher	Ryan	Young, Tex.
Michel	St Germain	Zablocki
Mikva	Sandman	Zwach

NAYS—78

Abbitt	Dickinson	Nichols
Abernethy	Dorn	Poage
Andrews, Ala.	Downing	Poff
Archer	Edwards, Ala.	Powell
Ashbrook	Fisher	Price, Tex.
Aspinall	Flynt	Purcell
Baker	Gettys	Rarick
Belcher	Goldwater	Roberts
Betts	Goodling	Robinson, Va.
Blackburn	Griffin	Rousselot
Bow	Gross	Satterfield
Bray	Hagan	Scherle
Brinkley	Hall	Schmitz
Brown, Ohio	Hammer-schmidt	Scott
Broyhill, Va.		Sebelius
Buchanan	Hansen, Idaho	Smith, Calif.
Burke, Fla.	Hutchinson	Steiger, Ariz.
Burleson, Tex.	Jarman	Stephens
Byrnes, Wis.	Jonas	Talcott
Camp	Landgrebe	Teague, Calif.
Clawson, Del	Latta	Teague, Tex.
Collins, Tex.	Lloyd	Whitehurst
Colmer	McClory	Whitten
Crane	McClure	Wiggins
Daniel, Va.	McMillan	Zion
Denholm	Martin	
Dennis	Montgomery	

NOT VOTING—23

Brooks	Hull	Preyer, N.C.
Clark	Keith	Pryor, Ark.
Davis, Wis.	Kuykendall	Rangel
Devine	Landrum	Spence
Dowdy	Macdonald, Mass.	Stubblefield
Edmondson		Terry
Eshleman	Metcalfe	Thompson, Ga.
Hays	Passman	Veysey

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Davis of Wisconsin for, with Mr. Devine against.

Mr. Macdonald of Massachusetts for, with Mr. Dowdy against.

Mr. Clark for, with Mr. Stubblefield against.

Mr. Brooks for, with Mr. Hull against.

Mr. Eshleman for, with Mr. Spence against.

Mr. Terry for, with Mr. Veysey against.

Until further notice:

Mr. Metcalfe with Mr. Preyer of North Carolina.

Mr. Aspin with Mr. Keith.

Mr. Landrum with Mr. Thompson of Georgia.

Mr. Rangel with Mr. Edmondson.

Mr. Hays with Mr. Kuykendall.

Mr. BRAY changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. O'KONSKI. Mr. Speaker, I was confined in my office with visitors and came to the floor during the final seconds of the vote on the Erlenborn substitute.

Had I known that section 3 of the original bill, which put a curb on imports to countries unless these countries pay equal wages was not in the Erlenborn substitute, and had I know that the provision for overtime pay for Federal, State, county, and municipal employees was not in the Erlenborn substitute, I would have voted against the Erlenborn substitute.

PERMISSION FOR MANAGERS TO FILE CONFERENCE REPORT ON H.R. 14582, SUPPLEMENTAL APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill H.R. 14582, making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

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

There was no objection.

CONFERENCE REPORT (H. REPT. No. 92–1063)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14582) "making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 7, 9, 18, 24, 29, 35, 36, 37, 39, and 50.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 11, 13, 15, 20, 28, 30, 31, 32, 34, 41, 42, 43, 45, and 46, and agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and

agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$156,550,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$3,000,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$469,940,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$56,276,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert "$2,500,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8,106,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 6, 8, 10, 12, 14, 17, 19, 22, 23, 25, 26, 27, 33, 38, and 40.

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Managers on the Part of the House.
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(except as to amendment No. 1),
ROMAN L. HRUSKA,
GORDON ALLOTT,
NORRIS COTTON,
HIRAM L. FONG,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14582) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I

Chapter I—Agriculture

Amendment No. 1: Deletes the appropriation of $10,000,000 for a "Cropland Conservation Program" as proposed by the Senate.

Amendment No. 2: Deletes the appropriation of $100,000 for the National Commission on Materials Policy as proposed by the Senate.

Chapter II—Retired military personnel retired pay, defense

Amendment No. 3: Appropriates $144,312,000 as proposed by the Senate instead of $154,312,000 as proposed by the House. The Senate reduction is based on the latest available estimates.

Chapter III—District of Columbia

Amendment No. 4: Appropriates $2,233,000 for Public Safety as proposed by the Senate instead of $2,602,000 as proposed by the House.

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $67,835,000 for Capital Outlay instead of $69,955,000 as proposed by the House and $68,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The conference agreement deletes $165,000 proposed by the Senate for a new morgue building.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to provide $4,380,000 for construction services instead of $6,500,000 as proposed by the House and $4,545,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Chapter IV—Foreign operations

Amendment No. 7: Deletes the appropriation of $320,000,000 for "Subscription to the International Development Association" proposed by the Senate. The managers agree that there is no intention of denying each of the three annual installments of $320,000,000 in the next three fiscal years and that the first installment will be provided in the fiscal year beginning July 1, 1972.

Chapter V

Federal Communications Commission

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment making funds available until June 30, 1973.

Veterans' Administration

Amendment No. 9: Restores House language deleted by the Senate to provide funds for Medical administration and miscellaneous operating expenses by transfer instead of a new appropriation.

Chapter VI—Department of the Interior

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides $200,000 for "Bureau of Land Management, construction and maintenance".

Amendment No. 11: Appropriates $4,308,000 for "Bureau of Indian Affairs, resources management", as proposed by the Senate, instead of $4,000,000 as proposed by the House. The increase over the amount provided by the House includes an additional $308,000 for preparation of a census roll of Alaska Natives.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing language to authorize the advance of $500,000 to any Regional Corporation, established pursuant to the provisions of Public Law 92–203, the "Alaska Native Claims Settlement Act", which the Secretary of the Interior determines to be necessary for the organization of such Regional Corporation and the Village Corporations within such region, and to identify land for such corporations pursuant to said act, and to repay loans and other obligations previously incurred for such purposes. The amended language further provides that such advances shall not be subject to the provisions of Section 7(j) of said act, but shall be charged to and accounted for by such Regional and Village Corporations in computing the distributions pursuant to Section 7(j) required after the first regular receipt of monies from the Alaskan Native Fund under Section 6 of said act; and that no part of the money so advanced shall be used for the organization of a Village Corporation that had less than 25 Native residents living within such village according to the 1970 census. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 13: Authorizes the Secretary of the Interior to borrow from the Treasury $45,300,000 for payment to the helium production fund pursuant to section 12(a) of the Helium Act to carry out the provisions of the act and contractual obligations thereunder, as proposed by the Senate.

This borrowing authority is provided to service the three helium purchase contracts continued in force by court order, but the conferees are of the opinion that judicial concern in this matter should be resolved at the earliest possible moment. The conferees are of the further opinion that upon resolution of the judicial questions, the Secretary of the Interior should determine within the least possible time, the matter of continuance of these contracts.

Related Agencies

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides $170,000 for "Forest Service, construction and land acquisition." The amount provided is for installation of a water supply system for protection of buildings at the Alexandria, Louisiana, Forestry Center.

Amendment No. 15: Appropriates $125,000 as proposed by the Senate instead of $300,000 as proposed by the House for the "Joint Federal-State Land Use Planning Commission for Alaska."

Chapter VII—Departments of Labor and Health, Education, and Welfare

Department of Labor

Manpower Administration

Amendment No. 16: Appropriates $156,550,000 for "Manpower training services" instead of $95,000,000 proposed by the House and $247,000,000 proposed by the Senate. The amount agreed to includes $15,000,000 for the summer recreation program instead of $12,800,000 proposed by the House and $21,900,000 proposed by the Senate; and $141,550,000 for the Neighborhood Youth Corps summer jobs program instead of $82,200,000 as proposed by the House and $223,900,000 proposed by the Senate. The conferees are agreed that

some of the funds for the Neighborhood Youth Corps summer jobs program may be used for transportation if it is found to be necessary to accomplish the program's objectives.

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which will make the funds contained in Amendment No. 16 available until September 30, 1972.

Department of Health, Education, and Welfare

Health Services and Mental Health Administration

Amendment No. 18: Deletes appropriation of $112,000 for "Maternal and child health" proposed by the Senate. The managers on the part of the House and Senate are agreed that funds may be reprogrammed, within the funds already appropriated for "Maternal and child health" for fiscal year 1972, for the purposes of this amendment. For fiscal year 1973 the conferees were advised by the Department of Health, Education, and Welfare that "HEW would be willing to reprogram a sufficient amount of funds from the projected $9,000,000 increase for project grants to permit this project (the university-affiliated mental retardation center in Kansas City, Kansas) to be funded." The managers on the part of the House and the Senate will very definitely expect that this reprogramming be carried out.

National Institutes of Health

Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which appropriates $40,000,000 for "National Cancer Institute," to remain available through June 30, 1973, as proposed by the Senate.

Office of Education

Amendment No. 20: Inserts heading.

Amendment No. 21: Appropriates $3,000,000 for "Elementary and secondary education" instead of $9,000,000 as proposed by the Senate. The managers on the part of the House and the Senate are agreed that the amount provided is to continue in operation those Follow Through projects (currently scheduled for discontinuance) of the highest priority for one year.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede from disagreement to the Senate amendment and agree to the same with an amendment which will appropriate an additional amount of $100,000,000 for "Higher education" instead of $300,400,000 proposed by the Senate. The total appropriation includes $45,000,000 for educational opportunity grants, $25,600,000 for work-study grants, $23,600,000 for National Defense Student Loans, and $5,800,000 for additional projects specifically for veterans under the Talent Search, Upward Bound, and Education Professions Development Act programs. The entire appropriation of $100,000,000 is to be used in the 1972–73 academic school year. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Office of Economic Opportunity

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will have the effect of appropriating $20,000,000 for "Economic opportunity program" instead of $30,000,000 as proposed by the Senate and the managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

General Provision

Amendment No. 24: Strikes language proposed by the Senate.

Chapter VIII—Legislative branch

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $650,000 for the Joint Committee on Inaugural Ceremonies of 1973.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $130,000 to the Architect of the Capitol for temporary parking facilities for the Senate.

Chapter IX—Southwestern Power Administration

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to concur in the Senate amendment with an amendment inserting language providing $180,000 for "Operation and Maintenance" to be derived by transfer from the appropriation for "Construction" for the Southwestern Power Administration in lieu of the $500,000 proposed by the Senate, including $320,000 in direct appropriations. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Chapter X—Department of State

Amendment No. 28: Changes chapter number as proposed by the Senate.

Amendment No. 29: Appropriates $9,308,360 for "Contributions to International Organizations" as proposed by the House instead of $13,216,529 as proposed by the Senate.

Chapter XI—Department of Transportation

Amendment No. 30: Changes chapter number.

Amendment No. 31: Appropriates $540,000 for Coast Guard, operating expenses as proposed by the Senate instead of $140,000 as proposed by the House.

Amendment No. 32: Appropriates $3,000,000 for Coast Guard, state boating safety assistance, as proposed by the Senate instead of $1,000,000 as proposed by the House.

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $170,000,000 for Federal Railroad Administration, grants to National Railroad Passenger Corporation, instead of $270,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. Since the authorizing legislation for this program has not been enacted into law, the conferees are in agreement that action on the additional $100,000,000 included by the Senate has been deferred without prejudice to future consideration.

Chapter XII

Amendment No. 34: Changes chapter numbers.

General Services Administration

Public Buildings Service

Amendment No. 35: Appropriates $45,958,000 as proposed by the House instead of $8,756,000 as proposed by the Senate for construction, public buildings projects.

Amendment No. 36: Restores language proposed by the House providing for construction of a courthouse and federal office building (superstructure) Philadelphia, Pennsylvania.

Amendment No. 37: Restores language proposed by the House providing for construction of the Federal Bureau of Investigation Building (superstructure), Washington, D.C.

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment providing that the funds in this Act for the three projects at Chicago, Philadelphia, and the FBI Building in Washington, D.C. shall be available only upon the approval of the revised prospectuses by the Committees on Public Works of the Congress. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 39: Appropriates $2,297,000 as proposed by the House instead of $755,000 as proposed by the Senate for sites and expenses, public buildings projects.

Chapter XIII—Claims and Judgments

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $5,508,032 for claims and judgments as proposed by the Senate.

TITLE II—INCREASED PAY COSTS

Amendments Nos. 41 and 42: Appropriate additional pay act funds for the Senate as proposed by the Senate.

Military Personnel

Military Personnel, Army

Amendment No. 43: Appropriates $696,738,000 as proposed by the Senate instead of $736,738,000 as proposed by the House. The Senate reduction is based on the latest estimate of the Army man-year strength which indicated a substantial shortfall below previous estimates.

Military Personnel, Navy

Amendment No. 44: Appropriates $469,940,000 instead of $464,740,000 as proposed by the House and $471,740,000 as proposed by the Senate. The provision of $5,250,000 more than the House amount is based on the most recent computation.

Reserve Personnel, Army

Amendment No. 45: Appropriates $17,792,000 as proposed by the Senate instead of $23,792,000 as proposed by the House. The sum agreed to is based on the latest available strength figures for the Army Reserve which show substantial shortfalls in personnel.

National Guard Personnel, Army

Amendment No. 46: Appropriates $49,431,000 as proposed by the Senate instead of $79,431,000 as proposed by the House. The sum agreed to is based on the latest available strength figures for the Army National Guard which show substantial shortfalls in numbers of personnel.

Operation and Maintenance

Operation and Maintenance, Army

Amendment No. 47: Appropriates $56,276,000 instead of $41,276,000 as proposed by the House and $61,776,000 as proposed by the Senate. The conferees agreed that some of the pay cost funds could be absorbed by the Army from savings realized through program changes.

Operation and Maintenance, Marine Corps

Amendment No. 48: Appropriates $2,500,000 for "Operation and Maintenance, Marine Corps", for which the House provided no funds and the Senate proposed $4,549,000. The Conferees agreed that while some funds were required, a part of the pay cost increase could be absorbed by the Marine Corps from savings realized through program changes.

Operation and Maintenance, Army National Guard

Amendment No. 49: Appropriates $8,106,000 instead of $2,106,000 as proposed by the

House and $10,106,000 as proposed by the Senate. The Conferees agreed that a part of the funds requested for the pay cost increase could be absorbed by the Army National Guard from savings realized through program changes.

Amendment No. 50: Restores the House language stricken by the Senate to limit the use of administrative and nonadministrative expenses of the Federal Home Loan Bank Board, thus precluding the use of funds for relocating the district bank for the fourth district from Greensboro, North Carolina, or for the supervision, direction or operation of such bank at any other location.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1972 recommended by the committee of conference, with comparisons to the budget estimate total, and the House and Senate bills follows:

Budget estimates	$4,865,943,389
House bill	3,954,453,358
Senate bill	5,063,517,439
Conference agreement	[1] 4,347,698,270
Conference agreement compared with:	
Budget estimates	−518,245,119
House bill	+393,244,912
Senate bill	−715,819,169

[1] Includes amounts in amendments reported in technical disagreement.

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Managers on the Part of the Senate.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished Majority Leader the program for the rest of the week, if any, and the schedule for next week.

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

Mr. GERALD R. FORD. I yield to the distinguished Majority Leader.

Mr. BOGGS. In response to the first question of the distinguished Minority Leader, we have completed the business for this week, and I plan to ask to go over until Monday.

Next week, on Monday we will have the Consent Calendar, followed by three suspensions:

H.R. 7378, Commission on Revision of Judicial Circuits;

H.R. 480, veterans life insurance tax exemptions; and

H.J. Res. 812, Secretary of Interior on F.D.R. Memorial Commission.

On Tuesday we will be in recess to receive the Apollo 16 Astronauts, to be followed by the Private Calendar and

H.R. 7375, salaries of U.S. magistrates, under an open rule with 1 hour of general debate.

On Wednesday:

H.R. 11627, Motor Vehicle Information and Cost Savings Act, under an open rule, with 1 hour of debate; and

H.R. 6788, mining and mineral research centers, under an open rule, with 1 hour of debate.

It is our intention that if we finish the consideration of these two bills on Wednesday we hope to dispose of the general debate on the State-Justice-Commerce-judiciary approriation bill on Wednesday and proceed to vote on it on Thursday.

Of course, conference reports may be brought up at any time and any further program will be announced later.

ADJOURNMENT OVER TO MONDAY, MAY 15, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS IN ORDER WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business scheduled for Wednesday next be dispensed with.

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

There was no objection.

GENERAL LEAVE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 7130, which was just considered, and to include extraneous material.

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

There was no objection.

THE 24TH ANNIVERSARY OF THE ESTABLISHMENT OF THE STATE OF ISRAEL

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

Mr. ANNUNZIO. Mr. Speaker, on May 15, we commemorate the anniversary of an event of stirring significance and inspiration in mankind's continuing struggle for freedom and dignity—the day upon which 24 years ago the Jewish people proclaimed the independent sovereign Republic of Israel.

The founding of Israel is a vital, living monument to the persistence and heroism of a people who have suffered many centuries of persecution and know only too well the bitterness and despair of an existence without even the most basic freedoms.

The strategic location of the traditional homeland of the Jews, as a crossroad of commerce and cultural exchange among three continents, has made the Jewish nation a prime target of foreign invaders. Under ancient kings and as part of ancient empires, the Jews suffered massacre, deportation, and slavery.

The Roman Empire imposed its will on the Jewish people for several centuries during which time—70 A.D.—Jerusalem was again besieged and, after a heroic defense, its people were reduced to starvation. This event coincided with the final Diaspora and the subsequent elimination of Palestine as the focal point of Jewish culture and civilization for almost 2,000 years.

Throughout the Middle Ages, in most of the countries of the world, the Jews were severely restricted in their civil and religious liberties, as well as being subjected to periodic physical harassment or outright persecution by fire and sword. This sad history culminated in the twentieth century with the unspeakable horror at Auschwitz and Buchenwald.

Seen in this context of tears and tragedy, the establishment of the State of Israel is, therefore, a most momentous turning point in the history of the Jewish people. The nation was carved out of bedrock, desert, and malarial swamp at great sacrifice and, in addition, was surrounded by hostile neighbors. Yet the courage and tough determination forged during their centuries of exile enabled the Jews to face these problems with vigor and unwavering enthusiasm.

Today, as a nation of almost 3 million people, Israel can rightfully boast of its astounding record of economic, political, and social accomplishments. In spite of the continuing problems of heavy armament expense and the integration into their society of many new immigrants, Israel has not abandoned its innovative spirit or sympathetic interest in the peoples of other lands with similar problems.

Encouraging other small nations, not only by example but also with substantive action, Israel conducts programs of technical assistance, on-the-job training courses, and the loan of experts and instructors to scores of nations in the less

developed areas of Asia, Africa, and Latin America.

In a mere 24 years of existence, the State of Israel has contributed mightily with energy and imagination to our hopes and dreams for the eventual establishment of a creative, democratic, and progressive world community of nations.

To the citizens of Israel and their friends in this and every other nation, I join my colleagues in the Congress in a tribute on this special day. May the State of Israel continue to be a source of encouragement and inspiration for all peoples of the world.

THE CRATCHITT MEMORANDUM—A TOP SECRET DOCUMENT

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

Mr. GONZALEZ. Mr. Speaker, a few days ago, the President went down to the Picosa ranch to have a little dinner with Secretary Connally. Now everyone knows that if the President wants to see the Secretary, all he has to do is summon him across the street, from the Treasury to the White House. And if he just wants to have a social evening, well, that can be done right here in Washington. So there is no denying that this trip to the Picosa spread, where carefully groomed cowboys watched equally carefully groomed cattle for the picturesque effect of it all, and where mariachis strummed gaily in the background, was more than a social event. By all accounts it was a political event of the first magnitude, because the President dined not just with Connally, but with 200 of the richest, most powerful men in Texas—what we call in Spanish los pesados—weighty men. I call them the Picoso pesados. These are people who contribute mightily to political campaigns, and men who know perfectly well the meaning of the Spanish phrase, "Don Dinero—poderoso caballero," which in English means, "Mr. Money—a powerful gentleman."

So when the President hunkers down to barbecue with 200 of los pesados, it is not because he likes barbecue, and not because he is a gregarious man who enjoys parties, even at a ranch as elegant as the Picosa. There is only one reason why this trip was made, and that is political—to raise large amounts of political capital.

Now we all know that Presidential travel is not cheap. Nobody knows how much it cost for the President to go to China, though we do know of the initial payment of $6 million in cash handed over to the Chinese to cover a few of the local bills. It is perfectly proper for the taxpayers to ante up the money for official travel, but when the taxpayers are called upon to cover the bills for political fundraising safaris, that is another matter.

There are those who are responsible for paying the bills in this Government, and I have just acquired a batch of top secret documents from the Treasury relating to the question of whether the taxpayers should foot the cost of the Picosa political expedition. I call these documents to the attention of the Congress, in the finest tradition of current document leakage, because I consider this a prime example of one man's effort to save the taxpayer from a needless expense.

The Picosa expedition bills happened to be sent to an obscure Treasury clerk named Cratchitt, who was supposed to write the checks.

The Treasury has a great many people who write checks, and it was a sheer accident that the Picosa expedition bills all went to Cratchitt. Ordinarily, these bills would have been divided up and sent to many clerks in many agencies, in order to better cover up the real cost of the extravaganza. Cratchitt, of course, was shocked when he saw the bills. As it happens, he has 28 years of service as a civil servant. He formerly worked in my hometown of San Antonio, but lost his old job as a GS–9 bookkeeper during an economy wave. After that he landed a GS–5 clerk's job at the Treasury, where he worked quietly. Cratchitt is a humble fellow, but stubborn and proud; he works hard, is a devoted family man, and a devout member of the church. He is honest and industrious, but a very unobtrusive fellow. His office is not really an office at all, just an old-fashioned high desk in a dark and obscure corner of the Treasury basement. Cratchitt, like many old-fashioned men, has only one affectation, and that is a green eyeshade he uses to protect his eyes, which have suffered considerable strain in his 28 years as a Government clerk.

When Cratchitt got the bills for the Texas political trip, he rightfully concluded that these were not incurred in the course of Presidential duty, but in the cause of straight, old-fashioned politics. Cratchitt himself cannot participate in politics in any way because of the Hatch Act, and he knows full well that not even the President has a right to foist political bills on the taxpayer, especially when the Treasury is running in the red by $47 billion or so.

Accordingly, Cratchitt took the bills, which were labeled "Top Secret" and sent them to Secretary Connally with the following memo, also marked "Top Secret."

DEPARTMENT OF THE TREASURY,
Washington, D.C.

Top secret

To: Secretary Connally.

MR. SECRETARY: I have just received the attached bills for the trip that you and the President took to Texas, which I understand was solely for the purpose of raising political campaign funds. As you can see, the bills already amount to $51,810.25 and more are coming in. I can't in good conscience pay this. Please send the attached bill to the Republican National Committee and ask that they remit the following amounts:

Travel expense, Secretary's entourage	$6,200.00
Operating expense, Air Force 1	9,400.00
Ferrying expense, helicopters	14,600.00
Operating expense, local, copter	430.00
Press bus, San Antonio	100.00
Security, Air Force 1, copters	500.00
Overtime	460.00
Secret Service travel costs	6,000.00
Hospitality aboard Air Force 1	300.00
Travel expense, President's entourage	6,440.00
Local lodging, expenses, entourages	2,380.00
Communications, Bell Telephone	$4,100.00
Overtime, Signal Corps	500.00
Extra airplane, backup	7,300.00
Alka-Seltzer, President	.25

These expenses, Mr. Secretary, do not include overtime costs incurred by the FAA in guiding the 27 learjets used by the barbecue party guests to fly from all over Texas to the Picosa, which is, after all, hard to find. Also, the foregoing does not include $4.73 spent by members of the official entourage to buy Alka-Seltzer and other medications to combat effects of the barbecue and Moet et Chandon champagne. However, the President's Alka-Seltzer is included.

Again, Mr. Secretary, I respectfully suggest that these bills not be paid by the taxpayer, but by the Republican Party, since the entire affair was for its sole benefit.

Sincerely,

B. CRATCHITT.

The Secretary promptly replied to Cratchitt, as follows:

DEPARTMENT OF THE TREASURY,
Washington, D.C.

