I would suggest that if they wish to pursue the provision of attorneys' fees for individual intervenors in this case, they offer an amendment to that effect themselves. I simply do not care to insert that in my own plan.

Mr. WILLIAMS. It was not my intention to suggest that the Senator did want personally to include this in his amendment, but it is part of the general subject matter and probably will be discussed at that time. It may be offered as an amendment to the Senator's amendment.

Mr. BYRD of West Virginia. Mr. President, based on what the distinguished Senator from Georgia has stated, it is my distinct understanding, after consultation with other Senators, that there will be no additional rollcall votes today.

I thank the able Senator for yielding.

AMENDMENT NO. 818

Mr. ERVIN. Mr. President, on behalf of myself and the distinguished Senator from Alabama (Mr. ALLEN), I call up amendment No. 818.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 41, lines 15 and 16, strike out the words "or in the Court of Appeals for the District of Columbia Circuit.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ERVIN. Mr. President, it is my understanding that the leadership does not contemplate any more votes, so I will not undertake to present the argument in favor of this amendment this evening.

Mr. WILLIAMS. Mr. President, may I have the amendment restated?

The PRESIDING OFFICER. The clerk will restate the amendment.

The legislative clerk read as follows:

On page 41, lines 15 and 16, strike out the words "or in the Court of Appeals for the District of Columbia Circuit.".

Mr. ERVIN. The effect of the amendment is merely to require that all the reviews be had in the circuit court of the circuit where the proceeding arose, rather than having an option of bringing them into the Circuit Court of the District of Columbia regardless of where they originated.

Mr. WILLIAMS. It has been announced that there will be no further votes; so if there is no further debate, this will be something for this Senate to think about over the evening.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO FILE REPORT ON CERTAIN NOMINATIONS

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs have until midnight tonight to file a report on certain nominations which the committee has considered today.

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

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD of West Virginia. Mr. President, that was the final quorum call of the day, for the information of the cloakrooms.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Chair will lay before the Senate the unfinished business.

The pending question at that time will be on agreeing to amendment No. 818 of the distinguished Senator from North Carolina (Mr. ERVIN). No time agreement has been entered into on that amendment.

I would say, Mr. President, that there is a likelihood of one and possibly more rollcall votes tomorrow.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. WILLIAMS. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5:07 p.m.) the Senate adjourned until tomorrow, Friday, January 28, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 27, 1972:

DIPLOMATIC AND FOREIGN SERVICE

Robert Stephen Ingersoll, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

U.S. NAVY

Rear Adm. William W. Behrens, Jr., U.S. Navy, for appointment to the grade of vice admiral for the duration of his service in duties determined by the President to be of importance and responsibility within the contemplation of subsection (a), title 10, United States Code, section 5231, for which duties I have designated Admiral Behrens.

DEPARTMENT OF COMMERCE

Peter G. Peterson, of Illinois, to be Secretary of Commerce, vice Maurice H. Stans.

HOUSE OF REPRESENTATIVES—*Thursday, January 27, 1972*

The House met at 12 o'clock noon.

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

Let us therefore follow after the things which make for peace.—Romans 14: 19.

Almighty God, our Father, from whom all thoughts of truth and peace proceed, kindle, we pray Thee, in the hearts of all men a true love for peace and guide with Thy wisdom those who take counsel for the nations of the earth, that in deed and in truth Thy kingdom may go forward in our world.

By the might of Thy spirit quench the animosity, the greed, and the pride which cause man to strive against man, nation against nations, and people against people. Lead us all in the ways of truth and love and hasten the day when war shall be no more and when peace shall live in the heart of Thy glorious creation.

We thank Thee for Carl Hayden and for his devotion to our country. May we learn from his life to be gentle in goodness, strong in spirit, and faithful to the highest we know.

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 PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE SUPPLEMENTAL REPORT ON H.R. 10086

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee

on Interior and Insular Affairs have until midnight tonight to file a supplemental report on H.R. 10086, a bill to provide increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes.

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

There was no objection.

RESIGNATION FROM COMMITTEES

The SPEAKER laid before the House the following resignation from committees:

WASHINGTON, D.C.,
January 27, 1972.

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

DEAR MR. SPEAKER: Due to my nomination today by the Committee on Committees to the vacancy on the House Appropriations Committee created by the death of my colleague from Alabama, Congressman George W. Andrews, I hereby resign from the House Committee on Banking and Currency and the House Committee on Post Office and Civil Service.

Sincerely,

TOM BEVILL.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEES

Mr. ULLMAN. Mr. Speaker, I offer a privileged resolution (H. Res. 779) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 779

Resolved, That the following-named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Appropriations: Tom Bevill, Alabama;

Committee on Banking and Currency: William P. Curlin, Jr., Kentucky;

Committee on Merchant Marine and Fisheries: Ralph H. Metcalfe, Illinois;

Committee on Science and Astronautics: Bob Bergland, Minnesota.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—(H. DOC. No. 92-228)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Joint Economic Committee and ordered to be printed, with illustrations:

To the Congress of the United States:

The American economy is beginning to feel the effects of the new policies launched last August.

I undertook the New Economic Policy because it was becoming clear that not enough was being done to meet our ambitious goals for the American economy. The new measures are designed to bring the Nation to higher employment, greater price stability, and a stronger international position.

The essence of the New Economic Policy is not the specific list of measures we announced on August 15; it is the determination to do all that is necessary to achieve the Nation's goals.

Nineteen hundred and seventy-one was in many ways a good economic year. Total employment, total output, output per person, real hourly earnings, and real income after tax per person all reached new highs. The inflation which had plagued the country since 1965 began to subside. In the first 8 months of the year the rate of inflation was 30 percent less than in the same months of 1970.

But I did not believe this was enough to meet the Nation's needs. Although the rate of inflation had declined before August, it was still too high. Although unemployment stopped rising, it remained near 6 percent. In the first part of the year, our international balance-of-payments deficit—the excess of our payments to the rest of the world over their payments to us—had risen far too high.

The conditions called for decisive actions. On August 15, I announced these actions.

First, I imposed a 90-day freeze on prices, wages, and rents.

Second, I suspended conversion of dollars into gold and other reserve assets.

Third, I imposed a temporary surcharge on imports generally at the rate of 10 percent.

Fourth, I proposed a number of tax changes intended to stimulate the economy, including repeal of the excise tax on automobiles, a tax credit for investment, and reduction of income taxes on individuals. At the same time I took steps to keep the budget under control.

The package of measures was unprecedented in scope and degree. My Administration had struggled for 2½ years in an effort to check the inflation we inherited by means more consistent with economic freedom than price-wage controls. But the inflationary momentum generated by the policy actions and inactions of 1965–68 was too stubborn to be eradicated by these means alone. Or at least it seemed that it could only be eradicated at the price of persistent high unemployment—and this was a price we would not ask the American people to pay.

Similarly, more than a decade of balance-of-payments deficits had built up an overhang of obligations and distrust which no longer left time for the gradual methods of correction which had been tried earlier.

The measures begun on August 15 will have effects continuing long into the future. They cannot be fully evaluated by what has happened in the little over 5 months since that date. Still the results up to this point have been extremely encouraging.

The freeze slowed down the rate of inflation dramatically. In the 3 months of its duration the index of consumer prices rose only 0.4 percent, compared to 1.0 percent in the previous 3 months. The freeze was a great testimonial to the public spirit of the American people, because that result could have been achieved with the small enforcement staff we had only if the people had been cooperating voluntarily.

The freeze was followed by a comprehensive, mandatory system of controls, with more flexible and equitable standards than were possible during the first 90 days. General principles and specific regulations have been formulated, staffs have been assembled and cases are being decided. This effort is under the direction of citizens on the Price Commission and Pay Board, with advice from other citizens on special panels concerned with health services, State and local government, and rent. These citizens are doing a difficult job, doing it well, and the Nation is in their debt.

While this inflation-control system was being put in place, vigorous action was going forward on the international front. The suspension of the convertibility of the dollar was a shock felt around the world. The surcharge emphasized the need to act swiftly and decisively to improve our position. Happily, the process of adjustment began promptly, without disrupting the flow of international business. Other currencies rose in cost relative to the U.S. dollar. As a result, the cost of foreign goods increased relative to the cost of U.S. goods, improving the competitive position of American workers and industries. International negotiations were begun to stabilize exchange rates at levels that would help in correcting the worldwide disequilibrium, of which the U.S. balance-of-payments deficit was the most obvious symptom. These negotiations led to significant agreements on a number of points:

1. Realignment of exchange rates, with other currencies rising in cost relative to the dollar, as part of which we agreed to recommend to Congress that the price of gold in dollars be raised when progress had been made in trade liberalization.

2. Commitment to discussion of more general reform of the international monetary system.

3. Widening of the permitted range of variation of exchange rates, pending other measures of reform.

4. Commitment to begin discussions to reduce trade barriers, including some most harmful to the United States.

5. Assumption of a larger share of the costs of common defense by some of our allies.

6. Elimination of the temporary U.S. surcharge on imports.

The third part of the August 15 action was the stimulative tax program. Enactment of this package by Congress, although not entirely in the form I had proposed, put in place the final part of my New Economic Policy.

In part as a result of this program, economic activity rose more rapidly in the latter part of the year. In the fourth quarter real output increased at the annual rate of 6 percent, compared with about 3 percent in the 2 previous quarters. Employment rose by about 1.1 million from July to December, and only an extraordinarily large rise of the civilian

labor force—1.3 million—kept unemployment from falling.

Nineteen hundred and seventy-two begins on a note of much greater confidence than prevailed 6 or 12 months ago. Output is rising at a rate which will boost employment rapidly and eat into unemployment. There is every reason to expect this rate of increase to continue. The Federal Government has contributed impetus to this advance by tax reductions and expenditure increases. The Federal Reserve has taken steps to create the monetary conditions necessary for rapid economic expansion.

The operation of the new control system in an economy without inflationary pressure of demand holds out great promise of sharply reducing the inflation rate. We are converting the fear of perpetual inflation into a growing hope for price stability. We are lifting from the people the frustrating anxiety about what their savings and their income will be worth a year from now or 5 years from now.

For the first time in over a decade the United States is moving decisively to restore strength to its international economic position.

The outlook is bright, but much remains to be done. The great problem is to get the unemployment rate down from the 6-percent level where it was in 1971. It was reduced from that level in the sixties by a war buildup; it must be reduced from that level in the seventies by the creation of peacetime jobs.

It is obvious that the unemployment problem has been intensified by the reduction of over 2 million defense-related jobs and by the need to squeeze down inflation. But 6 percent unemployment is too much, and I am determined to reduce that number significantly in 1972.

To that end I proposed the tax reduction package of 1971. Federal expenditures will rise by $25.2 billion between last fiscal year and fiscal 1972. Together these tax reductions and expenditure increases will leave a budget deficit of $38.8 billion this year. If we were at full employment in the present fiscal year, expenditures would exceed receipts by $8.1 billion. This is strong medicine, and I do not propose to continue its use, but we have taken it in order to give a powerful stimulus to employment.

We have imposed price and wage controls to assure that the expansion of demand does not run to waste in more inflation but generates real output and real employment.

We have suspended dollar convertibility and reduced the international cost of the dollar which will help restore the competitive position of U.S. workers and thereby generate jobs for them.

We have instituted a public service employment program to provide jobs directly for people who find it especially hard to get work.

We have expanded the number of people on federally assisted manpower programs to record levels.

We have established computerized Job Banks to help match up jobseekers and job vacancies.

We have proposed welfare reform to increase incentives to employment.

We have proposed special revenue sharing for manpower programs, to make them more effective.

We have proposed revision of the minimum wage system to remove obstacles to the employment of young and inexperienced workers.

We expect that these measures, and others, will contribute to a substantial reduction of unemployment.

In addition to getting unemployment down, a second major economic task before us is to develop and apply the price-wage control system, which is still in its formative stage, to the point where its objective is achieved. The objective of the controls is a state of affairs in which reasonable price stability can be maintained without controls. That state of affairs can and will be reached. How long it will take, no one can say. We will persevere until the goal is reached, but we will not keep the controls one day longer than necessary.

The success of the stabilization program depends fundamentally upon the cooperation of the American people. This means not only compliance with the regulations. It means also mutual understanding of the difficulties that all of us—working people, businessmen, consumers, farmers, Government officials—encounter in this new and complicated program. Our experience in the past few months convinces me that we shall have this necessary ingredient for success.

We embarked last year on another great task—to create an international economic system in which we and others can reap the benefits of the exchange of goods and services without danger to our domestic economies. Despite all the troubles in this field in recent years both the American people and our trading partners are enjoying on a large scale than ever before what is the object of the whole international economic exercise—consumption of foreign goods that are better or cheaper or more interesting than domestic goods, as well as foreign travel and profitable investment abroad.

We don't want to reduce these benefits. We want to expand them. To do that, we in the United States must be able to pay in the way that is best—chiefly by selling abroad those things that we produce best or more cheaply, including the products of our agriculture and our other high-technology industries. This is our objective in the international discussions launched by our acts of last year and continuing this year.

These tasks, in which Government takes the lead, are superimposed on the fundamental task of the American economy, upon which the welfare of the people most depends and which is basically performed by the people and not by the Government. That fundamental task is the efficient and innovative production of the goods and services that the American people want. That is why I have emphasized the need for greater productivity and a resurgence of the competitive spirit.

The outstanding performance of the American economy in this respect provides a background of strength which permits the Government to face its economic problems with confidence and to bring about a new prosperity without inflation and without war.

RICHARD NIXON.

JANUARY 27, 1972.

CHICAGO NEWSPAPER BEGINS COMPLETE USE OF TOTALLY RECYCLED PAPER

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

Mr. ROSTENKOWSKI. Mr. Speaker, the printing of the Tuesday, January 25, Chicago Sun-Times marked a first in the history of major American newspapers and also another milestone reached in the continuing effort to preserve our environment.

The paper for the entire Sun-Times edition was made without cutting down a single tree. It was the product of recycling old newspapers at a Field Enterprises Inc., paper plant, the FSC Paper Corp., in Alsip, a Chicago suburb.

The Field Enterprises mill uses a special deinking process to reclaim old newspapers and turn them into rolls of paper for future editions of the Field newspapers and 30 other papers. The daily production of the plant is more than 260 tons of newsprint. Nearly 115,000 tons of waste paper are used annually in the process.

Recycling at the Field plant annually conserves 1.5 million trees for other uses. Estimates indicate that deinked paper saves U.S. newspapers about $3 million a year because raw materials and plant are located closer to pressrooms, and the United States saves almost $50 million in international payments.

Mr. Speaker, in the past few years, much has been said about what each of us must do to save our ever-diminishing natural resources. But in the final analysis, our individual efforts, significant though they may be, will not be the decisive factor in the battle for the environment. What will be needed are more of the substantial measures, measures along the lines of those recently taken by the Chicago Sun-Times.

When we consider that the Sun-Times has a daily circulation of almost 550,000 and a Sunday circulation of over 700,000, we begin to realize the true significance of their recent action. I believe that the Sun-Times has set a truly noteworthy precedent—a precedent that hopefully will be followed by many other American newspapers in the near future.

THE FISCAL POLICY

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

Mr. DEVINE. Mr. Speaker, yesterday you made a statement for release to the afternoon papers entited "A Straight Look At The Economy" and treated a number of the subjects having to do with

the economy pointing out inflation had averaged 5.5 percent in the last 2½ years.

I would like to invite to your attention and to the attention of the membership that the inflation rate now is 2.3 percent and reducing and it is the lowest it has been in a number of years.

You pointed out intolerable, increasing unemployment. You failed to point out that we are in a transition period between a Democrat wartime economy and a Republican peacetime economy and that the unemployment rate is just 2 percent above the full employment concept by the Bureau of Labor Statistics.

In addition to which, we now have currently employed over 80 million people in the United States which is the highest in the history of the country and the budget deficit that many of our Members seem to deplore—those Members who vote for every spending program in the Congress—I should point out that the budget submitted by the President of $246 billion contains in it—and get this—$181 billion of uncontrollable expenses that have been enacted by this and previous Congresses—Democrat controlled.

Seventy-two percent of the budget is uncontrollable.

In the Tax Reform Act of 1969 and the Tax Cut Act we the Congress enacted last year, $22.4 billion income would have been generated by 1973, but the people retain this and it also helps to create these deficits. Let us put the saddle where it belongs, Mr. Speaker, on the Congress, not the President.

GOVERNMENT EXPENDITURES

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

Mr. BOGGS. Mr. Speaker, there is an old saying that figures do not lie. For fiscal 1970, the Nixon budget request for appropriations was $135.2 billion. Congress cut that request for appropriations in the appropriation bills by $5.6 billion. The President had predicted a surplus that year of $3.4 billion. Despite the appropriation cut by the Congress of almost $6 billion, the deficit was $2.8 billion.

For fiscal 1971 the budget request for appropriations was $140.1 billion. Congress appropriated $138.4 billion in regular annual appropriation bills in that budget year, or a cut of $1.7 billion in the President's request. That year he predicted a surplus of $1.3 billion. There was a deficit of $23 billion.

In fiscal 1972 the Nixon budget request for appropriations was $158.7 billion. Congress appropriated $156.5 billion, or a cut of $2.2 billion.

The original deficit predicted was $11.6 billion. The projected deficit now is something like $40 billion, so much so that the Committee on Ways and Means is now considering a new increase in the debt ceiling. As a matter of fact, the projection for the 4 years of this administration is that the unified deficit will be something like $90 billion, or $124 billion on the Federal funds basis, one of the largest wartime or peacetime deficit in the history of the United States.

Now, Mr. Speaker, these deficits are not caused by congressional overappropriation. Each year Congress has substantially reduced the appropriations bills requests made by the executive. They are caused by the failure of this administration to sponsor economic policies that make possible full production and full employment in this country.

THE FISCAL SITUATION

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

Mr. GERALD R. FORD. Mr. Speaker, my good friend, the gentleman from Louisiana, I am sure made one or two inadvertant errors in his comments. As I recall, he talked about $129 billion and $158 billion. I think the truth is he left out $100 billion in each case. The figures that he had in his comments are right, except he just left $100 billion off in each instance.

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

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. The gentleman is correct as far as the unified budget is concerned. The totals were $213 billion in fiscal 1970, $236.4 billion for fiscal 1971, and $249.8 billion in fiscal 1972.

I was referring to the funds handled in the fiscal year appropriations bills each session and the effect is the same.

Mr. GERALD R. FORD. But the second point, Mr. Speaker, is that the gentleman from Louisiana talked about a reduction in obligational authority. The Congress may have done that but I want to look at the specifics on the record. On the other hand, the Congress under the leadership of the gentleman from Louisiana and others added to all the deficits by the actual enactment of certain authorizing legislation that forced greater expenditures over those requested by the administration, and as the gentleman knows authorizations are an integral part of fiscal responsibility.

Mr. Speaker, there will be the usual chorus of outrage from critics of the administration about the size of the expected deficit for this year, now that the budget is out. And as usual, the shrillest cries will come from those whose philosophy of government, and whose heedless contribution to the spawning of new programs, qualifies them least to talk of fiscal sanity. Many of these same critics have been consistent in their advocacy of a more "expansionist" fiscal policy, to provide greater stimulus for an economy with a 6 percent unemployment rate. Obviously, you cannot have it both ways: To be more "expansionist" the budget would have to show an even greater deficit.

We all know that economic policy is one of balance—one of trade-offs between countering trends and pressure. If we are going to be honest with the American people we will decide as politicians where our greatest economic threat lies, will advocate balanced policies to minimize that threat, and will not try to pretend we can have it one way today, another way tomorrow, wherever the short-term policies of economic comment will take us.

The President has put it all together in his budget. He has sought a balanced plan for economic progress. We on this side of the aisle are going to support such a plan, and to see that those who want to play it all ways—now calling for a lower deficit, now urging fiscal expansionism, now deploring the size of expenditures they have played a part in creating, now advocating new and more expensive programs—are properly exposed for their efforts to manipulate the American people in this vital area of concern.

PEACE CORPS SHOULD BE FUNDED AT HIGHEST POSSIBLE LEVEL

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

Mr. BUCHANAN. Mr. Speaker, the Peace Corps is probably one of the best ideas in foreign policy in this century, yet it faces today a serious challenge to its continued effectiveness.

Both the House and Senate have authorized expenditures for the Peace Corps of $77.2 million for fiscal 1972, but the House has appropriated only $68 million.

This reduction is made even more critical by the fact that the Peace Corps operated on a continuing resolution for the first 3 months of this fiscal year with a ceiling of $82.2 million, for the next 3 months at $77.2 million figure, and for the past month at $72 million.

Thus the Corps has obligated in good faith moneys under these higher authorizations and, should this lower level prevail, will be forced to recoup these funds during the remaining months of this fiscal year.

Even at a level of $72 million the Peace Corps may be forced to cease operations in as many as 15 countries and curtail its activities in some 40 others by mid-February.

Under the direction of Joe Blatchford, the Peace Corps has included an increasing number of highly skilled volunteers who have carried this Nation's technological advancements to underdeveloped nations where they have combatted disease, introduced new agricultural techniques and helped to raise the quality of life.

Applications to the Peace Corps by volunteers are at a 5-year high. Foreign governments have requested an additional 2,000 volunteers. Yet, despite its popularity at home and abroad, the Corps will be required to say "no" to the volunteers and to those countries seeking our help in their development.

The Corps, Mr. Speaker, should, in my judgment, be given the opportunity to continue appropriations for the Peace Corps at $77.2 million and I am hopeful this is the level at which it will be funded.

NORTH VIETNAM DOES NOT WANT PEACE IN SOUTHEAST ASIA

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

Mr. COLLIER. Mr. Speaker, it should now be obvious to anyone with reasonable intelligence that North Vietnam does not want peace in Southeast Asia. Hanoi's response to President Nixon's eight-point Indochina peace plan is arrogant and deceitful. It again becomes evident that totalitarian dictatorships prefer human suffering to a peace which merely provides the right of the people to make a choice of the government under which they are to live. That is the singular issue as the situation now stands in Southeast Asia notwithstanding the smokescreen of political rhetoric here at home and upon which Hanoi is leaning so heavily.

THERE ARE TWO SIDES TO BUDGETS

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

Mr. CEDERBERG. Mr. Speaker, I have listened with interest to the majority leader and his discussion about the economic situation. I have just spent all morning in the full Appropriations Committee on that very subject. We can all get together and deplore budget deficits, which, of course, I think we all do. I would, however, point out the gentleman has to share some responsibility in this area because there are two sides to budgets. There is the spending side and the receipt side.

The gentleman is the ranking member on the Ways and Means Committee.

We had a tax reduction in 1964, another in 1969, and another in 1971; which substantially reduces the revenues while at the same time we are increasing on the expenditure side.

I should like to ask the distinguished majority leader if he supports the proposal for a total spending ceiling so that we can bring under control what the gentleman has been deploring.

Mr. BOGGS. I have grave doubts about that proposal. We have done that before.

Mr. CEDERBERG. I am talking about an emergency.

Mr. BOGGS. The gentleman really does not touch the issue. The gentleman knows that that decline in revenue is almost entirely attributable to the economy. The President himself admits that. That is why he sends up what he calls a full-employment budget.

Mr. CEDERBERG. I completely agree with the gentleman on that point. One of the reasons for the downturn in the economy is that we have seen 2.5 million people leave the military and military-defense-related industry, moving from war to peace.

In other words, it was easy to have a booming prosperity—which we did—and a 4-percent unemployment with a full-blown economy, while the guns were booming and the Nation's industry was geared for war.

But now the President is ending the war. We have to readjust the lives and incomes of 2½ million people in this one area alone. Of course, we are going to have this turndown, and the reduction in the revenues of the Government. It certainly does not help to have the Congress, at the same time, escalating expenditures and expanding programs.

There is no way I know that the President can spend one dime of public money that Congress has not authorized, and the Congress ought to be willing to bear this responsibility and blame. It is neither candid nor conscionable to try to pass the buck to the other end of Pennsylvania Avenue.