Top Secret

To: B. Cratchitt.

I have your memorandum suggesting that the President should pay his political bills or submit same to the Republican party, same as any politico.

This is to advise that you have been replaced by a computer, in the interests of economy and efficiency. The computer will write checks without asking embarrasing questions.

J. B. CONNALLY.

Friends, today poor Bob Cratchitt is out of a job, replaced by a computer, like so many others. He is fighting inflation, shoulder to shoulder with the millions of other unemployed people in our Nation today. The Republican Party, and the President's war chest, has been enriched by perhaps $2 million contributed, by los pesados of Texas, the Picosa Pesados.

I suggest in all seriousness that the President is also a politician, and must recognize when he is acting officially and when he is acting politically. This is a distinction that every politician is expected to make, and if a President is anything, he is a politician as well as a President. Those of us who use taxpayers' money to make purely political trips can expect to be questioned, and even prosecuted or jailed—and that is as it should be. The President is also subject to this essential division, this essential demarcation between what is work in behalf of the people, and what is work in behalf of his own political interests.

President Johnson did not find it difficult to make this distinction between official expenses and political expenses. Whenever he traveled on unofficial business, whenever he used Government facilities for political purposes, he carefully submitted the bills to the Democratic National Committee. I am not suggesting that the President give up his private air force and fly commercially when he is about political business—that is clearly impossible, because of the nature of his office and duties. But it is not too much to expect that when he does make political safaris, he ask the

Republican Party to pick up the tab, just as his predecessors did.

There is no reason why the taxpayers should be asked to pay the bills for the Picosa expedition, which was purely, simply, and solely undertaken for political purposes. I respectfully suggest that the President submit these bills to the Republican National Committee.

ORGANIC FOOD INSPECTION AND CERTIFICATION LEGISLATION NEEDED

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

Mr. KOCH. Mr. Speaker, I am concerned that the American consumer is not adequately protected against the tremendous amount of misrepresentation in the marketing of organically grown foods. At present, the consumer has no way of knowing whether the fruits and vegetables purchased at an "organic" food store were in fact grown organically, that is, without the use of synthetic pesticides, fertilizers, or additives, or whether they were regular farm produce bought earlier in the day at the local supermarket and resold at fancy premium prices. As a result, the consumer often pays premium prices for what is many times only conventional food.

The bill I am introducing today would protect both the American consumer and the bona fide organic farmer from fraud and deception in the marketplace by providing for the inspection and certification of farms producing organically grown food. Only those farms and establishments which have been inspected and certified would be allowed to label, advertise, and distribute their produce as "organically grown" or "organically processed," and the use of the word "organic" would be denied all other producers and distributors.

There is no easy way to tell if food has been grown organically unless the farm itself has been inspected, with the soil, plants, and water sources tested for chemical residues. Testing samples of food in the market cannot reveal the whole story about how that food was grown, and whether artificial fertilizers were used by the farmer. Even pesticides are sometimes hard to detect without testing prior to harvest. Millions of consumers have already been defrauded by paying for food which they believed to have been organically grown and which was not. And these fraudulent sales take place every day.

There is a need for a Federal inspection and certification program that would assure consumers that they are getting organically grown food when they buy it. And the best part of my Federal inspection and certification legislation is that it is self-financing. The fees will be charged to the producer and ultimately paid by the consumer. But producers and consumers are more than willing to pay these fees because at present the latter are already paying premium prices for foods sold to them as organically grown which were in fact not so grown, and the former are now subjected to unfair competition from unscrupulous vendors.

There are some people who take the position that organically grown food is in no significant nutritional way better than conventional food. That controversy is irrelevant to this issue. Organically grown food is a legal commodity, in strong demand, and should be available to those who want it.

There is now a significant and growing sector of the American public showing interest in organically grown foods. Organic food can no longer be considered a fad; indeed, it has quite a history in this country. Organic Gardening and Farming, for example, the magazine which first brought this matter to my attention, has been published since 1942 and now has a circulation of more than 800,000 subscribers.

The sales of food represented as organically grown may reach several hundred million dollars this year, and this legislation is needed to protect the legitimate interests of both producers and consumers, and I urge you to support it.

The following is a copy of this bill:

H.R. 14941

A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the advertising and distribution of organically grown and processed foods

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end the following new section:

"ORGANICALLY GROWN OR PROCESSED FOODS

"SEC. 410. (a) For the purposes of this section:

"(1) The term 'organically grown food' means food which has not been subjected to pesticides or artificial fertilizers and which has been grown in soil whose humus content is increased by the addition of organic matter.

"(2) The term 'organically processed food' means organically grown food which in its processing has not been treated with preservatives, hormones, antibiotics, or synthetic additives of any kind.

"(3) The term 'organically growing or processing food' means growing or processing food for distribution in commerce as an organically grown or processed food.

"(4) The term 'commerce' means trade, traffic, commerce, or transportation—

"(A) between a place in a State and any place outside thereof, or

"(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

"(5) The term 'distribute in commerce' means sell in, offer for sale in, or introduce or deliver for introduction into, commerce.

"(b) The Secretary shall consult with Federal and State departments and agencies having related responsibilities or interests and with appropriate professional organizations and interested persons, including representatives of farms, industries, labor organizations, and consumer groups which would be affected by such standards and shall by regulation prescribe the conditions under which a food must be grown or processed before it may be advertised or distributed in commerce as an organically grown or processed food. Such conditions shall include (1) a standard for minimal humus and mineral content of the soil and (2) standards for maximum permissible residues from pesticides in the soil, the produce, and the water sources. The Secretary shall also by regulation prescribe the requirements according to which such organically grown or organically processed foods shall be labelled.

"(c) No person may advertise or distribute in commerce a food or food supplement as 'organic,' 'organically grown,' or 'organically processed' unless such food is (1) grown, processed, or both grown and processed, as the case may be, by a person registered under this section and in accordance with the conditions prescribed by the Secretary, and (2) labelled in accordance with regulations prescribed by the Secretary.

"(d) (1) (A) On or before December 31 of each year, every person who owns or operates any farm or establishment in any State engaged in organically growing or processing food on or in any farm or establishment which he owns or operates in any State shall immediately register with the Secretary his name, place of business, and all such farms or establishments.

(B) Every person upon first engaging in organically growing or processing food on or in any farm or establishment which he owns or operates in any State shall immediately register with the Secretary his name, place of business, and such farm or establishment.

(C) Every person duly registered in accordance with the foregoing subsections of this section shall immediately register with the Secretary his name, place of business, and such farm or establishment.

(D) The Secretary may establish such fee for registration as he determines necessary to cover the cost of carrying out this section.

(2) The Secretary shall make available for inspection, to any person so requesting, any registration filed under this subsection.

"(e) The Secretary shall inspect each farm and establishment in any State registered with the Secretary under this subsection, no less than twice per year for each crop grown during the year by one or more officers or employees duly designated by the Secretary in the one-year period beginning with the date of registration of such farm or establishment under this subsection and continuing with every successive one-year period thereafter. The purpose of this inspection shall be to determine whether the farm or establishment meets the conditions for the growth and processing prescribed by the Secretary.

"(f) Section 301 of such Act (21 U.S.C. 331) is amended by adding after paragraph (p) the following:

"(q) The advertisement or distribution in commerce of a food as an organically grown or processed food in violation of section 410 (b), and the failure to register as required by section 410(c)."

Sec. 2. (a) Section 410 of the Federal Food, Drug, and Cosmetic Act, added by the first section of this Act, shall take effect on the first day of the seventh calendar month which begins after the month in which this Act is enacted, except that the Secretary of Health, Education, and Welfare may on or after the date of the enactment of this Act promulgate such regulations as may be necessary for the administration of such section 410.

(b) Any person who, on the day immediately preceding the date of enactment of this Act, owned or operated any farm or establishment in any State engaged in organically growing or processing food (as defined by section 410 of the Federal Food, Drug, and Cosmetic Act) shall, if, prior to the first day of the seventh calendar month which begins after the month in which this Act is enacted, he registers with the Secretary his name, principal place of business, and location of each such establishment, be deemd to have complied with section 410 of the Federal Food, Drug, and Cosmetic Act for the calendar year 1972. Such registration if made

within such period and effected in 1973, shall be deemed to be in compliance with such section for that calendar year.

EFFORTS OF FEDERAL POWER COMMISSION TO IMPROVE NATURAL GAS SUPPLY IS BEING HINDERED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Bow) is recognized for 30 minutes.

Mr. BOW. Mr. Speaker, the Federal Power Commission is making a major effort to improve the natural gas supply in this country and overcome the effects of the shortages created by its own short-sighted pricing policies of the past 10 years. Members of Congress should applaud and encourage the FPC in this long overdue action.

It is alarming, therefore, to find press reports that several Members of Congress are intervening in the FPC proceedings, as "interested persons," in an effort to impede the FPC action and thus perpetuate the energy crisis that threatens to interrupt industrial production in many States next winter.

According to the Washington Post, these efforts are supported and encouraged by Lee C. White, former FPC Chairman, who is responsible more than any other single person for the natural gas shortage that we are experiencing. It does not surprise me that Mr. White is unwilling to admit the error of his policies at FPC.

To sum up the entire situation, the FPC for a decade held natural gas prices to a level so low that development of new gas reserves was inhibited. These unnaturally low prices made natural gas particularly attractive in competition with other fuels, thus creating a dramatic increase in demand. While FPC policies held supply to a minimum, it increased demand to a maximum.

Now gas-heated homes in many parts of the country may be cold next winter unless gas-fueled industries are shut down during periods of excessive cold weather. Already thousands of employees of natural gas companies have been laid off. Industrial expansion in States importing gas has been curtailed. Companies that wish to switch to gas for environmental reasons are unable to do so. An additional and unnecessary strain is being placed upon already short supplies of other energy.

Mr. White and the FPC did all of this in the interest of protecting the consumer from higher prices. Mr. White and the Members of Congress oppose the new FPC proposal—which would permit higher field prices for natural gas in order to encourage the development of new gas supplies—on the grounds that they must continue to protect the consumer.

I question whether protecting the consumer from a reasonable and necessary price increase outweighs the responsibility of providing the consumer with fuel for heat and light and industry.

I urge that any Member of Congress who considers lending his support to this effort take time to review carefully recent testimony before various committees of both House and Senate on the national fuels and energy crisis.

This testimony supports the fact that the natural gas shortage is real and serious. The consequent adverse impact of this crisis on our Nation's environmental and economic goals is enormous.

Some of the statements contained in press coverage of the White protest are easily refuted. For instance, it is said that:

> There are vast reserves not yet committed to the interstate market.

There are sizable quantities of natural gas being used within the producing States where the FPC cannot extend its price control. To the extent that these supplies are being used intrastate, they are "not yet committed to the interstate market," nor will they be. Ohio and other nonproducing States will see industry moving to Texas, Louisiana, and Mississippi to take advantage of the availability of this supply. This trend is already well underway.

The fact is that there are virtually no uncommitted gas reserves. There is a tremendous resource base of potential supplies which need to be developed, but they are not now reserves available for sale. They will be developed if higher field prices, suggested by FPC, encourage development. They will not be developed and the gas shortage will worsen if the heavy hand of Government control continues to hold the price to unnaturally low levels in the alleged interest of the consumer. The evidence of the validity of the shortage is overwhelming.

Mr. White and the congressional critics are quoted further as saying that:

> The FPC action will inevitably result in higher prices without any assurance of new supplies being discovered.

Any reasonable person must believe that higher prices will assure development of new supplies. Recent history is dramatic proof that lower prices have stopped development. Beyond that, it is also true that the higher prices permitted for new development will give consumers natural gas at a price still much lower than those resulting from alternative sources including imports, distant and synthetic supplies.

The press account quotes "a sudden and total deregulation could only raise havoc . . ." This is typical overstatement for dramatic effect. We are not considering deregulation. We are considering a regulative response to reality. The FPC in previous years repeatedly cut the field price directly in the face of alarming supply-demand trends. The present FPC is faced with the difficult task of raising prices to meet consumer needs and other national goals.

I suppose there will always be those who believe that the Government can regulate in defiance of the laws of the marketplace. The natural gas shortage is a classic example of the failure of such regulative attempts. I sincerely hope the present FPC will continue with its realistic policy to overcome the shortage and repair the damage done by the unwise policies of the past 10 years.

NURSING HOMES AND THE ELDERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, the older American has always been one of my special concerns and I have been making every effort to study firsthand the problems which must be faced in today's society by these senior citizens.

I have had the opportunity to visit a number of nursing homes in my district and I have never failed to be inspired by the talks which I have had with the patients there. Even though many of them are bedridden or in wheelchairs, these elderly citizens face life each day with unparalleled courage. These are the men and women who worked and sacrificed to build America. They deserve to be thanked, not forgotten.

Almost 1 million of our 20 million senior citizens reside in nursing homes. The elderly who live in these facilities have the right to be assured of quality care in safe and compassionate surroundings.

The overwhelming majority of nursing homeowners are providing an indispensable and humane service for the elderly. Day after day and year after year they demonstrate the capacity of our society to care for even the most dependent of its elderly citizens in a decent and compassionate manner. I would like to pay tribute to these nursing homeowners of America and their staffs who are dedicating their lives to assisting the elderly.

It has been one of my goals in Congress to work for a program which will insure that every nursing home in America will provide care of a universally high standard. Therefore, along with other measures, I am supporting the following plan for action:

First. Nursing homes presently receive over $1 billion or 40 percent of their total income from the Federal Government. I believe that taxpayers' funds should not be used to subsidize substandard nursing homes. Enforcement efforts must be improved, and I urge that the Federal program for training State nursing-home inspectors be expanded so that an additional 2,000 inspectors will be trained during the next year. The major responsibility for surveillance and regulation in the field is now carried out by State governments, and this action will enable them to increase their effectiveness most significantly.

Second. Congress should authorize the Federal Government to assume 100 percent of the necessary costs of State inspection teams under the medicaid program. Again, State enforcement efforts should be significantly enhanced by this procedure.

Third. I am supporting the enlargement of the Federal enforcement program by the creation of 150 additional positions. This will enable the Federal Government more effectively to meet its own responsibilities under the law and to support State enforcement efforts.

Fourth. I am supporting a new pro-

gram by the Department of Health, Education, and Welfare to institute short-term courses for physicians, nurses, dieticians, social workers, and others who are regularly involved in furnishing services to nursing-home patients. In too many cases, those who provide nursing-home care—though they be generally well-prepared for their profession—have not been adequately trained to meet the special needs of the elderly. This new program will help correct this deficiency.

Fifth. I am supporting the establishment of State investigative units which will respond in a responsible and constructive way to complaints made by or on behalf of individual patients. The individual who resides in an institution and is dependent upon it is often powerless to make his voice heard. This new program will help him deal with concerns such as accounting for his funds and other personal property, protecting himself against involuntary transfers from one nursing home to another or to a mental hospital, and gaining a fair hearing for reports of physical and psychological abuse.

Sixth. I also support a comprehensive review by the Secretary of Health, Education, and Welfare of the use of long-term care facilities as well as the standards and practices of nursing homes and the recommendation of any further remedial measures. Such a review has been badly needed. Study after study tells us—compellingly—that many things are wrong with certain nursing home facilities, but there is not yet a clear enough understanding of all the actions that must be taken to correct this picture.

These steps I have outlined are only a beginning and a small part of the effort which must be made to assist nursing home owners and improve the quality of life for the elderly. When called upon, the American people have never failed to put forth their best efforts for a just cause. I am confident that working together, the individual American, labor, business and government at all levels, can make a better tomorrow for our senior citizens to whom we all owe so very much.

Mr. Speaker, the AFL–CIO magazine, American Federationist, has printed an excellent article, "The Cry for Adequate Nursing Homes," which outlines a comprehensive program to upgrade nursing homes. I commend this article to the attention of my colleagues. I also include for the RECORD facts concerning nursing homes and an article by Sylvia Porter, "Nursing Home Substitutes":

[From the AFL–CIO American Federationist, March 1971]

THE CRY FOR ADEQUATE NURSING HOMES

(By Vaughn Ball)

(NOTE.—Vaughn Ball is an intern in the AFL–CIO Department of Social Security.)

An increasing number of older Americans are living out their years in one of the nation's 24,000 nursing homes.

For some, the nursing home represents a brief transitional period between hospitalization and full recovery. But for many, it is the final home, reflecting the changing nature of American society and family life.

When a family is unable to take care of an elderly parent, when a once-active person is bedridden or incapacitated, when special care or special diets are needed, the nursing home is often called on to fill the need.

For the fortunate few, there are luxurious establishments—with prices to match the decor. But even a handsome building and charges that strain the budget are no assurance against neglect or even inhumane, demeaning standards of care.

The quality of nursing home care is of real concern to all Americans, not just those directly affected.

Certainly, it is the concern of the trade union movement. For labor has battled over the years to establish the principle that workers have a right to share in the fruits of their labor at every stage of their lives.

At its February 1971 meeting, the AFL–CIO Executive Council noted that unions "have fought with some success for the right of children to grow and learn in health, for the right of workers to provide decently for their families and for the right of aging Americans, when their years of labor are over, to live out their lives in dignity and comfort."

But do the great majority of America's nursing homes provide that essential "dignity and comfort?"

The nursing home industry is big business. Last year, Americans paid out nearly $3 billion to nursing home operators. Charges of $500 a month or more are common.

All credit to those homes that provide the services they promise—decent accommodations and attentive care.

But the shortcomings in this expanding industry have been revealed periodically—and these revelations have included some shocking scandals.

There have been reports of helpless patients left to rot in untended beds; about patients kept in a drugged stupor so that they will be easier to manage; about doctors making huge profits—often from government-financed programs—by walking through a nursing home, glancing at medical charts and charging big fees for the care of each patient.

In the worst establishments, careless food handling and violations of fire codes present hazards to life.

State and local inspection programs are often hopelessly understaffed and underfinanced. When violations are reported, enforcement too often is lax.

The federal government has made scarcely any effort to establish and maintain humane standards or to police the expenditures of millions of dollars in federal funds paid to private nursing homes on behalf of patients covered by Medicaid, which provides medical care for the poor. Shamefully, the U.S. Department of Health, Education and Welfare has only a single employe, working part time, to enforce Medicaid regulations concerning nursing homes.

Although the Medicare program for the elderly is more carefully regulated by the federal government, it too has its shortcomings.

Medicare payments are given only for short-term, post-hospital treatment requiring skilled nursing care and standards are considerably higher.

Nevertheless, only about one-third of all homes approved for Medicare fully meet federal standards. The Social Security Administration still allows institutions that are in "substantial" compliance to continue to receive federal funds. The staff of the Senate Finance Committee has recommended that only homes fully meeting standards be allowed to participate.

Seldom does any authority—state, local, or federal—check on reports of nursing home patients being used as guinea pigs by doctors and drug companies testing new drugs.

Wages paid in nursing homes in many parts of the nation are often too low to attract competent employees and new workers seldom receive adequate training for their important tasks. The labor turnover is the highest of any industry.

Increasingly, nursing homes are run as a big business with a chain of institutions controlled by a single individual or corporation.

The demand on the manager of each institution is to return a profit to the owners. Too often, this is accomplished by cutting down on services and quality of food.

These abuses are not, of course, universal. But they are common enough to demand federally-enforced remedial action.

Any program that spends nearly $2 billion of public funds must be controlled and decent standards must be enforced to insure that patients will receive adequate care.

The AFL–CIO has called on the Administration and Congress to take the following eight steps as the minimum required:

Encourage nonprofit institutions providing nursing home care by including them in all programs, gradually phasing out public financing of institutions motivated by profit.

Develop alternatives, such as home health aides and homemaker programs, to enable patients to remain at home unless compelled for medical reasons to enter a nursing home.

Require nursing homes to provide planned programs of rehabilitation, in cooperation with qualified hospitals, for all patients who can benefit from them.

Provide adequate inspection programs to assure vigorous law enforcement. Inspections should be frequent and unannounced and nursing homes that fail to remedy defects promptly should be closed.

Instruct HEW to promulgate minimum standards for operating a nurs ng home, uniform for both Medicare and Medicaid.

Require licensing under federal standards of all nursing home administrators, vesting responsibility for licensure in a board controlled by persons with no financial interest in any nursing home. Licensure should aim at raising standards for qualification to a level that will insure that only trained and qualified persons will operate nursing homes.

Close immediately every nursing home that fails to meet adequate fire and safety standards. Require preparation of emergency escape procedures and instruction of both staff and residents in carrying out such procedures.

Upgrade the quality of service in nursing homes by providing decent wage levels and good working conditions, as well as adequate training programs for nursing home personnel. Government programs in this area should incorporate and strengthen the training and upgrading efforts already put in effect by unions of workers in the health-care field.

The ills that these eight steps are designed to cure outline what is wrong with the nursing homes of America. The root of the problem lies partially in the nature of a changing nation. At once more populous and more mobile, the nation finds its old ways no longer sufficient.

Care for the elderly was formerly a family function, most often on the family farm, which sustained everyone form grandparents through infants. But the rapid urbanization of recent decades has drastically altered that picture. Demands for living space and job opportunity scattered the members far from the family unit.

Today's population aged 65 and over was born in the early 20th century, in years when America's population soared at a phenomenal rate—from 60 million in the 1890s to 91 million by 1910. In those days, only 4.5 percent of all Americans were aged 65 or over while today almost 10 percent are over 65. And with a 1970 population of over 200 million, there are not only more elderly, but more Americans of every age, with consequent social needs which must be met.

The needs of the elderly, like so many

other functions of society, have passed by necessity from the hands of the family to the hands of society as a whole. Social Security, Medicare and many other social programs have evolved from that necessity.

Nursing home care is one need that has not been adequately met. Of the 20 million Americans aged 65 and over today, some 1 million, or a full 5 percent, are in nursing homes. And in the few years since 1965, the number of people in nursing homes has doubled.

This growing segment of the population is cared for in several types of institutions which are popularly referred to as nursing homes. The institution designated by Medicare to provide post-hospital care for patients is called an extended care facility. Contrary to this name, it doesn't extend care for a long period of time. Its main purpose is to provide a less expensive bed during the recuperating period in which the intensive services of a hospital are no longer needed. A limit of 100 days is placed on the payment for this facility by Medicare.

Another facility called a nursing home by the general public is the skilled nursing home as identified in the Medicaid law. But since it is a joint federal-state effort, it is actually 50 different programs. This facility should very closely resemble the extended care facility under Medicare, but the standards have been somewhat lower in most states.

Other facilities often called nursing homes are those custodial homes that provide a certain amount of personal care service to individuals unable to care for themselves to one degree or another.

All of these facilities can be of use to the patients and to the community under the general title of nursing home.

These institutions—and their shortcomings—have come under periodic scrutiny from the news media, from congressional committees and from concerned public officials. The problems, in short, have been cited, but the kind of comprehensive action needed for a remedy has not been undertaken.

Several of the groups which have conducted investigations, including the Senate Special Committee on Aging, the National Council of Senior Citizens, Rep. David Pryor (D-Ark.) and others, have exposed some of the terrible abuses. Besides the careless food handling, fire hazards and "gang visits" by doctors, there have been revelations of unscrupulous officials collecting federal money by continuing to carry the names of patients who have died and "double" collecting under both the Medicare and Medicaid programs. Individuals have had their public assistance money confiscated or have signed "life-time" contracts in exchange for their estates.

While providing the needed criteria for change, these revelations have also served to increase the fear of nursing homes and thus add to the trauma of an elderly person facing the necessity of going to one. This trauma is often shared by a family, most likely a middle-aged couple with the growing responsibilities of teen-aged or college-aged children.

Although the decision to send an elderly parent to a nursing home may be absolutely unavoidable, still the family is guilt-ridden by forcing the issue—and simultaneously stunned by the $300 to $700 monthly costs that are now prevalent.

Only a wholesale correction of the impact of "living in a nursing home" can ease this experience. At the root of the needed correction is the question of who is responsible for the state of the nation's nursing homes.

Responsibility would seem to lie with the owner of the nursing home. But the owner is a corporation, formed to take advantage of available federal money for construction and patient care. Or the owner is simply an investor, attracted because nursing home securities have been referred to as "the hottest stock on Wall Street." With 90 percent of the nation's nursing homes run for profit, it is a good bet that the owner will not be physically present at any one home.

The owners' Organization—The American Nursing Home Association—represents them well, with three main themes running through all of its arguments before public bodies: 1) increase the amount of money to be paid to the nursing homes for patient care; 2) maintain standards at least at the present level, since it is insisted that a shortage of available personnel prevents the meeting of higher standards.

Some responsibility would seem to lie with the physician. But in most cases no one doctor serves as a "medical director" totally responsible for the quality of medical care at the home. One doctor may be designated "principal physician," but the term may be meaningless. In the investigation into the salmonella epidemic at the Gould Convalesarium in Baltimore in the summer of 1970, the doctor who bore the title "principal physician" explained that it meant simply that he treated the 39 patients who had no personal physician, it did not mean that he was responsible for the total medical care of the home.

Some responsibility would seem to lie with the administrator, and indeed in the homes that are well-run an efficient, capable administrator is invariably present. But more often, the administrator is guided by the demands to cut costs in order to return a higher profit. And he is faced with the inefficiency or outright neglect of an undertrained, underpaid staff. Nursing home aides are among the lowest paid of any American workers. And like his staff, the administrator is apt to be ill-prepared for his job. One developer of a chain of nursing homes claims his best administrator is a former bakery foreman. And an investigative reporter for the Chicago Tribune found himself named administrator within 72 hours after he applied for work as a handyman.

The vacuum created by this abdication of responsibility must be filled by the general public through its various forms of government. The present situation in many nursing homes testifies to the fact that the responsibility has not been adequately assumed by government. The Medicaid program especially illustrates how state and local governments carry out only the minimal regulations that HEW has set for their participation in the program.

The first step to improvement is to phase out the profit motive. Inhumane conditions cannot help but result from the inhumane policy of allowing one man to make a profit from another man's infirmity.

Yet today, not only are 90 percent of the nation's nursing homes run for profit, but over 50 percent of them are owned by corporations or by individuals who own a number of homes.

The federal government helps to maintain this 90 percent figure by heavily favoring the financing of institutions operated for profit. The Small Business Administration lends money only to such institutions. Similarly, more than 95 percent of the funds under one section of the FHA program go to the operation of profitmaking institutions.

A nursing home operator can build or improve a facility with an FHA-guarateed loan, then go back into the public treasury to pay it off by taking patients under the Medicare and Medicaid programs. Once this loan is repaid, he is under no obligation to take public patients.

The net result of such programs is that tax dollars are widely used to support profitmaking enterprises.

When stockholders or a balance sheet must be answered to, there is no alternative but to cut costs—and cut services, at the expense of the dietary, medical or other needs of the patient. The well-being of the patient, not the bank balance of the owner, should be the guiding motive behind the home.

Alternatives to the nursing home are a direct way to relieve the strain of overcrowding. Many of current patients do not have to be—and should not be—confined to a nursing home, because they are not medically in need. They could take care of themselves, if supportive services such as homemaker's aids and home health aids were available.

Rehabilitation is a necessity if the nursing home is ever to be more than a place to spend one's last days. Proper rehabilitative care can be provided only when the home is affiliated with a qualified hospital.

It takes a skilled person to handle rehabilitation, but the mere effort can provide a form of self-fulfilling achievement—that someone cares enough to work with you and help you improve can be a powerful force in instilling the desire to improve.

Inspection of nursing homes has a long way to go to become adequate. When the home is alerted to the inspector's impending visit, the very definition of inspection is so undermined as to be laughable.

Any hint of conflict of interest must be removed from the inspection process. And inspection should be broadened to mean not just the physical facilities but also the auditing of financial records and the like.

State and local agencies are supposed to be responsible for inspecting nursing homes. In most cases, their inspection programs are understaffed and underfunded. Inspectors who do find defects are often powerless and violators are hardly ever prosecuted.

Inspection should mean not only surveillance on a regular schedule, but also an atmosphere of openness, including availability to press, public and families, with reasonable limits.

The minimum standards for nursing homes under the Medicare program, while not fully enforced at present, provide a model. These requirements include:

Transfer arrangements among institutions;

A nursing home utilization review committee;

Restorative services if so ordered by a physician;

Laboratory diagnostic services;

A physician or group of physicians to advise on medical care patient policy; and

Dental and social services.

A nursing home will be allowed to operate in 36 of the 50 states, however, without meeting standards such as those outlined for Medicare.

Where licensing boards are set up to license nursing home administrators, the majority are controlled by the nursing home industry. If the Nursing Home Association controls the licensing board of the state, it will generally insist on low standards for licensure of administrators. Similarly, in many states these associations can exert pressure on health departments and other agencies responsible for standards.

Licensure boards set up in the states to license nursing home administrators must be constructed so that a majority of the board will not be representatives of or have a financial interest in the nursing home industry. The HEW regulations in this area need to be changed to allow for consumer participation.

The question of safety rarely comes up except in the aftermath of a tragic fire or other catastrophe. The example of the fire at Marietta, Ohio, early last year brought a delayed reaction on the part of the Social Security Administration, which finally published regulations on Sept. 2, 1970, which include the Life Safety Code—the best

measure developed to date as a guideline to patient safety.

Fire is always an increased danger when patients are bedfast. Many nursing homes do not have organized fire prevention systems or methods of dealing with a fire so that all involved know exactly how to react in case of a fire. In the absence of better methods, a sprinkler system is the bare minimum needed to protect bedfast patients.

The people who work in these institutions are often paid the lowest wages and are usually given no training for their important tasks. It follows logically that the turnover of the labor force in nursing homes would be the highest of any kind of employment.

The importance of the nurse's aides cannot be overemphasized. Since they are the ones in everyday contact with the patient, their skill in relating to the patients is extremely important.

Because the pay is low and the work is physically strenuous, the job carries a very low status. As a result, many people who work as aides have personality problems of their own and shouldn't be working with frail old people. The aides take out their frustration with aggressive action, both physical and verbal, toward patients.

The aging Americans whose labor has helped make this nation great have a right to decent treatment and a right to protection from exploitation in the years of their retirement.

The workers who care for them have a right to decent wages and working conditions.

And every American taxpayer has a right to receive full value on his tax money.

SOME FACTS ON NURSING HOMES

Number of Institutions for the Aged, 23,000.

Type of Ownership: Proprietary for profit, 77%; Private Non-profit, 15%; and Governmental (State and Local), 8%.

Number of Discharges, 661,089.

Number of Employees (total), 505,031.

Number of Employees (per 100 residents), 68.

Average monthly charge per resident: In nursing homes, $295; In personal care homes, $210.

Number of persons 65 and over: 20 million.

Percent of population, 9.

(In New Hampshire 11.2% of population is over 65).

Number of persons 65 and over in nursing homes, 900,000.

Federal support of nursing home patient care, 1970: Over 1 billion dollars.

State and local governments spend, $700 million.

Private sources spend over, $900 million.

Nursing home "industry" is close to $2.6 billion.

TYPES OF NURSING HOMES PRESENTLY RECEIVING FEDERAL FUNDS

EXTENDED CARE FACILITIES (RECEIVED MEDICARE PAYMENTS)

Types of facilities involved

Extended Care Facilities.
Extended Care wings of hospitals.
Skilled Nursing Homes.

Minimum facility standards for Federal financial participation

Facility must have State license; meet Federal standards for staffing, safety, and quality of patient care.

Review of patient's needs

Visit by physician at least once every 30 days.

Eligibility in Federal or Federal-State programs

Those eligible for Medicare under Title XVIII of the Social Security Act.

SKILLED NURSING HOMES, TITLE XIX (RECEIVE MEDICAID PAYMENTS)

Types of facilities involved

Skilled Nursing Homes.
Infirmary Sections of homes for the aged.
Skilled nursing home wings of hospitals.

Minimum facility standards for Federal financial participation

Facility must meet State licensing requirements; meet Federal standards.

Review of patient's needs

Monthly visit by physician.

Independent medical review and evaluation of care and services received in relation to patient's needs at least annually.

Eligibility in Federal or Federal-State programs

Those eligible for medical assistance under Title XIX of the Social Security Act.

INTERMEDIATE CARE FACILITY, STATE OPTION (RECEIVE WELFARE PAYMENTS)

Types of facilities involved

As defined by the State Plan: Homes for the aged; Rest homes; Personal Care homes; and Other homes for those not requiring skilled nursing care.

Minimum facility standards for Federal financial participation

State licensing, sanitation, and safety standards applicable to State nursing home licensure and any other standards set by State.

Review of patient's needs

Independent review and evaluation by physician and case worker of care and services received in relation to patient's needs at least annually.

Eligibility in Federal or Federal-State programs

In the 32 States including intermediate care in their assistance plans, those eligible for financial assistance under federally supported programs for old age assistance, aid to the blind, aid to the disabled.

YOUR MONEY'S WORTH: NURSING HOME SUBSTITUTES

(By Sylvia Porter)

Today, if you have to keep a patient in a nursing home, the cost will range from $200 to $1,000 a month—hardly what most people can afford.

On top of that, the horrors of many nursing homes have been widely publicized: patients tied to beds or chairs whether they need to be or not and "drugged into bed" with tranquilizers for the convenience of the staff; the pervasive stench; utter lack of privacy, dignity, fresh air, recreation; complete abandonment of the idea of rehabilitation. Many nursing homes are by no means waystations to better health. They are the end of the line.

The biggest horror of all, though, and the ultimate irony, may be the fact that so many occupants—possibly a majority—don't belong there at all.

A new 1971 study of nursing home inhabitants in Massachusetts reveals that, of every 100 nursing home residents, only 37 actually need full-time skilled nursing care; 26 need just minimal supervised "living"; 23 could get by comfortably with periodic home visits by nurses; 14 do not need institutionalization at all.

A similar study in Buffalo concluded that, of every four patients now in nursing homes, one does not need to be there.

A new report by the Senate Special Committee on Aging, written by specialists at Brandeis University's Levinson Gerontological Policy Institute reports:

"Large numbers of the disabled are forced into nursing homes or into mental hospitals at a very high charge to the public treasury simply because public programs could not give attention to alternative ways of meeting their needs outside of institutions."

Accuses the report: "While we pay generously for active treatment, we pay nothing to reinforce the natural life system arrangements to which the disabled can turn in their own communities. The entire burden is placed upon family and neighbors . . . until they are virtually bankrupted in money and energy; then the unfortunate individual is removed to a nursing home."

More money is not the answer. In the opinion of many, less money for fewer nursing homes will be closer to the solution.

"It is possible to resettle 70 percent of all ordinary admissions in their own homes or hostels," according to Dr. Lionel Z. Cosin, clinical director of England's United Oxford Hospital Geriatric Unit and a top authority in this field. Cosin insists that permanently bedridden patients and frail or confused long-term patients should represent a very small percentage of admissions to geriatric facilities.

In England, where a number of progressive elderly care systems are now being pioneered, the cost of "day hospital" care is only 6 percent of the cost of acute-care hospitals and only 1–10 of the cost of a nursing home.

Here are some imaginative alternatives offered one British hospital for elderly citizens and the for the relatives caring for them at home:

1. The "holiday" admission—for a week or two during which the family is free to take a planned vacation—from home and from the dependent relative.

2. The short-term admission, also for two weeks or so—again to give families an occasional spell of badly needed relief from the stresses of caring for their aged charges.

3. The "floating bed system"—scheduled admission every fortnight for three or four days.

4. The Day Hospital—a unit offering medical and nursing care, physical and occupational therapy, plus luncheon.

Surely, we in the United States can experiment with similar solutions and come up on our own with alternatives to today's obviously rotten system. And surely what is needed in the United States, too, are major financial and other incentives to help the elderly and disabled remain in their own homes and communities.

AMERICA OWES MUCH TO ITS SMALL BUSINESSMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, America owes much to its small businessmen. The debt is too often forgotten, however, in our preoccupation with giant corporations, big unions, conglomerates, multinational corporations, agribusiness and phase II.

In our fascination with bigness, we lose sight of the importance of the small businessman, who is the economic and commercial backbone of our communities. Anyone who has walked around a courthouse square in the Ninth Congressional District in southeastern Indiana is soon made aware of the role the small businessman plays in his community.

The people of the Ninth District communities depend upon the small businessman for most of their daily needs. He contributes to the wide diversity of the economy in our communities. He is independent, community-minded, resourceful, and self-reliant. These are the qualities which go to the heart of what

that Nation is all about. The small businessman has contributed to the quality of life in America and his demise would have an uncertain and worrisome impact because many of the most responsible leaders in American life come from the ranks of small businessmen.

That is why I am concerned that so much the Government does places a special hardship on the small businessman. He is less apt to be able to absorb higher taxes, inflation, increased wage rates, more paperwork, and tighter regulations. Environmental and consumer legislation often causes him severe problems. All of these Government actions fall with special impact upon the small businessman, and I am persuaded he needs help and relief and special attention.

THE CONTRIBUTION OF SMALL BUSINESS

In our concern with big business, we have forgotten the contributions of our small entrepreneurs. Such technological marvels as the rocket engine, the Polaroid camera, the helicopter, the jet engine, Xerox, insulin, the vacuum tube, and countless production devices and processes have been developed by independent inventors and small firms.

In economic terms alone, the small businessman's impact has been enormous:

The small business share of the gross national product—GNP—the total of all goods and services produced in this country, has drawn even with the share of its big business competitors, and should increase in the 1970's.

About 40 percent of all American job opportunities are provided by small business.

About 95 percent of our business population is comprised of small firms, which numbered 5.5 million in 1970.

Still, the small businessman, who operates on limited capital and limited inventories, is the most vulnerable to adverse economic conditions. He feels the fluctuations of the economy first, and he feels them severely in many cases.

HOW CAN GOVERNMENT HELP?

Government can help in a variety of ways, however. Government purchases of goods and services, which total about $50 billion each year, should be handled in a way to give special attention and careful consideration to small business.

Tax policy should take into account the special problems of small business. The multibillion-dollar impact of crime on small business is serious, and it calls for increased measures for the safety and security of these firms. The transfer of technology from the Government to business must be speeded up, and handled in a manner to assure that small business is not handicapped by a competitive disadvantage.

The impact of franchising on small business needs examination, since 600,000 franchises now account for $90 billion annually in sales. The increased investments required of small business by the spate of legislation on the environment and the consumer also deserves congressional scrutiny.

LEGISLATION

The Congress has recognized the plight of the small businessman with several pieces of legislation designed specifically to aid him. Two measures now have become law:

First. Public Law 92–16 increases by $900 million the amount of loans, guarantees, and other obligations which may be outstanding at any one time from the Small Business Administration. This action obviously is designed to encourage the development of more small businesses.

Second. The Revenue Act of 1971 is aimed at boosting the economy as a whole, a goal which, if successful, will benefit small businessmen. Two provisions of the law, however, are especially applicable to the small businessman:

One encourages expenditure on machinery by establishing a 7-percent investment credit, similar to the one repealed in 1969; and

The other expands the applicability of this credit to used property, thus aiding small businesses which have not had the financial ability to acquire new property under the benefits of the law.

Three other measures are working their way through the legislative process, and I am hopeful that all of them will become law by the time the current session of the Congress adjourns:

First. The major water pollution control bill of this Congress contains a provision authorizing $800 million in loans to assist small business concerns in making additions to, or alterations in, equipment and production processes to meet the more exacting pollution control standards the public is demanding.

Second. Another bill would increase substantially the lending authority of the Small Business Administration beyond the levels established under Public Law 92–16. It includes provisions to increase by $150 million the SBA lending authority for loans to businesses in areas of high unemployment or low income, and to increase the maximum SBS loan from $350,000 to $500,000.

Third. A third bill expands existing SBA programs which encourage participation in the financing of small business with private capital. It also establishes a new program of grants to reduce interest costs to small business.

While these bills will help the millions of small businesses across the Nation, more efforts are needed.

OTHER ACTION NEEDED

Small businesses have fared worse than their larger counterparts in recent years, and the economic climate must be made more conducive to the growth of these small firms.

The statistics tell a sober tale. Since 1969, the aftertax profits of small manufacturing firms have declined by more than two-thirds, while the large firms are continuing to increase their share of corporate earnings. Gross sales by small manufacturing firms have remained constant, or have decreased slightly, since 1970, while sales have increased substantially for those firms with assets of $1 billion or more.

Although the Nation's economy has been gaining in recent months, small businesses have not had all that much of a surge in income. Their situation remains tenuous, and helpful actions are urgently needed.

For this reason, I was pleased to note the decision by the Federal Cost of Living Council to remove all phase II controls from firms with fewer than 60 employees, a decision involving about 5 million firms and 19 million employees. This follows the Council's decision last January to exempt from phase II controls all retailers with annual sales of less than $100,000.

These decisions were based on the concept that market competition alone exerts adequate pay and price controls on small firms—a feeling shared and recognized all too well by small retailers and manufacturers.

TAX SIMPLIFICATION AND REFORM LEGISLATION

As one step in helping the small businessman, I am glad to join more than 100 of my colleagues in the House in introducing the small business tax simplication and reform bill.

One of the leading complaints of the small business community is high and rising taxes. This bill deals with this problem, and related issues, in a positive manner by:

First. Creating a permanent Federal Government committee to make a continuing effort to simplify our tax system, including business taxation.

Second. Restructures downward the tax rates for firms earning less than $1 million a year in order to bring the rates more into line with the principle of ability to pay, the principle now applied to individual income taxes.

Third. Encourages the establishment of new small business enterprises through such provisions as tax exemption of net operating income for new small business corporations for the first 5 years; deduction of organizational expenses of partnership; bad debt deductions for guarantors and lenders to small business; losses on small business stock.

Fourth. Promoting modernization, efficiency, and cost reductions for small business with provisions such as a 10-year carryover for small business net operating losses, accumulated earnings tax, and multiple surtax exemptions for certain small business corporations under single family control.

Fifth. Authorizes a comprehensive study of the factors causing business failures and includes recommendations for preventing future failures.

REVENUE SHARING: MATCHING THE MONEY AND THE NEEDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GIBBONS) is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, in line with my opposition to the revenue-sharing bill which has been reported by the Ways and Means Committee with seven dissenting votes, I would like to include in the RECORD an article of opposition to this bill which appeared on the editorial page of this morning's Washington Post. The article is written by the economist Robert D. Reischauer.

I hope that expressions of judgment on the revenue-sharing bill such as these will influence my colleagues to support the efforts to either defeat this bill in its present form or to bring it to the floor

under an open rule so that it can be amended.

The article follows:

REVENUE SHARING: MATCHING THE MONEY AND THE NEEDS

(By Robert D. Reischauer)

In the three years since President Nixon first proposed general revenue sharing, discussion has centered on the need for such a program and on the merits of alternative methods of distributing the money. Now that Wilbur Mills and the Ways and Means Committee have bestowed their blessing upon a specific revenue sharing plan, the political resolution of these issues appears to be at hand. Therefore, this may be the time both to review the objectives of revenue sharing and to evaluate the Committee's "State and Local Fiscal Assistance Act of 1972" in the light of conditions currently existing in the nation.

Few programs in recent years have been advocated as a remedy for so many diverse and conflicting ills as revenue sharing. When first proposed in the mid 1960's, it was chiefly regarded as a method of disposing of something foreseen as the "fiscal dividend." This "dividend" or surplus was the projected difference between the rapid growth of revenues generated by the federal income tax and the slower, built-in expenditure increases needed to maintain existing federal programs. Revenue sharing was seen as the means by which states and localities could be assured a "piece of the action"—a way in which they might hold their own against such popular and familiar consumers of a federal surplus as new military hardware, tax cuts and the bottomless pork barrel. It also was thought commendable because it would support the generally redistributive programs of states and localities with dollars raised from a progressive national tax.

Since the basic objective was considered that of ensuring that at least some of the projected federal surplus was used to fatten the fiscal budgets of states and localities, little attention was given to designing methods on the basis of population possibly with a few extra dollars for the poorest states was thought both sufficient to achieve the program's aims and politically palatable.

Of course the fiscal dividend never materialized. It was a casualty of the expanded war in Southeast Asia, of tax cuts and of the burgeoning social welfare programs of the Great Society. Faced with mounting deficits rather than surpluses, the Nixon Administration therefore had to come up with a new rationale when it introduced revenue sharing. So it was that the "fiscal crisis" replaced the "fiscal dividend" as the program's *raison d'être*. As portrayed by Mr. Nixon this "fiscal crisis" derived from a general, long run imbalance between the resources available to states and localities and the demands placed upon these governments for services. While state and local revenues grew slowly, their expenditures were running amok.

The distribtuion formula chosen by the Administration was not an unreasonable means of overcoming a general fiscal inadequacy. Money was to be divided among jurisdictions roughly in proportion to the amount of revenues each raised from its own sources. While this method generally gave large cities the most, followed by suburbs and then rural areas, there were anomalies. A few of the very wealthiest suburbs—Beverly Hills, California and Newton, Massachusetts, for instance—received the most per inhabitant, and thus the plan was attacked for not putting the money where the problem was.

The difficulties most states and localities have experienced recently in trying to balance their budgets has lent considerable credence to the notion that our federal system suffers from a general fiscal imbalance. Yet a closer examination reveals that most of these difficulties stem from three peculiarities of the past five years that are not likely to repeat themselves. In the first place, there was a tremendous expansion in the scope and quality of the services provided by states and localities in this period. Pollution control, medicaid, drug treatment centers, consumer protection agencies, junior college and day care facilities were virtually unheard of a decade ago. It is highly unlikely that as many new programs will be initiated in the near future. Nor is it likely that the clientele of most existing state and local services will expand as rapidly as they did over the past few years.

Inflation has been the second peculiar characteristic of the past few years that has contributed to the fiscal problems of states and localities. The prices paid for the goods and services consumed by these governments have risen at roughly twice the rate of consumer prices in general. Much if not most of this increase is attributable to the rising wages of state and local government employees. Pressure from this source, however, is likely to abate as these workers achieve wage parity with comparable employees in the private sector.

Finally, the recession of the past few years has cost states and localities dearly. Annual revenues for these governments fell some $5 to $10 billion below what they would have been at full employment. If the experts are correct, however, the next few years should bring a slow but steady economic recovery which will help to boost state and local revenues.

Thus the "crisis" of the past few years has been largely the product of the peculiarities of this period. Furthermore, several recent studies have indicated that there does not even appear to be any long run general fiscal imbalance such as that portrayed by the administration.

However, the lack of an aggregate fiscal problem conceals the existence of a different problem, a severe imbalance between the needs and the resources of particular jurisdictions; and it is to this problem that advocates of revenue sharing have lately re-directed their attention. For while the revenue-raising ability of wealthy areas is expanding rapidly, that of the decaying central cities, rural areas and poorer suburbs is not growing at all; in a few places such as Newark and East St. Louis it is actually declining. These cities and rural counties are also the places in which needs for improved public services are the most acute, for it is within them that the nation's poverty, crime, drug abuse, pollution and inadequate schools are concentrated.

Since the fiscal dividend has disappeared and the "fiscal crisis" never existed, the redistributional rationale for revenue sharing remains the sole criterion for judging the plan put forth by the Committee on Ways and Means—and by this test it fails most miserably. The $1.8 billion which it would distribute among state governments on the basis of their income tax receipts and their general tax effort would have no redistributive impact at all. Mississippi, Alabama, Arkansas, South Carolina, West Virginia and Louisiana—the six states with the lowest per capita income in the nation—are among the eleven states which would receive the least on a per capita basis under the Wilbur Mills plan. New York, Hawaii and Wisconsin—all fairly wealthy states would receive the most.

The $3.5 billion which the Mills plan earmarks for the nation's local governments is allocated on a less redistributive manner than would be the case under either the Administration's proposal or Senator Muskie's bill. One-third is distributed solely on the basis of population. Decaying central cities, rich suburbs and forgotten rural counties each get the same amount per inhabitant from this pot regardless of their fiscal resources or their relative needs. Another third of the total is divided only among local governments in the highly urbanized portions of the nation. From this pot of money Los Angeles would receive the same amount for every person living in the Watts or East Los Angeles ghettos that the Beverly Hills City Hall collects for each of its residents. On the other hand, all of Wyoming, Vermont and Alaska—which have no metropolitan areas—as well as the rural portions of California, benefit not at all from the distribution of this $1.2 billion. The final third of the money destined for local governments is divided on the basis of relative per capita incomes. While this factor does put money disproportionately into the South and into the rural areas of the northern states, it does little to ensure that big cities or poor suburbs receive more than the wealthier suburbs.