PROVIDING PAY COMPARABILITY ADJUSTMENTS FOR CERTAIN HOUSE EMPLOYEES WHOSE PAY RATES ARE SPECIFICALLY FIXED BY HOUSE RESOLUTIONS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 741) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 741

Resolved, That until otherwise provided by law, effective as of January 1, 1972, the per annum gross rate of pay of each employee (except an employee who is an elected officer of the House) whose pay is disbursed by the Clerk of the House and is fixed at a specific rate by House resolution is increased by an amount equal to 5.5 per centum of his per annum gross rate of pay. No rate of pay shall be increased by reason of the adoption of this resolution to an amount in excess of the rate of basic pay of level V of the Executive Schedule contained in section 5316 of title 5, United States Code. The contingent fund of the House is made available to carry out the purposes of this resolution.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, line 4, immediately following the word "the" strike out the word "House)" and insert "House or who is an Official Reporter of Debates or an Official Reporter to Committees.)"

The SPEAKER. Without objection, the committee amendment is agreed to.

Mr. HALL. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman reserves the right to object to the adoption of the amendment.

Mr. HALL. I do, until it is explained, Mr. Speaker.

I wonder if the gentleman would take time to explain the amendment, which was a little more than I anticipated. I yield to the gentleman for that purpose.

Mr. THOMPSON of New Jersey. I do not understand what my distinguished friend from Missouri means when he says it "was a little more than I anticipated."

The effect of the amendment, I might say to my friend from Missouri, is to strike from the original resolution, House Resolution 741, those who record—the stenographers who record—the debates or the colloquies such as we are having now on the floor of the House, and those who record—those House employees, stenographers who record—the committee debates.

Mr. HALL. Is that because they are now drawing excessive pay above the rate of level V of the Executive Schedule?

Mr. THOMPSON of New Jersey. I might say to my friend from Missouri they are not drawing excessive pay in any sense or above what he states, but the committee decided that their salaries at the current level—at least the committee insofar as it relates to this resolution decided that the top is at about $35,000 and it goes down a little bit lower—that their compensation is adequate at this time.

Mr. HALL. Mr. Speaker, I certainly agree with the gentleman insofar as his last sentence is concerned, and I might add that it is time we all considered reductions in lieu of additions, if we are serious about inflation and fiscal responsibility.

Under my reservation, may I make one further inquiry as to the general content of House Resolution 741, as amended? Am I to understand, Mr. Speaker, that this does not involve the regular employees, the Member-appointed employees on Capitol Hill, but that the saving clause there is "whose pay is disbursed by the Clerk of the House and is fixed at a specific rate by House resolution?"

Mr. THOMPSON of New Jersey. The gentleman is precisely correct, and if he will withdraw his reservation so that I can briefly explain the resolution, I shall be glad to yield further for any other questions that he might have.

Mr. HALL. Mr. Speaker, that is all I seek. I will withdraw my reservation of objection.

The SPEAKER. Without objection, the committee amendment is agreed to.

There was no objection.

So the committee amendment was agreed to.

Mr. THOMPSON of New Jersey. Mr. Speaker, under the system long in existence here, a number of the employees of the House who actually work here every day, a number of whom I can see at the desk now, are not within the overall Federal pay structure nor are they employees of individual Members of this body. They are, therefore, distinguished by that difference. Each and every time in past years that committee staff or Member staff allowances have been increased, the Committee on House Administration has made an effort to keep these—I call them rather isolated employees—at a level commensurate with that of our own staffs and the committee staffs.

Following the rule set down by phases I and II of the President's economic policy, determination was made that Federal employees subject to the recommendation of those for whom they worked could get up to 5.5 percent raises on the individual Member's recommendation or on the recommendation of the respective committee chairmen.

I have no statistics with respect to the decisions made by the individual Members, but I can report to the House that every one of the committee chairmen

recommended 5.5 percent increases for their employees.

This leaves this small group of 33 people, excluding the official reporters, without the benefit of that 5.5 percent raise. The effect of this resolution would be to give them that.

The total cost per annum of this resolution is $23,857, approximately $20,000 per annum less than it would have been had the Reporters been included.

Mr. Speaker, I reiterate that there is a total of 33 majority and minority employees involved.

Does the gentleman from Missouri have any further question?

Mr. HALL. No, Mr. Speaker. I appreciate the gentleman yielding. I think the gentleman's explanation has been adequate and it would appear to me that this is equitable and just.

I compliment the Committee on House Administration for being a good watchdog of the contingent fund.

As I understand it, this resolution is directed to equity for those who do not have statutory appointments?

Mr. THOMPSON of New Jersey. This is precisely correct.

Mr. HALL. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PAYMENT OF COMPENSATION FOR CERTAIN COMMITTEE EMPLOYEES

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution—House Resolution 769—and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 769

Resolved, That there shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to pay the compensation for services performed during the period beginning January 3, 1972, and ending at the close of January 31, 1972, by each person (1) who, on January 2, 1972, was employed by a standing committee or any select committee of the Ninety-second Congress and whose salary was paid under authority of a House resolution adopted during the Ninety-second Congress, or who was appointed after January 2, 1972, to fill an existing vacancy or a vacancy occurring subsequent to January 2, 1972, and (2) who is certified by the chairman of the appropriate committee as performing such services for such committee during such period.

Mr. THOMPSON of New Jersey. Mr. Speaker, the effect of this resolution, House Resolution 769, is very simple. The effect of it is to allow all of the committees of the House to expend moneys at the level at which the House authorized them to spend last year for a period of 1 month. This will enable the respective and distinguished committee chairmen to prepare their budgets for this year and will give the Subcommittee on Accounts an opportunity to schedule hearings which, indeed, we will do on their desires for the current year.

I might report that all but one committee to my knowledge has carryover money expended and moneys from last year.

I might report also that the committee chairmen and the ranking minority members have been assiduous in complying with the House Administration requirement that they report monthly all of their expenditures, their list of employees, and activities.

To me this is particularly important because the Members will remember that in the series of resolutions authorizing committee moneys for the past year we emphasized the responsibilities that committees have under last year's Reorganization Act to exercise their oversight responsibilities. They have done so and I think they have done so admirably.

Mr. Speaker, the one instance where a committee is short of funds, in the amount of approximately $31,000—that is, without this continuing resolution—they would be $31,000 short.

The subcommittee will take that into consideration, and that amount will be deducted from the amount that the committee requests in the next Congress.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

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

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 8085, AGE REQUIREMENTS FOR CIVIL SERVICE APPLICANTS

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 616 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 616

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8085) relating to age requirements for appointments to positions in executive agencies and in the competitive service. After general debate which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 616 provides an open rule with 1 hour of general debate for consideration of H.R. 8085 regarding age requirements for Federal employees. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of H.R. 8085 is to establish a congressional policy which will require the Government to promote employment or promotion of persons based on ability rather than age, and prohibit arbitrary age discrimination. Excepted as well as competitive employees would be covered.

The President would be authorized to establish a maximum age requirement for appointment in the civil service when the requirement is established on the basis of a determination that age is an occupational qualification necessary to the performance of duties.

The present law stating the existing policy against discrimination as to age and the present law authorizing the Secretary of the Interior to set minimum and maximum age limitations for employment by the U.S. Park Police would be repealed.

Mr. Speaker, I urge the adoption of House Resolution 616 in order that the bill may be considered.

Mr. QUILLEN. Mr. Speaker, House Resolution 616 will permit consideration of H.R. 8085 under an open rule with 1 hour of general debate. In addition, the rule makes the language substituted by the Committee on Post Office and Civil Service in order as an original bill for the purpose of amendment.

The purpose of the bill is to reaffirm the present congressional policy against discrimination with respect to age in the competitive service of the U.S. Government, and to extend this policy, with necessary flexibility, to all Federal employment.

The bill establishes a policy which will require the Federal Government to promote employment of persons based upon ability to perform the job in question rather than age and will prohibit age discrimination in all Federal employment.

At the same time the bill authorizes the President to establish a maximum age requirement to any position in the executive agencies or the competitive service if it is determined that age is a

bona fide requirement for successful job performance. If a maximum age limit is established in any job category, the President is required to send to the two Post Office and Civil Service Committees a statement of justification and explanation at least 60 days before the age requirement goes into effect.

Finally, the bill repeals the existing authority of the Secretary of Labor to fix the minimum and maximum age limits within which appointments may be made to the positions in the Park Police.

Existing law, which prohibits age discrimination makes no allowances for any exceptions. Therefore, Federal agencies which meet such a situation must go to Congress for relief. This is what the Department of Interior did with respect to its Park Police. Two other departments have already requested exceptions in particular cases, the Department of Justice and the Department of Transportation. It seems far wiser to provide administrative relief by statute so that in exceptional cases where age is a factor of occupational qualification this fact should be recognized.

No cost to the Government is anticipated except for minimal administrative costs. The legislation is the outgrowth of a request by the Civil Service Commission.

There are no dissenting views.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 9]

Abbitt	Dennis	Hosmer
Abourezk	Dent	Jacobs
Adams	Derwinski	Johnson, Pa.
Alexander	Diggs	Keith
Anderson, Tenn.	Downing	Kemp
	Dwyer	Kluczynski
Annunzio	Edmondson	Landgrebe
Arends	Edwards, Calif.	Landrum
Ashbrook	Edwards, La.	Latta
Aspin	Esch	Leggett
Badillo	Eshleman	Lennon
Baring	Evins, Tenn.	Long, La.
Bell	Forsythe	McClure
Biaggi	Fraser	McKay
Blanton	Frey	McKinney
Blatnik	Galifianakis	Mailliard
Bow	Gallagher	Martin
Brasco	Giaimo	Meeds
Brinkley	Gibbons	Metcalfe
Camp	Goldwater	Mills, Ark.
Carey	Grasso	Mitchell
Carney	Gray	Moorhead
Celler	Green, Oreg.	Murphy, N.Y.
Chisholm	Gude	Nelsen
Clark	Hansen, Idaho	Nix
Clay	Harrington	O'Konski
Cleveland	Hastings	Patman
Conable	Hawkins	Pelly
Conte	Hays	Pettis
Corman	Hébert	Railsback
Culver	Heckler, Mass.	Rhodes
Davis, Ga.	Hicks, Wash.	Rogers
Rosenthal	Springer	Wampler
Runnels	Stanton, J. William	Widnall
St Germain		Wilson, Bob
Scheuer	Steele	Wilson, Charles H.
Schneebeli	Steiger, Wis.	
Shipley	Stephens	Wolff
Sikes	Teague, Calif.	Wright
Sisk	Udall	Wydler
Smith, Calif.	Ullman	Yatron
Smith, Iowa	Van Deerlin	Young, Fla.
Smith, N.Y.	Waldie	Zion

The SPEAKER. On this rollcall 305 Members have answered to their names, a quorum.

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

AGE REQUIREMENTS FOR CIVIL SERVICE APPLICANTS

Mr. HENDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8085) relating to age requirements for appointments to positions in executive agencies and in the competitive service.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina, (Mr. HENDERSON).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8085, with Mr. WAGGONNER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina (Mr. HENDERSON) will be recognized for 1 hour, and the gentleman from Iowa (Mr. GROSS) will be recognized for 1 hour.

The Chair recognizes the gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Chairman, I yield such time as he may consume to the distinguished Chairman of the full Committee on Post Office and Civil Service, the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Chairman, I sponsored H.R. 8085 on the basis of an official recommendation sent to Congress by the Chairman of the U.S. Civil Service Commission.

There are two main objectives:

First, it reaffirms the Government's strict policy against discrimination because of age in employment in the competitive service and extends that policy to all employment in the Federal service.

Second, the bill recognizes the need for providing some flexibility in this area by authorizing the President, or his agent, to establish maximum age limits for appointments to positions in executive agencies where age is found to be a necessary qualification.

The authority granted to the President under this bill would be similar to that now held by the Secretary of Labor with respect to positions in private industry.

At the present time there is an outright statutory ban against the establishment of a maximum age limit for employment in the competitive service.

Since the existing law does not provide for administrative exceptions, any agency that feels it has positions needing exception must now look to the Congress for individual relief.

A number of agencies have indicated that they will seek authority from the Congress to establish maximum age limits for certain types of positions.

Our Committee on Post Office and Civil Service believes that instead of action on individual requests, it would be far more desirable to authorize the President, or his designated agent, to set maximum age limits for such positions.

In view of the strong desire of the Congress to eliminate age discrimination in Federal employment, except where absolutely necessary, this legislation provides for advance congressional review of any proposed exception.

Thus, there is no danger that the proposed authority to set maximum age limits will be abused by the President or his designated agent.

Mr. Chairman, I believe that the authority to establish maximum age requirements, where necessary, should be vested in the President, subject to congressional review, and I, therefore, urge the passage of H.R. 8085.

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

Mr. Chairman, I rise in support of H.R. 8085, a bill relating to age requirements for appointments to positions in executive agencies and in the competitive service.

First, may I say that this bill before us has no cost implications. Secondly, it is an administration proposal; and, thirdly, all it does, basically, is to provide an orderly and uniform procedure for establishing age requirements for entrance into Federal Government positions.

BACKGROUND

There is at present an outright ban on establishing maximum age limits for entry into the competitive service. This present policy against age discrimination in Federal employment dates back to 1956 when Congress wrote into the Independent Offices Appropriation Act (70 Stat. 355) a prohibition against the use of appropriated funds to pay the salary of any Federal employee who sets a maximum age for entry into any position in the competitive service.

There has been an exception when the Secretary of Interior, in 1969, was granted the authority to set minimum and maximum age limits for U.S. Park Police. The legislation did not go through the Committee on Post Office and Civil Service.

So far in this session of Congress our committee has had requests from the Attorney General for authority to set age limits for several of his law enforcement positions and from the Secretary of the Department of Transportation to set age limits for air controllers. In time, there will undoubtedly be more such requests.

On Monday, September 27th, the House Committee on Post Office and Civil Service voted out an air controller bill, H.R. 8083, with a section relating to age

requirements in the original bill deleted to conform to the principles detailed in the legislation before us today.

FLEXIBILITY

Age, by itself, should never be a bar to employment, either in private industry or in the Federal Government. In keeping with this principle, H.R. 8085 reaffirms congressional policy against discrimination as to age. But, it is equally desirable that a degree of flexibility, similar to that already existing for positions in private industry, be provided for Federal positions to permit exceptions without the necessity for congressional action in each case when age is found to be a bona fide occupational qualification.

The primary effects of the bill before you would be to give the President an administrative authority, with congressional control, that is parallel to the authority granted to the Secretary of Labor for positions in private industry—Age Discrimination in Employment Act of 1967, 81 Stat. 602.

CONGRESSIONAL CONTROL

To insure continued congressional interest and control, the President or his agent is required to give notice to the Committee on Post Office and Civil Service of the House and Senate at least 60 days prior to establishing a maximum age requirement. The report to the two committees must include a full and complete statement concerning the need for such a maximum age requirement.

PUBLIC HEARINGS

The Subcommittee on Manpower and Civil Service in July took testimony on H.R. 8085 from the chairman of the Civil Service Commission and representatives of several Federal Government employee organizations.

Chairman Hampton fully supported the proposed legislation. The employee organizations objected to the bill so long as there was no congressional control.

The bill was amended in subcommittee to provide this congressional control.

COST

The only cost involved, as I stated earlier, would be minimal, arising from general administrative costs.

SUMMARY

Mr. Chairman, this is a noncontroversial bill, sponsored by the administration, with little or no costs. It emphasizes ability rather than age as a prerequisite for a Federal Government job. But, H.R. 8085 provides for flexibility in Federal personnel management where age becomes a bona fide occupational qualification by authorizing the President to set a maximum age in making an appointment to a position in an executive agency as in the competitive service.

Congressional control is guaranteed by giving the Post Office and Civil Service Committees of the Senate and House at least 60 days advance notice with full justification for the proposed Presidential action.

Mr. Chairman, I urge all Members' support of this bill.

APPLICATION OF H.R. 8085 TO THE POSTAL SERVICE

I wish to call attention to the statements appearing in the first full paragraph on page 5 of the committee's report on H.R. 8085.

The last sentence of that paragraph states that the U.S. Postal Service is specifically excluded from the definition of "independent establishment" in section 104 of title 5 of the United States Code, and, therefore, is not covered by the provisions of the new section 7155.

The new section 7155, as added by H.R. 8085, authorizes the President to establish maximum age requirements in connection with appointments to positions in an "Executive agency" or in the "competitive service," when such requirements are necessary.

After the report was filed, the question arose as to the correctness of the statement on page 5 of the report, concerning application of the new provisions to the Postal Service.

Section 410(b) of title 39, United States Code, specifically provides that the provisions of chapter 71 of title 5 shall apply to the Postal Service. It would appear, therefore, that any amendments to the provisions of chapter 71 of title 5, likewise would be applicable to the Postal Service unless specifically provided otherwise.

Since the first section of H.R. 8085 adds a new section 7155 to chapter 71, and in view of the doubts which arose after the Committee Report was filed, Chairman DULSKI requested the Postmaster General to furnish his comments on this question. I will insert at the end of my statement the letter Chairman DULSKI addressed to the Postmaster General, and the reply dated September 28, 1971, from the Senior Assistant Postmaster General and General Counsel, David A. Nelson.

The reply agrees with our conclusion that the statement in the report is erroneous, but does not agree that all amendments to chapter 71 of title 5, United States Code, enacted hereafter, would automatically apply to the Postal Service.

The letter points out that subsequent amendments might not be within the framework created by the Postal Reorganization Act, and would be conflicting and completely contrary to other provisions in the Postal Reorganization Act. The Postal Service recommends that specific provisions be included if it is the intent of Congress that the Postal Service be subject to amendments to chapter 71 and other provisions specifically referred to in section 410 of the Postal Reorganization Act.

The questions raised in this matter are not easy ones to answer. We do not need to resolve the issue at the present time. The committee hereafter can establish a policy, as it may desire, in making subsequent amendments to the appropriate provisions of title 5 applicable to the Postal Service. In this particular case, it is not important.

The Postal Service in its reply stated that the amendment proposed by this legislation is in harmony with the Age Discrimination in Employment Act of 1967, and its extension to the Postal Service would not be inconsistent with the concept that employment within the Postal Service should be more nearly comparable to employment in the private sector.

It is stated that, as a practical matter, the Postal Service undoubtedly would follow the policy embodied in H.R. 8085, even though the legislation does not specifically apply to the Postal Service.

Mr. Chairman, in view of the position taken by the Postal Service, I see no need to offer a specific amendment to the bill, making it apply specifically to the Postal Service.

The letters that I referred to above are set forth below:

SEPTEMBER 17, 1971.

HON. WINTON M. BLOUNT,
Postmaster General, U.S. Postal Service, Washington, D.C.

DEAR MR. POSTMASTER GENERAL: A question has arisen as to the application to the United States Postal Service of certain provisions that are contained in pending legislation.

Section 410(b) of title 39, United States Code, specifically provides that several provisions of law shall apply to the Postal Service, including the provisions of chapter 71 of title 5, United States Code.

H.R. 8085, which was ordered reported by our Committee and is now pending before the House, proposes to add a new section 7155 to chapter 71 of title 5.

It is the purpose of this provision to authorize the President to establish maximum age requirements in connection with appointments to a position in an "Executive agency" or in the "competitive service".

The Committee report on the Legislation (House Rept. No. 92–416), in the last sentence of the first full paragraph on page 5, states that the United States Postal Service is specifically excluded from the definition of "independent establishment" in section 104 of title 5, and, therefore, is not covered by the new section 7155.

I believe that this statement is incorrect. It certainly does not coincide with the intent expressed by representatives of the Postal Service when they testified on the legislation, or with the intent of the Committee in considering section 410 of title 39.

It is my belief that section 410(b) has the effect of applying all provisions of chapter 71 of title 5, and the provisions of other sections mentioned in that subsection, to the United States Postal Service, without regard to any definition that may be included in the actual provisions of chapter 71, or the other provisions made applicable to the Postal Service by section 410.

The identical question has now arisen in connection with another bill the Committee is now considering, which adds a new subchapter to chapter 71 of title 5, relating to the rights of privacy for Federal employees. During the Subcommittee markup of this legislation, a motion was made, and approved, to include provisions in the new subchapter 3, and in title 39, making the provisions of the new subchapter 3 applicable specifically to the United States Postal Service.

It is my view that the provisions of section 410(b) have the effect of applying the provisions of the new subchapter 3 to the United States Postal Service, and that the provisions of the new section 7155, proposed by H.R. 8085, will apply to the United States Postal Service, without any specific reference to the inclusion of the Postal Service in the new legislation.

I would appreciate having your comments on this matter at the earliest opportunity as the Subcommittee on Employee Benefits will meet next week for the further consideration of the legislation, and it is expected that H.R. 8085 will be considered on the Floor of the House in the very near future.

Copies of the material to which I have referred are enclosed for your information.

With kindest personal regards,

Sincerely yours,

THADDEUS J. DULSKI,
Chairman.

U.S. POSTAL SERVCE,
Washington, D.C., September 28, 1971.

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

DEAR MR. CHAIRMAN: The Postmaster General has asked me to respond to your letter of September 17, 1971, requesting our comments on the question whether certain proposed revisions in chapter 71 of title 5, United States Code, would, if enacted, apply to the Postal Service.

We agree with your conclusion that the exclusion of the Postal Service from the definition of an "independent establishment" in 5 U.S.C. § 104 does not provide a complete answer to the question of how far the Postal Service might be bound by amendments to those provisions of title 5 that now apply to the Postal Service. 39 U.S.C. § 410(b) makes chapter 71 of title 5 applicable to the Postal Service, and insofar as this provision may manifest a Congressional intent that the Postal Service be subject to subsequent amendments of chapter 71, the statutory exclusion of the Postal Service from the definition of an independent establishment for the purpose of ttile 5 would appear to be immaterial.

The scope of 39 U.S.C. § 410(b) cannot be properly assessed, it seems to me, without reference to the considerations that led to the enactment of section 410(a). That section, which exempts the Postal Service from all but a limited number of Federal laws "dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds," was manifestly designed to help the Postal Service improve the quality and efficiency of its services by granting the new independent establishment broad relief from the intricate network of public laws and administrative regulations to which the Post Office had been subject as an executive department. In the light of that objective, I would not interpret section 410(b) as meaning that any and all amendments to the provisions cited in that section will automatically apply to the Postal Service, regardless of the consistency of such amendments with the framework created by the Postal Reorganization Act and regardless of whether they have a logical connection with the provisions to which the Postal Service was made subject at the outset. If Congress amended chapter 71 of title 5 to prohibit executive agencies from negotiating agreements with labor organizations, for example—an amendment that would conflict with the employee-management provisions of the Postal Reorganization Act and would introduce a subject not within the purview of chapter 71 as in effect at the time of adoption of the Postal Reorganization Act—I do not believe that the amendment could reasonably be read as applying to the Postal Service unless the amendment itself contained language expressly bringing the Postal Service within its terms.

On the other hand, an amendment to chapter 71 dealing with matters that were covered by that chapter when the Postal Reorganization Act was passed, and doing so in a manner not inconsistent with the provisions of the Act, might well be deemed to apply to the Postal Service even though the amendment did not so state.

It is a close question, I think, whether the Postal Service would be covered by H.R. 8085, if that bill were enacted in the form in which it was reported by your Committee. In prohibiting arbitrary maximum-age requirements for entrance into the Federal service, the bill deals with a type of discrimination that was not covered by chapter 71 of title 5 when the Postal Reorganization Act was passed. On the other hand, the amendment is in harmony with the Age Discrimination in Employment Act of 1967, and its extension to the Postal Service would thus not be inconsistent with the concept that employment within the Postal Service should in general, be made more nearly comparable to employment in the private sector. As a practical matter, I suspect that the Postal Service would try to comply with the policy embodied in H.R. 8955 regardless of its legal obligation to do so; but if it is the intent of Congress that the Postal Service be subject to the bill as a matter of law, it would seem desirable to include an express provision to that effect.