In effect, within most metropolitan areas the distribution of shared revenues under the Mills proposal would differ little from that which would be produced by a flat per capita grant. What this means is that suburbs would get relatively more money than they would under virtually any of the other revenue sharing plans that have been introduced. In spite of the fact that the Mills bill would distribute to local governments roughly $1 billion more than the Administration plan, a number of hard pressed cities such as New York, Los Angeles, Newark and Oakland would actually receive smaller amounts than they would under the Administration plan. In all of these cases the sursounding suburbs would receive more.

The plan approved by the Ways and Means Committee can be faulted on several other grounds besides its failure to distribute revenues according to any measure of relative need. First, it may upset the existing patterns of fiscal responsibility that have evolved within states over the past 100 years. Secondly, the Mills bill requires that the local revenue sharing grant be spent only on public safety, environmental protection or public transportation. Some local governments now spend either nothing or very little on these functions. They would thus face the choice of giving away part of their grant or increasing their expenditures on services they may not want or need.

Unfortunately the choice before Congress may be to take the Committee's "State and Local Fiscal Assistance Act" or nothing at all. In all likelihood the bill will go to the floor on a closed rule and thus no amendments will be permitted in the House. While the Senate may initially pass a more responsible version it is doubtful that a Committee of Conference will let the plan deviate too far from the House version.

The pressure from state and local governments to pass some revenue sharing measure is already tremendous. While in the past governors and mayors were willing to argue about the relative merits of one distribution formula versus another, few will risk throwing out the baby with the bathwater now. Operating on the theory that something is better than nothing most large city mayors are likely to ignore the fact that of all the plans presented, this one helps them least vis a vis their rich suburbs.

As the full Congress sits down to resolve the question of revenue sharing, it might be worth recalling the words spoken by Mr. Mills himself some 15 months ago:

"If the purpose of revenue sharing is to meet the needs of our economy today, then revenue sharing is a poor and wasteful means of attaining these ends. Why do I say that it is wasteful? Because under any of the formulas that have been developed so far, substantial funds are given to States and localities where there is little or no need, as well as to those where there is need."

The observation is as true today as it was then.

HEARINGS ON LIFE AND HEALTH INSURANCE FOR POLICEMEN AND FIREMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, I wish to advise the House that Subcommittee No. 1 of the Committee on the Judiciary will hold hearings on May 24 and 25 on various bills designed to provide life insurance, as well as injury and death benefits to policemen, firemen, and their survivors.

These hearings will begin at 10 a.m., and will be held in room 2141, Rayburn House Office Building. The hearings will be concerned with three distinct set of bills.

The first set of related bills—H.R. 714, by Mr. JACOBS, and similar bills—would extend Federal injury and death benefits to law enforcement officers, professional and voluntary firemen or to members of ambulance teams and rescue squads, who are killed or disabled in the line of duty. Secondly, the hearings will also be directed at H.R. 8316, introduced by the Honorable EMANUEL CELLER to provide group life insurance and group accidental death and dismemberment insurance for State and local law enforcement officers.

Lastly, the subcommittee's hearings will also be concerned with H.R. 9139 by Mr. POFF, and H.R. 9177, which was introduced by Mr. CELLER at the request of the administration. This bill would provide a $50,000 death benefit for families of State and local police officers killed in the line of duty. Several related bills would extend a similar gratuity to additional State and local officials.

Interested parties wishing to testify or submit a prepared statement for insertion into the hearing record, should address their request to Subcommittee No. 1, Committee on the Judiciary, room 2139, Rayburn House Office Building, Washington, D.C.

ALASKA NATIVE HEALTH BOARD PROGRAM AND PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. BEGICH) is recognized for 30 minutes.

Mr. BEGICH. Mr. Speaker, the people in the rural areas of Alaska face a vast number of health needs in their communities. The Alaska Native Health Board has conducted an exhaustive study of the total unmet health needs of the people living in these areas.

On the basis of the vast knowledge of their people's health needs, the Alaska Native Health Board—ANHB—has produced a document which was specifically drafted to identify these health needs of rural Alaska.

The representatives from the Alaska Federation of Natives have done an excellent job of presenting these problems. Their utmost concern and effort has been directed to the current and future needs of their people. The dedication of the members of the Alaska Native Health Board to the elevation of the level of health services their people receive has been commendable and inspiring.

The six program priorities established by ANHB are the village-built clinic program, programs to meet dental health needs, statewide mental health emphasis programs, programs for medical record-keeping, outpatient facilities and communication between villages and hospitals for medical and emergency traffic.

The following excerpts from the document prepared by the Alaska Native Health Board will explain in greater depth why these programs are of such vital importance to rural Alaska.

EXCERPTS FROM ALASKA NATIVE HEALTH BOARD PUBLICATION

VILLAGE-BUILT CLINICS

Problem definition

ANHB altered its prority listing in its December, 1971 meeting. The village-built clinic program was assigned the number one priority.

The ANHB after reviewing the program packages on the village-built clinics is endorsing the concept.

Non-existence of clinics for ambulatory care in the villages represents a threat to the health status of the people in rural Alaska. The geographical distributions of the villages, coupled with inadequate transportation and communication systems, lends a great need for a clinic at the villages. As mentioned in PHS program package "A long-standing problem adversely affecting the delivery of health care services in the villages of Alaska has been the lack of proper remotely-located examination and treatment facilities with adequate space to enable the community health aides to properly function. In many locations, it is still necessary for visiting health professionals to use a schoolroom, a room in a store, a residence, or some other equally inadequate space. Some community health aides continue to use their homes or other improvised space for patient visits."

The total needs for clinics in rural Alaska is to have clinics where there is a Health Aide. Currently there are 156 Health Aides in rural Alaska of which at the end of FY 72, 41 will have clinics to practice from. PHS–IHS in collaboration with AFN delegate agencies is currently training additional Health Aides so that by the end of FY 72, 185 Health Aides will be fully trained to start their practice.

Since PHS has instituted in 1969 a pilot project to lease clinic space from the villages to serve as clinics, this concept has been fully accepted by the people in the villages. These clinics will not only be used by the community health aides but they will also be used by itinerant health professionals. During the past year, letters have been received by AFN Health Affairs and its two delegate agencies, YKHC (Yukon-Kuskokwin Health Corporation) and NSHC (Norton Sound Health Corporation), from the villages asking assistance to build their own clinics. The two health corporations upon mandate from their Board of Directors will build or renovate the total of 17 clinics in the corporate area by the end of fiscal year 1972. These clinics are to be leased upon completion by PHS. Base for leading 38 clinics are to be leased upon completion by PHS. Base for leasing 38 clinics have been established by the Congressional Add-on FC 72. However, since the clinic construction funds have been arranged through bank loans backed by the commitment from PHS to lease the clinics, it is anticipated the base of 38 clinics set in FY 72 will triple in FY 73.

This program is important to the people of rural Alaska. These people indigenous to the harsh climate are experiencing crisis in health care. The people's insight to modern attitude to better health has now been gained through contact with itinerant PHS doctors, nurses, dentists and health aides. A pragmatic willingness to try new techniques and recognition of the increases in village-health problems, which are concomitant with permanent residents in villages and deteriorating sanitation conditions have lent further support to the acceptance of new ideas in health care, new ideas as village-built clinics.

DENTAL PROGRAM

Problem definition

The dental health of Alaska Natives is of great concern to the Alaska Native Health Board. The Alaska Native Health Board has requested that the PHS–IHS place highest priority on special emphasis programs to meet dental health needs. The present and past efforts of the Native Health Service impact on only one target population, school age children. In the past few years limited routine oral treatment has been provided for about 1500 adults attending vocational schools throughout the State. Outside of this limited adult group, routine oral treatment is terminated once a pupil gets out of school. No family centered educational programs have been adopted. More specifically, parents of those children being treated have not been considered as a source for proliferating dental awareness within family units. It seems that the basic assumption has been that dental health is primarily a mechanical problem to be attacked by highly-trained professionals who deal with disease and repair its effects rather than with the patient and his family. This assembly-line attitude in dealing with children must be discarded. The unilateral decision that all Native people will incrementally receive the same level of care must be reassessed.

In the current priority system dental efforts are applied according to a pattern of age and services rendered. Pre-school children receive primary attention, followed by a decreasing commitment to group of increasing age. . . . In a planning system, one prime measure of operating efficiently became the number of direct services rendered per unit of time expended. . . . At the level of direct care delivery, the dentists obligations to the time factor determines his delivery methodology, i.e., his village clinic operations must be programed and scheduled to deliver the greatest number of services in the least possible time. Inevitable, production-line techniques are employed, and the children are shuttled through routine service operation en masse, by a dental assistant. . . . As one might suspect, the US–PHS dental delivery system is poorly designed in terms of delivering dental education to the Native people . . . there have been no serious attempts to establish routine dental education in the home . . . the Native parents, of course, had no more comprehension of dentistry than their children and are, therefore, unable to reinforce the preventive procedures a child learns from the dental team.

The Alaska Native Health Board has made specific recommendations to the Native Health Service to improve dental services to the Alaskan Native.

Objectives

To provide preventive and routine repairative dental service so that all Alaskan Natives will have access to dental care.

To make adults aware of the importance of preventive dental care.

The long-run benefits that will accrue from redirecting the emphasis and additional support are:

1. Maintenance of good oral hygiene at the village level resulting from development of oral hygiene awareness in family units which would proliferate total village involvement.

2. More efficient utilization of both Native Health Service dental teams and contracted private dentists augmented by utilization of individuals indigenous to the villages.

3. Increasing long-term benefit in the overall program for dollars invested.

MENTAL HEALTH—STATEWIDE

Problem Definition

AANHB after reviewing the mental health emphasis program package hereby endorse the document, however we feel it should be established Statewide. The Board concurs with statement of the problems and the supporting statistical backup. The objectives and action steps specified reflects a thorough analysis of environmental requirement with respect to a time phase development of Natives to manage their own programs in this area.

The total Statewide need is to have coordination and a viable mental health program is desperately needed in all of the seven service units. Two specific areas are of great concern to ANHB; these are urban and rural, both of which are critical and dependent on the other. As documented by PHS there exists a critical need for:

1. Psychiatric in-patient service, day-care centers and Community Psychiatric Services Treatment Program *in Urban Centers.*

2. Bush Education Services, Regional Village Conferences, Village Aide and Nurses Training and Village Mental Health Aide Program *in Rural Alaska.*

To implement the total need will require at least 100 additional staff both in the Area Offices and Service Unit at an estimated cost of 2 million dollars plus.

ANHB, after assessing the total program, is hereby endorsing one of them, the village Mental Health Aide program.

Village mental health aide program

Social and mental health services in Alaska are presently provided by an enormous number of different agencies, institutions and specialists. This creates huge problems of coordination and delivery of service both for those who need services and those who deliver services. For people in villages the situation proves disastrous. Agencies and professionals in urban settings are generally aware that because of the gap between them and villagers, they cannot often provide satisfactory concrete services to villagers. They simply do not know the people in the villages, their needs, their life styles, and are in the villages too infrequently and briefly. The villagers' needs do not often pigeon hole easily into bureaucratic specialities. Usually only one agency is represented on a particular day in their geographic location. The villagers do not really understand all the varieties of programs, varieties of agencies, overlaps and gaps offered. Thus, further frustration is added to their unmet needs.

The health aides, presently employed in the villages, have a great deal of responsibility in providing medical services. While they are presently being oriented and provide service they cannot possibly do an adequate job in both health and social services.

Objectives

The village mental health aid would help bridge culture gaps and be an advocate of Native village needs and values. His allegiance would be to the village rather than to outside agencies. Such a person would be useful as a resource person to deal with problems they see: alcoholism, drug abuse, family and individual breakdown, children with special needs, such as handicapped and mentally retarded. Hiring a local person by the local council not only provides additional employment, but increased local direction and involvement in community planning and reinforces and develops local leadership.

DATA SYSTEMS

Problem definition

Since USPHS–IHS in 1955 took over from the Department of Interior the responsibility of providing primary medical care of the Alaska Natives "the delivery system has evolved to meet the health needs of the Alaskan Native. However, because of the increased pace of the health care delivery over the past few years, the manual medical record-keeping has exceeded its limits and is showing large deficiencies in recording pertinent data, storage of that information, and most important, of being able to retrieve vital information rapidly at critical decision-making moments. As a result, the problem arises where the diagnostic process requires the knowledge of previous medical history to assist in ruling out or taking into consideration causitive factors. The primary problem as recognized by the Board is the fragmentation of health information. The health information is fragmented by not being stored in a common data reference point for immediate availability of usage.

At the present, four (4) main providers have their own manual record systems: AANHS, State, Private and Military. There is no linkage between the health information being kept by these four (4) providers. Agencies and individuals in Alaska utilize a system—a system not compatible with each other. Instead, the health records are kept primarily to serve one's own requirement. There is no overall plan which would coordinate health data needs to the extent practicable.

The problem is compounded when dealing with IHS multi-level facilities i.e., village clinics, Service-unit hospital, medical centers and contract facilities, where inadequate information flow is encountered.

Another problem is within PHS-IHS. Professional staff is short-termed usually, and no two physicians keep records exactly alike. There's no uniformity. Also, there is little uniformity in the methods of information collection, storage and distribution and evaluation, therefore, none of the existing systems of record-keeping are compatible with one another and retrieving and evaluating information with expedience at critical moments is impossible.

Most affected in the inadequacy of the present manual record system is the health of the people in rural Alaska. To a great extent it has become quite unmanageable for the village health aides to attempt record-keeping manually, (1) as patient workload continually increases the effort required to manually maintain health records is unrealistic and futile, and (2) because of the increased workload the village health aides are unable to receive the proper medical information from the professional staff.

An established system is being dealt with, however, because of the vastness of Alaska, the majority of the communities being spread out rurally, and the factors which have effects on health of the Native population, such as inadequate and spotty transportation because of weather and bad runway conditions, poor communication processes, insufficient housing and little or no sanitation and good water supplies, this established system needs modification. The present health record system has too many gaps and weaknesses, which, in turn, has made the system useless.

Objective

The objective is to establish a vehicle, be it AANHS or AFN, to "support the delivery of health care to Alaskan Natives by providing a reliable information system which would allow appropriate health program personnel immediate access to current integrated patient information.

OUT-PATIENT FACILITIES AREA WIDE

Problem definition

The present out-patient facilities over the past years have proven to be inadequate with the current out-patient traffic load. Statistically, one-half of the total Native population went through the out-patient clinics in all the service units in FY 71. The trend for the increasing load indicates a positive attitude among the Native people i.e. increased awareness of their medical status. However, this increased awareness of though beneficial creates an opposite problem which is overloading of the out-patient clinics.

Every Service Unit is experiencing the acute out-patient traffic, some of these attributed to inadequate space, insufficient staff and limitations on present scheduling that result in queuing problems with the patient and doctors.

The reality faced by each of the seven service units is inefficient processing of patient in out patient clinics. The following have been documented by PHS in their ANMC program package, which is true in all of the seven service units:

"The clinic load is increasing so rapidly, particularly in the general clinic, eye, ear, . . . and prenatal service, that the clinics with present schedules and limitations simply cannot accommodate the patients. The result is long waiting time, hurried evaluation and frustration on the part of staff and patients alike. The quality of care being rendered undoubtedly suffers."

ANHB, having developed sensitivities to such crucial health needs hereby propose an interim solution to alleviate the problem. (See recommendation).

Objective

The following objectives to be accomplished by recommendations:

(1) To decrease out-patient general traffic to improve the quality of care to Alaska Natives in all of the seven Service Unit Hospitals,

(2) To provide routine provision of health maintenance and surveillance to all Alaska Natives in each of the service units.

COMMUNICATION

Problem definition

Geographically, Alaska is one-fifth the size of the continental United States. It is the home of nearly 60,000 Natives. Most of the living is widely scattered settlements across the half-million square miles. The extremes, variations and vastness of the land called Alaska are well documented and should require little comment. Directly related to the vastness is the problem of communications. Today the Native people live in the shadow of infectious diseases such as: influenza, measles, tuberculosis, small pox, syphilis, and so on, which can approach an epidemic proportion in a very short time—among some of the natural emergencies that occur daily in the villages and need emergency treatment. As stated in PHS program packages: "Inadequate communications between villages and hospitals for medical and emergency traffic. Our present HF system is not reliable for constant communication. . . ."

The current equipment in villages is not adequate. The SS band radios, which are the most efficient means of communication at the present time, has proven to be incompatible with AM radios, and the lack of cooperation between BIA, State and private individuals does not make an adequate radio network for medical purposes.

The satellite communication system which has been established in 26 villages has definite constraints, as the system is open to medical and educational traffic 8 hours per day for 5 days a week. The satellite communication system that is being installed in

many villages in the interior of Alaska is not compatible for medical traffic at the present time. Until such time the satellite network is expanded to include every village, immediate alternative methods need to be looked into to improve the total communication system in all rural Alaska.

Phones that have been installed in Southeast, Interior and the current plans by RCA to install phones in Southwest Alaska have proven to be incompatible to medical traffic.

A PROPOSAL FOR A NORTON SOUND SERVICE UNIT ADMINISTERED BY THE NORTON SOUND HEALTH CORPORATION

Problem definition

In the last 20 years, tremendous strides have been made in elevating the health status of Norton Sound residents. The health status of Norton Sound residents remains far below the national averages. The overall death rate in the Norton Sound community is 8.5 deaths per 1,000 persons in 1971, over 16 percent higher than the national averages. Worse is the infant mortality rate—nearly twice as high as the national average, account for about 20 percent of all deaths. The most important causes of death for Native populations of Norton Sound are, decreasing in order of incidence: accidents, heart disease, disease of early infancy, malignant neoplasms, influenza and pneumonia, vascular lesions of the CNS, homicide, respiratory disease and alcoholism.

Several problems with the existing health delivery system impede further improvements of health status:

(1) Fragmentation of health services between the Alaska Area Native Health Service, State of Alaska Public Health Nursing Program, Norton Sound Health Corporation and other results in less than optimal use of scarce resources. This is exacerbated by the fact that services are often split along racial lines.

(2) The present health care delivery system clashes with the socio-culture mores of the predominant Eskimo population.

(3) Financial incentives operate to promote high cost in-patient utilization rather than to promote prevention and ambulatory care.

(4) Insufficient emphasis is placed on primary care in the villages. Aids have no adequate facility within which to work and virtually no equipment.

(5) No follow-up system in the village is operable for patients discharged from the hospital.

(6) Records of the village aide are inadequate and not utilized by the rest of the delivery system, and the aides receive no information from the hospitals and other components of the system on care provided outside the village.

(7) Health education efforts in Nome and other villages, as well as outreach and follow-up services are inadequate.

(8) Outreach and follow-up services in Nome are inadequate.

(9) Boarding homes for village patients who overnight in Unalakleet and reside in Nome while seen as out-patients are inadequate.

(10) Mental health, social services do not meet existing needs.

(11) Dental services for school-age children are incomplete, and services for adults unable to pay are non-existent.

(12) A high turnover of professional personnel negates any meaningful physician-patient relationship.

(13) Radio communication is inconsistent and normally poor, as well as transportation of emergency patients poor, due to weather and/or runway conditions. The problems stated in the previous paragraphs lead up to the following major problems in Norton Sound:

(1) Fragmentation of services and discontinuity of care due to a multiplicity of providers.

(2) Need to develop the capacity to deliver quality primary care in the villages.

(3) Lack of consumer involvement in the planning and administration of services.

Objectives

The objectives is that a Norton Sound Service Unit be administered by the Norton Sound Health Corporation. There is no administrative authority in Nome, and the Alaska Area Native Health Service administers its services from Kotzebue, approximately 200 miles away. This hampers rapid and sensitive response to patient needs in the Norton Sound area.

Inroads in the area of preventive health and primary care in the village can occur if the villagers themselves are involved in carrying out the effort. Consumer control of health services delivery is the ONLY mechanism to insure that health promotion efforts are amenable to the Eskimo culture and therefore to insure 1) proper utilization of services, 2) cultural transition, rather than cultural assault without the well-documented side effects of alcoholism, suicides, etc., and 3) promotion of a sense of involvement and responsibility for survival that has been robbed by the "welfare state."

Furthermore, traditionally the Native people of the Kotzebue and Nome Service Areas have had little interaction. Transportation routes, language and numerous other barriers have separated these two groups. Therefore these two places cannot be lumped together under one service unit.

JUSTICE DEPARTMENT URGES UPGRADING TWO POSITIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DULSKI) is recognized for 5 minutes.

Mr. DULSKI. Mr. Speaker, the Acting Attorney General has submitted a formal request to you along with a draft bill to provide for the upgrading of two positions within the Department of Justice.

The proposal is to make level III of the Executive schedule applicable to the present Special Assistant Attorney General and to make level IV of the Executive schedule applicable to the U.S. Attorney for the central district of California.

The Special Assistant Attorney General is the Director of the Office for Drug Abuse Law Enforcement and also functions as a special consultant to the President for Drug Abuse Law Enforcement.

The all-out effort to combat drug abuse has brought new responsibilities to the Department which are in the hands of the Special Assistant Attorney General. This is a vital area of concern throughout our Nation and entails extensive responsibility in coordinating Federal activities with the various enforcement agencies across the Nation.

As for the other positon, the Acting Attorney General feels that the workload of the U.S. attorney for the central district of California warrants a higher pay level.

Mr. Speaker, as part of my remarks I include the text of the letter from the Acting Attorney General which accompanied the draft of the bill I am introducing today:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., May 9, 1972.

The SPEAKER,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is attached for your consideration and appropriate reference a draft bill, "To make Level III of the Executive Schedule applicable to the Special Assistant Attorney General, and to make Level IV of the Executive Schedule applicable to the United States Attorney for the Central District of California."

The Department of Justice believes that the present pay levels for the two positions affected by this legislation are lower than is warranted by the level of responsibility of the jobs.

One of the positions which would be affected by the draft bill is that of the Special Assistant Attorney General who is the Director of the Office for Drug Abuse Law Enforcement and a Special Consultant to the President for Drug Abuse Law Enforcement. The bill would make Level III rather than Level V of the Executive Schedule applicable to that position.

The position of Special Assistant Attorney General was created under Executive Order 11641, 37 Fed. Reg. 2421, January 28, 1972, as part of the Administration's program to combat drug abuse through law enforcement measures and education and rehabilitation programs. The Office for Drug Abuse Law Enforcement, of which the Special Assistant Attorney General is the Director, was established by the Attorney General, at the President's direction, and the Director was made "responsible for the development and implementation of a concentrated program throughout the Federal Government for the enforcement of Federal laws relating to the prevention of drug abuse and for cooperation with State and local governments in the enforcement of their drug abuse laws." Under the same Executive Order, the Director of the Office for Drug Abuse Law Enforcement was also made a Special Consultant to the President for Drug Abuse Law Enforcement, with responsibility for advising the President concerning more effective Federal drug law enforcement and means of Federal assistance to State and local governments to strengthen their drug law enforcement programs.

In order to carry out these functions, the Office of Drug Abuse Law Enforcement works through nine regional offices, using special grand juries as authorized under the Organized Crime Control Act of 1970, to gather information concerning drug traffickers. The information gathered is used by Federal, State and local law enforcement agencies. Grand juries will be called in at least 33 cities for the special purpose of investigating the heroin traffic problem. These grand juries will operate in an investigative capacity to develop information against drug traffickers for purposes of prosecuting them on drug charges, perjury, tax violations or other criminal violations. To date about 2700 persons have been tentatively identified by the Office as persons whose activities concerning drug trafficking should be investigated. In order to carry out this program, between 150 and 200 Department of Justice attorneys have been detailed to activities related to the special grand juries and about 250 Bureau of Narcotics and Dangerous Drugs agents will be involved in this concerted effort against drug trafficking. A number of Bureau of Customs officers and Internal Revenue Service agents will also assist in the effort. The Federal personnel will operate in teams in the

key cities, in cooperation with an equal number of local law enforcement personnel. In addition to the special grand juries, a "Heroin Hotline" has been announced by the President to handle citizen calls concerning the heroin traffic problem, and Bureau of Narcotics and Dangerous Drugs agents will investigate the information derived from those calls. This entire effort against street traffic in heroin is being coordinated by the Office of Drug Abuse Law Enforcement of which the Special Assistant Attorney General is the Director.

Because of the importance of this program in curbing street traffic in heroin, and because of the dual responsibility of the Special Assistant Attorney General in acting as Director of the Office for Drug Abuse Law Enforcement and as Special Consultant to the President for Drug Abuse Law Enforcement, the Department of Justice recommends that Level III of the Executive Schedule be made applicable to the Special Assistant Attorney General.

The other position which would be affected by the draft bill would be that of the United States Attorney for the Central District of California. The bill would make Level IV, rather than Level V, of the Executive Schedule applicable to that position.

The Central District of California, consisting of Los Angeles and the surrounding area, was created by Public Law 89–372, enacted March 18, 1966, from part of the old Southern District of California. Section 3(e) of that Act made the United States Attorney for the Southern District on the date of enactment the United States Attorney for the Central District and placed most of the old Southern District's judges in the Central District.

Under the law in effect at the time the Central District was created, the United States Attorney for the Southern District of California was in Level V of the Executive Schedule. The Level V designation followed that United States Attorney in the Central District.

There are now two United States Attorneys at Level V, the one in the Central District of California and the one in the Northern District of Illinois. Level IV applies to two United States Attorneys, the one in the Southern District of New York and the one in the District of Columbia.

The workload of the United States Attorney for the Central District of California, however, is approximately the same as that of the United States Attorney for the Southern District of New York. In the Southern District of New York, there were 1,369 criminal filings and 980 civil filings during fiscal 1971, while there were 2,124 criminal filings and 1,117 civil filings during that period in the Central District of California. Attorneys in the United States Attorney's office in the Southern District of New York spent 13,147 man hours in court during that time, while attorneys in the United States Attorney's office in the Central District of California spent 13,727 man hours in court. Further, the number of personnel in each office is similar. There are 88 Assistant United States Attorneys and 113 clerical personnel in the office of the United States Attorney for the Southern District of New York, while there are 72 Assistant United States Attorneys and 91 clerical personnel in the office of the United States Attorney for the Central District of California. This compares with 999 criminal case filings and 936 civil case filings in fiscal 1971 in the Northern District of Illinois, 10,941 man hours in court, and a staff of 53 Assistant United States Attorneys and 61 clerical personnel in the United States Attorney's office for that District.

Accordingly, the Department of Justice recommends that Level IV of the Executive Schedule be made applicable to the United States Attorney for the Central District of California, just as that level is now applicable to the United States Attorney for the Southern District of New York.

I urge early and favorable consideration of this legislation by the Congress.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal to the Congress.

Sincerely,

RICHARD G. KLEINDIENST,
Acting Attorney General.

INTERIOR DEPARTMENT DECISION ON TRANS-ALASKA PIPELINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 15 minutes.

Mr. ASPIN. Mr. Speaker, I am saddened and disappointed today by the Interior Department's decision to give a go-ahead to the proposed trans-Alaska pipeline.

Few environmental projects have received the sort of scrutiny and intense, well-researched criticism that the Alaska pipeline project has received. I believe the Interior Department will be surprised by the amount of criticism this decision will generate.

This decision is a blatant example of the interests of the oil industry superseding the public interest. Interior had to choose between the interests of the oil industry and that of the public. Apparently, contributions from the oil companies to the Nixon campaign are simply more important to the administration than the good will of environmentalists and midwest and east coast consumers. The Interior Department has made its choice, but it will have to pay the fiddler.

In fact, I believe that this decision is so completely without logic and rationality that the proposed project may well be stopped in the Federal courts. Although this decision is one more tribute to the influence of the oil industry, the public interest may yet be heard.

MID VALLEY NEWS GOING STRONG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, this week marks the seventh anniversary of a commendable example of free enterprise in my congressional district in the form of a small community newspaper.

The Mid Valley News, serving the cities of El Monte, South El Monte, and Rosemead, published by Ray B. "Tex" Rickerd, was conceived and put into print, because a few businessmen wanted to see a community newspaper that was designed to build up the community and to foster a more personal, human touch that they felt was missing in many larger newspapers.

With the philosophy that newspapers, like Government, should remain close to the people, the Mid Valley News has survived and has proven that a rugged individualist can still "make it" without losing money. This little paper calls 'em as it sees 'em, but prides itself on its record of building up rather than tearing down the community.

THE HAIPHONG BLOCKADE: FROM THE SAME GENIUSES WHO BROUGHT US SONTAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 60 minutes.

Mr. LEGGETT. Mr. Speaker, President Nixon's escalation of the war in Indochina is an admission of the failure of Vietnamization. It is also illegal and counterproductive.

It is illegal because it is in direct violation of the law of the land.

Since the repeal of the Tonkin Gulf resolution, the President's only authority to conduct military operations in Indochina has been his responsibility as Commander in Chief to protect American troops. Obviously, the best way to protect the troops is to get them out. This could be done, and done safely, in very short order. The President did not deny this in the speech he gave Monday night. Instead, after the usual self-serving ritual about how this would be the politically easy course and therefore he will not take it, he gave this reason for not withdrawing:

> Abandoning our commitment in Vietnam here and now would mean turning 17,000,000 South Vietnamese over to Communist terror and tyranny. It would mean leaving hundreds of American prisoners in Communist hands with no bargaining leverage to get them released.

If we had at one time a commitment, it was only to help the Saigon government, not to be the Saigon government. So there we have it. He says we have a commitment to keep South Vietnam from going Communist, period.

But we have no such commitment, neither by the SEATO treaty, the United Nations Charter, nor by any other commitment ever made by the Government of the United States in accordance with its constitutional processes. In fact, any such commitment is specifically excluded by the Mansfield amendment to the last military procurement bill, Public Law 92–156, which declares it to be the policy of the United States to withdraw from Indochina "subject to the release of all American prisoners of war—and an accounting for all Americans missing in action who have been held or known to—North Vietnam and its allies."

Thus, when Mr. Nixon conducts foreign policy on the basis of a commitment to preserve the Saigon government as it is presently constituted, he is violating the law.

On the other hand, we do have a commitment to the prisoners of war. While we can argue about the best way to secure their release, it is clear that there is one course which has no possibility of recovering the POW's, and that is the course Mr. Nixon is following. He refuses to offer to remove American air and naval power from Indochina, and he openly declares his intent to preserve the Saigon regime indefinitely. Since the Saigon government appears to be manifestly incapable of preserving itself, this means Mr. Nixon intends to bomb Indochina forever, or at least until Thieu falls despite our air support.

As long as we bomb, the other side is not obligated by the Geneva Convention to release the prisoners, and it is not going to do so. That is just commonsense. Mr. Nixon talks about loss of bargaining leverage if we get out. But if he is not willing to get out, and apparently he is not, he has no leverage at all. We cannot expect a favorable response if we tell the other side, "If you don't return the prisoners we're going to bomb you, but if you do return them we're going to bomb you anyway until you cease-fire."

So Mr. Nixon's policy contradicts the Mansfield provision on prisoners of war as well as the withdrawal provision.

The mining, blockade, and bombing will not accomplish its stated purpose of cutting off war material from the North Vietnamese army. It will be counterproductive and will cause an increase in the level of enemy military activity.

We know that in the past bombing has been unable to cut off the overland flow of supplies from China through North Vietnam to South Vietnam. We know that in the past—in England as well as North Vietnam—bombing has not broken the will of the bombed population, but has made them dig in and fight harder.

There is no reason to believe things will be different this time.

The people who urged this operation are the same ones who supported the raid on Sontay to rescue POW's from a place where there were no POW's. They are the same people who designed and supported the Vietnamization program, who told us it was going magnificently, and who were amazed when the ARVN collapsed the first time it was exposed to serious pressure.

Even conservative columnist William Buckley, previously an uncritical supporter of all aspects of the war, is now making very strong and derogatory comments about the competence of those who planned and evaluated Vietnamization.

I cannot understand why we continue to follow the path of military escalation when it has never worked to date—only to bankrupt us.

It was almost exactly 2 years ago that President Nixon described his Cambodian incursion as a "decisive move."

What did it decide? It did not destroy the "headquarters for military operations in all of South Vietnam," because no such headquarters ever existed. It was supposed to prevent the massing of enemy supplies, and to buy time with which the South Vietnamese Government would build the ability to defend itself. The events of the last month show it did not do either of these things. This move was "decisive" only that it was decisively wrong.

Now the President tells us he has three choices, and he has chosen "decisive action to end the war." But watch and see how desperately the administration opposes our attempt to cut off funds which would not be needed if the blockade and bombing were really "decisive action to end the war." The President does not believe this "decisive" nonsense any more than I do.

The escalation is not only counterproductive. It is irresponsible in that it threatens really vital aspects of our national security in other theaters.

First, it will hamper and perhaps stop the developing thaw between the United States and the U.S.S.R., and between the United States and China.

Second, the escalation may have torpedoed the SALT agreement. This limitation on strategic arms could save us billions of dollars per year and perhaps initiate a true generation of peace. It is the result of years of negotiating not only between the United States and the U.S.S.R., but between hawk and dove factions in both governments.

Remember, the Soviet invasion of Czechoslovakia caused President Johnson to postpone the beginning of the SALT talks, thus forever destroying the hope of a MIRV ban. The Haiphong blockade and interference with Soviet shipping will tremendously strengthen the Soviet hawks in the Kremlin struggle for power, and it may give them the fuel they seek to postpone or kill the SALT agreement.

I hope this will not happen, but it would be tragic if it did. We used to hear the "domino theory" that we had to hold Vietnam because if the Communists got it, this would lead to the fall of Laos, Cambodia, and so forth. But the SALT agreement is far more important to our national security than is all of Southeast Asia. If we lose it, this will be the domino theory with a vengeance. We would have been better advised to forget about Laos and Cambodia and all of Southeast Asia.

Third, we may be closing the schism between Russia and China; this is clearly contrary to free world interest. With Haiphong closed, the U.S.S.R. can only supply North Vietnam by going overland through China. It is highly probable that China will allow this, and that the two Communist nations will once again work together in aiding Vietnam. With this as a beginning, they may then move to reconcile their other differences.

In a vain attempt to protect a government for which its own people apparently will not fight, we are violating the law, uniting our enemies, and possibly killing an arms control agreement which could save us many billions of dollars and perhaps lead the way to a true generation of peace.

Is General Thieu worth it?

I say "No."

Mr. Nixon has a problem. He has sent 20,000 Americans to their deaths in service of the Vietnamization program. Now it is clear that Vietnamization is a failure; the ARVN is receiving the heaviest air support in history and is doing very badly nevertheless; without our air support no one doubts that by now the enemy would have taken all of South Vietnam.

If the ARVN collapses and the other side takes over, it will be plain that Mr. Nixon has killed 20,000 Americans for nothing, since the Vietnamization program collapses wtih the Saigon government. The President is doing everything he can to distract public attention from his failure, and he is hoping desperately that the ARVN collapse can be delayed by monstrous bombing of all targets in sight without really having a reasonable prospect for eventual victory. Today he mines Haiphong. When that does not work, he may level Hanoi. And when that does not work, who knows? Will troops be redeployed in South Vietnam?

President Nixon does not have the right to unite our enemies, jeopardize a valuable treaty, and send young Americans to death or capture without action of the Congress.

We are now conducting a major war. We are mining the harbor of a foreign power for the purpose of denying this harbor to all ships, including those of major powers. We are conducting the most massive bombing in history. We are stepping gravely close to the brink of nuclear conflagration.

No President has the authority or the right to do this without specific authorization from Congress. If President Nixon desires to continue these actions, I say he must come to the Congress and ask for repeal of the Mansfield amendment and for a declaration of war. If he does not do this he is required to stop, out of respect for the Constitution.

On Monday night, President Nixon said he had three choices. I have already discussed the alleged "decisive military action" which will not be decisive, but let us briefly look at the other two choices.

Regarding negotiations, he said, "we have made every reasonable offer and tried every possible path for ending the war at the conference table," but the other side has not responded.

This is not true. Neither in the official talks nor in the no-longer-secret Kissinger talks has Mr. Nixon ever offered a total withdrawal. He has never offered to remove the air and naval power surrounding Vietnam. He has always retained the option of leveling Vietnam if the Vietnamese establish a government of which we disapprove. This is not a reasonable proposal.

I do not mean to say the other side is reasonable either. Frequently they are not, and I told them so 10 weeks ago in Paris. But now Le Duc Tho has indicated their position may be softening and they may be willing to accept a simple military settlement, and as before the administration is suddenly hard of hearing.

The remaining option is immediate withdrawal, or at least expeditious withdrawal. The President says he cannot do this because of a nonexistent and an illegal commitment to keep Vietnam anti-Communist, and because he does not want to abandon the prisoners his policy in fact abandons. I have already discussed these points in detail. They do not hold up.

Mr. Speaker, in times like this we cannot afford a politician President. We must have a statesman President who can admit he made a mistake and who can place the national interest above saving his political face. We must have, not a President who talks about respect for his office, but one who acts in such a way as to bring it respect. We must have a President who recognizes that the national interest requires us to pick up

and get out. and who then proceeds to do so.

We need not a President who calls for artificial unity, but a President who makes policy behind which the American people naturally unite. We need a President who acts on the principle set forth by Senator Richard Nixon in 1951:

> The country wants unity, but it does not want unity on a policy which has led to disaster or on the perpetuation and power of those who made that policy and who cannot be expected to make good on any other . . . Disunity hurts our cause without question, but unity on a policy which was wrong could bring even greater disaster.

YOM YERUSHALYIM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker tomorrow is Yom Yerushalyim, the celebration of the reunification of Jerusalem. It is a time when Jews hail the miracle of June 1967, that ended ruinous and discriminatory Jordanian rule over the eastern half of the city. It is a day when Israelis remember the brave soldiers who fought in the bloody hand-to-hand battle to regain the access to the historic city.

It is a day when Jews celebrate the access to the holy places, to the Western Wall; access they were deprived of during the 20 years of Jordanian rule.

Jordan refused to allow Jews to visit any of the places of Jewish cultural or historical significance. The Western Wall they used as a garbage dump; they built a grand hotel over a pillaged Jewish cemetery using the gravestones of Jewish martyrs as pavement for their swimming pool.

But no one uttered a word. All the Christian clergymen who now condemn imaginary Israeli practices in the unified city, all the nations that now pass resolutions condemning Israeli practices that investigating commissions did not document or confirm. Where were they then? When Jordan converted the Jewish quarter of the old city into a haven for derelicts? Did they complain about Jordan forcibly altering the character of the city? No. Their silence resounded in the empty cavities of world morality.

And yet when the Israelis finally established peace in Jerusalem, reunified a divided city, ended religious discrimination, installed water, sewage, and electric facilities, upgraded medical and municipal services, gave all denomination jurisdiction over their own holy places—then the great libertarians who had kept silent for so many years found their voices.

From pulpit and rostrum, they unanimously condemned Israel for changing the character of the ancient city. In specious terms, without evidence or proof for their accusations, they demanded internationalization of Jerusalem. The last time the city was internationalized Jewish gravestones were used for highway construction. The last time the city was internationalized, Arabs had rights but Jews had nothing.

I say, dear colleagues, that we should laud Israel for the changes she has made. She has rid the city of disease; she has put a stop to discrimination; she has given all the great religions freedom to worship, control, and pray at their holy places; she has changed the city from a hovel of prejudice to a center of freedom.

But the official U.S. Government policy fails to recognize this. Our Embassy is in Tel Aviv, although the capital of Israel is Jerusalem. This State Department policy and its refusal to move our official presence to the Israeli capital lends credence to the absurd charges of impropriety the prejudiced have leveled against Israel.

The State Department should take immediate steps to remedy this impression that the United States sides with these ridiculous accusations that have been discredited by all objective witnesses and never been proved by all the demogoguery of the rabid Arabists. An administration that prides itself on how its foreign policy jives with reality should practice what it preaches in this instance as well.

PROFESSIONAL DRIVERS' PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ECKHARDT) is recognized for 10 minutes.

Mr. ECKHARDT. Mr. Speaker, I have today introduced the Professional Drivers' Protection Act of 1972 which creates civil liability for an employer to discharge an employee for refusing an order which would entail violating motor carrier safety regulations or for reporting violations of these regulations or otherwise cooperating with the Bureau of Motor Carrier Safety as, for instance, by testifying in proceedings involving these regulations.

Let it never again be said: "He was fired for obeying the law. . ." as it could be said of a Boston truck driver who refused to falsify his logbook to make it appear that a round trip from Boston to New York could be run in 10 hours, the maximum time for driving in a single day under the Federal safety regulations of the Interstate Commerce Act.

In this particular case the trucking company determined that a lone driver can make the run from Boston to New York and back within the time limitation. Yet, according to experienced drivers, this run can be made in 10 hours given favorable weather conditions, only if the truck is driven at a dangerously high speed. Drivers who refuse to drive recklessly but fear losing their jobs for failure to comply with the company's unrealistic schedule have adopted a widespread practice of under-reporting the number of hours actually spent behind the wheel of the vehicle. Federal regulations require drivers to record both off-duty and on-duty activities in a daily logbook, and despite the fact that falsification of the records subjects both the driver and his employer to Federal prosecution, the practice of "fudging" to show only the number of hours allowed is an accepted part of the daily routine. Because this Boston driver objected that the run could not be made in the 10 hours and because he refused to falsify his logbook in direct violation of Federal safety regulations, he was fired.

Drivers throughout the country are confronted with the same dilemma: How can a person follow the dictates of his conscience, which says he must obey the law of the land, when to do so is to risk his source of livelihood and the sole means of support for his family? In response to this intolerable situation, I have introduced legislation today which would eliminate this dilemma and be a valuable tool for enforcing existing safety regulations. Entitled the Professional Drivers' Protection Act, its approach is simple. It provides that an employee cannot be fired for refusing to follow an order from his employer if his actions would result in a violation of motor carrier safety regulations made under section 204 of part II of the Interstate Commerce Act or for filing a complaint about a violation of these regulations. In addition, it allows a driver discharged under such circumstances to sue in Federal district court to be reinstated in his job and to receive three times the amount of back wages lost. Its enactment will provide both moral and legal support for the driver who chooses to do what he knows is right and will penalize those companies which seek to intimidate employees to act in clear violation of Federal law.

Incredible as it may seem, an all too common practice has arisen in the trucking industry of firing drivers who refuse to drive unsafe rigs or who refuse to engage in unsafe driving practices in violation of safety regulations issued by the Department of Transportation.

Thus the need for such legislation is evident. In addition to rules regarding the physical condition of the driver, Federal regulations clearly state:

> No Motor carrier shall permit or require a driver to drive any motor vehicle . . . nor shall any driver drive any motor vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown of the vehicle.

Data compiled by the Bureau of Motor Carrier Safety, which has the responsibility of insuring compliance with motor vehicle safety regulations, illustrates rather vividly that motor carriers allow, and even require, vehicles to be driven on the highway in violation of safety regulations. In 1969, the trucking industry protested that the data reported by the Bureau regarding the condition of vehicles on the highway made them appear less safe than they actually are. In response to industry demands, in 1970 the Bureau of Motor Carrier Safety conducted a carefully designed controlled study of motor carrier vehicles on the highway. Of the vehicles inspected in this special study, 16.5 percent were ordered out of service because they were mechanically too hazardous to be operated beyond the check point. Another 27.8 percent were found to be unsafe.

This data gains added significance when considered in the context of

changes occurring in highway traffic. The number of trucks on American highways is growing faster than the number of automobiles and buses. During the period from 1959 to 1969, the number of trucks registered in the United States increased by 4.38 percent. Automobile registrations showed an increase of 3.86 percent. In 1970, truck registrations increased by 4.87 percent and automobiles by 3.4 percent. In addition, the fatality rate for truck occupants is on the upswing. From 1965 to 1969 the occupant death rate for passenger cars, equipped with an increasing array of safety devices, dropped 5 percent.

As illustrated by the following incident, drivers who seek to abide by the Federal prohibition against driving mechanically unsafe vehicles on the highway are subject to intimidation. Last fall a driver in Illinois refused to drive a truck which had a defective air valve brake system on the trailers. He discovered the defect on a test drive, but the terminal manager failed to respond to his complaint. Following his boss' orders, the employee drove the truck on the highway. A quick stop caused the rear trailer to jackknife into the oncoming lane. The company safety manager ordered the driver to complete the run or lose his job. The driver refused to drive any further and was fired.

A driver can file a complaint with the Bureau of Motor Vehicle Safety regarding violations of safety regulations yet letters written by drivers indicate that the results are uniformly unsatisfactory. In many instances in which a violation is discovered, the company is not prosecuted but rather the violation is merely recorded for future reference should additional complaints be filed against the company. Unfortunately, the Bureau has no data which describe the adequacy of the complaint system either according to complaints filed and their resolution or which can provide estimates regarding the impact of fear of job loss on the filing of complaints.

Obviously, it is not the drivers alone who stand to benefit from improved enforcement of existing safety regulations. The lives of all travelers on America's highways are endangered by unsafe trucks and shoddy safety practices. In a letter describing the plight of her husband who refused to drive an unsafe vehicle, a woman recently observed:

I think when the public understands and is aware of the conditions of some of these trucks . . . (and that it) is not safe to be . . . on the highway that they themself pay to support something will be done.

Passage of the legislation I propose is the "something" which must be done.

Following is a May 10, 1972 column written by Nicholas von Hoffman of the Washington Post on this subject and the text of my bill.

[From the Washington Post, May 10, 1972]

THEY KEEP ON TRUCKIN' AND TRUCKIN' AND TRUCKIN'

(By Nicholas von Hoffman)

The truckers' association has an ad on TV informing us that if we got it, whatever it might be, a truck delivered it to us. The inference is that we should forget we *paid* the truck to deliver it and be grateful.

The picture on the screen shows a nice, clean, polite truck cruising along the interstate at a safely pleasant, moderate speed obligingly bringing our merchandise to us intact, undamaged and in perfect condition. We all have our own private estimates as to how much of a fairy tale that is, but regardless of the condition the goods arrive in, what kind of shape is the driver in?

Frequently he is frazzled, drugged, stumbling from fatigue, harassed by the trucking company, coping the best he can without support from his union or the government. A threat to himself and the other drivers on the road. Such is the life of many truck drivers as described by the Professional Drivers Advisory Council—"Prod" for short. Yet another idea hatched out of Ralph Nader's health and happiness counter-conglomerate, Prod isn't an attempt at dual unionism, but yet one more effort to get public institutions to do the work they're supposed to do . . . in this case the Department of Transportation's Bureau of Motor Carrier Safety, and the Teamster's union.

Arthur Bouchard of Kirkville, N.Y., is a Prod member, and an ex-driver who says he was fired after 20 years on the job because he complained about unsafe and defective equipment: "double trailers with too much play in their fifth wheels" or "87,000-pound loads of loose steel which are supposed to be hauled on trucks with chains and binders and reinforced header boards but aren't."

For complaining about such things, Bouchard, a man with three children, says he was sacked, "and the Department of Transportation man helped them fire me. I had to go on welfare. Outta work for 14 months. That's a drop from $285 a week down to $80."

In phoning around the country talking to worried drivers one discovers a number find fault with DOT's Bureau of Motor Carrier Safety, an outfit with 103 inspectors with the duty of checking up on 3 million trucks and buses in 50 states, according to Nader's figures. With a ratio of inspectors to vehicles like that, they couldn't do the job right if they wanted to, which, the drivers say, they don't. Whether this is a case of excessive amity between the DOT and the trucking industry or the naked bribery of some of the department's functionaries, the drivers don't know. All they know is a lot of these trucks aren't safe—an estimated 38 per cent of them—and that many of the men can tell stories similar to the one told by this driver:

"I myself came close to killing a family of four because of no brakes. . . . The driver is always blamed. . . . I can recall driving a stretch of road known as Bloody Alley, between San Francisco and San Jose—U.S. 101—with all my trailer brakes plugged off and one diaphram on the tractor leaking badly. I was told to drive it all night and it would be fixed the next day . . . 7,100 gallons of gas! I was told . . . that I would never turn another wheel for anyone again if I complained once more about the equipment not being safe."