With respect to the proposed addition to chapter 71 of a new subchapter III, defining a broad new category of employee rights and establishing a detailed statutory mechanism for handling complaints of violations of such rights, I do not believe that the proposed subchapter, as presently drafted, would apply to the Postal Service. The subject matter of the new subchapter has little in common with that of the two subchapters that were in effect when the Postal Reorganization Act was passed, and it has no analogue in the body of federal law applicable to private employers. If the measure were held to be applicable to the Postal Service, moreover, it would have the effect of withdrawing from the collective bargaining process a number of matters—both substantive and procedural—that would have been subject to collective bargaining under the Postal Reorganization Act. Such an intent should not, I think, be inferred lightly.

The applicability to the Postal Service of any amendment to the provisions specified in 39 U.S.C. § 410(b) depends, in the final analysis, upon an interpretation of the intent of Congress in adopting the amendment. The Courts would be hard put, I believe, to impute to Congress an intent to bring the Postal Service within the coverage of an amendment that makes no reference to the Postal Service, that is inconsistent with the principles underlying the Postal Reorganization Act, and that deals with subjects not covered in the provisions that were made applicable to the Postal Service when section 410(b) was enacted. The question raised in your letter is not an easy one, and I hope that you will find these comments helpful.

With kindest personal regards,

Sincerely,

DAVID A. NELSON.

At the present time, there is no prohibition against establishing a maximum age limit for appointments to positions in the excepted service. The existing statutory prohibition—5 U.S.C. 3307—applies only to positions in the competitive service.

Under the provisions of this bill, maximum age requirements for positions in both the competitive service and the excepted service could be established only by the President or his agent.

All positions in the FBI are in the excepted service. A maximum age requirement of 40 years has been established for an appointment to the position of special agent in the FBI. Under the provisions of this bill, the maximum age limit of 40 would have to be established by the President or his agent, subject to congressional approval. The FBI could no longer exercise such authority.

Under the authority of Public Law 91–73, the Secretary of the Interior has established a maximum age limit of 30 years for appointments to the U.S. Park Police. This authority is repealed by H.R. 8085. Such age limit would have to be established by the President or his agent.

The committee has received letters from two agency heads seeking authority to establish maximum age limits for appointments to certain positions.

One letter is from the Attorney General, seeking authority to establish minimum and maximum age limitations for appointments to the following positions—

First. Border Patrol Agent—Immigration and Naturalization Service;

Second. Criminal Investigator—Bureau of Narcotics and Dangerous Drugs;

Third. Correctional Officer—Bureau of Prisons; and

Fourth. Deputy U.S. marshal.

The other letter is from the Secretary of Transportation, seeking authority to establish a maximum age limit for appointments to the position of Air Traffic Controller.

Mr. HALL. Mr. Chairman, would the distinguished gentleman from North Carolina yield?

Mr. HENDERSON. I am delighted to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's statement. I have listened intently. I must say that this is a problem that has bothered me for a long time. In the days of my active practice of medicine and surgery, when I was of necessity required to advise people to retire and live graciously, and try to explain to them why, as well as how, to live graciously, I would often say that a man has a right to elect to die with his boots on. But unfortunately it is not always given to us to know when we are going to continue to be able to pull our boots on or even take them off.

There is nothing that is more sad than perhaps a self-appointedly indispensable individual who has the ravages of physical disease to the point where he is no longer rational, equitable, or exercises good judgment. By the same token, I would hasten to add that there is nothing more beautiful than some grandmother who is an octogenarian, who may be ravaged physically, but who remains mentally acutely aware, awake, and agile.

I do not know how we can fix this. I am worried about three things. I wonder if we are not giving to the executive agency and to the Chief Executive, the various heads of the departments and bureaus, a power which rightly should remain in the Congress to the point where we are eliminating management's tools of discernment.

I am conscious of the fact, as I am sure the distinguished gentleman is, that in recent months and years we have taken away practically all bars to Federal employment—in turn, race, social and national origin, sex—and now we are taking away, in fact, age as a bar to employment—not in the exceptional case alone, but by this action, as I read it, in all cases. It would seem to me that management, whether it be in public trust or whether it be in private enterprise, should have some rules of discernment based on means or averages, with which they could lay an average or make a generally applicable rule.

Mr. HENDERSON. If the gentleman would permit me on that point, his remarks are very much in keeping with the consideration that our subcommittee members gave to this legislation. Here the problem is whether or not the President or his agent, and I believe the Presidential authority granted here would be delegated to the Civil Service Commission—or whether Congress should set maximum entry age for employment in the federal system. The Congress has done this in the past for the Federal Bureau of Investigation. I think a very good case was made than and could be made for the continuation in that instance. As I mentioned in my statement, in 1969, we granted this authority to the Department of the Interior for the Park Police. I personally think that through the action of our subcommittee, in reporting this bill and by granting this authority to the President or his designated agency, we will get the real expertise that I think the gentleman is talking about. An age limit for entrance in the Federal service must be based solely on job-related qualifications. I think if we do not pass this bill, the Congress from time to time in acting will have no sort of uniformity for the entrance requirements as opposed to uniform action by the Civil Service Commission.

Mr. HALL. I hope the gentleman is correct, because the ravages of disease and time hanging over all our heads becomes more and more apparent the older one gets, if he is honest with himself; and we face the same problem, of course, right here in our own operation. As a matter of procedural fact, do I correctly understand from the gentleman that if the Secretary of Defense would come in here and ask for an age limitation for entry and/or retirement of the members of the Armed Forces, we would have only 60 days in which to veto such a request?

Mr. HENDERSON. This would not affect the uniformed military but only our civil service employees within the Defense Department. The Secretary would make the request, I assume, to the Civil Service Commission, if designated by the President, and the Commission would hold the proper hearings and receive the evidence. If based on that record, they decided to make an age limitation in a particular job, they would report that fact together with the justification to the committees of the Congress 60 days before it would go into effect in order to provide the Congress an opportunity to act.

Mr. HALL. And that would be the so-called veto in reverse. If we acted arbitrarily then, it would not go into effect, and it would have the effect then of the Reorganization Act of 1949?

Mr. HENDERSON. The way it is presented, I will say to the gentleman, it does not require congressional action, so in the absence of such action, the proposal would become a requirement. I reiterate, however, that the Congress would have the opportunity by virtue of the 60 days' notice to act before that did become effective.

Mr. HALL. Mr. Chairman, I certainly appreciate the gentleman's forebearance. I, of course, historically am against the veto in reverse where the legislative body, instead of assuming the responsibility and acting in fulfilling its responsibility, allows the executive body to act and then reserves unto itself or one or other of the bodies, so many days in which to act.

Finally, could this not be a two-edged sword, would the gentleman from North Carolina agree, to the effect that if the limits are set too high, it may kill incentive because of the "hangers on" over and above the normally prescribed age of retirement in any one division, department, or operating branch of the Government?

Just a few years ago we here were lowering constantly the ages for retirement, and, of course, retirement is involved. I do not see how we can say, as the report does, that there is practically no cost involved; because if we set the age younger, there is much less contribution of the employee, and the Federal Government and the Federal taxpayers contribute that much more. But be that as it may, my point is the sword cuts both ways, and if people hang around too long, or are extended by the President or his Cabinet members, would it not ruin the incentive within the service?

Mr. HENDERSON. I think the best evidence that the committee received was pertinent to the air traffic controllers under the FAA in the Department of Transportation. A clear case was made because of the unique pressures of that particular job. An air traffic controller is required to suffer pressures that are inherent only in the course of that career. I am sure our committee would have adopted minimum ages for entrance if we had not anticipated the enactment of this legislation. Or, to say it another way, if this bill is not enacted into law, I feel sure our committee will come back and present to the House at least in that instance the minimum age requirement. The objective there would be to insure that we get young men into the service so that they could complete a full course and retire before the job-related problems just get to them and make it impossible for them to perform.

Mr. HALL. I do understand that, and I appreciate the gentleman yielding. My point, though, is just the reverse. Suppose a future Administrator of the FAA came back and said, "No, we erred," as we had during a recent administration when we began to lower the ages for retirement. The Administrator will say, "Let us increase the ages for requirement. Experience is of great value. It is not so difficult any more. Therefore we will require these people to stay until they are 70." At the same time we may find the young air traffic controllers would resign en masse because they could not expect to go to the top brackets in that circumstance. I know it is far-fetched. It does happen with jet fliers, and it could in other matters of severe nerve and physical strain.

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

Mr. HENDERSON. I yield to my chairman on this point, the gentleman from New York.

Mr. DULSKI. Mr. Chairman, I appreciate the chairman of the subcommittee yielding.

The gentleman from Missouri is referring to retirement. There is nothing in this bill relating to retirement. It is only a maximum entry age for appointment to a position in the competitive service. Would the gentleman from North Carolina agree?

Mr. HENDERSON. That is correct.

I might say further to the gentleman from Missouri that we had the proposal before us for earlier retirement for the FAA controllers only.

Of course, I believe it would be far more expensive to the Federal Government if we were to have that early retirement without a requirement for entry age. If we were to grant full retirement for less than a normal 20-year period, it would be more expensive than setting minimum entrance ages allowing for a full career, where possible.

Mr. HALL. I appreciate these informative comments, but things equal to each other come out the same in the end.

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

Mr. HENDERSON. I am delighted to yield to the gentleman from Texas, a member of the committee.

Mr. WHITE. There are three problems in connection with this particular bill, as I see it, and which are addressed by an amendment I will show the gentleman, which I hope to offer for acceptance.

First, as mentioned by the gentleman from Missouri, there is a delegation of authority by the Congress and an abdication of this power to the President. That qualification as to age has always been traditional in the Congress.

Second, in the term of notice to the Congress the bill speaks of 60 days. However, it is not said, "while Congress is in session." It just says to notify the committees 60 days prior to its enforcement or its going into being. That is another pitfall.

Another pitfall I see is that there is a question relating to the validity of notices to committees instead of to the Congress. The amendment I have would call for notice to the Congress, and it would give a 90-day notice to the Congress.

One other section of the amendment I have reaches to what I regard to be a hazard. Suppose a new President came into office, and he therefore had many obligations to fill positions for those who had helped him. This is a practical political reality. Suppose he decided he wanted to find spots for these faithful supporters and that he set a lower level for the occupational age limit, thereby creating new positions, for those who reach the ceiling and therefore have to retire.

Mr. HENDERSON. The gentleman is getting far off the point. Let me say that we are setting only entrance ages. Do not confuse that with those who are in service. Anyone in service would not be affected. This only affects the age of a person entering the service.

Mr. WHITE. For legislative history, the gentleman is saying this would not affect the need for an individual to leave that employment. In other words, it has a built-in grandfather clause with respect to those already in service?

Mr. HENDERSON. This has absolutely nothing to do with employees who have already entered the service or with regard to their retirement.

With regard to the gentleman's first point, I have no objection to the gentleman offering an amendment requesting a 90-day notice for reports made to the Congress. I would be glad to discuss this amendment with him.

Mr. WHITE. I should like to go a little further. What would be the feeling of the gentleman in the well, a very distinguished chairman of this committee, as to this notice to be made to the Congress, giving either House of the Congress the right to veto?

Mr. HENDERSON. I believe the gentleman knows I have opposed that, and would do so on the floor. Of course, that is a decision for the Committee of the Whole to make as we debate the amendment.

Mr. GROSS. Mr. Chairman, will my friend from North Carolina yield?

Mr. HENDERSON. I am delighted to yield to the distinguished gentleman from Iowa.

Mr. GROSS. In response to a question asked by the gentleman from Missouri (Mr. HALL) the gentleman provided an answer but I believe it could be more specific. Is it not true that in the case of review as set forth in this legislation it would still take the enactment of a law by Congress to upset any abuse of what is here provided as to age for entrance into Federal employment?

Mr. HENDERSON. The gentleman is absolutely right. It would take legislative action within 60 days; or thereafter, of course, Congress could exercise its legislative authority. The gentleman is correct.

The CHAIRMAN. The gentleman from North Carolina has consumed 20 minutes.

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

Mr. Chairman, again I find myself in the unpleasant position of opposing a bill from the committee of which I am a member.

Mr. Chairman, this bill has only one real purpose and that is to delegate authority to the President to set maximum age requirements for employment with the Federal Government.

The so-called reaffirmation of congressional policy against age discrimination is totally superfluous in that it has been national policy since 1956 when Congress wrote into the statutes strict prohibitions against age discrimination for employment with the Federal Government.

Additionally, in 1967, Congress enacted the Age Discrimination in Employment Act, making it unlawful for any employer in the private sector to refuse to hire an individual because of his age.

H.R. 8085, while declaring a policy against age discrimination in Federal employment on one hand, turns right around and specifically gives carte blanche authority to the President, or to his agent, to establish age requirements for any and all of the 1,500 job occupations which compose the Federal work force.

I can see some need for a measure of flexibility wherein some machinery might be created to set maximum age requirements for certain specific positions. Types of jobs, for example, where age could possibly be a factor include certain law enforcement personnel, firefighters, and air traffic controllers.

However, Mr. Chairman, I am opposed to the provisions of this bill, which proposes to further abdicate the historic responsibility of Congress in a vital area of national concern, and to bestow this authority upon the President, any President. And particularly since the bill provides for no meaningful congressional oversight of the determinations that might be made by the President.

The one thing that disturbs me most, Mr. Chairman, about this bill is that it is another, in what has become a long series of bills from the committee, of which I am a member, which require the Congress to completely abdicate its historical and constitutional prerogatives and turn those prerogatives over to the executive branch.

For example, in the last 4 years—

We have turned over to the President the authority to set the salaries of Members of Congress, all Federal judges, and all Cabinet officers, and other Federal executives.

We have turned over to the President complete authority to set the pay of all other employees—the so-called rank-and-file employees of the Federal Government—under the statutory salary systems.

We have turned over to the Postmaster General the authority to negotiate the rates of pay for all postal employees.

We have turned over to a so-called independent Postal Rate Commission the authority to set postal rates. I might point out here that the same postal rate increase proposal which this Commission has been considering since last February, under a procedure that has taken over 16,000 pages of printed testimony and involvement by practically every attorney in Washington, is the same postal rate increase which this Congress was ready to approve a year and a half ago, until the Postmaster General stated that postal reform was then more important to him than a postal rate increase.

By reason of the action of the committee of which I am a member, the President of the United States today sets the pay of every officer and employee of the entire Federal Government with the exception of his own pay and that of the Vice President.

I have consistently opposed each of these delegations of authority to the President. I think our actions have not only been unwise but extremely dangerous, and certainly not in the best interests of the American people and constitutional government.

However, getting back to this particular bill, I must emphasize that it represents a dramatic departure from a longtime firm policy wherein the Congress has flatly prohibited all age discrimination in Federal employment and wherein the Congress itself has determined if and where exceptions to that policy should be made.

This bill is opposed, and properly so, by the large employee unions who are most concerned that the wide discretion it imposes on a President, any President, could be abused.

I cannot support the bill and I urge its defeat.

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

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, once again we in the Congress are being asked to approve legislation to diminish the role of the legislative branch by turning over to the executive branch authority to set maximum age limits for appointments in the Federal service. I do not intend to be a part of that effort. This is exactly what H.R. 8085 purports to do and I oppose it on these grounds alone.

Mr. Chairman, let us examine the reasons for this recommendation. We are told that a number of Federal agencies have indicated, and properly so, that they will seek authority from the Congress to set maximum age limits for entry into several types of jobs and, therefore, in the interest of uniformity and appropriate control, it is far better to have this authority vested in the President or his agent. I totally disagree. In 1969, the Congress heard the request of the Department of the Interior for setting maximum age limits for the U.S. Park Police and enacted Public Law 91–73. This action clearly indicates the willingness of the Congress to take action and that—it was receptive to the arguments presented by the Interior Department and approved their request on the basis of logic. What is there in the record to believe that in the future the Congress will not be receptive or that it will not be judicious in its consideration of the views of other agencies in similar exceptions? I, for one, am not satisfied with the answer that we are given, that we must constantly turn over more and more power to the executive branch of Government. Because that branch is the only one capable of dealing with special age problems.

Mr. Chairman, I say the time has come to say "no," I submit that any agency that feels it needs relief from the strict letter of the law can present its case to the Congress and expect to receive a fair hearing. We do it all the time.

Mr. Chairman, I recognize the need for providing flexibility in this area in place of the present outright ban on age limits for entry into the competitive service, but I do not subscribe to the theory which seems to be quite prevalent today, that the executive branch is omniscient and can do a better job than the legislative branch. I believe that in many cases the opposite is true and I will not be a party here today of an effort to turn more of our responsibilities over to the executive branch.

Mr. Chairman, I oppose this legislation.

Mr. GROSS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Chairman, I thank the gentleman for yielding. I know that one of the principal aims of our older citizens these days is to find useful employment, and that seems to be even more

prominent in their needs than even increased social security and other benefits, including hospitalization and other things of that nature.

The thing that concerns me about this legislation is whether or not it is going to provide more opportunity for useful employment for these older citizens who are seeking that kind of outlet, and who have such tremendous talents that should be utilized, and whether or not this will discourage them or deprive them of the chance of such employment.

So I would like to have some answers to that question from someone who is on the committee, and who would be able to answer whether or not this would deprive persons, for instance, who have completed a successful career in business, and who might be utilized in various capacities in the Federal service.

Would this encourage their employment, and give them greater opportunity and give us a better chance to utilize their skills, experience, and talents, or is it going to leave things about the same, or diminish those chances?

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

Mr. McCLORY. I yield to the gentleman from North Carolina.

Mr. HENDERSON. Mr. Chairman, in reply to the inquiry of the gentleman from Illinois let me state that it is envisioned by the hearings and the legislative intent here that the authority granted to set entrance age requirements would be job related clearly, as to whether the age ought to be 35 or 40 is envisioned, the same as we have done for the FBI, and in other positions in the Department of Justice for such as the Border Patrol, the Narcotics Agents, and so on. The only other exception to law enforcement that I know of is the FAA flight controllers. So we do not anticipate that there would be requests for large numbers of positions to be covered under the minimum age entrance requirement.

It is for that reason that we believe that the reporting of their proposed actions to the Congress could give us sufficient oversight in these areas.

Mr. McCLORY. Mr. Chairman, it seems to me that if we would simply abolish or repeal the age discrimination which exists in the law, just flatly, perhaps with exceptions in the area of law enforcement and a few areas like that which the Congress could speak upon, that then we would be responding to the needs and desires of these older citizens.

Mr. HENDERSON. Mr. Chairman, if the gentleman will yield further, I do not quite understand the gentleman's argument because the law now clearly says that there should be no discrimination because of age. So in the Federal law enforcement agencies where clearly there ought to be some age at which you would require the officer or the employee to enter the service that we have got to have either specific legislative authority or this authority to set those ages. And obviously the gentleman is not arguing that a retiree of age 65 ought to have the right to enter the law enforcement field.

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

Mr. GROSS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for the additional time, and I hope the gentleman from Iowa can enlighten me on this subject because I do not seem to be satisfied with the answers so far in regard to my inquiry.

What is the opinion of the gentleman from Iowa with regard to eliminating age as a barrier—as a source of discrimination by this Congress? What is the effect of this legislation on that kind of discrimination which I think is flagrant today, and which is not only depriving our older citizens of their opportunity, but is depriving the Nation of the services, talents, and experience of our older citizens.

Mr. GROSS. I believe the gentleman has addressed the question to me. I think there are a few areas that we ought to take care of, and the Congress ought to take care of those areas, such as law enforcement officers and firefighters, and as I have stated previously here this afternoon, as well as air traffic controllers, those limited areas, but I think we ought to take care of it as far as wiping it out altogether. The point I am trying to make here is that whatever is done ought to be done consistently throughout the Federal Government, and it ought to be done by Congress.

I think it is most inconsistent coming here today and delegating this kind of power to the President or to any President of the United States—present or future. I think we ought to look ourselves in the face if we are going to have this and we ought to set the age requirements for the Congress—why not begin right here among ourselves?

Mr. McCLORY. It seems to me from the gentleman's answer that what we are doing is delegating to the executive branch a responsibility that historically and constitutionally belongs with the U.S. Congress.

If any request for maximum entry age limits are desired by the Federal Government, then it should be the duty of the U.S. Congress to receive testimony by all interested parties and proceed in an orderly and responsible manner. This subject is far too important to be dealt with in any summary fashion.

We, the elected Members of Congress, should and must decide on any maximum entry age limits because too much is at stake for our senior citizens. For these reasons, I must oppose this bill.

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

Mr. HENDERSON. Mr. Chairman, I yield the gentleman 1 additional minute.

I think we want to get on the point that the gentleman is making and I do not think any of us have quite gotten on it.

Mr. Chairman, I will put it this way. The law now provides that there shall be no discrimination because of age. If the gentleman knows any older citizens who have been discriminated against in Federal employment, then that matter ought to be brought to the attention of the Civil Service Commission, and we on the committee would like to have it. But what the gentleman is saying is that older citizens are discriminated against because they are older citizens. We have all the laws we need on the books on that and this legislation has nothing to do on that point.

Mr. GROSS. Mr. Chairman I yield the gentleman 1 minute and if the gentleman will yield to me I will appreciate it.

Mr. McCLORY. I yield to the gentleman.

Mr. GROSS. Let me quote from section 3307, title V.

This reads as follows:

§ 3307. Competitive service: maximum-age requirement; restriction on use of appropriated funds

Appropriated funds may not be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service.[1] (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 419.)

What this bill seeks to do is to repeal this section of the law.

Mr. McCLORY. That is my understanding.

Mr. GROSS. And if we defeat this bill, we will have preserved the statute.

Mr. McCLORY. I thank the gentleman.

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

Mr. McCLORY. I yield to the gentleman.

Mr. ROUSSELOT. Mr. Chairman, I think the point the gentleman from Illinois is making is a correct one. That is we in Congress are delegating away from ourselves the power to make selective and individual choices in given areas where it may be proper to set maximum and minimum age limits. But under this legislation we are now delegating that authority away to the executive branch. I think it is an abandonment of our responsibility to our constituents and to all others involved in Federal employment. I think it is wrong and I think the gentleman from Illinois is making a good point.

Mr. LLOYD. Mr. Chairman, the Washington Post recently published an editorial which pointed out that the 1970 census found 3.5 million more Americans over the age of 65 than in the census taken 10 years previously. The same census further revealed 5 million less persons under the age of 5 years in 1970 than in 1960. This further emphasizes the very dramatic increase in the average age of Americans and underscores the vital necessity of eliminating discriminations in employment based upon age wherever feasible. Older Americans have been and are handicapped in their efforts to retain and secure employment which they are perfectly capable of fulfilling. We must increase our concentration on the job of making older citizens feel integrated rather than segregated from the responsible activities of society.

Therefore, I wish to take this opportunity to voice my support for H.R. 8085, which will establish a congressional policy that will require the Federal Government to promote the employment of persons on their ability, rather than age, and which will prohibit arbitrary dis-

crimination on the basis of age in all employment in the Federal service.

Age by itself should never be a bar to employment, either in private industry or in the Federal Government, and Congress must do all that it can to insure that the Federal Government does not discriminate on the basis of age in its own hiring practices.

This bill is an extension of a congressional policy established in 1956 that prevents the establishment of maximum age ceilings for appointments in the Federal competitive service. At the present time, however, there is no such provision that applies to positions in the excepted services. In keeping with the Government's policy against age discrimination, it seems to me highly desirable that Congress should extend the prohibition of age limits to the excepted services.

Passage of this bill will reaffirm and strengthen our commitment to fight age discrimination and will help guarantee that qualified persons are not excluded from Government service merely because they are older than other applicants for the same position.

This bill is flexible, however, in that it provides that the President can establish maximum age requirements, but only when age is found to be a bona fide occupational qualification.

With the passage of H.R. 8085, we will take another step forward in eliminating age discrimination in Government employment.

Mr. BADILLO. Mr. Chairman, I rise in opposition to H.R. 8085, a bill whose passage has been sought by the administration. It would enable the President, or more realistically, the Civil Service Commission, to establish a mandatory legal maximum age for the initial employment of Federal civilian personnel. In my view, this would be an unwarranted relaxation of the 1956 and 1957 acts which prohibited discrimination in Federal employment on the basis of age.