Another driver with three children who'd like to live to see them grow up is Bob Lyons of Sharonville, Ohio. Lyons is particularly concerned about trucking company pressure both to meet dangerously fast schedules and to work killing 70- and 80-hour work weeks: "It's a known fact that the companies expect you to take one (stimulant) and go, but a lot of the drivers go along with it. This is big money, you know, for a man without much education. You can make $400 to $450 a week, and they'd rather have that than the working conditions, but, listen, it's not the drivers. We're scared to holler. They can spank us with days off, bad runs, all kinds a ways."

Drivers are required to log their hours in a book so that they don't go over the maximum, but Lyons says, "The companies don't want you down right. It's a matter of greed. The fewer men they got driving more hours, the less they have to pay in health and welfare benefits. Take Cincinnati to Harrisburg. That's 9½ or 10 hours if you drive decent, but we have guys who log it at 7 hours."

To the DOT man verifying the log book, the driver hasn't exceeded the maximum number of hours, but it's there in the paycheck of this tired man who, in addition, is on two-hour call to report to work during the insufficient hours he's home resting. On top of that, according to Lyons, he is expected to make runs on a schedule that can only be met by exceeding the speed limits and pulling such tricks as rolling those big semis down steep hills out of gear so they'll go faster.

At 80 miles an hour with a groggy man at the wheel, rolling down a steep grade out of gear, an enormous machine like one of those big diesels is out of control. But all interstate transport, minutely regulated as it's supposed to be, is likewise out of gear, out of control and free-wheeling down the mountain towards its profit and our destruction.

H.R. 14935

A bill to create a civil remedy for the employees of motor carriers who are discharged for failing to obey their employers' orders where compliance with those orders would entail violating motor carrier safety regulations or for reporting violations of these regulations or otherwise cooperating with the Bureau of Motor Carrier Safety.

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 "Professional Drivers' Protection Act of 1972".

SEC. 2. It shall be unlawful for any employer to discharge any employee for failure to comply with any order or directive if such compliance would involve such employee in a violation of motor carrier safety regulations established under section 204 of part II of the Interstate Commerce Act.

SEC. 3. It shall be unlawful for any employer to discharge any employee because such employee has filed any complaint or instituted any proceeding related to motor carrier safety regulations established under section 204 of part II of the Interstate Commerce Act or has testified, or is about to testify, in any proceeding involving these regulations.

SEC. 4. Any person who is discharged in violation of sections 2 or 3 of this Act shall be entitled—

(1) to reinstatement in his employment,

(2) to be made whole for his losses due to such discharge, including interest at the rate of 6% from the date monies would have been payable to the date of payment,

(3) to exemplary damages in the amount of twice the sum of (2) above, and

(4) to costs of suit and reasonable attorneys' fees.

SEC. 5. Suits under this Act may be brought in any court of competent jurisdiction and such shall include the United States District Court for the district in which the defendant is located or any United States District Court for the district within which the employee received notice of discharge.

CALLS FOR CONCERN AND PARTICIPATION IN COMMUNITY AFFAIRS

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

Mr. PEPPER. Mr. Speaker, a most outstanding address was recently delivered by a leading member of the Miami community, and a very good friend of mine, Dr. Charles E. Perry, president of Florida

International University. On April 27, speaking before the Dade County outstanding citizen luncheon sponsored by Sholem Lodge No. 1024 of the B'nai B'rith, Dr. Perry eloquently and enthusiastically called for greater citizen concern and citizen participation in community affairs. His speech was entitled "Let's Emphasize the Positive," and before an appreciative audience he declared:

I am firmly convinced that the world, with all its shortcomings, is still an exciting and stimulating place to be. It is a world that has great potential for improvement; it is a world that still has many frontiers to conquer; and it is a world that deserves our most positive attitude in order to meet the challenges of the future.

This speech is a worthy rebuttal to those who preach pessimism and inaction. I commend this inspiring address to my colleagues and to all who read this RECORD:

LET'S EMPHASIZE THE POSITIVE

It is a great pleasure for me to be a part of this occasion today which honors two of the outstanding citizens of Dade County who have rendered truly worthwhile and distinguished service to our community.

What pleases me so much about this occasion is that the positive and not the negative is being accented. What these two honorees, and all the nominees, have done is very positive for our community and country. And what you have done by coming here to honor them is also something very positive.

Some of my colleagues are saying that commencement speakers this year should not tell the graduates that "the world is theirs"—for fear of unduly alarming them. But last week, when I gave one of my commencement speeches scheduled for this spring, I referred to the world by telling the graduates "to try it—you'll like it!" And I meant it, because I do not accept the negative way of thinking about our world.

Yes, there is a great deal wrong about our society today. But I am firmly convinced that the world, with all its shortcomings, is still an exciting and stimulating place to be. It is a world that has great potential for improvement; it is a world that still has many frontiers to conquer; and it is a world that deserves our most positive attitude in order to meet the challenges of the future.

Newscaster Gabriel Heater died here in Miami a few weeks ago, and he will long be remembered for his nightly shoring up of the morale of millions of radio listeners in the dark days of World War II with his phrase, "Ah there's good news tonight." Interviewed during his retirement, he was asked if he preserved his optimism in watching the day-to-day events of the turbulent 1960's. His answer was, "If I could say there was good news during the darkest days of World War II, I can sure find good news in the exciting events of the '60s. And I am convinced that the world will find good and cheering news in the '70s."

I fully agree with Gabriel Heater. And why shouldn't I?

We, in America, are fortunate to live in a free society—a society that, with its pockets of poverty still to be eradicated, overall has the highest standard of living in the world . . . where personal income has increased almost 50 per cent in a five-year period.

We live in a nation that cares . . . a nation that in the last decade has made great strides in realizing equality and dignity and opportunity for all its people . . . a nation that has fostered such great social progress for the elderly as Social Security and Medicare . . . a nation which has shared its wealth and technology with underdeveloped countries more generously than any other in the history of man.

We live in a nation which has the technological know-how to send men to the moon and to get them back . . . to progress in medicine to the point where we have virtually wiped from the face of the earth such dreaded diseases as polio, diphtheria, and scarlet fever. In this connection, I would remind you that 90 per cent of the prescriptions written today could not have been filled by a pharmacist in 1937, the year I was born.

We live in a nation where communication has not only become instantaneous, but remains free.

And most important in our world is the fact that we still have the freedom of choice in life—that we can direct our own activities.

Now before you decide that I am looking at the world only through rose-colored glasses, let me assure you that I do not think we live in paradise. Obviously, our needs and our opportunities for change are many. We must constantly be receptive to change, for in our future change will perhaps be the most constant element of all. And progressive change, to paraphrase Lincoln must be by the people, of the people, and for the people.

That is what makes this occasion today so significant. It is significant because in this day of the all-powerful government—with its multitude of committees and commissions—this is a citizen endeavor.

What we have here today is a demonstration of citizen concern and citizen participation. There is no government sponsorship, no government funding, no governmental authority, and that today is an unusual circumstance.

This was not always so. The history and folklore of America—which stay with us in thought, but too seldom are translated into action—tell the story of a pioneering and self-sufficient people. A people who came across the sea and conquered a wilderness. And a people who preferred to find their own solutions.

Today, however, citizens more and more seem to prefer inertia to initiative, abandoning action as a proper sphere of citizen concern. Thus government has supplanted the citizen initiative that established it.

Is there a problem about money? Let the government figure out where money should come from.

Is taxation unfair? Let government appoint a committee or a commission to provide some paper solution.

Education, pollution, urban renewal, mass transit, integration, crime, busing, war and peace—leave it to government because its "their" job.

And, if it is "their" job, then what is left for the citizen to do? Three things. To grumble constantly. To criticize generally. To vote occasionally.

So, in this world of constant change, let's make some really big changes now. Let's adopt a positive, optimistic attitude about the world and life in general. Let's renew our pride in America to give us the inspiration to correct whatever is wrong, and let's not expect government to solve all our problems by letting "Uncle" do it.

I mentioned our high standard of living, but there are Americans who go to bed hungry each night. I mentioned the great advances of Social Security and Medicare, but there are Americans who have worked all their productive lives only to be rewarded with a poverty-level subsistence in their old age.

We have Americans who live well and who make a good living, but they are terrified by the thought of sickness, because the price of a get-well ticket is way beyond their means. And we have Americans who fear to walk their city streets because of crime. We also have millions of Americans who will not swim in our rivers and lakes and oceans because of pollution. These examples can go on almost without end. But the question is: What can we, as citizens, do about them?

You know what many of us do. We blame it on the government. Sometimes the government in Washington. Sometimes the government in Tallahassee. Sometimes city and county government right here. That's freedom of choice. Choose your targets and let them have it. Because it's always, somehow, "their" fault. Never "our" fault.

We are fond of talking about our advanced and complex technology—which also serves as one of our personal excuses for not becoming involved in its operation. We recognize that we now live in a world that we somehow created, but do not really understand. Which is another good excuse for doing nothing.

I don't buy these excuses. I don't buy them because I'm optimistic enough to believe that we, the citizens of today, by calling on our pioneer heritage of individual and collective initiative of yesterday, can control our destiny.

What should we do? Well, the first thing we need to do in every city and town in this nation is what's being done here today. We need to come together. We need to know what each of us—the concerned citizen—is doing and thinking. We need to tell other people what one concerned and two concerned citizens and three concerned citizens can accomplish if they work at it. We need to draw more and more people into the things we do, the projects we plan.

We need to create a citizens' movement. We need to understand what must be done. And then we need to make government responsive to our understanding—and to our commitment to get the job done.

We need to concern ourselves with the operation of government at every level. Not just to blame it or criticize it, but to improve it. Because in this country—we own the government. It's all ours. And many of us have left it alone far too long.

But that need not be the case. The people in this room are testimony to that fact. There isn't one unconcerned citizen here today. And there isn't one of you who can't get another 10 as concerned as you are. And that's the key to winning this battle.

This is a great nation—ladies and gentlemen. Not because it has a great government. But because it has a great people. A people who can accomplish almost anything—if we put our minds to it.

Right now, we need to do something about our country—and about our government. We have been handed a great heritage of freedom. It didn't come to us without strings or without obligations. Now is one of those times when the obligations must be met. It's not a payment anyone can make for anyone else. Each of us has to make our own.

America's prosperity has often been mistakenly attributed solely to our possession of great stores of natural resources. It is true that we are blessed in that respect, but it is not the whole story. The striking fact is that many nations around the world—Israel and Japan are prime examples—are relatively poor in natural resources. They have flourished by developing their human resources.

And so has America prospered by developing its human resources. It is America's human resources—its people—that have written our great story of progress around the world. Now we must do more with these resources.

Certainly, we in education can do more than we have been doing. In the last two decades there has been a tremendous increase in knowledge, and it is being poured into our brains at an ever-increasing rate. But we in education must be more than just concerned

about facts and figures—we must be concerned about the total society.

Being prepared to meet the demands of life is a large order, but the people of this nation have always thought big. We just need to start thinking bigger. And we need to start thinking together.

Let us start practicing ecology and conservation on a truly broad spectrum, conserving not only the rich resources of the earth, but of man who lives upon it.

Let us provide better—more effective—education for all our citizens—young and old, black and white, rich and poor—recognizing that students must acquire a high degree of specialized knowledge if they are to have the tools to provide skilled service to society. But, let's add more wisdom and understanding to their tool kits.

Let us have more interrelated planning as we build for the future, particularly in our cities. President John F. Kennedy called our cities "both our glory and our shame." So, let's erase the shame and provide the social engineers and technical experts to solve our urban problems.

Let us concentrate on solving such pressing problems as those of pollution, crime, drug abuse, transportation, health care, and housing in a massive joint effort with government, private enterprise, and citizens—let's pool our resources to create a better quality of life.

Let those of us in the "over-30 generation" stop dwelling on the misdeeds and mistakes of youth, and become working partners with each successive new generation in shaping a better world.

The world . . . Yes, "Try it—you'll like it." But, to really like it, you must contribute something to it!!

Each of us here knows what needs to be done, each of us really wants to see it done. And now is the time to get it done.

We must learn from one another, and assist one another as we attempt to move mankind forward in a constructive and meaningful way. Our work—yours and mine—will help shape the world in which we must all live together . . . or *perish together*. With your continued concern and involvement, *survive we will!*

A PETITION FOR THE CONGRESS TO END U.S. PARTICIPATION IN THE INDOCHINA WAR

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

Mr. KOCH. Mr. Speaker, today, at 11 a.m. there will be an assemblage of citizens gathered together in order to present a petition to those Members of Congress who attend for that purpose.

The petition which will be presented is appended:

A PLEA FOR NATIONAL REPENTANCE AND A PETITION TO THE CONGRESS OF THE UNITED STATES

Whereas, millions of Vietnamese, Cambodians and Laotians have been maimed and uprooted from their homes and more than one-half million killed;

Whereas, more than 50,000 Americans have been killed in Indo-China and 300,000 have suffered casualties;

Whereas, the lands and cities of Vietnam, Cambodia, and Laos have been devastated by napalm, defoliants, bombs and all the vast arsenal of the automated air war;

Whereas, the lives of United States prisoners held by the North Vietnamese are now threatened by the further escalation of the war;

Whereas, the war waged by the United States in Indo-China wastes our human and material resources and weakens our security rather than insuring it;

Whereas, the United States armed forces continue to impose upon the people of Vietnam the Thieu government dictatorship, thus depriving the Vietnamese people the inalienable right of freedom;

Whereas, the peace of the whole world is threatened by the recent escalation of the war by the United States, including the mining of Vietnam harbors, thus risking the beginning of World War III;

We, the undersigned citizens of the United States repent of our own complicity in this sin against the Providence of God and this crime against humanity; and we call for a national time of mourning and repentance.

We petition the Congress of the United States to take its proper responsibility for ending participation by the United States in the war in Indo-China by cutting off funds used for the prosecution of the war, that sanity and justice may be restored in the foreign relations of the United States government.

AN UNCONSTITUTIONAL GIVEAWAY OF GOVERNMENT PROPERTY

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

Mr. KOCH. Mr. Speaker, 17 of our colleagues and I have joined today with three Senators and Ralph Nader's Corporate Accountability Research Group—CARG—in appealing a decision by the Administrator of the Agricultural Research Service to give two companies exclusive royalty-free licenses on Government-owned patents. We believe that this decision by the Agricultural Research Service is an unconstiutional giveaway of Government property without congressional approval. Our appeal is directed to the Secretary of Agriculture, Earl L. Butz.

Article 4, section 3, clause 2 of the Constitution specifically provides that the Congress has the sole power "to dispose of and make all needful rules and regulations respecting property belonging to the United States." And yet, the Department of Agriculture is now proposing, on its own initiative, to grant licenses for the exclusive use of Government-owned patents to Welch Foods, Inc. and the Upjohn Co. The patents in question are on developments researched by the Department of Agriculture. In the past the policy has been to grant licenses on a nonexclusive basis, allowing competing companies to share in such Government-financed developments.

In granting a company an exclusive patent license—even if for a limited time and not the duration of the full life of the patent—the Department is unquestionably giving away property owned by the Government and precluding its use by other companies. What is more, in this case it is doing so at no charge.

While the Congress has given NASA limited authority to grant exclusive licenses on its patents, no such powers have been given to the Department of Agriculture.

What is disturbing is that the Department of Agriculture's action is part of a governmentwide move toward a policy of extending exclusive licenses on Government-owned patents. Effectively, such exclusive license granting will amount to a giveaway program financed by the taxpayer—first in the research of the patented development and ultimately in the price of monopoly-produced goods.

The appeal we are filing today is the first test of this new program which could affect more than 20,000 patents owned by various Federal agencies. These patents cover new developments in drugs and medical equipment, agricultural production and processing, the handling of energy sources, and so on.

The patent which the Department intends to grant to Upjohn is for a new use for the chemical cycloheximide. When sprayed on citrus trees, the chemical causes fruit to drop to the ground when ripe, thus reducing harvesting costs.

Mr. Speaker, I am submitting for printing in the CONGRESSIONAL RECORD a copy of our appeal. I believe it will be of interest to our colleagues for surely it is important that the Congress guard against usurpation by the executive branch of its constitutionally granted powers. Furthermore, it is incumbent upon us to protect the consumer against monopoly prices that would be caused by Government practices.

The appeal follows:

APPEAL TO THE SECRETARY OF THE DEPARTMENT OF AGRICULTURE, EARL L. BUTZ

On behalf of Ms. Irene Till and the Corporate Accountability Research Group, we hereby appeal the decision of the Administrator of the Agricultural Research (ARS) of the United States Department of Agriculture (USDA) dated April 10, 1972, concerning the intended granting of exclusive licenses by USDA to Welch Foods, Inc., and The Upjohn Company, as indicated in the *Federal Register* of August 4, 1971. The appeal is taken pursuant to Regulation 19.11 CFR § 19.11, and is joined in by the members of the United States Senate and the United States House of Representatives whose names appear on the Schedule annexed to this appeal. Pursuant to Regulation 19.12, we hereby request a hearing before an Appeals Board. Because of the relatively short time authorized under the Regulations for this appeal, the appeal will contain only a summary of the arguments that will be offered at the hearing and contained in a full brief of this issue. That brief will be filed on or before June 16, 1972, unless the Secretary of USDA directs otherwise.

ARGUMENT

The question involved on this appeal is whether USDA has the authority to grant exclusive royalty-free licenses of patents owned by the United States and acquired by research paid for by the taxpayers' money, even when the license is not for the full life of the patent. In answering this question we start with Article 4, Section 3, Clause 2 of the United States Constitution which states that Congress has the sole power "to dispose of and make all needful Rules and Regulations respecting. . . . Property belonging to the United States." In his decision of April 10, the Administrator of ARS discusses at length the distinctions between licenses and assignments in the law of patents. While it is true that the properties at issue are patents, the controlling provisions of the Constitution here are not those authorizing Congress to grant letters patent, but those which establish and elaborate the

principle of separation of powers and which grant to Congress and not the Executive the right to decide when, where, and under what conditions property paid for by the taxpayers shall be given away for the executive use of a private citizen.[1] Thus, all of the discussion concerning the distinctions between licenses and assignments in the patent area is irrelevant to the Constitutional question at issue here.

In our brief on this appeal we will demonstrate that the purposes behind Article 4, Section 3, Clause 2, are fully applicable in this case. For the present, an example will illustrate that point. Assume that USDA owned a building and decided that it would give a private person a royalty-free "license" to use that building for 99 years to the exclusion of all other persons. Absent a specific grant of authority from Congress can there be any doubt that the issuance of that "license" would be unconstitutional? Change the number of years from 99 to 5, and we have the situation in this case. The taxpayers pay for the acquisition of all government property, including patents. The Founding Fathers decided that only the Congress should have the power to take property paid for by the taxpayers out of the public's hands and give it over, or authorize it to be given over to private interests. That is what is proposed to be done here, and the fact that the period of exclusivity is no more than five years, or is otherwise limited, is constitutionally immaterial.

To illustrate how meaningless the time limitations are, and equally how irrelevant is the distinction between a license and an assignment, we only need to look at the patents involved here.[2] Pursuant to Section 19.5(c)(2) of the Regulations, the license cannot include the terminal portion of the patent. Therefore, in accordance with that provision, patents nos. 2,816,039 and 2,816,840 are to be licensed to Welch Foods, Inc. for periods that end 6 and 13 days, respectively, before the patents themselves expire.[3] According to the distinction drawn in the April 10 decision, the exclusion of the terminal period prevents the license from being classified as an assignment, and hence avoids the constitutional proscription against disposing of property without Congressional authority. Presumably, the same logic would apply where the time remaining until expiration was one day, or even one hour or one minute. Clearly, the Constitution cannot be circumvented that easily.

The patent proposed to be issued to the Upjohn Company is a use patent for a chemical compound (cycloheximide) on which Upjohn held the original, but now expired, patent which is simply being put to a new use. The new use is as an abscission aid in the harvesting of fruit. Research by USDA shows that, when the chemical is properly sprayed on citrus trees, the fruit falls to the ground when ripe. If this use is proven commercially and technically feasible, it will provide tremendous savings in labor costs and will enable Upjohn to make huge profits under its monopoly granted by USDA. If allowed, that would mean that the public would be paying twice: first, to develop this use for cycloheximide, and second, to Upjohn for its monopoly profits. As taxpayers and consumers of citrus products we protest this action by USDA.

The fact that Upjohn's license would be only for five years simply means that there is a *possibility* that some other company may try to break into the field after that time. We suggest that the more likely possibility is that competitors would wait for their own exclusive licenses of other publicly-owned patents to augment their profits, rather than face a very uphill battle in the face of Upjohn's five year lead. Furthermore, from a constitutional point of view, it presumably would make no difference whether the period chosen were five, or fifteen, or even seventeen years less one day. If that is the logic of the argument in support of the decision of April 10, it is clearly in violation of the principles underlying the Constitution's prohibition against disposing of public property without Congressional authority.

When Congress wanted to give an agency the power to grant exclusive patents licenses, it knew very well how to do it. Thus, in Section 305(a) of the National Aeronautics and Space Act of 1958, 42 U.S.C. § 2457, Congress declared that all inventions and patents developed pursuant to contracts with NASA shall be the exclusive property of NASA, unless there is a waiver of those rights by NASA pursuant to subsection (f). This latter provision then spells out in detail the conditions required before the waiver can be made. Since there is no comparable provision of law under which USDA is "waiving" its rights to the patents at issue here, there is no basis for its attempt to issue exclusive licenses.[4]

Prior to the promulgation of USDA Regulations permitting exclusive licensing, licenses granted on publicly-owned patents were non-exclusive. Even this practice was considered by some to be of doubtful legality until Attorney General Harlan F. Stone issued an opinion indicating that such licenses could constitutionally be granted. 34 Op. Att. Gen. 320 (1924). The key to that opinion is that there was no disposition of government property since the license was non-exclusive, and hence the patent would still be available for use by others. In its selective reading of Attorney General Stone's Opinion, the Administrator's April 10 decision carefully omitted the operative language of the Opinion found on page 330 as it applies to exclusive, as opposed to non-exclusive patents:

"Since the property in a patent is not the actual exclusion of others but the possession of the right to exclude, the granting of a revocable, nonexclusive license *which does not convey the right to exclude*, is a mere exercise of the right, and so far from diminishing the estate constitutes a beneficial use of it on the part of the owner, or whoever is charged with the responsibility for it." (Emphasis added.)

Obviously, the opinion of Attorney General Stone in no way supports the grant of the exclusive licenses proposed here. As Attorney General Stone has made clear—and no authority cited by the Administrator has challenged his interpretation—the only property in a patent *is* the right to exclude others. Any conveyance or grant of that right, notwithstanding other conditions or limitations, is a "disposition" for purposes of Article 4, Section 3, Clause 2 of the Constitution, and thus is unlawful in the absence of a Congressional authorization allowing it.

Moreover, since the basis of the prior practice with regard to non-exclusive licenses was an opinion of the Attorney General, we do not understand why none was requested here. Mrs. Till was recently advised by Ralph E. Erickson, Assistant Attorney General in Charge of the Office of Legal Counsel in the Justice Department, that a review of the propriety of granting exclusive licenses was underway. In our view, this fact alone requires that you await the opinion of the Justice Department before proceeding in such a controversial area[5] where the sole basis for proceeding in the past has been an opinion of the Attorney General.[6]

The Administrator attempts to justify an exclusive license to Upjohn—although not those to Welch—on the grounds that in order to obtain the required Food and Drug Administration (FDA) approval before cycloheximide can be used, further expensive testing is necessary, and this cost must be recovered in order for the product to be able to be commercially successful. It is then suggested that, without this exclusive feature, Upjohn would not be willing to undertake this expensive testing, and the benefit to the public at large would be lost since the patent would lie fallow. Apart from the constitutional problems with this position, it is not even a satisfatcory basis for the action proposed.