In examining the record of the hearings on this legislation, I find no adequate justification for imposing a maximum entry age. It seems to me that the present medical examinations for entry into the Federal service are ample safeguards to determine conclusively whether an applicant can properly perform on the job. If the medical departments of the various agencies find applicants fit for duty, no other official or agency should be in a position to invoke arbitrary legal maximum age requirements to deny free access to all jobs of professionally and physically qualified applicants.

In view of the tremendous potential for misuse of such authority, as well as the very limited number of occupations which might properly be subject to such a requirement, I believe this legislation must be rejected.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That (a) subchapter II of chapter 71 of title 5, United States Code, is amended by adding at the end thereof the folowing:

"§ 7155. Maximum-age entrance requirement

"It is the policy of the United States to promote employment of persons based on their ability rather than age and to prohibit arbitrary age discrimination in employment in the Federal service. A maximum-age requirement may be applied in making an appointment to a position in an Executive agency or in the competitive service only when the President, or such agent as he may designate, has established and placed in effect this requirement on the basis of a determination that age is a bona fide occupational qualification reasonably necessary to the performance of the duties of the position. Not later than the 60th day before establishing and placing in effect a maximum-age requirement under this section, the President or his agent shall transmit to the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives a report which includes a full and complete statement justifying the need for that maximum-age requirement.".

(b) The analysis of subchapter II of chapter 71 of title 5, United States Code, is amended by inserting the following new item after item 7154:

"7155. Maximum-age entrance requirement.".

SEC. 2. (a) Section 3307 of title 5, United States Code, is repealed.

(b) The analysis of subchapter I of chapter 33 of title 5, United States Code, is amended by striking out—

"3307. Competitive service; maximum-age requirement; restriction on use of appropriated funds.".

SEC. 3. Public Law 91–73 approved September 26, 1969 (83 Stat. 116) is repealed.

Mr. HENDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

AMENDMENT OFFERED BY MR. WHITE

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

The Clerk read as follows:

Amendment offered by Mr. WHITE: On page 2, line 19, insert "(a)" immediately before the word "It".

On page 2, line 22, strike out the word "A" and insert "Subject to the provisions of subsections (b) and (c) of this section, a" in lieu thereof.

On page 2, line 22, strike out the word "Not" and all that follows down through the second period in line 11 on page 3 and insert in lieu thereof the following:

"(b) When the President or his agent has determined that it is necessary to establish a maximum age requirement for a particular position in an Executive agency or in the competitive service, he shall transmit to the Congress his recommendation concerning such maximum age requirement together with a statement explaining the need for such requirement.

"(c) The maximum age requirement recommended by the President or his agent and transmitted to the Congress under subsection (b) of this section shall become effective at the end of the first period of 90 calendar days of continuous session of the Congress after the date on which the recommendation is transmitted. The continuity of a session is broken only by an adjournment of the Congress sine die. The days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 90-day period.".

Mr. WHITE (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with, and I would like to explain the amendment.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. WHITE) is recognized in support of his amendment.

Mr. WHITE. Mr. Chairman and members of the committee, this amendment follows in line with the colloquy I had with the chairman of the subcommittee.

While the bill provides 60 days notice to the House Post Office and Civil Service Committee and the Senate Post Office and Civil Service Committee, this amendment provides for 90 days notice during a session of the Congress, with the allowance for days of recess of the Congress. This is consonant with the rules of the House.

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

Mr. WHITE. I yield to the gentleman.

Mr. HENDERSON. Mr. Chairman, in behalf of the majority, we accept the amendment.

Mr. WHITE. I thank the gentleman very much.

The purpose of the amendment is to give the Congress more opportunity to look at the Presidential recommendation. Ninety days will enable the Congress, either body of Congress, to initiate legislation to rectify or reverse a Presidential order to keep it in line with what the Congress deems should be a proper age requirement, or to nullify the President's order. So I urge the committee to accept the amendment.

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

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes.

Mr. GROSS. Mr. Chairman, I take this time to ask the gentleman from Texas (Mr. WHITE) if the language which I shall read has not been stricken from his original statement. This is the language—

Unless, between the date of transmittal and the end of the 90-day period, either House adopts a resolution disapproving the maximum age requirement so recommended and transmitted.

Mr. WHITE. I did because of the fear that the sentiment of the House would be against a reverse veto; that is, a veto by the House of a Presidential order. So I limited my amendment as offered to the House to call for a 90-day notice to the Congress.

Mr. GROSS. Then I will have to say to my friend from Texas, whom I hold in high regard and esteem, that his amendment to this bill is little more than window dressing.

Mr. WHITE. It would give the Congress more time to act. The bill as it stands provides a 60-day period.

Mr. GROSS. But if Congress wants to disapprove what a President does by way of this delegated authority with respect to age requirements for entrance into

Federal employment, it would have to pass a law.

Mr. WHITE. If the gentleman feels like a substitute amendment would be in order, I would be happy to vote for such a substitute in line with the wording contained in the original amendment.

Mr. GROSS. I should like to have some immediate recourse on the part of Congress. You have stricken that language from your amendment, and as ineffective as that would be, it would still be some brake upon the executive.

I urge defeat of the pending amendment, my colleagues, because it does nothing except provide something on the order of a half-baked review. It adds nothing to this bill, which is bad on the face of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 17, noes 32.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WHITE

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

The Clerk read as follows:

Amendment offered by Mr. WHITE: on page 2, line 19, insert "(a)" immediately before the word "It".

On page 2, line 22, strike out the word "A" and insert "Subject to the provisions of subsections (b) and (c) of this section, a" in lieu thereof.

On page 3, line 4, strike out the word "Not" and all that follows down through the second period in line 11 on page 3 and insert in lieu thereof the following:

"(b) When the President or his agent has determined that it is necessary to establish a maximum age requirement for a particular position in an Executive agency or in the competitive service, he shall transmit to the Congress his recommendation concerning such maximum age requirement together with a statement explaining the need for such requirement.

"(c) The maximum age requirement recommended by the President or his agent and transmitted to the Congress under subsection (b) of this section shall become effective at the end of the first period of 90 calendar days of continuous session of the Congress after the date on which the recommendation is transmitted unless, between the date of transmittal and the end of the 90-day period, either House adopts a resolution disapproving the maximum age requirement so recommended and transmitted. The continuity of a session is broken only by an adjournment of the Congress sine die. The days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 90-day period.".

Mr. WHITE (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. I shall explain the amendment.

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

There was no objection.

Mr. WHITE. Mr. Chairman, this amendment is precisely the same as the originally prepared amendment to which attention was called by the gentleman from Iowa (Mr. GROSS). I have restored the wording with the one sentence which would give the Congress the right to veto a Presidential order for a change of age requirements. In other words, in totality this amendment would call for the President, upon making a finding, to present his recommendation to the Congress 90 days prior to the instituting of the age limit change.

At that time either House of Congress could then veto the Presidential order and it would be annulled. That is the effect of this amendment.

Mr. HENDERSON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas. I think the Members who have been on the floor understand exactly what the situation is, so I do not think it is necessary for us to repeat that the Congress must act to disapprove the recommendation of the President in this particular instance. But the provision of the amendment that the committee just turned down, which, I might add, this side was willing to accept, still reserved to the Congress the right to act. So really what we are saying is we either do it by disapproving the President's action or pass a bill setting the age that we think ought to be set, if any, in that particular instance.

It is not a matter of great importance but only of procedure. I still think the bill reported from the committee is much better without the amendment offered by the gentleman from Texas. I hope the amendment will be defeated.

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

Mr. Chairman, I think in my opening remarks on this bill I stated that this gives authority to set a maximum age limit, which we feel will not be abused by the President or his designated agent.

The provisions of the bill that were ordered reported by the committee include a requirement, in the sentence beginning in line 4 on page 3 of the reported bill, that before any age requirements may be placed into effect a report must be transmitted to the Post Office and Civil Service Committees of the House and the Senate. The report is required to include a statement justifying the need for any maximum age requirements, and must be transmitted at least 60 days prior to the date that a maximum age requirement is placed into effect.

The committee felt that 60 days' advance notice for establishment of such age requirements was sufficient to afford the committee an opportunity to examine the matter and take such action as may be appropriate, but the language does not provide any veto authority by either of the committees or by the Congress.

The amendment pending before the committee at this time would strike out such language of the reported bill, and establish a procedure that would permit a congressional veto of the proposed maximum age limitation.

Mr. Chairman, this same amendment was offered by the gentleman from Texas when the Subcommittee on Manpower and Civil Service was marking up the bill. An amendment was offered as a substitute amendment the provisions which require the proposal to be reported to the committees, but the amendment did not contain any veto authority. The substitute was adopted by the subcommittee, with one dissenting vote. The same amendment was then offered again in the full committee, and was defeated by a record vote of 7 to 8.

Mr. Chairman, while I have supported in the past proposals that provide congressional vetoes of recommended actions by the executive branch, I see no justification for extending that authority in this case. I am convinced that we have provided adequate safeguards in the bill by requiring the reporting to the Congress. It is a greater safeguard than is required by existing law, applying, for example, to the Secretary of the Interior, who is authorized under Public Law 91–73, to fix the minimum and maximum limits of age within which original appointments to the U.S. Park Police may be made.

Mr. Chairman, I see no justification for this amendment, and urge that it be voted down.

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

Mr. Chairman, I have never liked these provisions which provide for back door, after the fact, disapprovals. In this case it would be disapproving an action that would set aside something that had already been promulgated by the President. I do not like it, but it would improve this bill if it is to be passed by the House. I would suggest adoption of the amendment and a vote against the bill, because even with the amendment, it does not stop another serious unnecessary delegation of power to the executive branch of the Government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

The amendment was agreed to.

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

I rise in opposition to H.R. 8085. In my opinion, passage of H.R. 8085 would be a relaxation of the principle expressed in the Independent Offices Appropriation Act of 1957, when Congress first became aware of the emerging problem of the unemployability of workers of 40 years of age or more.

It has been said that some people are old at 50, while others are still young at 65. Professional competence, physical health, and ability to meet the basic requirements of the job, coupled with the present medical examination for entry into the Federal service, are much more meaningful criteria for employment in the Federal service, in my opinion, than setting an arbitrary age limitation.

Congress has already granted an exception to this in Public Law 91–73 in the case of the U.S. Park Police when they authorized the Secretary of the Interior to determine the minimum and maximum age within which original appointments could be made to this service.

Should other agencies determine that a similar exception should be made in their case, I feel that legislation should be requested by the relevant authorities, rather than granting a blanket over-all authority for age requirements, which H.R. 8085 would authorize.

This bill was opposed in committee hearings by union representatives, who testified that this was just another example of the executive department attempting to usurp the constitutional prerogatives of the Congress. Let me suggest that my colleagues examine the testimony of John Griner, president of the American Federation of Government Employees in this respect, which begins on page 15 of the hearings held on July 20 and 21, 1971. I, for one, agree with him, and urge my colleagues to defeat this measure.

Mr. Griner said:

We see no justification whatsoever to establish a mandatory legal maximum age for the initial employment of Federal civilian personnel.

He continued, on page 16:

You know, Mr. Chairman, I have said many times, some people are old at age 50 while other people are young at age 65.

I see no need for this legislation, Mr. Chairman, and urge that it be defeated.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

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. WAGGONNER, 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. 8085) relating to age requirements for appointments to positions in executive agencies and in the competitive service, pursuant to House Resolution 616, 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.

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.

The SPEAKER. The question is on the passage of the bill.

The question was taken.

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

The SPEAKER. 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 81, nays 249, not voting 101, as follows:

[Roll No. 10]

YEAS—81

Abernethy	Brown, Mich.	Dingell
Aspinall	Burlison, Mo.	Dorn
Baker	Caffery	Dulski
Betts	Chamberlain	Erlenborn
Biester	Chappell	Fascell
Boggs	Collier	Ford, Gerald R.
Bolling	Colmer	Frelinghuysen
Bray	Cotter	Gettys
Broomfield	Curlin	Gibbons
Brotzman	Davis, S.C.	Griffin
Halpern	McCollister	Preyer, N.C.
Hamilton	McCormack	Purcell
Hammer-schmidt	McDonald, Mich.	Quie
Hastings	McKay	Randall
Hathaway	McKevitt	Rees
Hechler, W. Va.	Macdonald, Mass.	Reid
Henderson	Mallary	Robison, N.Y.
Hogan	Melcher	Rodino
Ichord	Miller, Ohio	Rosenthal
Jacobs	Minish	Roush
Johnson, Calif.	Mollohan	Schwengel
Jones, Ala.	Montgomery	Smith, N.Y.
Jones, N.C.	Morse	Taylor
Kee	Mosher	Thone
Leggett	Pike	Waggonner
Lloyd	Poff	Ware
Lujan		White
		Wylie

NAYS—249

Abourezk	Gallagher	Pepper
Abzug	Garmatz	Perkins
Adams	Gaydos	Pickle
Addabbo	Giaimo	Pirnie
Anderson, Calif.	Goldwater	Poage
Anderson, Ill.	Gonzalez	Podell
Andrews	Goodling	Powell
Archer	Green, Pa.	Price, Ill.
Ashley	Griffiths	Price, Tex.
Badillo	Gross	Pucinski
Barrett	Grover	Quillen
Begich	Gubser	Rangel
Belcher	Gude	Rarick
Bennett	Hagan	Reuss
Bergland	Haley	Riegle
Bevill	Hall	Roberts
Bingham	Hanley	Robinson, Va.
Blackburn	Hanna	Roe
Boland	Hansen, Wash.	Roncalio
Brademas	Harsha	Rooney, N.Y.
Brooks	Harvey	Rooney, Pa.
Brown, Ohio	Hawkins	Rostenkowski
Broyhill, N.C.	Heinz	Rousselot
Broyhill, Va.	Helstoski	Roybal
Buchanan	Hicks, Mass.	Ruppe
Burke, Fla.	Holifield	Ruth
Burke, Mass.	Horton	Ryan
Burleson, Tex.	Howard	Sandman
Burton	Hull	Sarbanes
Byrne, Pa.	Hungate	Satterfield
Byrnes, Wis.	Hunt	Saylor
Byron	Hutchinson	Scherle
Cabell	Jarman	Scheuer
Carter	Johnson, Pa.	Schmitz
Casey, Tex.	Karth	Scott
Cederberg	Kastenmeier	Sebelius
Celler	Kazen	Seiberling
Chisholm	Keating	Shipley
Clancy	Keith	Shoup
Clausen, Don H.	Kemp	Shriver
Clawson, Del	King	Skubitz
Clay	Koch	Slack
Collins, Ill.	Kuykendall	Snyder
Collins, Tex.	Kyl	Spence
Conable	Kyros	Springer
Conyers	Landgrebe	Staggers
Coughlin	Lent	Stanton, James V.
Crane	Link	Steed
Daniel, Va.	Long, Md.	Steiger, Ariz.
Daniels, N.J.	McClory	Stratton
Danielson	McCloskey	Stubblefield
Davis, Wis.	McCulloch	Sullivan
de la Garza	McDade	Symington
Delaney	McEwen	Talcott
Dellenback	McFall	Teague, Calif.
Dellums	McKinney	Teague, Tex.
Denholm	McMillan	Terry
Devine	Madden	Thompson, Ga.
Dickinson	Mahon	Thompson, N.J.
Donohue	Mann	Thomson, Wis.
Dow	Mathias, Calif.	Tiernan
Dowdy	Mathis, Ga.	Ullman
Drinan	Matsunaga	Van Deerlin
Duncan	Mayne	Vander Jagt
du Pont	Mazzoli	Vanik
Eckhardt	Meeds	Veysey
Edwards, Ala.	Miller, Calif.	Vigorito
Edwards, Calif.	Mills, Md.	Whalen
Eilberg	Minshall	Whalley
Esch	Mizell	Whitehurst
Evans, Colo.	Monagan	Whitten
Findley	Morgan	Widnall
Fish	Murphy, Ill.	Wiggins
Fisher	Myers	Williams
Flood	Natcher	Wilson, Bob
Flowers	Nedzi	Winn
Foley	Nichols	Wyatt
Ford, William D.	Obey	Wyman
Fountain	O'Hara	Yates
Fraser	O'Neill	Young, Tex.
Frenzel	Passman	Zablocki
Fuqua	Patman	Zwach
	Patten	
	Pelly	

NOT VOTING—101

Abbitt	Flynt	Nix
Alexander	Forsythe	O'Konski
Anderson, Tenn.	Frey	Pettis
Annunzio	Fulton	Peyser
Arends	Galifianakis	Pryor, Ark.
Ashbrook	Grasso	Railsback
Aspin	Gray	Rhodes
Baring	Green, Oreg.	Rogers
Bell	Hansen, Idaho	Roy
Biaggi	Harrington	Runnels
Blanton	Hays	St Germain
Blatnik	Hébert	Schneebeli
Bow	Heckler, Mass.	Sikes
Brasco	Hicks, Wash.	Sisk
Brinkley	Hillis	Smith, Calif.
Camp	Hosmer	Smith, Iowa
Carey, N.Y.	Jonas	Stanton, J. William
Carney	Jones, Tenn.	Steele
Clark	Kluczynski	Steiger, Wis.
Cleveland	Landrum	Stephens
Conte	Latta	Stokes
Corman	Lennon	Stuckey
Culver	Long, La.	Udall
Davis, Ga.	McClure	Waldie
Dennis	Mailliard	Wampler
Dent	Martin	Wilson, Charles H.
Derwinski	Metcalfe	Wolff
Diggs	Michel	Wright
Downing	Mikva	Wydler
Dwyer	Mills, Ark.	Yatron
Edmondson	Mitchell	Young, Fla.
Edwards, La.	Moorhead	Zion
Eshleman	Moss	
Evins, Tenn.	Murphy, N.Y.	
	Nelsen	

So the bill was rejected.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Arends.
Mr. Hébert with Mr. Bow.
Mr. Hays with Mr. Rhodes.
Mr. Biaggi with Mrs. Dwyer.
Mr. Blatnik with Mr. Ashbrook.
Mr. Brasco with Mr. Mailliard.
Mr. Kluczynski with Mr. Michel.
Mr. Mikva with Mr. Conte.
Mr. Wolff with Mr. Cleveland.
Mr. Sikes with Mr. Young of Florida.
Mr. Sisk with Mr. Martin.
Mr. Blanton with Mr. Bell.
Mr. Carey of New York with Mrs. Heckler of Massachusetts.
Mr. Clark with Mr. Peyser.
Mr. Moorhead with Mr. Dennis.
Mr. St Germain with Mr. McClure.
Mr. Fulton of Tennessee with Mr. Nelsen.
Mr. Evins of Tennessee with Mr. Latta.
Mr. Flynt with Mr. Derwinski.
Mr. Dent with Mr. Schneebeli.
Mr. Davis of Georgia with Mr. Jonas.
Mr. Lennon with Mr. Frey.
Mr. Jones of Tennessee with Mr. O'Konski.
Mr. Stephens with Mr. Hillis.
Mr. Yatron with Mr. J. William Stanton.
Mr. Charles Wilson with Mr. Eshleman.
Mr. Moss with Mr. Hosmer.
Mr. Murphy of New York with Mr. Pettis.
Mr. Gray with Mr. Railsback.
Mrs. Green of Oregon with Mr. Forsythe.
Mr. Rogers with Mr. Smith of California.
Mr. Stuckey with Mr. Hansen of Idaho.
Mr. Smith of Iowa with Mr. Steiger of Wisconsin.
Mr. Aspin with Mr. Steele.
Mr. Abbitt with Mr. Wampler.
Mr. Edmondson with Mr. Camp.
Mr. Anderson of Tennessee with Mr. Wydler.
Mr. Baring with Mr. Zion.
Mr. Corman with Mr. Stokes.
Mr. Roy with Mr. Nix.
Mrs. Grasso with Mr. Mitchell.
Mr. Metcalfe with Mr. Diggs.
Mr. Carney with Mr. Hicks of Washington.
Mr. Udall with Mr. Waldie.
Mr. Wright with Mr. Alexander.
Mr. Brinkley with Mr. Long of Louisiana.
Mr. Culver with Mr. Downing.
Mr. Galifianakis with Mr. Pryor of Arkansas.
Mr. Runnels with Mr. Mills of Arkansas.
Mr. Harrington with Mr. Landrum.

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

Messrs. BARRETT, HANNA, BURKE of Massachusetts, MILLER of California, BEGICH, LENT, DONOHUE, GARMATZ, CLANCY, HORTON, MILLS of Maryland, TERRY, PEPPER, and GREEN of Pennsylvania changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HENDERSON. 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. 8085 and to include extraneous matter.

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

There was no objection.

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 remainder of this 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 gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the question of the distinguished minority leader, we have completed the legislative program for this week.

Next week, on Monday, we have scheduled H.R. 10086, national park appropriations ceilings and boundaries, under an *open* rule with 1 hour of debate.

Tuesday there will be a call of the Private Calendar, to be followed by consideration of S. 748, Inter-American Development Bank, under an open rule, with 1 hour of debate; S. 749, Asian Development Bank, under an open rule, with 1 hour of debate; and S. 2010, International Development Association, under an open rule with 1 hour of debate.

For Wednesday and the balance of the week we have scheduled:

H.R. 7987, Bicentennial Commission medals, subject to a rule being granted;

H.R. 11394, U.S. district judgeships, under an open rule with 1 hour of debate; and

H.R. 12089, Special Action Office on Drug Abuse, subject to a rule being granted.

Conference reports may be called up at any time.

Mr. GERALD R. FORD. Mr. Speaker, may I ask the distinguished majority leader a question? It would appear from that schedule, as well as the general arrangements that we talked about last week, there would not be a session on Friday?

Mr. BOGGS. I believe that is a reasonably safe assumption. I would expect to conclude this program on Thursday.

Mr. GERALD R. FORD. I thank the gentleman.

ADJOURNMENT OVER TO MONDAY, JANUARY 31, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday of next week, February 2.

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

There was no objection.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE REPORT ON H.R. 8382

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight Friday, January 28, to file a report on H.R. 8382, a bill to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes.

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

There was no objection.

THE WAR IN VIETNAM

The SPEAKER pro tempore (Mr. HUNGATE). Under a previous order of the House the gentleman from Ohio (Mr. WHALEN) is recognized for 15 minutes.

Mr. WHALEN. Mr. Speaker, when I was sworn in as a Member of Congress on January 10, 1967, I accepted the Vietnam war as an unhappy fact of life. I neither supported it, nor did I publicly oppose it.

Eighteen months later, after a great deal of serious study and deep soul-searching, I came to the conclusion that this Nation's military involvement in Vietnam was contrary to our own interests. Therefore, I determined that we should terminate our activties in Southeast Asia.

Since then, I have enunciated my opinions on this subject many times in speeches on the House floor and by other means. Essentially, my position has centered on two points. First, every stated objective for our presence in Vietnam has been repudiated. Thus, it is clear we do not know why we are there. Second, aside from that fact, any benefits which have accrued to us from this conflict have been far outweighed by the human, economic, and political costs we have sustained.

These views have led me to engage actively in efforts to bring an expeditious end to our participation in the Vietnam war.

In 1969, I stated on the House floor that I could not support the fiscal year 1970 Department of Defense Appropriations bill unless "it was amended to require complete U.S. troop withdrawal, effective December 31, 1970."

In 1970, I was among the original sponsors of the resolution which later became known as the Vietnam Disengagement Act.

In 1971, it fell my lot, by virtue of my position on the House Armed Services Committee, to carry the ball on the so-called "end-the-war amendments." Specifically, I coauthored the Nedzi-Whalen amendment which, since it was offered to the fiscal year 1972 military procurement bill, had very limited application. On June 28, 1971, my motion to instruct the House conferees to accept the Mansfield amendment to the draft bill was defeated. On October 19, 1971, had I been recognized, I would have offered this motion again. One hundred and ninety-three Members voted against the previous question on the motion to recommit to try and give me that opportunity.

During debate on any given issue, differences are accentuated. The focus is not on areas of agreement. This is the essence of debate. Consequently, it may appear that I have opposed in every respect the administration's Vietnam policy. In fact, however, I agree with a number of its aspects.

First, I concur in its direction. Before President Nixon acceded to office, the number of American troops in Vietnam had increased to 549,500. Since January, 1969, our Vietnam force has been substantially reduced. By May of this year American troop levels will reach 69,000.

Second, these withdrawals are implicit agreement with my view that it is not in our interest to be in Vietnam.

Third, logistically, it would not have been possible to withdraw all U.S. troops by January 1, 1970.

Therefore, our disagreement actually centered on the question of timing. For the reasons, which I have stated frequently and which I have just reiterated, I believe that withdrawal should have been at a faster rate. The President, for his own reasons, has felt otherwise.

Despite the question of timing, the President and I obviously share the goal of complete withdrawal. The plan I have advocated to obtain that goal consists of setting a tentative withdrawal date, usually within 6 to 9 months, subject to Hanoi and Vietcong acceptance of certain conditions. These qualifications include: first, the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such government; and second, negotiations with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

In supporting this approach, I, of course, could give no assurances to my colleagues in the House of Representatives that the North Vietnamese and the Vietcong would accept such an arrangement. Needless to say, it was my most profound hope that the other side would find it acceptable.

As all of us learned less than 48 hours

ago, President Nixon privately, and now publicly, has adopted the essential elements of the position which I have advocated.

Mr. Speaker, my purpose in offering these remarks this afternoon is twofold. Since I have been a critic in the past, fairness dictates that I acknowledge that my views and those of the President now coincide on this issue. Accordingly, I also want to express my gratitude to the President for embarking on this course. For me to fail to do so would, in my view, be less than honest.

In closing, just as I could offer no guarantee that the Nedzi-Whalen or Mansfield amendments would meet with the approval of the North Vietnamese, so too, the President cannot assure us, and has not assured us, that his effort will be favorably received. For the sake of the generation of peace, another goal which the President and I share, and for the sake of the fullest development of all mankind, we pray that an agreement will be possible. Surely, we can be hopeful since Hanoi, while assailing the President's plan, has not rejected it outright.

Even if rejection should be the response, I believe that it is clear that neither the President nor the Congress will stop at this point. Clearly, the President's offer is flexible enough to permit a continuation of negotiations. Nevertheless, should negotiations ultimately fail, I would hope that the President will not halt the withdrawal schedule. Naturally, negotiation, which would both end the fighting and terminate our involvement, is the preferred approach. However, the goal of bringing our forces home remains paramount.

APPALLING STATISTICS ON ABORTIONS IN NEW YORK STATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, I was appalled to read in a recent issue of Trial magazine a statement that the first-year statistics on New York State's liberalized abortion law "disclosed a gratifying, dramatic decrease in abortion-related medical complications and maternal mortality rate as compared to the year preceding the ready availability of legalized abortion."

The appalling aspect of this statement is that, immediately preceding this pronouncement, the article indicates that 64 percent of the abortions in New York State were done for women from other States and communities.

In other words, Mr. Speaker, this "gratifying, dramatic decrease" in abortion complications refers only to 36 percent of the women who were aborted in New York State. The other 64 percent from out of State return to their home States immediately after being aborted and any followup complications will only surface in the statistics of their home States.

Because of my stanch opposition to the liberalization of abortion laws, several physicians from around the country have written to let me know of the patients to whom they have had to give remedial treatment after complications arising from New York abortions. In some cases, such remedial treatment is too late, as in the case of a young Ohio woman who died shortly after she was brought to her Ohio doctor after complications from a New York abortion.

Mr. Speaker, I have spoken many times in this Chamber in opposition to the liberalization of abortion laws throughout the country. However, my opposition becomes even more firmly established when statistics are twisted to give some very sad cases a rosy glow. Let us not forget as well that the New York State statute, which passed the New York Legislature by one vote in 1970, has in its first year caused the death of 200,000 unborn innocents.

TRANSPORTATION LABOR-MANAGEMENT DISPUTES ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, transportation strikes have caused more concern and discussion in Congress in the past 5 years than any other type of labor-management dispute. This is so because such strikes can quickly bring the entire Nation to its knees.

Hardships from prolonged strikes are shared by everyone—the families of workers on strike, management, stockholders, the local community, and ultimately the entire Nation. Third parties—like farmers—are directly affected but have little, if any, way to influence the settlement.

The dockworkers strikes on virtually all of our ocean ports, which began in mid-1971 and are still unresolved, are prime examples of heavy losses suffered by the entire Nation when labor-management disputes continue for an extended period.

Before President Nixon invoked the Taft-Hartley law, the Nation's wheat, feed grains, and soybean farmers had reaped a harvest of despair. Record crops resulted in depressed prices even before the effect of the strikes was felt. With docks struck, marketing of the harvest came to a halt. Corn was piled in city streets. Customers waiting overseas with cash so badly needed to shore up our sagging balance of payments began to look elsewhere for supplies.

The effect on market prices resulted in direct loss to the Nation's grain farmers of $1 million each day the strike continued. Several foreign importers diverted ships from our shores to make their purchases of grain in Mexico and Canada. These customers may be hard to win back.

Japan, our leading overseas agricultural market, has already asked other nations to increase grain production. It seeks to lessen its dependence on American exports.

In his message last Friday, President Nixon said:

> Layoffs, reduced operations, and even business failures also hang over the heads of many other Americans who engage directly or indirectly in exports. Some areas are specially vulnerable, such as the state of Hawaii, which has been hit by shortages of vital supplies, mounting food costs and unemployment rates unmatched for half a generation. Also hard pressed are California, Oregon, and Washington.

To this list of hard pressed I add the grain farmers of the Midwest and particularly my home State of Illinois. They have sold much of their corn crop for 10 cents per bushel below the price normally received and 25 cents per bushel below normal prices for soybeans, and in some cases below production costs. These losses cannot be recovered. Farmers have had no choice but to tighten their belts.

A recent independent survey of Illinois farmer attitude toward the dock strike showed that 88 percent are certain that the dock strike lowered their grain prices.

These same farmers feel the Federal Government should take decisive action to prevent such strikes. Of those polled, 43.5 percent favor legislation requiring management and labor to submit differences to compulsory arbitration, 13.5 percent favor stopping the strikes after 30 days, and 41.5 percent favor complete prohibition of these strikes.

The impact of the dock strike is felt throughout the Nation. According to the U.S. Department of Agriculture the loss to farmers producing tobacco will be $1 million just to recondition the tobacco for export.

There will be a similar loss in fruits, vegetables, and perishables. It is difficult to estimate the loss, but for July and August approximately $215 million in export sales were lost through west coast port strikes. About $40 million in fresh fruit and vegetables was totally spoiled.

In the Pacific Northwest more than $55 million in wheat export sales were lost. In Nebraska, Kansas, Oklahoma, and Texas, wheat shipments were off, because of uncertainty as to whether the strike would affect Texas ports. Shipments decreased 664,000 tons, representing about $40 million in market value.

In Ohio 1.5 million bushels of corn had to be dumped on the ground without proper storage because of the dock strike. In Illinois 4 million bushels were stored on the ground. In Oregon the wood products industry lost shipments of $5 million a week due to the dock strike.

The Taft-Hartley law has proven effective in many strikes. But it has not provided the necessary means for settling most strikes affecting the shipping and transportation industries. Only one of the seven stevedoring strikes and two of the three maritime strikes which have occurred since 1947 were settled during the 80-day cooling-off period provided by a Taft-Hartley injunction. A 30-percent record of success is not good enough when the strikes cause so much hardship to the public.

Unfortunately, Congress has done little to ease the hardship caused when transportation workers and their employers cannot reach agreement on wages and working conditions. President Nixon submitted legislation to deal with transportation strikes over 2 years ago, but no action has yet been taken. Although millions of dollars have been lost and great suffering endured by the people, Congress has not acted.

In an attempt to present another al-

ternative legislative approach to the problem of strikes in the transportation industry, nine of my colleagues are today joining Congressman MICHEL and me in introducing the Transportation Labor-Management Disputes Act of 1972.

This legislation provides the President with new effective tools for settling actual or potential transportation strikes. At the same time, the bill recognizes the legitimate interests of both labor and management.

Here is how this act will operate. In any case where an actual or threatened strike or lockout imperils the health or safety of the Nation or a substantial part, or could deprive any section of the country of essential transportation services, the President is authorized by this bill to appoint a board of inquiry to study the issues, file a public report and submit to the President a recommendation for settlement of the strike, Upon receipt of the board of inquiry's report, the Secretary of Labor may take one or more of the following steps:

First. Order the unions back to work for 30 days.

Second. Call for partial operation of struck facilities.

Third. Order both labor and management to submit a list of resolved and unresolved issues, together with their final offers for settlement of the strike.

Fourth. Appoint a three-member panel empowered to select the final offer from those submitted and make it binding upon all parties for 18 months.

The bill differs significantly from the administration's proposal, in that it specifically is designed to cover those strikes which deprive any section of the country of essential transportation services, even if the strike does not threaten the entire Nation. Last fall, during the strike at Chicago and west coast ports, the Justice Department was denied an 80-day Taft-Hartley injunction at Chicago, because the strike was too localized. As a result, many farmers throughout the Midwest were brought to the brink of financial ruin by actions over which they had no control.

Other differences between this bill and the administration's are the increased flexibility it provides to the President in the way he decides to deal with individual strikes and the 30-day "cooling-off period" for regional strikes.

The bill leaves untouched the provision in the Taft-Hartley Law authorizing the President to seek an 80-day "cooling off" period during strikes which imperil the national health or safety. But it does add other remedies for strikes which may not be national in scope, or fit the exacting criteria of Taft-Hartley. Such strikes can adversely affect millions of people and cost many millions of dollars.

This legislation is badly needed. It will prevent the great losses and hardships long-term transportation strikes often cause. It will avoid the necessity of the President asking Congress to settle individual strikes, as he did in his message of January 21 regarding the west coast dock strike. Clearly legislated settlements are not in the best interests of labor or management. Congress and the executive branch abhor such action and the struck industry is unhappy with the prospects of a contract over which they have little control or direction.

NATIONAL BIKECOLOGY WEEK, MAY 1–7, 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, we are presently engaged in a phenomenon which is sweeping the Nation—the reemergence of the bicycle as a functional and pleasurable mode of transportation. Corresponding with an increase in the national awareness for the need to combat pollution, the bicycle is taking its place alongside all other systems of transportation in terms of viability and efficiency.

Importantly, it must be realized that cycling is not a fad. Secretary of Transportation John Volpe has stated that—

As far as I am concerned . . . bicycles have equal rights with automobiles on our city streets.

Due to the serious concern of all Americans to clear the air of contaminants and exhaust fumes, there is developing, at staggering proportions, a national move toward making the bicycle an alternative to the automobile as a means of transportation.

Due to breakthroughs in bicycle technology, namely the development of the 10-speed bike, a wider range of people are being afforded the opportunity of enjoying themselves while bicycling. This year alone, an estimated 10 million bicycles will be sold, compared with 3.7 million in 1960. All told, nearly 80 million Americans are bicycle riding, twice as many as a decade ago. Hertz car-rental company is now leasing bicycles in 14 cities around the country and facilities for bicycle parking have appeared on such places as New York's Fifth Avenue and in many Government buildings.

Last May 8 over 45 cities held bikecology days. Some efforts brought forth citywide participation to enjoy the new life of spring in cities emerging from April showers and chilly temperatures. In Washington, D.C., 150 cyclists, undeterred by rain, biked with the Secretary of Transportation Volpe and City Councilman Gilbert Hahn for 7 miles along Rock Creek Parkway to the Washington Monument. Spurred by this, Sunday bike-ins saw over a thousand enthusiastic cyclists on the parkway which was closed to auto traffic for a few hours. Seventeen of you joined me in a Capitol Hill ride to publicize National Bikecology Day. Other cycling citizens throughout the country enjoyed partially closed off streets in shopping areas for an ambience long forgotten.

This economical, invigorating, short distance, individualized mode of transportation has quietly resurfaced in America as one of the resourceful, nonpolluting and demonstrative solutions to the emerging national need for a daily short distance urban movement. We have sidewalks and streets. Somewhere we need to find room for 3 to 6 feet for bicycle safety lanes.

Communities and States throughout America are giving cognizance to this century-old vehicle. Some are making more elaborate changes than others. A national movement toward including this means of moving about in a balanced transportation plan is definitely afoot. Let us lend support to this movement by declaring May 1–7, 1972 as National Bikecology Week.

My distinguished colleagues ED KOCH of New York and JEROME WALDIE of California having joined me as prime sponsors of this legislation, and the Honorable Senator ALAN CRANSTON of California is introducing the same measure on the Senate side.

This legislation reads as follows:

H.J. RES. 1033

Whereas, nearly 80 million Americans are bicycling today, almost twice as many as a decade ago; and

Whereas, the health and the quality of life of urban Americans are increasingly threatened by congestion and air pollution; and

Whereas, the automobile is the major source of air pollution and congestion in our urban areas; and

Whereas, the bicycle is an efficient, nonpolluting and healthful alternative to the automobile as a means of commuter transportation; and

Whereas, it is in the national interest to promote a more balanced transportation system that places less stress on our environment; and

Whereas, this national interest can be enhanced by encouraging the use of the bicycle and focusing public attention on the individual and community benefits that can be gained from bicycling; now

Therefore be it resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, that

The week of May 1–7, 1972, is designated as National Bikecology Week and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

SPONSORS OF THIS LEGISLATION

Seymour Halpern, Ed Koch, Jerome Waldie, Bella Abzug, Les Aspin, Joshua Eilberg, Edwin Forsythe, Ella Grasso.

Gilbert Gude, Jack Kemp, Peter Kyros, Robert Leggett, Clarence Long, Romano Mazzoli, Patsy Mink, Parren Mitchell, Claude Pepper.

Jerry Pettis, William Roy, Bill Ryan, Paul Sarbanes, Fernand St Germain, John Terry, Robert Tiernan, Louise Day Hicks.

I would like to take this opportunity to insert in the RECORD a concise and cogent article entitled "Why National Bikecology Week?" Prepared by the national organization, Friends for Bikecology, I believe this article vividly points out the need to establish a National Bikecology Week.

With the upsurge in bicycling reaching into every corner of the Nation and cutting across all age groups, it is high time that recognition be given to the singular place this pastime has had as an American tradition and the broadening features it holds for the American future. The article follows:

WHY NATIONAL BIKECOLOGY WEEK?

Before the turn of the century, bicycling was a way of life for Americans. Bike enthusiasts banded together, compiled road maps, and lobbied for paved roads that would carry them into the virgin countryside. Unfortu-

nately, their efforts served only to aid Henry Ford and his followers; soon the roads were swarming with cars.

For the first time since 1897, it is predicted that this year more bicycles will be sold in America than cars—approximately 10 million. Yet in the entire nation there are only a few miles of bikeways—mostly adaptations of roads designed and built for cars. Despite the growing army of cyclists, and their efforts to establish biking routes, their needs continue to be ignored . . . perhaps because government officials and the general public have been slow to get the word on us "bikeys".

For almost three quarters of a century, America's "car culture" has shoved us aside. Our society has for years been molded—socially, economically, even geographically—to accomodate the "insolent chariots" and all their supportive fixtures. All of us (yes, even cyclists) are in the habit of spending a great portion of our lives commuting on jam-packed freeways, ferrying our families around the community, and making the rounds of shopping centers and drive-in facilities ranging from car washes to restaurants to banks and even to churches. "What's wrong with all that?" some will ask. After all, automobiles are popular because they are a fast, convenient, and personal form of transport. We like cars, if they are kept in their proper perspective. But we also like bicycles—and trains, tramways, trolley cars—and walking shoes! And we also like the right of having quietness and clean air and green, spacious countryside. And we believe that the poor, the elderly, and the isolated deserve equal rights to explore beyond their own neighborhoods. We are simply asking for freedom to choose among alternative modes of transportation—ones that do not necessarily corrupt our economy, divide our neighborhoods, and obscenely deface our landscape.

People are beginning to realize that the present auto-industrial complex is self-perpetuating and, in the end, destructive for us all. Unless we do something about it, we will remain enslaved to it. And unless we act soon, cycling will be devoured (along with railroads and trolleys) by the insatiable thirst of the highway culture.

Cycling offers an alternative that is healthful, fun and non-injurious to the environment. If you are tempted to laugh at this suggestion, just remember that 60% of all auto passenger trips in this country are for less than 5 miles. For many of these trips, the bicycle would be far preferable to the auto. The major deterrent is the desperate need for legitimate routes where cyclists can ride—more bikeways and safe lanes on streets.

We cannot obtain bicycle routes unless we get organized, capture the attention of our fellow citizens, and make our needs known. Our competitors are richer and stronger. But we are numerous and increasing in numbers every day. As a start to our efforts, let's come together during National Bikecology Week and begin working for positive change in our transportation priorities. Bikecoology is not a panacea; but it represents a choice for millions of us who desire a truly balanced transportation system.

WILLIAM McKINLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Bow) is recognized for 15 minutes.

Mr. BOW. Mr. Speaker, this week the people of Ohio and many others throughout the United States who revere his memory will observe the birthday anniversary of William McKinley.

It is an event of especial significance for me, for the late President's influence has been felt in much of what I have done throughout my lifetime, and for 21 years I have had the privilege of representing the same district which first brought him to nationwide attention so long ago.

McKinley's brilliant career was ended by an assassin in the early fall of 1901 at a time when the Congress was not in session. When Congress resumed a day was established for memorial services for the martyred President, and the Congress invited the distinguished Secretary of the Treasury, John Hay, to deliver the memorial address. His address is in the best tradition of American oratory, and I include it with my remarks at this point in the RECORD.

[From the CONGRESSIONAL RECORD, Feb. 27, 1902]

The PRESIDENT pro tempore of the Senate. It is now the agreeable duty of your presiding officer to present the Hon. John Hay, who has been selected by a committee of Congress to deliver the address on this occasion.

The Hon. John Hay then delivered the following address:

WILLIAM M'KINLEY

For the third time the Congress of the United States are assembled to commemorate the life and the death of a President slain by the hand of an assassin. The attention of the future historian will be attracted to the features which reappear with startling sameness in all three of these awful crimes: the uselessness, the utter lack of consequence of the act; the obscurity, the insignificance of the criminal; the blamelessness—so far as in our sphere of existence the best of men may be held blameless—of the victim. Not one of our murdered Presidents had an enemy in the world; they were all of such preeminent purity of life that no pretext could be given for the attack of passional crime; they were all men of democratic instincts who could never have offended the most jealous advocates of equality; they were of kindly and generous nature, to whom wrong or injustice was impossible; of moderate fortune, whose slender means nobody could envy. They were men of austere virtue, of tender heart, of eminent abilities, which they had devoted with single minds to the good of the Republic. If ever men walked before God and man without blame, it was these three rulers of our people. The only temptation to attack their lives offered was their gentle radiance—to eyes hating the light that was offense enough.

The stupid uselessness of such an infamy affronts the common sense of the world. One can conceive how the death of a dictator may change the political conditions of an Empire; how the extinction of a narrowing line of kings may bring in an alien dynasty. But in a well-ordered Republic like ours, the ruler may fall, but the State feels no tremor. Our beloved and revered leader is gone—but the natural process of our laws provides us a successor, identical in purpose and ideals, nourished by the same teachings, inspired by the same principles, pledged by tender affection as well as by high loyalty to carry to completion the immense task committed to his hands, and to smite with iron severity every manifestation of that hideous crime which his mind predecessor, with his dying breath, forgave. The sayings of celestial wisdom have no date; the words that reach us, over two thousand years, out of the darkest hour of gloom the world has ever known, are true to the life today; "They know not what they do." The blow struck at our dear friend and ruler was as deadly as blind hate could make it; but the blow struck at anarchy was deadlier still.

What a world of insoluble problems such an event excites in the mind! Not merely in its personal, but in its public aspects, it presents a paradox not to be comprehended. Under a system of government so free and so impartial that we recognize its existence only by its benefactions; under a social order so purely democratic that classes can not exist in it, affording opportunities so universal that even conditions are as changing as the winds, where the laborer of today is the capitalist of tomorrow; under laws which are the result of ages of evolution, so uniform and so beneficent that the President has just the same rights and privileges as the artisan; we see the same hellish growth of hatred and murder which dogs equally to the footsteps of benevolent monarchs and blood-stained depots. How many countries can join with us in the community of a kindred sorrow! I will not speak of those distant regions where assassination enters into the daily life of government. But among the nations bound to us by the ties of familiar intercourse—who can forget that wise and high-minded Autocrat who had earned the proud title of the Liberator? that enlightened and magnanimous citizen whom France still mourns? that brave and chivalrous King of Italy who only lived for his people? and, saddest of all, that lovely and sorrowing Empress, whose harmless life could hardly have excited the animosity of a demon. Against that devilish spirit nothing avails—neither virtue, nor patriotism, nor age nor youth, nor conscience nor pity. We can not even say that education is a sufficient safeguard against this baleful evil—for most of the wretches whose crimes have so shocked humanity in recent years are men not unlettered, who have gone from the common schools, through murder, to the scaffold.

Our minds can not discern the origin, nor conceive the extent of wickedness so perverse and so cruel; but this does not exempt us from the duty of trying to control and counteract it. We do not understand what electricity is; whence it comes or what its hidden properties may be. But we know it as a mighty force for good or evil—and so with the painful toil of years, men of learning and skill have labored to store and to subjugate it, to neutralize, and even to employ its destructive energies. This problem of anarchy is dark and intricate, but it ought to be within the compass of democratic government—although no sane mind can fathom the mysteries of these untracked and orbitless natures—to guard against their aberrations, to take away from them the hope of escape, the long luxury of scandalous days in court, the unwholesome sympathy of hysterical degenerates, and so by degrees to make the crime not worth committing, even to these abnormal and distorted souls.

It would be presumptuous for me in this presence to suggest the details of remedial legislation for a malady so malignant. That task may safely be left to the skill and patience of the National Congress, which have never been found unequal to any such emergency. The country believes that the memory of three murdered comrades of yours—all of whose voices still haunt these walls—will be sufficient inspiration to enable you to solve even this abstruse and painful problem, which has dimmed so many pages of history with blood and with tears.

Before an audience less sympathetic than this, I should not dare to speak of that great career which we have met to commemorate. But we are all his friends, and friends do not criticise each other's words about an open grave. I thank you for the honor you have done me in inviting me here, and not less for the kind forbearance I know I shall have from you in my most inadequate efforts to speak of him worthily.

The life of William McKinley was, from his birth to his death, typically American. There is no environment, I should say, any-

where else in the world which could produce just such a character. He was born into that way of life which elsewhere is called the middle class, but which in this country is so nearly universal as to make of other classes an almost negligible quantity. He was neither rich nor poor, neither proud nor humble; he knew no hunger he was not sure of satisfying, no luxury which could enervate mind or body. His parents were sober, God-fearing people; intelligent and upright; without pretension and without humility. He grew up in the company of boys like himself; wholesome, honest, self-respecting. They looked down on nobody; they never felt it possible they could be looked down upon. Their houses were the homes of probity, piety, patriotism. They learned in the admirable school readers of fifty years ago the lessons of heroic and splendid life which have come down from the past. They read in their weekly newspapers the story of the world's progress, in which they were eager to take part, and of the sins and wrongs of civilization with which they burned to do battle. It was a serious and thoughtful time. The boys of that day felt dimly, but deeply, that days of sharp struggle and high achievement were before them. They looked at life with the wondering yet resolute eyes of a young esquire in his vigil of arms. They felt a time was coming when to them should be addressed the stern admonition of the Apostle, "Quit you like men; be strong."