We would like to know the evidentiary basis supporting the determination that an exclusive license is necessary to insure that the product reaches the market. Obviously, self-serving statements by Upjohn must be discounted in any evaluation of supporting evidence. Moreover, the use patent involved here has not even been issued; hence it cannot be argued that, since no one else has sought the license on a non-exclusive basis over a long period of time, it can be inferred that exclusivity is necessary to insure development.

Furthermore, we believe that there are a number of alternatives that should have been considered before resorting to exclusive licensing. For example, USDA could itself perform the testing required by FDA—just as it did the research that led to the discovery of this particular use—and then make that test data available to all who sought a nonexclusive license for the patent. In the alternative, licenses could have been granted on a non-exclusive basis on the condition that all licensees agree to contribute jointly toward the expenses needed to meet FDA's testing requirements, and the test results would then be available to all contributors. To the extent that commercial opportunities might not be exploited in the absence of further taxpayer-financed research and/or Executive-sponsored monopolies, it is up to Congress and not the Executive to decide whether to authorize an appropriate disposition of public funds and Government property to achieve those ends.

CONCLUSION

The question here is not whether or not exclusive licenses of Government-owned patents are desirable in some situations. The

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[1] The Administrator, on page 10 of his letter of April 11, seems to suggest that these exclusive licenses constitute mere "management and use" of government property under 5 U.S.C. § 301. This view manifestly ignores the purpose of that statute which is to authorize the head of an executive department to regulate the use of "records, papers, and property" of the United States which are in his custody because of his statutory duties.

[2] In order to be able to participate fully in this appeal, it is necessary that we examine the proposed licenses since the discussion of them in the *Federal Register* is insufficient for these purposes. Accordingly, we request that copies be provided immediately.

[3] The other patent to be licensed to Welch terminates 46 days before the patent expires.

[4] The strong Congressional policy in favor of having all members of the public benefit from Government-sponsored research from which patents are developed is evidenced by numerous statutes which specifically require that result. See *e.g.*, the provisions of the Federal Coal Mining Health and Safety Act of 1969, which are found in 30 U.S.C. § 951 (c).

[5] See *Government Patent Policy* BNA Patent, Trademark and Copyright Journal (No. 71) 3/31/72.

[6] We are also somewhat at a loss to understand why you have not waited until the final regulations are issued by GSA in this area and then your program to those regulation.

question is whether Congress or the Executive has the power to decide whether and under what conditions exclusive licenses are to be granted. We submit that the Constitutional prohibition against the disposition of Government property without the authority of Congress prohibits the grant of any exclusive patent licenses by USDA. Accordingly, the decision of the Administrator should be reversed, and no exclusive licenses should be granted.

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SCHEDULE OF MEMBERS OF CONGRESS JOINING THE APPEAL

Senators

Russell Long (Louisiana).
Lee Metcalf (Montana).
William Proxmire (Wisconsin).

Representatives

Bella S. Abzug (New York).
Les Aspin (Wisconsin).
Herman Badillo (New York).
Jonathan B. Bingham (New York).
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John D. Dingell (Michigan).
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Edward I. Koch (New York).
John E. Moss (California).
Charles B. Rangel (New York).
Benjamin S. Rosenthal (New York).
William F. Ryan (New York).

A PENSION PROPOSAL TO PROTECT THE WORKERS OF AMERICA

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

Mr. BINGHAM. Mr. Speaker, private pension plan legislation is an issue of prime concern to American workers and sheer numbers of workers and dollars involved should make this issue of immediate concern to the Congress. At present, over 30 million employees are covered by private pension plans with $125 billion of unregulated assets. It has been estimated that just by the end of this decade those figures will increase to 43 million workers and over $259 billion.

In a society as affluent as ours and which has proclaimed its devotion to the furtherance of the general welfare, we must not permit a worker's "golden years" to be tarnished by poverty. Retirement should and must become a period of economic security and happiness for Americans, not days of uncertainty and hardship. The pension rights of American workers must now be protected and guaranteed, if pension plans are not to remain a cruel game of chance for employees.

The hazards of the private pension plan system places the odds on "winning" squarely against the workers; therefore, reform of that system is no game for the pensioner. The pension is usually the single largest asset other than Social Security that a worker has after a lifetime of labor. Loss of this income can spell financial disaster. The Senate Subcommittee on Labor estimated that over 90 percent of workers covered by pension plans never see a pension check. This means that financial disaster is the norm, not the exception for American workers.

In my estimation, the major hazard that prevents workers from receiving pension benefits is the false assumption that an employee will remain with a company his entire working career. Many employees will not work consecutively at the same company for even a period of 15 years, no less than 30 or more years that are usually required under private pension plans in order to receive benefits. The Senate Subcommittee on Labor determined that lack of vesting, the guarantee that an employee will receive a share of the company's pension fund if he leaves before retirement age, is the major cause that participants do not receive their retirement benefits. Some plans do have vesting provisions, but their ranks are so small as to be inconsequential for the vast majority of American workers. Among those plans that do have vesting provisions, some set eligibility requirements so high as to deny pension benefits to a large percentage of the participants. In some cases, plant relocations have forced many workers to lose their pension rights simply because there were no vesting provisions. Then too, one of the greatest needs in this field is to end the possibility that a worker can lose all his pension benefits just because he is laid off or quits one day before his benefits are scheduled to vest. Constituents who have suffered just such heart-breaking treatment have repeatedly come to me for assistance, and I have been totally unable to help them. The possibility of a cutoff of pension rights creates not only great hardship and injustice, but also offers a temptation to unscrupulous pension managers to arrange for the layoff of employees just before their pension rights accrue, so that they will not have to be paid. Many plans, it appears, are set up on the assumption that a majority of the workers will not receive their benefits. Workers should not lose their pension rights simple because of layoffs, plant relocations, or termination of service one day before the rights are scheduled to vest. Thus, vesting standards are a necessary part of pension legislation if the broad social purpose of pensions is to be served.

Funding standards, or at present, lack of funding standards, are another issue of great importance in the pension debate. What good will it do workers to receive vesting rights if there is no money, or not enough money, in the plan when they reach retirement age. Each plan should require funding that would catch up with accrued pension liabilities within a certain number of years. This is essential if we do not wish to see a repeat of the Studebaker fiasco of 1964. While Studebaker had very liberal vesting provisions in their plan they did not, at the time of bankruptcy, have enough funds to cover their liabilities. Many men who had worked 20 or more years did not receive their pension benefits, or at most, received a small percentage of their benefits. How can pensions plans reach their social objective if funds are insufficient to cover liabilities?

Since most employers recognize that full funding is necessary, it is interesting to note how many oppose legislation which would impose funding obligations upon private pension plans. As the Congress delays reform legislation, I ask what explanation can we give retired workers who have lost their pension rights because of unfunded plans? Just as it is a legitimate function of the Government to regulate bank reserves and insure the safety of depositors' accounts, so should the Congress establish laws to insure the proper funding of private pension plans.

A prime argument against the required funding of private pension plans is that this might discourage the establishment of new plans. Why would a company start a pension plan if it did not intend to pay out the benefits? Why should companies be wary of required funding unless they actually have no intention of meeting their obligations? Adequate funding of all private pension plans is essential to assure that pension promises will be fulfilled.

Reinsurance of pension funds, which protects employees against loss of benefits caused by plan termination, is tied closely to the issue of funding standards. Many plans lack the funds to protect effectively the interests of the employees. Upon termination, certain plans with insufficient funding will not be able to cover all accrued liabilities. Immediate funding of all vested benefits would provide complete insurance for the employee; however, this is often economically infeasible. By the requirement of reinsurance, the Federal Government would guarantee and secure basic pension benefits to workers for a slight fee. Only through reinsurance would pension benefits be considered a legal liability of the company. This is necessary if employers are to assume their responsibility to their employees, and if participants are to be assured full benefits. Further, reinsurance need not pose hardship upon employers. The burden of financing this guarantee would be measured by the value of the fund's assets and would not be applied retroactively. Also, a uniform premium rate could be established so as to minimize the cost to any particular plan.

Fiduciary responsibility and disclosure provisions, while not as crucial to the needs of pension plan participants as are the vesting and funding provisions, are certainly necessary for the full protection of workers. At present, Federal provisions regarding disclosure and responsibility are very weak and are in need of strengthening. Lack of strong provisions in these areas make enforcement of the legal rights of participants very difficult. Most workers do not know the corporate name of the employer, the bank holding his pension money, the names and addresses of the trustees of the plan, or even the exact name of the pension plan itself. Knowledge of these facts is essential for an employee if he is to adequately monitor his pension fund. More importantly, most matters of fiduciary responsibility are now covered under State law. This means that when the assets are in one State, the union in another, the corporation in even an-

other that it is extremely difficult to file any sort of complaint, no less initiate legal action. Federal legislation must clarify fiduciary responsibility.

Legislation concerning fiduciary responsibility must also deal with investment discretion. While certain restrictions should be placed upon the pension plan manager, he should not be unduly restrained in the handling of fund assets. I do not believe, as do many pension legislation opponents, that stronger provisions of fiduciary responsibility must necessarily hinder the growth of fund assets. Reporting of large transactions and limitations on the amount a fund can invest in the sponsoring company, only serves the interest of the employees and are not a serious restraint on investment.

An effective pension law must also have stringent disclosure provisions. The contents of pension plan reports should inform participants about what the money is being used for and who is responsible for it. It is important to require the mailing of the pension plan report to each participant. Presently the law requires the participant to write to the pension plan office in order to receive a copy of the report. Many times the employees do not know the location of the office and often will not go to the trouble to find out.

Another important aspect of private pension plan legislation is pension credit portability. Portability would enable a worker who moves from one job to another to bring with him any pension credits which may have been vested. Such a plan would make it much easier for the employee to compute his current discounted value of any pension credits. This provision, while not a major one, would be one of convenience for the employee. This is analogous to having all your money in one bank account instead of several. In both cases, it is much easier to keep an eye on your money or pension credits. Many opponents of a portability provision claim that it would be cumbersome and expensive; however, under my legislation, participation would be voluntary and a separate commission would be set up to handle all pension transactions. Thus, the burden that now lies on many different Government agencies—such as the Department of Labor and the Internal Revenue Service—would be consolidated.

This pension commission would not only handle portability credits, but would be responsible for the filing of pension plan reports and would serve as a watchdog over the private pension plan industry. The commission would also be responsible for the enforcement of any regulations concerning the private pension industry.

One further point must be kept in mind. Social security was not intended to be and should not become a substitute for a good, sound private pension industry. While social security does provide a minimum income for covered employees, the amounts provided are seriously inadequate for most, if not all, middle income participants. Expansion of social security in lieu of development of sound private pension plan regulation would be a serious mistake and would place an undue burden on the middle income workers. Further, since private pension plans have an enormous amount of money available for investment, this vast reserve of money should be regulated not only to supplement social security but to foster the growth of our economy.

SUMMARY OF PENSION LEGISLATION

In the preceding paragraphs I have outlined the need for comprehensive private plan legislation to protect the pension rights of employees covered by such plans. The legislation I am introducing today would effectively deal with all of the problems and issues that I have previously discussed.

First. Vesting—Establishment of a basic minimum standard of graded vesting that would mature to full vesting after 15 years. Ten percent of accrued benefits would vest after 6 years employment with an additional 10 percent for each year thereafter until full vesting at 15 years. There would be no probationary period of enrollment in the pension plan and all aggregate service would be treated as continuous service. Temporary suspensions of employment would not be regarded as a break in service.

A Pension and Employee Benefits Commission would oversee the pension plan system and would be responsible for the enforcement of all pension legislation, including vesting. In the event that the commission would find that a plan is not conforming to legislation, it could petition a Federal court to order compliance.

Second. Exemptions—All plans with under 25 participants and those unfunded plans lacking tax qualification would be exempted.

Third. Voluntary portability—A voluntary pension portability system would be set up under the Pension Commission to aid in the transfer of pension credits between two registered plans. The Pension Commission would receive money voluntarily transferred to it in settlement of pension rights. This money would either be paid into a new employers fund or paid to the individual when he reaches 65.

Fourth. Funding—Plans would be required to provide for contributions to meet all current operating costs, liquidate unfunded liabilities in 40 years, or 30 years in the case of a new plan. An old plan creating an unfunded liability after the effective date of legislation would also be given 30 years.

Every 3 years, the plans' administrator would be required to submit a funding status report to the Pension Commission. Actuaries would be certified by the commission in order to submit these reports.

In the event of the complete or partial termination of a pension plan the employer would be liable for payment of all amounts that have been required by the funding section of the bill. Multi-employer plans would be exempted from the new funding provisions of the bill if such a plan enrolls 25 percent of an industry's employees or if no single employer employs more than one-fifth of the plan participants.

Also, a system of priorities would be set up and if a plan is terminated, it would provide life annuities first to retirees or those eligible to retire, next to those with vested rights, and then other participants.

The funding requirements would be enforced by the Pension Commission in the same way as the vesting standards.

Fifth. Reinsurance—The insurance of pension plans would be mandatory for all registered plans and would be administered by the Pension Commission. This would be a Federal insurance program for pension plans to guarantee that benefits would be paid even if an employer goes out of business before the plan is fully funded. This bill would limit reinsurance of vested benefits to the lesser of 50 percent of the employees' average monthly wage for the period at which his earnings were the greatest, or $500 a month.

Sixth. Disclosure—The bill would require that each plan send to each participant the details of exactly what benefits he is entitled to. An annual report would be published and would include a statement of assets, liabilities, receipts, and disbursements.

Seventh. Fiduciary Responsibility—Establishment of rules which would govern conduct of administrators of pension funds. These rules concern conflict of interest and unethical practices. The focus of these provisions would be to prevent the mishandling of funds. Whenever the commission has cause to believe that a fund is being administered in violation of the fiduciary requirements of the bill, the commission could petition any district court for an order requiring return to the fund of the assets illegally transferred out of it, or requiring payment of benefits denied to a beneficiary in violation of the fiduciary requirements.

A GI BILL FOR THE SEVENTIES AND BEYOND

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

Mr. BINGHAM. Mr. Speaker, American veterans are facing crises on several fronts. The problems of veterans today include drug and alcohol addiction, unemployment, and poverty; even the doors of our Nation's schools are closed to them. Today, I am introducing a package of bills which would deal directly with the critical problems facing those returning from Vietnam and elsewhere and would give new direction to Federal aid for veterans.

To aid the 80,000 veteran drug addicts and almost 2 million veteran alcoholics, I propose an enlightened treatment and rehabilitation program. The proposal would remove the stigma of dishonorable discharge from those suffering from these diseases as a result of their service and would provide a treatment program geared to individual needs. The VA's present drug addiction treatment plan, a methadone maintenance program requiring 6 weeks confinement to a hospital bed, is too drastic and rigid for many "lightly addicted" veterans. It should be

supplemented by outpatient drug clinics and storefront treatment centers. My proposal would also deal with the psychological aspects of alcohol and narcotics addiction through rehabilitation and counseling programs.

In the face of a persistent 8-percent rate of unemployment among returning veterans—over 11 percent in the 20 to 24 age category—Federal employment and job placement efforts have proven inadequate. I propose that the Federal Government take the lead in encouraging employment of veterans by establishing a preferential hiring policy under Government contracts for disabled and Vietnam era veterans. Furthermore, my legislation would require the Veterans' Administration, in consultation with the Department of Labor and the Civil Service Commission, to establish an affirmative action plan providing for the employment of veterans in the Federal Government.

Any job training, counseling and placement service, to be effective, must also rely heavily upon the dedicated effort of State and municipal agencies and local businesses and unions to expand job opportunities. I call upon these segments of our society to cooperate fully with the Federal efforts by insuring complete registration of eligible veterans in job programs; improving communications between labor unions, employers and the veterans; increasing promotional activities such as job fairs; and, of course, opening new job opportunities.

The Federal Government has also failed to appraise realistically the cost of higher education. Skyrocketing education costs have mandated congressional action. This year, the House raised the benefits level from $175 a month to $200. The Senate has yet to act on this proposal. However, even the $200 figure is inadequate. I propose raising the level from the present $175 to $250 per month. With better education and training, the veterans would be able to adjust to life back in the States more easily and would be better qualified for jobs as they become available.

Also, the Congress must recognize that the crisis in veterans' affairs is not limited to Vietnam-era veterans. Benefits for veterans of other wars have been diminished by inflation and this hardship has been particularly severe for the disabled and elderly veterans. Therefore, I am introducing legislation to insure a cost-of-living increase in compensation, dependancy, indemnity compensation and pension payments. Equity for all veterans demands such action.

One further note. With any effort to employ Vietnam-era veterans, many will remain unemployed for some time. To ease their plight, I introduced H.R. 7833, a bill which would guarantee these veterans unemployment compensation of $75 per week for 52 weeks a year. That proposal has been endorsed by more than 50 Members of the House and I strongly urge others to join this effort to aid our veterans returning from the war.

With 8 million Vietnam-generation veterans attempting to return to the mainstream of American life, the need for a smooth and comfortable transition is essential. Unfortunately, the Federal Government's policy toward veterans has lacked vitality and has failed those who courageously served their Nation and survived brutal and bitter wars. The Veterans' Administration and other Federal agencies charged with responsibility toward veterans have failed to treat them as high-priority clients and too often are satisfied to follow the rules of the past instead of embarking on constructive and innovative reforms. The Congress must not wait until veterans bitterly march to the Capitol demanding just compensation for their service. The signs of despair are clear—high unemployment, unchecked drug and alcohol addiction, poverty and disorientation. What is needed is a major new initiative from the Congress now—a GI bill for the seventies and beyond.

PRESIDENT'S PEACE OFFER WOULD END WAR NOW

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

Mr. McCLORY. Mr. Speaker, in reviewing carefully the recent announcement by President Nixon regarding steps which he has ordered in Vietnam, I am impressed by his determination to protect lives of Americans who remain in that area and who are being withdrawn according to his announced schedule.

Mr. Speaker, in my opinion, the most significant portion of the President's announcement is his new proposal for peace throughout Indochina, an initiative which he expressed in specific terms which are fair, generous, and realistic.

Mr. Speaker, the President has called for an immediate and complete ceasefire. He has emphasized that the United States would stop all acts of force throughout Indochina and proceed with a complete withdrawal of American military elements from Vietnam to be completed within 4 months.

Mr. Speaker, the only conditions to this proposal are that prisoners of war should be released and that an internationally supervised ceasefire should be established.

Mr. Speaker, I have endeavored to translate precisely into a House concurrent resolution this proposal by the President, to indicate that it is the sense of the Congress that we subscribe to the terms and conditions of this proposal for peace.

Mr. Speaker, the House concurrent resolution which I am introducing today is as follows:

CONCURRENT RESOLUTION

Whereas the President of the Untied States has in his message to the American people on Monday, May 8, 1972, announced new initiatives for peace throughout Indochina; and

Whereas the President has specified that the following two conditions for peace must be met: First, all American prisoners of war must be returned, and second, there must be an internationally supervised cease-fire throughout Indochina; and

Whereas the President's announcement constitutes an honorable and highly appropriate means for bringing the existing conflict to an immediate end: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that, once prisoners of war are released and the internationally supervised cease-fire has begun, the United States should stop all acts of force throughout Indochina and proceed with a complete withdrawal of all American forces from Vietnam within four months.

FORT WALTON BEACH, FLA., SHOWS THE WAY ON VIETNAM

(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, Fort Walton Beach, Fla., has taken important initiative in demonstrating support for the President on Vietnam. It should serve as an example nationwide. Local citizens, with the support of the news media in a drive spearheaded by radio station WFTW, have held a parade and collected petitions which contain thousands of names of individuals who stand with the President in his efforts for peace. This bipartisan effort will culminate in a visit to the White House on Friday, which I arranged, for presentation of group leaders and the petitions which they have gathered.

Apparently Fort Walton Beach is the No. 1 city in the Nation to conduct an all-out drive to show that America stands with the President in this crucial period. My warm congratulations to the patriotic citizens of Fort Walton Beach in Florida's First District.

THE 10TH ANNIVERSARY OF THE McINTIRE-STENNIS ACT

(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 very high regard in which the Honorable JOHN C. STENNIS has long been held in his own State is now shared by all the Nation. The distinguished Senator from Mississippi is one of our Nation's most respected lawmakers. He is one of those directly responsible for providing adequate defense forces for America, but his contributions in other fields are equally valuable. One of these fields is forestry. In the South where forestry is one of our important industries, we have long known of Senator STENNIS' important work in this field. The extent of his interest is well brought out in a speech which he recently made at Mississippi State University commemorating the 10th anniversary of the McIntire-Stennis Act. I think it highly appropriate that his remarks on that occasion be shared with the membership of Congress. Therefore I take pride in placing them in the RECORD:

REMARKS BY SENATOR JOHN C. STENNIS

President Giles, Dean Clapp, Dr. McGuire, distinguished educators, professional Foresters, business and industrial visitors, and other friends:

Let me first thank you for what I know will be a very valuable and interesting book to me, and I hope to some others. I will explain later how much of a contribution others

have made to anything I've done in forestry, including the McIntire-Stennis Act that we have talked about tonight. You said a copy of this book, I believe, was to go to the Library of Congress, and another to the Library for the Forest Service.

Well, reserving the privilege of looking at this book later, I'm going to match your generosity and now present this book to Dr. Giles, as President of Mississippi State University, in trust for all present and future students—to see, to read, and perhaps get an insight into what he wants to do, with the hope that some will develop a desire to be professional foresters. I hope I have your consent, Dr. Giles, with the reservation that I shall have a chance to look at it, and for the purposes already stated, it is my great privilege to present this book to you.

Dr. GILES. Senator Stennis, your University is honored to accept this book and its volume is testimony as to the contributions which this great statesman has made to forestry in the United States. Dr. Bayley and others here this evening have mentioned the Hatch Act, which was so important to the development of the State Experiment Stations in this country. The Act was passed in 1885. There is a similarity in the McIntire-Stennis Act, the development of it—and the Hatch Act, which is almost too much to be coincident. In the case of the Hatch Act, a Northern member of the House of Representatives drafted legislation which was gotten through the Senate by a Mississippi Senator, Senator J. Z. George, whose home still stands two counties away from here. And here this second Act in support of Forestry Research, with the combined efforts of the Federal government and the State governments, has had this same combination of a member of the House of Representatives from the North and a Mississippi Senator. This State takes great pride in the contributions which these statesmen have made in the development of both Agricultural Research and now Forestry Research in the United States. It is my privilege to introduce Senator John C. Stennis, a great American statesman, a warm friend. He was a Cheerleader at Mississippi State University and he hasn't stopped cheering for the Institution since that time. We're delighted to have you, Senator, and we're proud of you.

Senator STENNIS. Thank you very much—thank you—thank you. Dr. Giles and distinguished visitors, old friends, I can't thank you enough for the presentation of the map of inlaid wood—and also the book—but even more than that, the spirit that's behind this entire occasion, the spirit represented by those that came many miles, some across the Continent, for a meeting of their important Committee, and for the great, fine, wholesome fellowship here tonight. You know, I was told that I would be called on to make a speech, and that was understood, but these gentlemen that preceded me here in their excellent fashion have just cut the trees of my speech down one by one. I didn't have anything in the speech about myself, but everything else they said, except about me, was in the points that I had planned to bring to this national audience; now, I'm left on my own resources. But let me say, friends, I get great joy from the fact that you've experienced to a degree here tonight the fine experience that I had when I got into the matter of forestry research on a national level and when I commenced finding these dedicated professional foresters, many of them men of scholarly attainments (and it is literally true that I found some of them working in what they called laboratories, but they were having to sit on wood boxes). I came to know those in some of the State Universities—I can mention many names—it was an inspiration and an encouragement to me then. I'll mention one at the national level, and that's our friend Dr. Les Harper, and we're delighted to have him here tonight. I want the privilege of mentioning a few Mississippians if I may, and I run the risk of leaving out some, but I just must mention a few that have contributed to my thought and my efforts in forestry over the years.