It is not easy to give to those of a later generation any clear idea of that extraordinary spiritual awakening which passed over the country at the first red signal fires of the Civil War. It was not our earliest apocalypse; a hundred years before the nation had been revealed to itself, when after long discussion and much searching of heart the people of the colonies had resolved that to live without liberty was worse than to die, and had therefor wagered in the solemn game of war "their lives, their fortunes, and their sacred honor." In a stress of heat and labor unutterable, the country had been hammered and welded together; but thereafter for nearly a century there had been nothing in our life to touch the innermost fountain of feeling and devotion; we had had rumors of wars—even wars we had had, not without sacrifices and glory—but nothing which went to the vital self-consciousness of the country, nothing which challenged the nation's right to live But in 1860 the nation was going down into the Valley of Decision. The question which had been debated on thousands of platforms, which had been discussed in countless publications, which, thundered from innumerable pulpits, had caused in their congregations the bitter strife and dissension to which only cases of conscience can give rise, was everywhere pressing for solution. And not merely in the various channels of publicity was it alive and clamorous.

About every fireside in the land, in the conversation of friends and neighbors, and, deeper still, in the secret of millions of human hearts, the battle of opinion was waging; and all men felt and saw—with more or less clearness—that an answer to the importunate question. Shall the nation live? was due, and not to be denied. And I do not mean that in the North alone there was the austere wrestling with conscience. In the South as well, below all the effervescence and excitement of a people perhaps more given to eloquent speech than we were, there was the profound agony of question and answer, the summons to decide whether honor and freedom did not call them to revolution and war. It is easy for partisanship to say that the one side was right and that the other was wrong. It is still easier for an indolent magnanimity to say that both were right. Perhaps in the wide view of ethics one is always right to follow his conscience, though it lead him to disaster and death. But history is inexorable. She takes no account of sentiment and intention; and in her cold and luminous eyes that side is right which fights in harmony with the stars in their courses. The men are right through whose efforts and struggles the world is helped onward, and humanity moves to a higher level and a brighter day.

The men who are living today and who were young in 1860 will never forget the glory and glamour that filled the earth and the sky when the long twilight of doubt and uncertainty was ending and the time of action had come. A speech by Abraham Lincoln was an event not only of high moral significance, but of far-reaching importance: the drilling of a militia company by Ellsworth attracted national attention; the fluttering of the flag in the clear sky drew tears from the eyes of young men. Patriotism, which had been a rhetorical expression, became a passionate emotion, in which instinct, logic, and feeling were fused. The country was worth saving; it could be saved only by fire; no sacrifice was too great; the young men of the country were ready for the sacrifice; come weal, come woe, they were ready.

At seventeen years of age William McKinley heard this summons of his country. He was the sort of youth to whom a military life in ordinary times would possess no attractions. His nature was far different from that of the ordinary soldier. He had other dreams of life, its prizes and pleasures, than that of marches and battles. But to his mind there was no choice or question. The banner floating in the morning breeze was the beckoning gesture of his country. The thrilling notes of the trumpet called *him*—him and none other—into the ranks. His portrait in his first uniform is familiar to you all—the short, stocky figure; the quiet, thoughtful face; the deep, dark eyes. It is the face of a lad who could not stay at home when he thought he was needed in the field. He was of the stuff of which good soldiers are made. Had he been ten years older he would have entered at the head of a company and come out at the head of a division. But he did what he could. He enlisted as a private; he learned to obey. His serious sensible ways, his prompt, alert efficiency soon attracted the attention of his superiors. He was so faithful in little things they gave him more and more to do. He was untiring in camp and on the march; swift, cool, and fearless in fight. He left the army with field rank when the war ended, brevetted by President Lincoln for gallantry in battle.

In coming years when men seek to draw the moral of our great civil war nothing will seem to them so admirable in all the history of our two magnificent armies as the way in which the war came to a close. When the Confederate army saw the time had come, they acknowledged the pitiless logic of facts, and ceased fighting. When the army of the Union saw it was no longer needed, without a murmur or question, making no terms, asking no return, in the flush of victory and fullness of might, it laid down its arms and melted back into the mass of peaceful citizens. There is no event, since the nation was born, which has so proved its solid capacity for self-government. Both sections share equally in that crown of glory. They had held a debate of incomparable importance and had fought it out with equal energy. A conclusion had been reached—and it is to the everlasting honor of both sides that they each knew when the war was over, and the hour of a lasting peace had struck. We may admire the desperate daring of others who prefer annihilation to compromise, but the palm of common sense, and, I will say, of enlightened patriotism, belongs to the men like Grant and Lee, who knew when they had fought enough, for honor and for country.

William McKinley, one of that sensible million of men, gladly laid down his sword and betook himself to his books. He quickly made up the time lost in soldiering. He attacked his Blackstone as he would have done a hostile intrenchment; finding the range of a country law library too narrow, he went to the Albany Law School, where he worked energetically with brilliant success; was admitted to the bar and settled down to practice—a brevetted veteran of 24—in the quiet town of Canton, now and henceforward forever famous as the scene of his life and his place of sepulture. Here many blessings awaited him; high repute, professional success, and a domestic affection so pure, so devoted and stainless that future poets, seeking an ideal of Christian marriage, will find in it a theme worthy of their songs. This is a subject to which the lightest allusion seems profamation; but it is impossible to speak of William McKinley without remembering that no truer, tenderer knight to his chosen lady ever lived among mortal men. If to the spirits of the just made perfect is permitted the consciousness of earthly things, we may be sure that his faithful soul is now watching over that gentle sufferer who counts the long hours in their shattered home in the desolate splendor of his fame.

A man possessing the qualities with which nature had endowed McKinley seeks political activity as naturally as a growing plant seeks light and air. A wholesome ambition; a rare power of making friends and keeping them; a faith, which may be called religious, in his country and its institutions; and, flowing from this, a belief that a man could do no nobler work than to serve such a country—these were the elements in his character that drew him irresistibly into public life. He had from the beginning a remarkable equipment; a manner of singular grace and charm; a voice of ringing quality and great carrying power—vast as were the crowds that gathered about him, he reached their utmost fringe without apparent effort. He had an extraordinary power of marshaling and presenting significant facts, so as to bring conviction to the average mind. His range of reading was not wide; he read only what he might some day find useful, and what he read his memory held like brass.

Those who knew him well in those early days can never forget the consummate skill and power with which he would select a few pointed facts, and, blow upon blow, would hammer them into the attention of great assemblages in Ohio, as Jael drove the nail into the head of the Canaanite captain. He was not often impassioned; he rarely resorted to the aid of wit or humor; yet I never saw his equal in controlling and convincing a popular audience by sheer appeal to their reason and intelligence. He did not flatter or cajole them, but there was an implied compliment in the serious and sober tone in which he addressed them. He seemed one of them; in heart and feeling he *was* one of them. Each workingman in a great crowd might say: That is the sort of man I would like to be, and under more favoring circumstances might have been. He had the divine gift of sympathy, which, though given only to the elect, makes all men their friends.

So it came naturally about that in 1876—the beginning of the second century of the Republic—he began, by an election to Congress, his political career. Thereafter for fourteen years this Chamber was his home. I use the word advisedly. Nowhere in the world was he so in harmony with his environment as here; nowhere else did his mind work with such full consciousness of its powers. The air of debate was native to him; here he drank delight of battle with his peers. In after days, when he drove by this stately pile, or when on rare occasions his duty called him here, he greeted his old haunts with the affectionate zest of a child of the house; during all the last ten years of his life, filled as they were with activity and glory, he never ceased to be homesick for this Hall. When he came to the Presidency, there was not a day when his Congressional service was not of

use to him. Probably no other President has been in such full and cordial communion with Congress, if we may except Lincoln alone. McKinley knew the legislative body thoroughly, its composition, its methods, its habits of thought. He had the profoundest respect for its authority and an inflexible belief in the ultimate rectitude of its purposes. Our history shows how surely an Executive courts disaster and ruin by assuming an attitude of hostility or distrust to the Legislature; and, on the other hand, McKinley's frank and sincere trust and confidence in Congress were repaid by prompt and loyal support and cooperation. During his entire term of office this mutual trust and regard—so essential to the public welfare—was never shadowed by a single cloud.

He was a Republican. He could not be anything else. A Union soldier grafted upon a Clay Whig, he necessarily believed in the "American system"—in protection to home industries; in a strong, aggressive nationality; in a liberal construction of the Constitution. What any self-reliant nation might rightly do, he felt this nation had power to do, if required by the common welfare and not prohibited by our written charter.

Following the natural bent of his mind, he devoted himself to questions of finance and revenue, to the essentials of the national housekeeping. He took high rank in the House from the beginning. His readiness in debate, his mastery of every subject he handled, the bright and amiable light he shed about him, and above all the unfailing courtesy and good will with which he treated friend and foe alike—one of the surest signatures of a nature born to great destinies—made his service in the House a pathway of unbroken success and brought him at last to the all-important post of Chairman of Ways and Means and leader of the majority. Of the famous revenue act which, in that capacity, he framed and carried through Congress, it is not my purpose here and now to speak. The embers of the controversy in the midst of which that law had its troubled being are yet too warm to be handled on a day like this. I may only say that it was never sufficiently tested to prove the praises of its friends or the criticism of its opponents. After a brief existence it passed away, for a time, in the storm that swept the Republicans out of power. McKinley also passed through a brief zone of shadow; his Congressional district having been rearranged for that purpose by a hostile legislature.

Some one has said it is easy to love our enemies; they help us so much more than our friends. The people whose malevolent skill had turned McKinley out of Congress deserved well of him and of the Republic. Never was Nemesis more swift and energetic. The Republicans of Ohio were saved the trouble of choosing a Governor—the other side had chosen one for them. A year after McKinley left Congress he was made Governor of Ohio, and two years later he was reelected, each time by majorities unhoped-for and overwhelming. He came to fill a space in the public eye which obscured a great portion of the field of vision. In two National Conventions, the Presidency seemed within his reach. But he had gone there in the interest of others and his honor forbade any dalliance with temptation. So his nay was nay—delivered with a tone and gesture there was no denying. His tour was not yet come.

There was, however, no long delay. He became, from year to year, the most prominent politician and orator in the country. Passionately devoted to the principles of his party, he was always ready to do anything, to go anywhere, to proclaim its ideas and to support its candidates. His face and his voice became familiar to millions of our people; and wherever they were seen and heard, men became his partisans. His face was cast in a classic mold; you see faces like it in antique marble in the galleries of the Vatican and in the portraits of the great cardinal-statesmen of Italy; his voice was the voice of the perfect orator—ringing, vibrating, tireless, persuading by its very sound, by its accent of sincere conviction. So prudent and so guarded were all his utterances, so lofty his courtesy, that he never embarrassed his friends, and never offended his opponents. For several months before the Republican National Convention met in 1896, it was evident to all who had eyes to see that Mr. McKinley was the only probable candidate of his party. Other names were mentioned, of the highest rank in ability, character, and popularity; they were supported by powerful combinations; but the nomination of McKinley as against the field was inevitable.

The campaign he made will be always memorable in our political annals. He and his friends had thought that the issue for the year was the distinctive and historic difference between the two parties on the subject of the tariff. To this wager of battle the discussions of the previous four years distinctly pointed. But no sooner had the two parties made their nominations than it became evident that the opposing candidate declined to accept the field of discussion chosen by the Republicans, and proposed to put forward as the main issue the free coinage of silver. McKinley at once accepted this challenge, and, taking the battle for protection as already won, went with energy into the discussion of the theories presented by his opponents. He had wisely concluded not to leave his home during the canvass, thus avoiding a proceeding which has always been of sinister augury in our politics; but from the front porch of his modest house in Canton he daily addressed the delegations which came from every part of the country to greet him in a series of speeches so strong, so varied, so pertinent, so full of facts briefly set forth, of theories embodied in a single phrase, that they formed the hourly text for the other speakers of his party, and give probably the most convincing proof we have of his surprising fertility of resource and flexibility of mind. All this was done without anxiety or strain. I remember a day I spent with him during that busy summer. He had made nineteen speeches the day before; that day he made many. But in the intervals of these addresses he sat in his study and talked, with nerves as quiet and a mind as free from care as if we had been spending a holiday at the seaside or among the hills.

When he came to the Presidency he confronted a situation of the utmost difficulty, which might well have appalled a man of less serene and tranquil self-confidence. There had been a state of profound commercial and industrial depression, from which his friends had said his election would relieve the country. Our relations with the outside world left much to be desired. The feeling between the Northern and Southern sections of the Union was lacking in the cordiality which was necessary to the welfare of both. Hawaii had asked for annexation and had been rejected by the preceding Administration. There was a state of things in the Caribbean which could not permanently endure. Our neighbor's house was on fire, and there were grave doubts as to our rights and duties in the premises. A man either weak or rash, either irresolute or headstrong, might have brought ruin on himself and incalculable harm to the country.

Again I crave the pardon of those who differ with me, if, against all my intentions, I happen to say a word which may seem to them unbefitting the place and hour. But I am here to give the opinion which his friends entertained of President McKinley, of course claiming no immunity from criticism in what I shall say. I believe, then, that the verdict of history will be that he met all these grave questions with perfect valor and incomparable ability; that in grappling with them he rose to the full height of a great occasion, in a manner which redounded to the lasting benefit of the country and to his own immortal honor.

The least desirable form of glory to a man of his habitual mood and temper—that of successful war—was nevertheless conferred upon him by uncontrollable events. He felt the conflict must come; he deplored its necessity; he strained almost to breaking his relations with his friends, in order, first—if it might be—to prevent and then to postpone it to the latest possible moment. But when the die was cast, he labored with the utmost energy and ardor, and with an intelligence in military matters which showed how much of the soldier still survived in the mature statesman to push forward the war to a decisive close. War was an anguish to him; he wanted it short and conclusive. His merciful zeal communicated itself to his subordinates, and the war, so long dreaded, whose consequences were so momentous, ended in a hundred days.

Mr. Stedman, the dean of our poets, has called him "Augmenter of the State." It is a noble title; if justly conferred, it ranks him among the few whose names may be placed definitely and forever in charge of the historic Muse. Under his rule Hawaii has come to us, and Tutuila; Porto Rico and the vast archipelago of the East. Cuba is free. Our position in the Caribbean is assured beyond the possibility of future question. The doctrine called by the name of Monroe, so long derided and denied by alien publicists, evokes now no challenge or contradiction when uttered to the world. It has become an international truism. Our sister republics to the south of us are convinced that we desire only their peace and prosperity. Europe knows that we cherish no dreams but those of world-wide commerce, the benefit of which shall be to all nations. The State is augmented, but it threatens no nation under heaven. As to those regions which have come under the shadow of our flag, the possibility of their being damaged by such a change of circumstances was in the view of McKinley a thing unthinkable. To believe that we could not administer them to their advantage, was to turn infidel to our American faith of more than a hundred years.

In dealing with foreign powers, he will take rank with the greatest of our diplomatists. It was a world of which he had little special knowledge before coming to the Presidency. But his marvelous adaptability was in nothing more remarkable than in the firm grasp he immediately displayed in international relations. In preparing for war and in the restoration of peace he was alike adroit, courteous, and far-sighted. When a sudden emergency declared itself, as in China, in a state of things of which our history furnished no precedent and international law no safe and certain precept, he hesitated not a moment to take the course marked out for him by considerations of humanity and the national interests. Even while the legations were fighting for their lives against bands of infuriated fanatics, he decided that we were at peace with China; and while that conclusion did not hinder him from taking the most energetic measures to rescue our imperiled citizens, it enabled him to maintain close, and friendly relations with the wise and heroic viceroys of the south, whose resolute stand saved that ancient Empire from anarchy and spoliation. He disposed of every question as it arose with a promptness and clarity of vision that astonished his advisers, and he never had occasion to review a judgment or reverse a decision.

By patience, by firmness, by sheer reasonableness, he improved our understanding with all the great powers of the world, and rightly gained the blessing which belongs to the peacemakers.

But the achievements of the nation in war and diplomacy are thrown in the shade by

the vast economical developments which took place during Mr. McKinley's Administration. Up to the time of his first election, the country was suffering from a long period of depression, the reasons of which I will not try to seek. But from the moment the ballots were counted that betokened his advent to power a great and momentous movement in advance declared itself along all the lines of industry and commerce.

In the very month of his inauguration steel rails began to be sold at $18 a ton—one of the most significant facts of modern times. It meant that American industries had adjusted themselves to the long depression—that through the power of the race to organize and combine, stimulated by the conditions then prevailing, and perhaps by the prospect of legislation favorable to industry, America had begun to undersell the rest of the world. The movement went on without ceasing.

The President and his party kept the pledges of their platform and their canvass. The Dingley bill was speedily framed and set in operation. All industries responded to the new stimulus and American trade set out on its new crusade, not to conquer the world, but to trade with it on terms advantageous to all concerned. I will not weary you with statistics; but one or two words seem necessary to show how the acts of McKinley as President kept pace with his professions as candidate. His four years of administration were costly; we carried on a war which, though brief, was expensive. Although we borrowed two hundred millions and paid our own expenses, without asking for indemnity, the effective reduction of the debt now exceeds the total of the war bonds. We pay six millions less in interest than we did before the war and no bond of the United States yields the holder 2 per cent on its market value. So much for the Government credit; and we have five hundred and forty-six millions of gross gold in the Treasury.

But, coming to the development of our trade in the four McKinley years, we seem to be entering the realm of fable. In the last fiscal year our excess of exports over imports was $664,592,826. In the last four years it was $2,354,442,213. These figures are so stupendous that they mean little to a careless reader—but consider! The excess of exports over imports for the whole preceding period from 1790 to 1897—from Washington to McKinley—was only $356,808,822.

The most extravagant promise made by the sanguine McKinley advocates five years ago are left out of sight by these sober facts. The "debtor nation" has become the chief creditor nation. The financial center of the world, which required thousands of years to journey from the Euphrates to the Thames and the Seine, seems passing to the Hudson between daybreak and dark.

I will not waste your time by explaining that I do not invoke for any man the credit of this vast result. The captain can not claim that it is he who drives the mighty steamship over the tumbling billows of the trackless deep; but praise is justly due him if he has made the best of her tremendous powers, if he has read aright the currents of the sea and the lessons of the stars. And we should be ungrateful, if in this hour of prodigious prosperity we should fail to remember that William McKinley with sublime faith foresaw it, with indomitable courage labored for it, put his whole heart and mind into the work of bringing it about; that it was his voice which, in dark hours, rang out, heralding the coming light, as over the twilight waters of the Nile the mystic cry of Memnon announced the dawn to Egypt, waking from sleep.

Among the most agreeable incidents of the President's term of office were the two journeys he made to the South. The moral reunion of the sections—so long and so ardently desired by him—had been initiated by the Spanish war, when the veterans of both sides, and their sons, had marched shoulder to shoulder together under the same banner. The President in these journeys sought, with more than usual eloquence and pathos, to create a sentiment which should end forever the ancient feud. He was too good a politician to expect any results in the way of votes in his favor, and he accomplished none. But for all that the good seed did not fall on barren ground. In the warm and chivalrous hearts of that generous people, the echo of his cordial and brotherly words will linger long, and his name will be cherished in many a household where even yet the Lost Cause is worshipped.

Mr. McKinley was reelected by an overwhelming majority. There had been little doubt of the result among well-informed people; but when it was known, a profound feeling of relief and renewal of trust were evident among the leaders of capital and of industry, not only in this country, but everywhere. They felt that the immediate future was secure, and that trade and commerce might safely push forward in every field of effort and enterprise. He inspired universal confidence, which is the lifeblood of the commercial system of the world. It began frequently to be said that such a state of things ought to continue; one after another, men of prominence said that the President was his own best successor. He paid little attention to these suggestions until they were repeated by some of his nearest friends. Then he saw that one of the most cherished traditions of our public life was in danger. The generation which has seen the prophecy of the Papal throne—*Non videbis annos Petri*—twice contradicted by the longevity of holy men was in peril or forgetting the unwritten law of our Republic: Thou shalt not exceed the years of Washington. The President saw it was time to speak, and in his characteristic manner he spoke, briefly, but enough. Where the lightning strikes there is no need of iteration. From that hour, no one dreamed of doubting his purpose of retiring at the end of his second term, and it will be long before another such lesson is required.

He felt that the harvest time was come, to garner in the fruits of so much planting and culture, and he was determined that nothing he might do or say should be liable to the reproach of a personal interest. Let us say frankly he was a party man; he believed the policies advocated by him and his friends counted for much in the country's progress and prosperity. He hoped in his second term to accomplish substantial results in the development and affirmation of those policies. I spent a day with him shortly before he started on his fateful journey to Buffalo. Never had I seen him higher in hope and patriotic confidence. He was as sure of the future of his country as the Psalmist who cried "Glorious things are spoken of thee, thou City of God."

He felt that the harvest time had come, to arrange a treaty which gave us a free hand in the Isthmus. In fancy he saw the canal already built and the argosies of the world passing through it in peace and amity. He saw in the immense evolution of American trade the fulfillment of all his dreams, the reward of all his labors. He was—I need not say—an ardent protectionist, never more sincere and devoted than during those last days of his life. He regarded reciprocity as the bulwark of protection—not a oreach, but a fulfillment of the law. The treaties which for four years had been preparing under his personal supervision he regarded as ancillary to the general scheme. He was opposed to any revolutionary plan of change in the existing legislation; he was careful to point out that everything he had done was in faithful compliance with the law itself.

In that mood of high hope, of generous expectation, he went to Buffalo, and there, on the threshold of eternity, he delivered that memorable speech, worthy for its loftiness of tone, its blameless morality, its breadth of view, to be regarded as his testament to the nation. Through all his pride of country and his joy of its success, runs the note of solemn warning, as in Kipling's noble hymn, "Lest we forget."

"Our capacity to produce has developed so enormously and our products have so multiplied that the problem of more markets requires our urgent and immediate attention. Only a broad and enlightened policy will keep what we have. No other policy will get more. In these times of marvelous business energy and gain we ought to be looking to the future, strengthening the weak places in our industrial and commercial systems, that we may be ready for any storm or strain.

"By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus. A system which provides a mutual exchange of commodities is manifestly essential to the continued and healthful growth of our export trade. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. * * * Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established. * * * The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not."

I wish I had time to read the whole of this wise and weighty speech; nothing I might say could such a picture of the President's mind and character. His years of apprenticeship had been served. He stood that day past master of the art of statesmanship. He had nothing more to ask of the people. He owed them nothing but truth and faithful service. His mind and heart were purged of the temptations which beset all men engaged in the struggle to survive. In view of the revelation of his nature vouchsafed to us that day, and the fate which impended over him, we can only say in deep affection and solemn awe, "Blessed are the pure in heart, for they shall see God." Even for that vision he was not unworthy.

He had not long to wait. The next day sped the bolt of doom, and for a week after—in an agony of dread broken by illusive glimpses of hope that our prayers might be answered—the nation waited for the end. Nothing in the glorious life that we saw gradually waning was more admirable and exemplary than its close. The gentle humanity of his words, when he saw his assailant in danger of summary vengeance, "Don't let them hurt him;" his chivalrous care that the news should be broken gently to his wife; the fine courtesy with which he apologized for the damage which his death would bring to the great Exhibition; and the heroic resignation of his final words, "It is God's way. His will, not ours, be done," were all the instinctive expressions of a nature so lofty and so pure that pride in its nobility at once softened and enhanced the nation's sense of loss. The Republic grieved over such a son—but is proud forever of having produced him. After all, in spite of its tragic ending, his life was extraordinarily happy. He had, all his days, troops of friends, the cheer of fame and fruitful labor; and he became at last—

> "On fortune's crowning slope,
> "The pillar of a people's hope,
> "The center of a world's desire."

He was fortunate even in his untimely death, for an event so tragical called the

world imperatively to the immediate study of his life and character, and thus anticipated the sure praises of posterity.

Every young and growing people has to meet, at moments, the problems of its destiny. Whether the question comes, as in Thebes, from a sphinx, symbol of the hostile forces of omnipotent nature, who punishes with instant death our failure to understand her meaning: or whether it comes, as in Jerusalem, from the Lord of Hosts, who commands the building of His temple, it comes always with the warning that the past is past, and experience vain. "Your fathers, where are they? and the prophets, do they live forever?" The fathers are dead; the prophets are silent; the questions are new, and have no answer but in time.

When the horny outside case which protects the infancy of a chrysalis nation suddenly bursts, and, in a single abrupt shock, it finds itself floating on wings which had not existed before, whose strength it has never tested, among dangers it can not foresee and is without experience to measure, every motion is a problem, and every hesitation may be an error. The past gives no clue to the future. The fathers, where are they? and the prophets, do they live forever? We are ourselves the fathers! We are ourselves the prophets! The questions that are put to us we must answer without delay, without help—for the sphinx allows no one to pass.

At such moments we may be humbly grateful to have had leaders simple in mind, clear in vision—as far as human vision can safely extend—penetrating in knowledge of men, supple and flexible under the strains and pressures of society, instinct with the energy of new life and untried strength, cautious, calm, and, above all, gifted in a supreme degree with the most surely victorious of all political virtues—the genius of infinite patience.

The obvious elements which enter into the fame of a public man are few and by no means recondite. The man who fills a great station in a period of change, who leads his country successfully through a time of crisis; who, by his power of persuading and controlling others, has been able to command the best thought of his age, so as to leave his country in a moral or material condition in advance of where he found it—such a man's position in history is secure. If, in addition to this, his written or spoken words possess the subtle quality which carry them far and lodge them in men's hearts; and, more than all, if his utterances and actions, while informed with a lofty morality, are yet tinged with the glow of human sympathy, the fame of such a man will shine like a beacon through the mists of ages—an object of reverence, of imitation, and of love. It should be to us an occasion of solemn pride that in the three great crises of our history such a man was not denied us. The moral value to a nation of a renown such as Washington's and Lincoln's and McKinley's is beyond all computation. No loftier ideal can be held up to the emulation of ingenuous youth. With such examples we can not be wholly ignoble. Grateful as we may be for what they did, let us be still more grateful for what they were. While our daily being, our public policies, still feel the influence of their work, let us pray that in our spirits their lives may be voluble, calling us upward and onward.

There is not one of us but feels prouder of his native land because the august figure of Washington presided over its beginnings; no one but vows it a tenderer love because Lincoln poured out his blood for it; no one but must feel his devotion for his country renewed and kindled when he remembers how McKinley loved, revered, and served it, showed in his life how a citizen should live, and in his last hour taught us how a gentleman could die. [Prolonged applause.]

A MEDICAL AND SOCIAL PERCEPTION OF THE VIETNAM ERA VETERAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, the Vietnam veteran, returning into the mainstrain of American life, faces, too frequently, problems of quite large dimension. In an attempt to gain deepened insight into the means of easing these problems, and the transition from military to civilian life, as well as anticipating the unique needs of our returning servicemen, the Veterans' Administration recently authorized a highly valuable series of research studies.

The genuine commitment of the Veterans' Administration to serving and helping our returning servicemen, through the use of every tool of modern technology, medicine, and manpower deserves much credit, and, as a member of the Veterans Affairs Committee, I take great satisfaction in the ever-deepening quality of Veterans' Administration responsiveness to the contemporary needs of our Vietnam veterans.

In this connection, Dr. Marc James Musser, the Chief Medical Director of the Veterans' Administration, presented a highly significant and revealing paper to the New York Academy of Medicine last night, entitled: "A Medical and Social Perception of the Vietnam Era Veteran." This illuminating and timely study, undertaken by Dr. Musser, and Dr. Charles A. Stenger, is worthy of intensive study, and I am highly pleased to include it within my remarks:

VETERANS' ADMINISTRATION,
Washington, D.C., January 25, 1972.

The Honorable MARGARET M. HECKLER,
Cannon Office Building,
Washington, D.C.

DEAR PEG: I enclose herewith a paper to be delivered by Doctor Marc James Musser, Chief Medical Director of the Veterans Administration, before the New York Academy of Medicine tomorrow night, January 26.

I think it is an excellent paper, and I certainly encourage you to place it in the Record. Since this paper does contain references and bibliographic material, perhaps your Administrative Assistant should go over it and place it in proper form for insertion in the Record.

Don Johnson sends his warm regards, and certainly without my saying it, I am sure you are aware of the fact that you have mine.

Sincerely,

RICHARD L. ROUDEBUSH,
Assistant Deputy Administrator.

A MEDICAL AND SOCIAL PERCEPTION OF THE VIETNAM ERA VETERAN

(By Marc J. Musser, M.D., and Charles A. Stenger, Ph. D.)

The Vietnam Era Conflict, the longest and most controversial war in which our country has ever been engaged, has been a strange and devastating chapter in our country's history.

When the United States first became involved in Southeast Asia in 1960, it was neither intended nor expected that the events there would lead to an American war. Yet, in terms of numbers of men under arms and those killed and wounded, the Vietnam conflict now represents the second largest war effort in the history of our country, even though combat operations from the onset have been governed by strictly limited military objectives. Above and beyond the number of people involved and the casualties, it has been a devastating war in terms of its tremendously divisive impact upon our society. This and other related socio-economic factors have had a singular influence upon the lives and personalities of many of our young men and women.

Whatever the characteristics of the Vietnam Era Conflict, it now becomes important, as we appear to be reaching the end of United States involvement, for our society to provide the veterans of this conflict the maximum of assistance in readjusting to civilian life in the most constructive and productive manner. The Veterans' Administration is the Federal agency charged by legislation to provide a wide range of assistance to these veterans, as well as veterans of previous wars. And yet, this is only a portion of the total responsibility of our society. In order to do the job that must be done, it is important that the characteristics, needs and problems of the Vietnam veteran be thoroughly understood by all those who might relate to him. Particularly, it is important that he be seen in the perspective of the war in which he has fought, and of the society of which he is a member.

Since the beginning of the Vietnam Era in 1964, more than eight million Americans have served in the Armed Forces—nearly twice the number who served in World War I. Of these, 55,000 have died in Vietnam, 1,500 are missing or captured, and almost a quarter of a million already have compensable service-connected disabilities of one kind or another. Nearly 10 percent of these—approximately 25,000—are 100 percent service connected.

All veterans with a service-connected illness or disability become the direct and primary responsibility of the Veterans' Administration. An increasing number of other veterans have sought and will continue to seek medical care within the Veterans' Administration health care system as they meet certain eligibility requirements established by law. In 1968, four percent of the daily average of 83,000 patients in Veterans' Administration hospitals were Vietnam Era veterans. By 1971, this number had risen to almost 13 percent.

As the number of Vietnam Era patients in Veterans Administration hospitals has increased, it has become more and more apparent to the staffs of those hospitals that they are dealing with a "new breed" as compared to veterans from other wars. Therefore, a series of studies were initiated to more specifically identify the needs of these new veterans, and to determine the best mechanisms for meeting them. These studies have been conducted by Vietnam Era Committees operating in each Veterans Administration hospital and clinic, by seminars and regional conferences, by a number of research studies, and by Vietnam veterans themselves.

The results of these studies have helped immensely in directing the ways Veterans Administration services should be modified in order to meet the needs of the Vietnam veteran. In addition to their impact upon hospital operations, these results have provided the basis for new approaches to the administration of the GI Educational Program and other legislated benefits, and in the assumption by the Veterans Administration of broader responsibility for the development of employment opportunities and job placement for veterans. Also, the studies have generated important information for occupational medicine as it is concerned with the total individual and his adjustment to the work-a-day world.

THE VIETNAM ERA VETERAN

There are a number of characteristics of the Vietnam Era veteran group which should be recognized at the outset.

First: They are the youngest veterans who have ever served. The average age for non-career servicemen is under 26, and the majority have not reached their 22nd birthday at the time of separation from the service.

Secondly: They are the best educated group of any American veterans. Only 15 percent have not completed high school as compared to 55 percent for World War II and 38 percent for Korean veterans. More than one out of five have had some college. However, relatively few have had significant work experience.

Thirdly; and perhaps most important: They are high calibre young people. Not only have the more stringent, selective service procedures filtered out the less well qualified individuals, but unlike many other members of their generation, most Vietnam Era veterans have demonstrated the self-discipline necessary to adjust to a highly regimented way of life and to cope with the many stresses involved in military service.

COMBAT CASUALTIES

Data pertaining to American casualties in Vietnam not only provide some indications of the nature of the post-war health problems of the Vietnam Era veteran, but also allow for comparisons with the experiences of prior wars.

When all deaths due to combat are considered, it becomes apparent that such losses in Vietnam have occurred at a lesser rate than in Korea or in Europe in World War II. Among Army troops in Vietnam from July 1965 through February 1971, deaths due to all combat causes occurred at a rate of 18.0 per thousand average troop strength per year, as compared to a rate of 43.2 for Korea and 51.9 for the European Theater of Operations from June 1944 through May 1945 in World War II. Must higher proportions of combat deaths in Vietnam have been due to small arms fire and to booby traps and mines than in Korea or World War II. Much lower proportions have been due to artillery and other explosive projectile fragments than in these earlier conflicts. A comprehensive analysis of the causes of death in 2,600 servicemen killed in action in Vietnam indicated that 83.6 percent resulted principally from wounds of the head, neck, and thorax. The primary causes of death in most instances were damage to the central nervous system, uncontrolled hemorrhage, or respiratory obstruction.

Of the Army servicemen wounded in Vietnam who were admitted to medical treatment facilities, 2.6 percent died, with 60 percent of the deaths occurring within 24 hours after admission. This is similar to the 2.5 percent mortality recorded for the Korean Conflict, but considerably lower than the 4.5 percent mortality in World War II.

The peculiar nature of the combat in Vietnam, the types of wounds it has produced—especially the high incidence of multiple wounds—and the excellent care the wounded have received, have resulted in a higher incidence of certain types of complicated disabilities. This is illustrated quite dramatically by the following statement of a veteran at a regional meeting:

"One of the things that makes this war so different is the fact we couldn't tell who we were fighting half the time—I was responsible for 200 men and was in a position where I should have known but just didn't. I was injured by enemy gunfire—was shot four times, then hit by two grenades—the helicopter must have been there almost immediately. Just to give you some idea of the medical work the Navy did, one bullet went through the left arm, one hit me in the left side, went through my lung, hit my heart, went through my diaphragm, stomach, intestine, spleen, gall bladder, adrenal gland—then I went down!

"After that I was hit by two grenades—I never lost consciousness until I got on the hospital ship—they performed a miracle, a real miracle."

Relevant to this experience is the circumstance that improved techniques of vascular surgery has made it possible for combat area surgeons to save limbs which would have been amputated in the past, and to reduce the major tissue destruction associated with traumatic amputations. Some estimates indicate that 75 percent to 80 percent of limbs that would have been lost in World War II are now being saved.

In addition to the more complex general disabilities created by multiple wounds are the increased incidence of quadriplegia and paraplegia resulting from spinal cord injuries and multiple amputations. This is noteworthy because of the need it has created for special types of long term rehabilitation programs.

Thus far, the Veterans Administration has received 2,372 Vietnam service-connected veterans as transfers from military hospitals with paralysis resulting from spinal cord injuries. Of these 35 percent are quadriplegics, which is a considerably higher proportionate number than from prior wars. There are presently some 12,000 living spinal cord injury veterans, of whom more than 1,000 are hospitalized at any given time in 14 Veterans Administration Spinal Cord Injury Centers.

Despite the technical gains which have been made, the Veterans Administration has received 5,090 service-connected Vietnam Era amputees. Of these 18.1 percent have multiple amputations. This incidence is much higher than that of the Korean Conflict (9.3 percent) and World War II (5.8 percent). An index of the magnitude of the rehabilitation program for Amputees in the Veterans Administration is reflected in the fact that there are now 26,566 service-connected amputees from all wars on its rolls. In 1971, 34,100 prostheses of all types were provided to Vietnam veterans alone.

PSYCHIATRIC DISORDERS

There is evidence that the incidence of psychiatric disorders has been significantly lower in the Vietnam conflict than in previous wars. Bourne has reported an incidence of 12 per 1,000 for such casualties in all branches of the Services in Vietnam, as compared to an incidence of 37 per 1,000 in Korea and 101 per 1,000 in World War II. Thus far, 48,391 Vietnam era veterans are receiving compensation for service-connected psychiatric and neurologic disorders. Nearly 11,000 were admitted to Veterans Administration Hospitals in 1971. Diagnostically, there has been a considerable increase in character and situational disorders over the more classical anxiety and conversion reactions, when compared to the experience in prior wars. However, the incidence of psychoses has remained approximately the same.

Thus far, there has been no evidence of the delayed psychiatric illnesses that some experts have thought would result from the unique conditions of the Vietnam conflict, including the presumption that guilt over participation in an unpopular war would create a special degree of emotional stress. Most servicemen find the hostile components of their reception upon returning home to be quite disturbing, but apparently it is not significantly affecting their emotional stability.

CHARACTERISTICS AND ATTITUDES OF VIETNAM VETERANS

During the past several years, a great deal has been written and said about the characteristics and attitudes of the Vietnam era veteran. In much of this there has been a tendency to generalize a number of limited experiences and observations, and more often than not this has accrued to the disadvantage of the majority of Vietnam era servicemen.

A recent poll of discharged Vietnam veterans, the general public, and employers, conducted by Louis Harris and Associates, Inc., has produced a considerable amount of interesting information in this regard. Among other things, it has indicated that the large majority of veterans have taken their military service experience and their reception back to civilian life in stride, and have had little or no difficulty with readjustment. However, the general public polled made the observation that "the whole question of treatment of returning veterans is a serious burden on the conscience of the American Public". The dichotomy is well expressed in one of the conclusions of the poll: "While the American public and employers are keenly aware of how returning veterans *should* be treated and yet feel guilty about the way ex-servicemen *are* being treated, among veterans the story is different. The returning servicemen seem less preoccupied with the way things should be, and are content to accept things as given and do the best they can to readjust to civilian life. This passive acceptance holds for all groups except the alienated veterans—the non-white and non-high school graduates. Among these servicemen, there is a real feeling that society owes them something for their efforts."

A number of studies of the characteristics and attitudes of the Vietnam Era veteran patients, which include the so-called "alienated group", have generated a considerable amount of more detailed information. From these studies has emerged a descriptive personality profile of these veteran patients, but it would seem to be equally descriptive of a large segment of the current younger generation in our society. Five distinctive characteristics were identified . . .

First, he responds more assertively to authority and is quite willing to question and to challenge it.

Second, he expects authority, nevertheless, to be unresponsive to him and to seek to control and suppress him. The term, "the establishment," carries this implication, and being "turned-off" characterizes his response.

Third, he feels a general sense of uncertainty toward the future and a greater urge for fulfillment today—the "NOW phenomenon."

Fourth, he feels a kind of protective identification with his own age group which he believes shares his uneasy perceptions of his society.

Fifth, he has less control over feelings and impulses, and is more impatient and impulsive.

Other studies have attempted to determine how and why Vietnam era veterans differ from the veterans of previous wars. They have concluded that the differing characteristics of the Vietnam Era veteran more than anything else reflect the increased complexity and everchanging nature of the society of which he is a part. He views life with less conviction about established principles and values. He has been influenced by the necessity to fight in an unusual kind of war, in which political realities frequently must outweigh military necessities, and where enemy and friend are indistinguishable. He is different because he has been treated very differently by the society he served upon his return. He does not return to the assured respect and appreciation of his countrymen. Instead, he typically returns to indifference, disapproval, and scorn, particularly from his peers who did not serve.

The returning Vietnam veteran believes he has served his country well, as indeed he has, but many feel a sense of confusion, of frustration, ambivalence, and anger. They rather easily become disenchanted and alienated, and become irritated and impatient with policies and procedures they do not understand. They are particularly sensitive to mechanical or impersonal treatment, or unresponsiveness to their human needs—particularly from an agency, like the Veterans Administration, that has been charged with

the mission of helping them. Despite all this, they have a strong desire to achieve understanding with those around them, regardless of age, and to communicate openly and undefensively.

When listened to, they communicate remarkably well, and their criticisms invariably are reasonable and "on target".

DRUG ABUSE

There has been a widespread tendency to link the drug abuse problems of the Vietnam era veteran to his personality and attitudinal characteristics. This is probably true, but only to a limited extent. In the experience of the Veterans Administration Drug Treatment Program it is significant that while 60 percent of the patients have been Vietnam era veterans, the remainder have been World War II and Korean Conflict veterans. Also, the data compiled by the Department of Defense would suggest that the incidence of "main line" heroin addicts is less than 1 percent of all Vietnam era servicemen. This is a figure that helps further to establish the proper perspective. The Harris Poll would tend to confirm this. By "private ballot", 2 percent of the national sample of veterans admitted to some use of heroin. From a practical standpoint, not all of these can be considered as serious users.

In fiscal year 1968, less than 2,000 veterans were admitted to Veterans Administration hospitals for treatment of their drug abuse problems; in 1971 over 11,000 were admitted. Except for some 700 active duty servicemen transferred to Veterans Administration hospitals prior to separation, all of these veterans have sought treatment voluntarily. Thus far, it has been impossible to obtain accurate indications of the total number of veterans with a drug abuse problem. From the Department of Defense and other studies, it seems reasonable to assume that there are about 50,000 to 75,000 "hard" drug users among veterans, although these figures must be considered as no more than an educated guess. There are virtually no data regarding the magnitude of use of other drugs.

Of the veterans treated in Veterans Administration hospitals thus far, slightly more than half had been using narcotic drugs, predominantly heroin. The remaining half had been using other drugs, predominantly the barbiturates, hallucinogens and marijuana. Several studies of small samples of these patients have generated some details of their characteristics. A large percentage were associated with the so-called "alienated" segment of society: 60 to 70 percent were black, 90 percent had high school educations or less. Their ages ranged from 18 to 70-plus years. Sixty percent had been arrested, and 30 percent admitted using drugs prior to service. Of those addicted to heroin, 40 percent became so in Vietnam, the remainder while on assignments elsewhere overseas and in the continental United States, or after service. More than half had had prior and unsuccessful treatment.

Presently, all of the 165 Veterans Administration hospitals with their associated 202 outpatient clinics have the capability of providing at least the initial phase of treatment for drug abuse problems. Of these hospitals, 32 have special drug treatment centers with multi-modality treatment programs involving a short but comprehensive inpatient medical and psychological evaluation, detoxification when indicated, and the initiation of the specific treatment program deemed appropriate. These include methadone maintenance, abstinence, and experimental nonnarcotic blocking agents—all based upon intensive psychotherapeutic and rehabilitation programs. Once established, treatment is continued in Day Treatment Centers, Therapeutic Communities, and the more conventional outpatient clinics. Special emphasis is directed toward getting the patient into some type of productive activity—such as school, vocational training, or a job. Since many of the patients have never worked, the latter poses a particularly difficult challenge.

In order to maintain staff competency, various types of training programs are maintained for physicians, psychologists, nurses, social workers, and vocational counselors. Particularly successful thus far has been the use of appropriately trained ex-addicts as counselors in the maintenance of the intimate day to day relationships with the patient.

The experience of the Veterans Administration Drug Treatment Program clearly indicates that the success of treatment depends upon the motivation and commitment of the patient and the ability of treatment staffs to be appropriately responsive to his needs. Encouraging thus far has been the increasing number of veterans who have turned to the Veterans Administration hospitals after other treatment efforts have failed, and the relatively small percentage (about 20 percent) of those who have dropped out of treatment.

THE VIETNAM VETERAN AND EMPLOYMENT

One of the major objectives of the Harris Poll was to determine how returning Vietnam era veterans were doing in the job market. According to the study, the public, employers and veterans agreed that most veterans were more mature and more stable than when they entered service, and thus were better qualified for jobs. Among employers, the highest positive ratings were given to enlisted men generally, recent returnees, and those who served in Vietnam and combat zones. Sixty percent of all businessmen interviewed had hired veterans during the past year, and those operating small companies (20 employees or less) had employed proportionately more veterans than those operating large companies.

Of the veterans interviewed, 15 percent were not working. Of this group, 4 percent, as students or for other reasons, were not in the labor market. However, the not-working percentages for non-whites and those who had not finished high school were 21 and 31 percent respectively.

The Bureau of Labor Statistics reports that there are currently about 320,000 unemployed Vietnam era veterans in the country's labor force.

Fifty-nine percent of the employed veterans expressed satisfaction with their jobs. Employer satisfaction with the veterans they had hired was tied to the complexity of the job and to the amount of education and training required for it. Thus, veterans in professional, technical and administrative positions rated high. On the other side, employers were less enthusiastic about veterans' performance in jobs requiring less skill. This becomes an added disadvantage to those veterans with limited educational and training qualifications.

SUMMARY

From this general assessment of the characteristics and medical experience of the Vietnam era veteran, it seems possible to conclude that the overwhelming majority have the potential to be better risks in adapting to their society and to both academic and industrial environments than their nonmilitary peers. A significant number of them have residual physical disabilities for which special types of training and employment opportunities will be necessary. An additional number have drug abuse problems, the eventual outcome of which is not yet possible to determine. Veterans who are nonwhite and those with limited education and training present a number of special problems which must be given proper attention.

It is also important to recognize that this generation of young people, veteran and nonveteran, view the world of work and their relationships with authority quite differently. Four factors seem to have a particular significance for young people today—integrity, involvement, responsiveness, and caring.

Thus, this group of young veterans will do better in the industrial environment as it is possible to convey to management the increased importance of a more open, responsive interface with employees, and the involvement of employees in a more meaningful way with the company and its products. If this is possible, it could become a fine example of preventive medicine, at its best.

MILITARY DRUG OFFENDERS—THE NEED FOR PROBATIONARY SENTENCING

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 am today introducing legislation to correct a glaring inequity which exists under present courts-martial sentencing procedures.

In the last decade, numerous authors, legislators, and legal scholars have been made scathing attacks on the military justice system in this country. Some of their most severe criticisms were obviated by the enactment of the Military Justice Act of 1968.

In place of the law officer, the 1968 law created the military judge and endowed him with new powers and duties, similar to those of a civilian judge.

In my judgment, the 1968 act was patently deficient in one particular respect. It did not grant the military judge the power to suspend the sentence of a first-time drug offender.

For this reason, I am introducing legislation which would expressly authorize courts-martial to place a person on probation in the event of a first-time conviction for certain drug related offenses.

I am aware that the convening authority and the Secretary of the appropriate military department presently possess the power to reduce and suspend the sentence imposed by a court-martial. In this regard, I have been advised in a January 10, 1972, letter from Mr. Richard K. Cook, Deputy Assistant to President Nixon—that—

> The Department of Defense and the military departments are aware of the stigmatizing effect and postservice disadvantages of a less than honorable discharge. For these reasons, the officials who administer courts-martial and administrative discharge proceedings are scrupulously careful in their evaluations of and actions on each case, giving due consideration to all facts and circumstances, and in particular, to the individual concerned.

However, it is not enough that the Defense Department recognizes the gravity of the situation and is attempting to implement existing procedures in order to alleviate the problem.

Instead, Congress must endeavor to insure that military procedures relating to the handling of drug offenders are brought into conformity with civilian procedures.

For example, in enacting the Controlled Substances Act of 1970, Congress provided first-time civilian drug offenders with the alternative of sentencing for probation. Certainly, first-time military drug offenders are entitled to, and should

receive, the same measure of justice and compassion as their civilian counterparts.

This is especially true in light of the fact that a large number of individuals are exposed to drugs for the first time while serving in our Armed Forces.

Specifically, this legislation would authorize the court-martial to place on probation any person who has been convicted of, or pleads guilty to, certain drug offenses.

Furthermore, such probationary period may not exceed 1 year in duration, and the probation alternative may not be utilized without the consent of the accused.

This legislation also stipulates that upon fulfillment of all the terms and conditions of the probation, the individual shall be released and all proceedings against him shall be dismissed without an adjudication of guilt.

Likewise, the bill provides that such release and dismissal shall not be considered a conviction for purposes of disqualification or disability imposed under the Uniform Code of Military Justice.

In addition, this proposal established procedures which would allow a person to expunge from military records all information relating to his drug violation.

In summary, the primary purpose of this legislation is to restore a first-time military drug offender to the status he occupied before his arrest or before a charge was made against him. This relief is presently available to first-time civilian drug offenders and I can discern no logical reason why it should not be extended to similarly situated servicemen.