There was a gentleman, Mr. W. H. Crosby, Sr., of Pearl River, Mississippi, who had been very successful in the timber and lumber business. He had placed an exhibit in the halls of the State Capitol in Jackson that I first saw when I was sworn in there as the newest member of the Mississippi Legislature in 1928. It told the story of the injury of wood fires, and made a plea for forest protection, for a forestry program, for foresty reforestation That image he painted there—he wasn't there himself—never died. It stayed with me. The great friend of this Institution and my friend, Bob Morrow, in his quiet way pointed out to me too, opportunities that I might find in Washington with reference to reforestation programs. Boswell Stevens of the Farm Bureau had the same idea, as did John Squires, a professional forester in Mississippi at that time. They helped me greatly. And I want to mention, too, Bob Hansford. Bob was the County Forester in Kemper County, Mississippi, and I hope he is here tonight. He's one of the finest men that I've known in this great profession—this great work. Bob had a degree in the school of hard knocks and practical experience. He was one of the great men that's been connected with our forestry in Mississippi, a true leader and worker with and among treegrowers.

We especially appreciate having these gentlemen from the other universities, and the business and industrial fraternity throughout our entire Nation. You have heard the names of their States called. By the way, we have both ends of the great Mississippi River represented here tonight—that's encouraging, too. These men are giants in their field. In fact, we have tall timber in town tonight! Isn't it great when people can get together on a common cause and all pull together and work together? It took a long time to put this bill together. It represented the best thoughts of a lot of different people. Maybe that's where its strength is. But we are doubly honored to have them here tonight. They have made great contributions to the Nation's strength, and for the benefit of all of us.

Now I'm going to condense my words if I may. You ordinarily might think of me as talking all the time of our work in military preparedness; I am concerned about this, of course—the security of our nation with enough to protect us. However, I am fully satisfied that we can, and that we shall have the will and the ability to protect ourselves against any military threat. However, I do have some grave concern that we *may* fail to anticipate and provide for our future needs in the decades ahead those material things that are necessary to support our economy and maintain the reproductive resources of the Nation. At the same time we must also generate a sound political environment, and political purposes that will sustain our present system of government, which is the best system ever recorded in the history of mankind. In thinking of the material things of the future, one of the very foremost on the list is the demand for forward-looking forestry research programs, and also an increase in the annual growth of our forestry products. I am going to emphasize tonight that the annual needs of our nation for forestry products will have doubled before this century ends. I think, too, of our other needs, but this is one of our most serious.

So when I first went to the Senate I was searching for an activity that was constructive and productive and enduring, which would help build our economy as well as strengthen the Nation, including our own State, and I seized upon this subject in which I already had an interest—forestry research. I found that there was great need there for proper Congressional support. But I also found one of the finest and most dedicated groups of professional men to be found in our nation. They are represented here tonight—the professional researchers, the professional foresters, and those that work in the forest products. I found these at both the State and the national level, and these initial forward steps by this new Senator also led to the joint effort with my respected friend, and highly valuable and truly great friend of forestry, the Honorable Clifford McIntire. These things, with a great deal of help, as you have already heard, finally led to what is known now as the McIntire-Stennis Act.

Clifford, if I may say with a great deal of emphasis, it is with the greatest pride that I find you here. You are still carrying on, always unselfishly, always constructive, productive, looking to the future and building for the future and for the strength of our great nation. To the extent that this Act has been successful, you are certainly due more credit than I am, but literally scores and scores of individuals deserve the credit. I am, as you already know, a complete believer in the essentiality of forest research—a strong advocate of adequate funding and facilities in this field. I salute you gentlemen as being builders of the future. I salute the colleges and universities of this great nation. I am impressed with the individual and collective support, effort, and effectiveness of the Forestry Schools throughout our Nation. I take pride in the fact that we have one here at Mississippi State, that young in years, is known as one of the very best. Now this Act, my friends, was designed to capture all of the advantages that I have mentioned, and those that can accrue from a multiplication of the factors that go with cooperative activities. The federal funds on a matching basis are an incentive to States to increase funding for forestry, and that exceeded our expectations. At the same time, in the same way, this expression of national interest in forestry research at State institutions gives greater opportunity for exchange of communications on research matters between those schools and the public and the private groups, so dependent upon research and science in this field. I am told that there are now over 500 forestry scientists, supported in part by the Cooperative Research Funds on the campuses of our State universities in graduate and undergraduate work. There are almost as many in training to become scientists. We need them, and more. The impacts on our forest resources have reached staggering proportions from increases in population, in leisure time, and in accelerated means of access to forest areas. Three to four times the federal dollars now available to the universities are needed to help solve the Federal government's share of these increasing problems.

I want to touch briefly on some of the high points of another bill, the Forestry Incentives bill. This is directed primarily at privately-owned lands, for that's where the necessary extra production must come from. On February 2nd I introduced this legislation. I believe it has the potential to have a major effect on the economy and the environment throughout the nation. Why do we have this widespread under-productivity of non-industrial forests, over 300 million acres in private ownership? There are a number of reasons, but they boil down to a dollars-and-cents economic reason. This Act is designed to provide the small owner with the incentives that have so far been lacking—a fact which accounts for the relatively low production of these kinds of lands. There is only one source with a sufficient potential capacity to provide the necessary increased production, and that is the forest land of the country that is in small ownership—privately-owned land—non-industrial forests.

Three-fifths of all available commercial forest capacity is in this category. It amounts to over 300 million acres, as I've said, and it belongs to 4½ million owners. This land is growing wood only at about one-half of its capacity. Being quite brief, this bill would operate under the Department of Agriculture, assisting landowners to plant seedlings on private, non-industrial land, paying 80% of the cost of reforestry. No new organization would be needed at County and State levels. The County and State Committees would act as they do now. This is a large national program and not just a local program by any means. The estimates on this proposal are that it would be possible under it to plant 45 million acres in the next 10 years, and eventually add 9 billion board feet per year to our present production. Environmental dividends are also obvious. Erosion prevention, watershed protection, conversion of idle land, wildlife habitat, outdoor recreation and other environmental enhancement will be a part of the benefits. We have had hearings on that bill. It has nationwide support, and I believe has a good chance to become law this year, with an appropriation forthcoming next year. I repeat, the estimates are that by the year 2000, and that is just 28 years—which is not a long time when you are growing trees—we will have doubled the amount of forest products of all kinds needed to sustain our economy.

Now let me go back a moment to the McIntire-Stennis Act. You have heard a review here of what I believe was a well-drawn bill. It was a very small appropriation, but things were well thought out and have been built on a very sound foundation. The appropriation from the Federal government ought to double—at least double—in the next few years, and I'm certainly going to double and redouble my efforts to get that money. I am accustomed to dealing for Research and Development in the Military in terms of hundreds of millions of dollars—even billions, in one bill. Frankly, it will be a reflection on me if I can't be more effective now that this program is so well established and on such a sound foundation. Let me tell you, there's not anything as powerful in legislation in Washington, no power in the government equal to the power of federal programs and State agencies all working together, and all pulling in the same direction. When this really happens, momentum is generated and action starts, as this bill has shown. I appeal to you who are here from all the States—spread the word as to the needs, and we can get these appropriations doubled if we redouble our efforts. I want to emphasize this to everyone here from every State. This program now has a separate profile, an individuality, and an identity of its own. Let's keep it that way. That's the source of its strength, bringing together the resources of the universities, the States, the Federal Government—all their top thought and resources of the mind. That's what gives it its identity, its separate profile—and to use a term that's well known in the parlance of woodwork—let's not let the termites get in this program. Let's keep it going in the direction that it is now, and let's keep it moving where it will afford young men, oncoming scientists and professional men, the attraction and the opportunity to get early training and go on to higher achievements.

This bill has, to put it another way, a very good flavor as it is now, and let's keep it in that category. I believe that this program, together with others, will assure not only the necessary wood products for our economy, but will assure them for the strength of our great nation as the decades come and go. Time can run out on us, but this is one field of endeavor, in which we are dealing with a reproduceable resource, where I believe that we are going to have time.

I have spoken about the economy and I have referred to its strength. I know that's in the minds of the people, and I want to conclude quite briefly. I sense wherever I go a certain amount of uncertainty running through the minds of the people—we all feel that something has happened, and we don't know just what it is. We are afraid that something is very much wrong with our system of government, our society, or our social order, or our spiritual beliefs—call it what you will. I hear people say once in a while, and I get it in letters I receive too, that dedication is old-fashioned; that those things are not what count any more. Let me tell you, friends, I think if we fall into that realm of thought—that it's old-fashioned and useless to talk about dedication—and if that's true, then we have pulled out one of the main mudsills upon which our society is founded and our system of government rests. I appeal to people to go back to the days of pride in personal achievements. I believe that pride is one of the great forces that has made our society—pride in achievements, pride in accomplishments, pride in doing an honest day's work for an honest day's pay. I believe that the power of moral values is one of the great motivating factors of our society. Talk about being a powerful nation! We better think about the great power of moral values, and the undermining process of deterioration when there is a lack of those values. I am not discouraged. I find evidence of the deep flow in the hearts and minds of the people. They are confused by what they read, and maybe for the time being are discouraged, but still, the basic faith is there; the belief is there; basic pride is there. We must give it more emphasis. We must remember the power of spiritual values, the weakness that goes without those values. I'm satisfied, myself, that our nation is not founded on any kind of religion, but is founded on spiritual values and spiritual strength and things of the spirit—things expressed by what the writer from South Carolina said: "We have a great abundance here of the things that money cannot buy." So as leaders, let's keep the emphasis on those things and make them survive.

I want to illustrate again that it doesn't take a majority to believe in these fundamentals. I was taken over the encampment ground at Valley Forge two years ago. It wasn't a battlefield—there were no shots fired there—it's where George Washington took his struggling, straggling, starving Army for their winter quarters, as you recall. I didn't know until the Historian told me, that while they were there during that terrible winter a third of those men deserted—or at least, they left and didn't come back. The second third of them died—so many that George Washington wouldn't let them be buried except under cover of darkness, lest the enemy learn the extent of their decimation. But a third of them stayed, and prayed—catching the matchless example of the Commander-in-Chief as they caught glimpses of him in his daily prayers. That third survived, and he marched them out of there when spring finally came; and within the brief span of a few years he had formed them into the hard core of the Army to which Cornwallis surrendered at Yorktown. This Historian said he told that story to President Eisenhower and that truly great man lifted his hat, laid it on the grass, bowed his head and said, "Here, thank God, our Nation was born." I believe he was correct.

We are facing these challenges, and we are facing change; but every generation before us has faced them and has met them. And they have kept their faith—their faith in our system of government. No generation has failed to respond and keep it going. But our system of government is not self-executing; it's not self-perpetuating. Every generation has to meet the problems of their time, carry their part of the load, and have faith in our system. They have always been able to make it work, and we can, too. That same God to which George Washington and that remaining one-third looked is still there, and His help is still necessary. So let us rededicate ourselves to the constructive and fundamental bases of our society and our great religious belief, making up our minds to do our part and keep looking for Higher Light and more strength from On High. When we do that, we will find that Light and Strength, and with His help, we will find our way. So God bless the Forests of America, and God bless you!

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. STEELE) to revise and extend their remarks and include extraneous material:)

Mr. BOW, for 30 minutes, today.
Mr. KEMP, for 15 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. HAMILTON, for 10 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. GIBBONS, for 5 minutes, today.
Mr. RODINO, for 10 minutes, today.
Mr. BEGICH, for 30 minutes, today.
Mr. DULSKI, for 5 minutes, today.
Mr. ASPIN, for 15 minutes, today.
Mr. DANIELSON, for 5 minutes, today.
Mr. LEGGETT, for 60 minutes, today.
Mr. PODELL, for 10 minutes, today.
Mr. ECKHARDT, for 10 minutes, today.
Mr. SLACK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RYAN, to revise and extend his remarks before the passage of the Anderson of Illinois amendment.

Mr. GUDE, to extend his remarks immediately following the vote on the Ford amendment on H.R. 7130.

Mr. O'KONSKI, to make a personal explanation immediately following the vote on the Erlenborn substitute.

(The following Members (at the request of Mr. STEELE) and to include extraneous matter:

Mr. PEYSER in five instances.
Mr. CAMP.
Mr. WYMAN in two instances.
Mr. O'KONSKI.
Mr. HOSMER in two instances.
Mr. SCHWENGEL.
Mr. MCCLOSKEY.
Mr. BELL in three instances.
Mr. ERLENBORN.
Mr. PRICE of Texas.
Mr. DERWINSKI in three instances.
Mr. THOMSON of Wisconsin.
Mr. WYDLER in two instances.
Mr. KEMP in four instances.
Mr. WHALEN.
Mr. DUNCAN in two instances.
Mr. THONE in two instances
Mr. FREY.

Mr. WIGGINS.
Mr. SHOUP in six instances.
Mr. WHITEHURST in two instances.
Mr. SCHMITZ in two instances.
Mr. BOW.
(The following Members (at the request of Mr. MAZZOLI) and to include extraneous material:)
Mr. MURPHY of New York in two instances.
Mr. ANNUNZIO in three instances.
Mr. WOLFF in three instances.
Mr. BADILLO.
Mr. BEGICH in three instances.
Mr. LEGGETT in two instances.
Mr. SARBANES in five instances.
Mr. TEAGUE of Texas in two instances.
Mr. FUQUA.
Mr. WHITE.
Mr. OBEY in six instances.
Mr. HUNGATE in two instances.
Mr. DULSKI in two instances.
Mr. BURKE of Massachusetts in two instances.
Mr. SYMINGTON.
Mr. BYRON in 10 instances.
Mr. LONG of Maryland in three instances.
Mr. ADDABBO.
Mr. CHAPPELL in two instances.
Mr. BOLAND in six instances.
Mr. BINGHAM in four instances.
Mr. FASCELL.
Mr. ROUSH.
Mr. JONES of Tennessee in five instances.
Mr. EDWARDS of California.
Mr. CELLER.
Mr. EVINS of Tennessee in two instances.
Mr. DINGELL in two instances.
Mr. BENNETT.
Mr. WALDIE in three instances.
Mr. STRATTON.
Mr. ZABLOCKI in two instances.
Mr. DIGGS in three instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 13334. An act to establish certain positions in the Department of the Treasury, to fix the compensation for those positions, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1379. An act to authorize the Secretary of Agriculture to establish a volunteers in the national forests program, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 8083. An act to amend title 5, United States Code, to provide a career program for, and greater flexibility in management of, air traffic controllers, and for other purposes; and

H.R. 9212. An act to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until Monday, May 15, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1973. Under clause 2 of rule XXIV, a letter from the Comptroller General of the United States, transmitting a report of opportunities to consolidate support functions in the Pacific to reduce military costs, Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee of conference. Conference report on H.R. 14582 (Rept. No. 92–1063). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BADILLO (for himself, Mr. KOCH, Mr. MITCHELL, Mrs. ABZUG, Mr. RANGEL, Mr. RYAN, Mr. EDWARDS of California, Mr. WALDIE, Mr. HAWKINS, Mr. DELLUMS, Mr. NIX, Mr. METCALFE, Mr. BURTON, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. DIGGS, Mr. FAUNTROY, Mr. HARRINGTON, Mr. MIKVA, and Mr. STOKES):

H.R. 14924. A bill to prohibit States and political subdivisions from discriminating against low and moderate income housing, and to give a priority in determining eligibility for assistance under various Federal programs to political subdivisions which submit plans for the inclusion of low and moderate income housing in their development; to the Committee on Banking and Currency.

By Mr. BIESTER:

H.R. 14925. A bill to amend the Public Health Service Act to provide for the prevention of Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM:

H.R. 14926. A bill to amend title 38 of the United States Code to provide for cost-of-living increases in compensation, dependency, and indemnity compensation, and pension payments; to the Committee on Veterans' Affairs.

H.R. 14927. A bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to the Committee on Veterans' Affairs.

H.R. 14928. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 14929. A bill to amend chapters 17 and 31 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence and alcohol or drug abuse disabilities, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 14930. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing retirement plans, to establish minimum standards for pension and profit-sharing retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. MOSS, and Mr. REUSS):

H.R. 14931. A bill to promote the abatement of atmospheric sulfur pollution by the imposition of a tax on the emission of sulfur into the atmosphere, and for other purposes; to the Committee on Ways and Means.

By Mr. DRINAN (for himself, Mr. COLLINS of Illinois, and Mr. STOKES):

H.R. 14932. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. DULSKI (for himself and Mr. MILLER of California):

H.R. 14933. A bill to amend title 5, United States Code, to make level V of the Executive Schedule applicable to three additional positions within NASA, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DULSKI:

H.R. 14934. A bill to amend title 5, United States Code, to make levels III and IV of the Executive Schedule applicable to certain positions within the Department of Justice, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ECKHARDT:

H.R. 14935. A bill to create a civil remedy for the employees of motor carriers who are discharged for failing to obey their employers' orders where compliance with those orders would entail violating motor carrier safety regulations or for reporting violations of these regulations or otherwise cooperating with the Bureau of Motor Carrier Safety; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 14936. A bill to name the new Federal Bureau of Investigation Building the "J. Edgar Hoover Building"; to the Committee on Public Works.

By Mr. HARRINGTON:

H.R. 14937. A bill to establish a contiguous fishery zone (200-mile limit) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. HAWKINS (for himself, Mr. ABOUREZK, Mr. ASPIN, Mr. BADILLO, Mr. BINGHAM, Mr. CLAY, Mr. CONYERS, Mr. CORMAN, Mr. DANIELSON, Mr. DOW, Mr. EDWARDS of California, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. GREEN of Pennsylvania, Mr. HELSTOSKI, Mr. JOHNSON of California, Mr. LEGGETT, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. MEEDS, Mr. NIX, Mr. PERKINS, Mr. PODELL, Mr. RANGEL, and Mr. TIERNAN):

H.R. 14938. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. BURTON (for himself, Mr. ANDERSON of California, Mr. BARRETT, Mr. BOLLING, Mr. COLLINS of Illinois, Mr. DENT, Mr. DIGGS, Mr. FAUNTROY, Mrs. GRASSO, Mr. HALPERN, Mr. HOLIFIELD, Mr. MCFALL, Mr. METCALFE, Mr. MOSS, Mr. PRICE of Illinois, Mr. PUCINSKI, Mr. RODINO, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, Mr. SCHEUER, Mr. STOKES, Mr. THOMPSON of New Jersey, and Mr. CHARLES H. WILSON):

H.R. 14939. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mrs. MINK (for herself, Mrs. ABZUG, Mr. ANNUNZIO, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. GONZALEZ, Mr. HATHAWAY, Mr. HANNA, Mr. HECHLER of West Virginia, Mr. MILLER of California, Mr. MITCHELL, Mr. MADDEN, Mr. PEPPER, Mr. REES, Mr. REID, Mr. VAN DEERLIN, Mr. WALDIE, and Mr. YATES):

H.R. 14940. A bill to provide public service employment for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. KOCH (for himself, Mrs. ABZUG, Mr. BURTON, Mr. DELLUMS, Mr. DOW, Mr. EILBERG, Mr. HALPERN, Mr. HEINZ, Mr. HELSTOSKI, Mr. HORTON, Mr. KEMP, Mr. KYROS, Mr. LENT, Mr. ROE, and Mr. WOLFF):

H.R. 14941. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the advertising and distribution of organically grown and processed foods; to the Committee on Interstate and Foreign Commerce.

By Mr. MINISH:

H.R. 14942. A bill to amend the Public Health Service Act to provide for the prevention of Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. STRATTON:

H.R. 14943. A bill to amend title 38 of the United States Code in order to establish a program providing 52 weeks of assure employment to Vietnam-era veterans unable to find work; to the Committee on Veterans' Affairs.

By Mr. STRATTON (for himself, Mrs. ABZUG, Mr. BOLAND, Mr. BRASCO, Mr. BYRNE of Pennsylvania, Mr. CURLIN, Mr. DANIELSON, Mr. DAVIS of South Carolina, Mr. DELANEY, Mr. DENT, Mr. DINGELL, Mr. DONOHUE, Mr. DUNCAN, Mrs. DWYER, Mr. GARMATZ, Mr. GONZALEZ, Mrs. GRASSO, Mr. HALPERN, Mr. HANNA, Mrs. HECKLER of Massachusetts, Mr. LEGGETT, Mr. METCALFE, Mr. MILLER of California, Mr. PODELL, and Mr. REES):

H.R. 14944. A bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, and for other purposes; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 14945. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

By Mr. DON H. CLAUSEN:

H.R. 14946. A bill to establish the Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. CULVER:

H.R. 14947. A bill to authorize the city of Clinton Bridge Commission to convey its bridge structures and other assets to the State of Iowa and to provide for the completion of a partially constructed bridge across the Mississippi River at or near Clinton, Iowa, by the State Highway Commission of the State of Iowa; to the Committee on Public Works.

By Mr. DANIELS of New Jersey (for himself, Mr. ESCH, Mr. HAWKINS, Mr. BADILLO, Mrs. CHISHOLM, Mr. COUGHLIN, and Mr. ROSENTHAL):

H.R. 14948. A bill to provide for the comprehensive development of correctional manpower training and employment, and for other purposes; to the Committee on Education and Labor.

By Mr. DIGGS:

H.R. 14949. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 14950. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mrs. HECKLER of Massachusetts (for herself, Mr. ARCHER, Mr. BELL, Mrs. GRASSO, Mr. ROE, Mr. SANDMAN, and Mr. SISK):

H.R. 14951. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD:

H.R. 14952. A bill to extend the contiguous fisheries zone of the United States to a distance of 197 miles seaward of the territorial sea; to the Committee on Merchant Marine and Fisheries.

By Mr. KEMP:

H.R. 14953. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. KING:

H.R. 14954. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. O'NEILL (for himself, Mr. REUSS, Mr. ROE, Mr. SCHEUER, Mr. ST GERMAIN, Mr. THOMSON of Wisconsin, Mr. WALDIE, Mr. CHARLES H. WILSON, Mr. ZABLOCKI, Mr. MOLLOHAN, Mr. SARBANES, Mr. DENHOLM, Mr. CLAY, Mr. SCOTT, Mrs. HICKS of Massachusetts, Mr. COTTER, Mr. THOMPSON of New Jersey, Mr. BERGLAND, Mr. EILBERG, Mr. MADDEN, Mr. KASTENMEIER, Mr. MATSUNAGA, Mr. HUNT, and Mr. MOSS):

H.R. 14955. A bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, and for other purposes; to the Committee on Ways and Means.

By Mr. SHOUP:

H.R. 14956. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

By Mr. SLACK:

H.R. 14957. A bill to permit the State of West Virginia to obtain social security coverage, under its State agreement entered into pursuant to section 218 of the Social Security Act, for policemen and firemen in certain cities, and to validate certain past coverage for such policemen and firemen; to the Committee on Ways and Means.

By Mr. THONE (for himself and Mr. MIZELL):

H.R. 14958. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

By Mr. VEYSEY:

H.R. 14959. A bill to amend the Federal Election Campaign Act of 1971 to establish a Federal Elections Commission; to the Committee on House Administration.

By Mr. WALDIE:

H.R. 14960. A bill to change certain provisions of title 5, United States Code, to bring certain classes of temporary and other short-term employees within the purview of the civil service retirement system and the Federal life and health insurance programs; to the Committee on Post Office and Civil Service.

By Mr. DOWNING:

H.J. Res. 1196. Joint resolution to terminate the effectiveness of subparagraphs (d) and (f) of section 37 of the Shipping Act, 1916, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. McKINNEY:

H.J. Res. 1197. Joint resolution declaring the week of June 19–26 as Family Camping Week; to the Committee on the Judiciary.

By Mr. BRINKLEY:

H. Con. Res. 610. Concurrent resolution expressing the sense of the Congress with respect to the withdrawal of all American forces from Vietnam; to the Committee on Foreign Affairs.

By Mr. McCLORY:

H. Con. Res. 611. Concurrent resolution expressing the sense of the Congress with respect to the establishment of peace in Indochina; to the Committee on Foreign Affairs.

By Mr. TEAGUE of Texas:

H. Res. 979. Resolution relative to a transnational lunar expedition; to the Committee on Science and Astronautics.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CELLER introduced a bill (H.R. 14961) for the relief of Vyacheslav Pavlovich Artemiev; Vojislaw Bozic; Constantine Arkadij Krylov; Abdurachman Kunta; Nikola Masur; Nikolajs Ozolins; and Eugen Posdeeff, which was referred to the Committee on the Judiciary.