ISRAEL DETERMINED TO PROTECT ITSELF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, I was indeed fortunate to visit the nation of Israel during the congressional recess and to witness firsthand the courage and determination of the people of Israel and that nation's leaders. I was also privileged to meet with Prime Minister Golda Meier, Minister of Defense Rea Lavie, Minister of Foreign Affairs for North America Michael Elizur, and other government officials.

As a member of the House Appropriations Committee and the Defense Appropriation Subcommittee I was particularly interested in discussing the balance of military strength in the Middle East and the prospects for a lasting peaceful settlement of the Mideast conflict.

The one fact which impressed me the most in all my conversations with Israel's Government officials was the desire and determination to maintain Israel's military strength at a level which assures that Israel will be able to defend herself without calling on any other nation for troop support. Israel is simply not going to allow herself to fall into a position where she is dependent on the United States or even the United Nations for troop assistance should the Arab States attack Israel.

This policy is one which stands as a strong warning to Israel's neighbors even in light of these rather shocking facts. I was told that the Russians have brought about a shift in Arab military power which in terms of raw power means that Israel is now outnumbered in aircraft 3 to 1; outnumbered in artillery up to 20 to 1; and outnumbered in tanks 2 to 1. In addition I was told that approximately 20,000 Soviet advisers are present in the Middle East to assist in the deployment of this hardware.

Notwithstanding this awesome display of Soviet provided military might, the Israeli officials, with whom I spoke, made it clear to me that Israel does not want U.S. military advisers of any kind, but rather Israel wants technical assistance and modern weaponry so that she can defend herself without involving foreign troops. I find that attitude commendable and will urge the Congress to support an aid policy which can keep Israel in a position to accomplish that goal.

I have been a consistent supporter of Israel's right to purchase arms for her own defense and have pressed this administration to deliver the Phantom jets which we have finally agreed to ship to Israel. More important, in terms of long-range policy however, is the need to have a clear U.S. policy with respect to the Middle East—a policy which will be unequivocal and which will not cause even a temporary deterioration of United States-Israel relations such as occurred last year when Israel's requests for Phantom jets did not receive prompt attention.

Mrs. Meier is a most impressive and sincere person whose leadership is responsible. Mrs. Meier wants defensible borders and the military strength to defend those borders without outside troop assistance. She will negotiate so long as prior conditions are not imposed upon her nation and she will be reasonable and responsible in those negotiations in my opinion.

Mr. Speaker, I found Israel to be the outstanding example of a nation which is not a party to any military security pact, such as NATO or SEATO, but wants only to remain strong enough to defend herself. That kind of policy, I believe is in the national interest of the United States. We must have a clear and firm policy of aid to Israel so that other nations will understand that we will not let Israel become weak while her neighbors grow militarily strong. For those reasons, I return from my trip to Israel convinced that we must avoid any deterioration in our relations with Israel and that we should be prepared to provide military assistance or rely on the United Nations to protest that bastion of democracy in the Middle East. Israel can and will defend herself if we adopt such a policy. It will be a valuable ally on the south shore of the Mediterranean which we so sorely need in our own defense plan, especially with the tremendous building of Russian naval bases in the Middle East.

THE QUALITY SCHOOL ASSISTANCE ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 5 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, today I am reintroducing the Quality School Assistance Act of 1972 with an additional 32 cosponsors. I originally introduced this proposal along with my distinguished colleagues from Michigan, Mr. DINGELL, Mrs. GRIFFITHS, Mr. NEDZI, and Mr. O'HARA, on December 16, 1971.

This bill is designed to overcome the crowded and deteriorating conditions in our Nation's schools. It is designed to bring quality education and equality in education into every neighborhood in America by providing more Federal dollars to local educational agencies.

The Quality School Assistance Act has three basic provisions. First, it would provide a greatly expanded form of general aid to local educational agencies with special provisions for those districts with large concentrations of students from low-income families. Second, it would provide Federal funds for construction or modernization of overcrowded and obsolete facilities, with priority given to school districts now being forced to operate on half-day sessions. Finally, it would extend the impact aid program which provides additional Federal funds for school districts with concentrations of children of Federal employees.

Under the general aid program of this bill the Federal Government would provide an allocation to each local school agency equal to 20 percent of the product obtained by multiplying the number of children in its elementary and secondary schools by the State average per pupil expenditure or the national per pupil expenditure whichever is higher. The Federal percentage would increase 5 percent per year for the next 3 years until it reaches a level of 35 percent in 1976. Presently the Federal contribution to elementary and secondary education amounts to less than 7 percent of the total expenditures.

Increasing Federal spending for elementary and secondary education purposes to these substantially higher levels has received widespread support. It has been recommended by Government-supported studies and education associations and it has been endorsed by high-ranking officials in the Nixon administration.

As I pointed out when I originally introduced this bill in December, a comprehensive study financed by the Office of Education recently recommended that public schools should receive at least 22 percent, and preferably 30 percent, of their total revenue from the Federal Government to accomplish legitimate and appropriate Federal purposes.

The National Education Association has called for substantial general Federal support of public education with the ultimate goal of having the Federal Government furnish at least one-third of the cost of operating our Nation's schools. A study conducted by the American Federation of Teachers indicates

that a Federal contribution in excess of 30 percent of total expenditures would be necessary to provide our Nation's children with a good quality education.

I was especially happy to note that apparently the Nixon administration is also now committed to increasing the Federal contribution to elementary and secondary education. On December 16, 1971, the day on which I originally proposed this legislation, the Nixon administration, speaking through Dr. Sidney Marland, the Commissioner of Education, endorsed the concept of increasing the Federal contribution to the 25 to 30 percent level. Speaking to nine big-city mayors in Wilmington, Del., on that day, Dr. Marland stated that he believed the Federal Government should pay 25 to 30 percent of the cost of public education.

The need for a substantial increase in the Federal Government's contribution to the cost of educating our children can no longer be questioned—and in light of the verbal support we hear coming from almost everyone connected with education, including parents and students, teachers and administrators, school board officials, and local, State, and Federal Government officials, this need is no longer being questioned.

The only questions we hear now are "When is the Federal Government going to act? When is the U.S. Congress going to respond to this financial crisis? When is the President going to respond?"

Mr. Speaker, rhetoric will no longer satisfy our Nation's educators; it will no longer satisfy the taxpayers. The time has now come for action.

President Nixon is fully aware of this financial crisis. He referred to it very explicitly in his state of the Union address last week, when he stated that "soaring school costs and soaring property tax rates now threaten both our communities and our schools."

Unfortunately, however, Mr. Nixon evidently still feels that problems can be solved by rhetoric rather than action, because he continues to mislead the American people by telling them that his own proposal, the so-called special revenue sharing for education program, will solve the problems which now confront our schools.

Mr. Speaker, I think it is only appropriate to clear up, once and for all, the significant differences between our proposal, which calls for an actual increase in Federal funds, and Mr. Nixon's proposal, which amounts to nothing more than a transfer of Federal funds from one place to another.

First of all, our proposal calls for an actual and substantial increase in Federal funds over and above the funds presently being received by local education agencies for existing programs. Our proposal does not call for the repeal of any existing program under which a local educational agency is presently receiving Federal funds.

During fiscal year 1973, if fully funded, the quality assistance portion of the Quality School Assistance Act would provide an estimated $10.6 billion in Federal funds to local educational agencies. The estimated State-by-State distribution of these funds would be as follows:

1973 DISTRIBUTION OF FUNDS UNDER THE QUALITY ASSISTANCE PROGRAM OF THE QUALITY SCHOOL ASSISTANCE ACT

State	Distribution based on number of school-age children	Distribution based on equalization factor	Total for State
Alabama	143,761,676	87,857,434	231,619,110
Alaska	11,695,264	2,919,732	14,614,996
Arizona	55,889,960	19,110,982	75,000,042
Arkansas	75,916,316	53,351,494	129,267,810
California	600,677,070	223,492,328	824,169,398
Colorado	70,318,062	1,858,012	72,176,074
Connecticut	118,915,800	21,499,854	140,415,654
Delaware	18,001,348	4,512,314	22,513,662
Florida	181,817,030	57,332,948	239,149,978
Georgia	168,899,084	87,061,144	255,960,228
Hawaii	30,619,182	6,635,756	57,254,938
Idaho	29,854,316	5,574,036	35,428,352
Illinois	444,971,164	113,073,316	558,044,480
Indiana	184,874,698	37,160,244	222,034,942
Iowa	111,039,180	32,913,358	143,069,896
Kansas	84,130,182	22,030,716	106,160,898
Kentucky	116,613,106	80,159,956	196,773,062
Louisiana	142,237,876	76,709,362	218,947,238
Maine	38,252,020	12,475,224	50,727,244
Maryland	137,611,412	39,018,256	176,629,668
Massachusetts	195,141,908	49,635,468	244,777,376
Michigan	377,252,532	83,079,699	460,332,222
Minnesota	158,397,808	40,079,978	198,477,786
Mississippi	100,080,136	91,573,460	191,653,596
Missouri	158,437,926	57,332,948	215,770,874
Montana	28,448,420	6,635,756	35,084,176
Nebraska	54,623,570	16,722,110	71,345,680
Nevada	10,534,400	2,123,442	12,657,842
New Hampshire	22,928,930	3,716,024	26,644,954
New Jersey	284,008,044	70,073,604	354,081,648
New Mexico	43,388,894	18,845,552	62,234,446
New York	994,545,834	250,300,790	1,244,846,624
North Carolina	198,636,148	122,486,818	321,122,966
North Dakota	27,776,048	9,820,920	37,597,004
Ohio	378,603,768	90,511,738	469,115,506
Oklahoma	91,116,630	40,345,408	131,462,038
Oregon	78,360,576	17,783,830	96,144,406
Pennsylvania	442,725,254	130,060,856	572,786,110
Rhode Island	34,849,824	8,759,200	43,609,024
South Carolina	110,374,834	75,382,210	185,757,044
South Dakota	28,747,236	13,802,376	42,549,612
Tennessee	146,665,388	79,363,664	226,029,052
Texas	394,505,022	158,992,760	553,497,762
Utah	40,890,696	7,962,908	48,853,604
Vermont	15,639,768	4,246,884	19,886,652
Virginia	159,113,024	74,320,488	233,433,512
Washington	116,390,467	28,666,474	145,056,950
West Virginia	80,352,664	43,329,486	123,682,150
Wisconsin	173,602,820	34,505,940	208,108,760
Wyoming	13,948,214	2,388,872	16,337,086
Washington, D.C.	29,767,260	11,678,934	41,446,194
Total	7,962,909,586	2,652,537,908	10,615,447,494

Furthermore, additional funds would be distributed under the quality construction provisions of our bill, and the impact aid program would be extended, by continuing Public Law 815 and Public Law 874 in their present form.

Now let us examine what Mr. Nixon's special revenue sharing would accomplish. First of all, Mr. Nixon's proposal calls for the repeal of almost all existing Federal categorical aid programs. Among the programs which Mr. Nixon would repeal are the title I program of the Elementary and Secondary Education Act of 1965, the impact aid program, and the vocational and adult education programs.

Furthermore, Mr. Nixon's proposal would result in almost no actual increase in the Federal Government's contribution to educating our children. He simply proposes to take the money which the Federal Government would save by repealing existing programs, and redistribute it under a different formula. The point I would like to emphasize is that Mr. Nixon's proposal could not possibly begin to solve the schools' financial crisis because he does not propose to give the schools any additional money.

Mr. Speaker, I would now like to compare the distribution formulas in these two proposals, and once again I would like to point out some further inconsistencies between what the President says publicly and what he has actually proposed to Congress. In his state of the Union message to Congress Mr. Nixon stated his unequivocal commitment to "one fundamental principle with which there can be no compromise: local school boards must have control over local schools."

Yet this proposed special revenue sharing for education program would accomplish the exact opposite. His proposal would actually take control away from local school boards and vest it in the State.

Under the provisions of the existing programs, which Mr. Nixon wants to repeal, Federal funds are channeled directly from the Federal Government to local educational agencies. Under the provisions of the program which Mr. Nixon has proposed, the Federal funds which are now channeled to local school boards would be channeled instead to the State educational agencies.

In other words, under the Nixon proposal the States would receive all the funds and local school boards would be required to conform to State-imposed guidelines and regulations before they could receive their fair share of Federal funds to which they are entitled. In contrast, the Quality School Assistance Act which we have introduced would channel all funds directly to the local school boards, which would enable them to retain local control.

Mr. Speaker, I would like to once again emphasize that we in the U.S. Congress can no longer avoid this issue. The Federal Government must come to the aid of our financially crippled elementary and secondary school systems, and we must do so now.

I have documented the inadequacies of the President's special revenue sharing proposal, and it is abundantly clear that his proposal simply cannot do the job. It neither provides financial relief for our schools nor enhances local control of our schools.

In contrast, the Quality School Assistance Act which we have introduced today will provide the financial relief which is so urgently needed and will permit the continued local control of our schools.

Mr. Speaker, I strongly urge my colleagues to give this bill their most careful and favorable consideration.

At this point I would like to insert the names of my distinguished colleagues who have joined me in introducing the Quality School Assistance Act of 1972:

LIST OF COSPONSORS

Mr. Abourezk (D-S. Dak.).
Mr. Clark (D-Pa.).
Mr. Clay (D-Mo.).
Mr. Conyers (D-Mich.).
Mr. Cotter (D-Mich.).
Mr. Dominick Daniels (D-N.J.).
Mr. Danielson (D-Calif.).
Mr. Dent (D-Pa.).
Mr. Dingell (D-Mich.).
Mr. Don Edwards (D-Calif.).
Mr. Eilberg (D-Pa.).
Mrs. Griffiths (D-Mich.).
Mr. Harrington (D-Mass.).
Mr. Ken Hechler D-W. Va.).
Mr. Helstoski (D-N.J.).
Mrs. Louise Day Hicks (D-Mass.).
Mr. Matsunaga (D-Hawaii).
Mr. Meeds (D-Wash.).
Mr. Mikva (D-Ill.).
Mr. George Miller (D-Calif.).
Mrs. Mink (D-Hawaii).
Mr. Mitchell (D-Md.).
Mr. Moorhead (D-Pa.).
Mr. Moss (D-Calif.).
Mr. Nedzi (D-Mich.).
Mr. O'Hara (D-Mich.)
Mr. Pepper (D-Fla.).
Mr. Perkins (D.-Ky.).
Mr. Price D-Ill.).
Mr. Rangel (D-N.Y.).
Mr. Rees (D-Calif.).
Mr. Rosenthal (D-N.Y.).
Mr. St Germain (D-R.I.).
Mr. Scheuer (D-N.Y.).
Mr. Steed (D-Okla).
Mr. Tiernan (D.-R.I.).

PERSONAL TRIBUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I want to take this opportunity to congratulate a young constituent of mine, Brian Scott Young, whose family I have known and had the pleasure to represent for many years. Brian will be 13 years old and will be a participant in the centuries-old rite of bar mitzvah, on February 3 at Temple Israel in Brockton, Mass. As Brian crosses this official threshold to manhood and maturity, I wanted to pay a special tribute to a wonderful family for the excellent young man they have reared. An accomplished skier and competition swimmer, Brian is an active young citizen of the Brockton community and I know my colleagues join me in wishing him every success in the future. Brian's parents are Dr. Arthur and Nancy Young and his sister, Bonnie Beth, and his proud grandparents are Henry M. and Fanny Young, longtime residents of Brockton. I also want to make a bow in the direction of Louis and Esther Silverman of Langley Park, Md., his other proud grandparents. My best wishes to all on this proud occasion.

THE 54TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

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

Mr. HANLEY. Mr. Speaker, I rise today to join my distinguished collegues in honoring a strong and valiant people, the people of the Ukraine.

Today we observe the 54th anniversary of Ukrainian independence, a day that pays tribute to the men and women who struggled to make the Ukraine a Republic. But while it is a day of honor for these great people, it is also a day of sober reflection, for 47 million Ukrainians live today under the tyranny of communism. They must live behind the Iron Curtain, under a puppet government that was forced upon them. They must live with the tragic reality that they are slaves in their own country, captives of the Soviet Union's imperialism.

America's heritage and character demand that we give full support to those nations on whom the despot treads. To do less would be surrender to injustice. We are a nation deeply committed to the rights of individual freedom and self-determination. By supporting the Ukrainian cause, we reinforce the principles on which this country was founded.

We, who value freedom so highly, can offer more than a dim ray of hope to these oppressed people. Certainly, we must voice our outrage at the inhuman policies of communism, but we must offer more than fine sounding words. It is important that we praise their courage and perseverance, but it is more important that we support their cause with action.

First, we can act in a legislative manner. There are several bills pending in Congress regarding this matter that deserve support.

Second, we can act as a nation. The President will soon be traveling to Moscow to meet with Soviet leaders. It is my fervent hope that he will seize this opportunity to reaffirm our policy regarding the Ukraine and other captive nations, and impress upon the Soviet leadership our determination to see the Ukraine and the countries like it free from the yoke of communism.

Americans of Ukrainian descent have contributed much to the greatness of this Nation, and I am proud to represent many of these fine citizens. Today they still hope and pray that their native land will be free once more and that they will be reunited with their loved ones.

It is our moral duty to lend substance to their hope, and the hope of their countrymen held captive.

SOME BLOOD KILLS

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

Mr. MONAGAN. Mr. Speaker, the incidence of serum hepatitus in blood collected for human transfusions is shocking. In the United States there is on the average one death for every 150 patients over 40 years of age who receive transfusions. Dr. J. Garrott Allen of Stanford University has stated that these transfusions are responsible for at least 3,500 deaths a year and the medical injury of another 50,000 Americans. The Center for Disease Control has stated that the actual rate of hepatitus may be well in excess of the official figure due to the failure of many physicians to report serum hepatitus cases. The center estimates that as many as 35,000 deaths and 500,000 illnesses a year may be due to the presence of serum hepatitus in blood for transfusions.

Stringent regulations affecting the collection of blood are practically nonexistent in the Nation. Seventeen States have no regulations affecting blood banks. Twenty-one States have laws which prohibit those injured from tainted blood from pursuing a cause of action under a warranty of fitness or merchantability. Only seven States have licensing requirements for blood banks. Even these lack adequate regulation.

The incidence of hepatitus in blood collected by commercial blood banks from paid donors is estimated to be about 10 times greater than that collected from volunteer donors. The paid donor is much more likely to lie in order to be accepted. Also many of the commercial blood banks are located in the slum areas of our cities where the health of the donors is questionable.

A recent investigation by three reporters of the Chicago Tribune discovered that commercial blood banks located in Chicago's slums were buying blood from donors with fresh needle marks in their arms—an indication that they had given blood much more recently than the recommended 6-week waiting period between donations. Also it was discovered that suspected hepatitus carriers who were rejected by some blood banks were accepted by others. This lack of consistency of policy and the absence of adequate regulation can only result in inferior and dangerous blood being made available to the general public in time of need.

While it is clear that not all blood banks operate in an unconscionable manner those that do tarnish the reputation of the many reputable and conscientious blood banks operating throughout the country. Disruptable blood banks must improve their standards to an acceptable level or cease operations. The lives of our hospital patients throughout the country must not be jeopardized by the ingestion of tainted blood.

We must act to terminate this deplorable situation. Therefore, today I am introducing the National Blood Bank Act of 1972. This bill would establish a national blood bank program in the Department of Health, Education, and Welfare to inspect, license, and regulate all blood banks. Since the blood of voluntary donors has been found to be a high-

ly reliable product, provision is made for the establishment of a $9 million national program to recruit voluntary donors. With the implementation of this program we would have to rely less upon paid donors to supplement the available blood supply.

Provision has also been made to establish a national registry of donors to insure that blood banks will be able to discover hepatitus carriers with ease and accuracy and thereby prevent that blood from being made available.

This proposed legislation utilizes both regulation and recruitment to attack this major health problem of the country. I urge my colleagues to support this needed legislation. Too many people are dying or becoming ill for us not to take any decisive corrective action.

THE UNITED STATES AS SLUMLORD

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

Mr. MONAGAN. Mr. Speaker, "The United States as Slumlord" is certainly not a characterization which our Nation should bear with pride. Yet this is the title which the New Republic chose for an article in its December 11, 1971, edition. And as the article points out, the title is not without justification.

The House Subcommittee on Legal and Monetary Affairs, which I chair, is currently conducting investigative hearings on the problem outlined in the article and we welcome articles such as this one which throw light upon the exploding national problem. The article follows:

THE UNITED STATES AS SLUMLORD

(By Ken Hartnett)

The administration has a pressing reason for wanting to build virtually all subsidized rental housing from now on in the outer city and not in the inner city. In explaining HUD's new policy of scattering subsidy apartments, Secretary Romney tells us a lot about the scarcity of land in the inner city, about legitimate demands for social justice, and about the flight of jobs to the outer city necessitating new, lower-rent housing in the suburbs. But he doesn't publicly admit the motive of government self-interest: the Department of Housing and Urban Development will have accumulated, by 1978, a multibillion dollar investment in subsidized apartments (estimates range up to $80 billion in total obligations over the 40-year life of the mortgages) and those in the ghetto—about one-third of the present total—are going sour at an alarming rate. In short, HUD faces the grim prospect of becoming the nation's No. 1 slum landlord when privately developed but federally guaranteed and subsidized projects belly up, the hulks turned over to the government for management or disposal.

Having only barely recuperated from the recent speculation scandals of the homeownership program, HUD is now sifting the early but dreary returns on interest-subsidy programs for apartments, particularly projects for low- and moderate-income families. The news is bad from Boston, where, for example, the rate of default on mortgages is 80 percent for the 3022 inner-city apartments rehabilitated three years ago. Housing consultant Hortense W. Gabel took a reading on New York City subsidized projects less than three years old and found that many were "already exhibiting mild to severe maintenance problems." HUD's own statisticians have warned Romney to brace for a five percent default rate. George Sternlieb, an expert on inner-city housing at Rutgers University, says flatly "the bulk of all the housing that was built under (interest subsidy) in the central cities is essentially bankrupt."

Real estate entrepreneurs, with large profits already pocketed in many cases, say the problems are too severe in the inner city, and they won't take the plunge again without some kind of protection, such as an association with a community-based organization. "Why should we go into an area where we know we'll get our brains knocked out before we're in round two," said Gerald Schuster, president of Continental Wingate, a Boston construction firm. Schuster and like-minded businessmen have difficulty coping with the demands of community groups for heavy minority representation on construction crews and for a voice in the direction of the projects. They are also unsophisticated about the slum syndrome of crime, drugs, despair and decay that only too readily engulfs their units.

To the surprise of no one familiar with past Federal Housing Administration programs, the real beneficiaries of the subsidies are not low- and moderate-income families ($4000 to $12,000 a year) but the housing business and a new breed of real estate investor. "The housing being produced, by and large, is a disaster," said Roland L. (Sam) Larson, executive director of the Inter Faith Housing Corp. of Boston, one of the nation's leading nonprofit housing packagers. "It's a total ripoff and nobody is going to jail for it. The programs make the rich richer through subsidies but the tenants get only higher rents and modestly improved housing." This from Anthony Henry, executive director of the National Tenants Organization: "I think it's going to be worse than public housing and in a shorter period of time."

Inspection of numerous inner-city subsidy projects by this reporter found appalling instances of shoddy and inept construction. Plumbing backups, severe water leaks and chilling drafts are common. Walls are generally paper thin, doors poorly hung, windows of the cheapest design. The builders, with some justification, blame Congress for unrealistic cost ceilings that prevent quality building. Tenants, with more justification, blame the FHA for inadequate inspection that allows corner cutting in construction.

Rents for these apartments—most of them located in seedy, crime-infested neighborhoods—approach middle-class levels, despite the government's covering all but one percent of the interest charges. Rent scales at Methunion Manor in the South End of Boston run up to $222 a month for a five-bedroom apartment—hardly a rent within the means of even a "moderate" income family. A five-city HUD survey of subsidy projects found the average tenant paying 34 percent of income for rent. The goal was 25 percent. Adding insult, many sponsors have felt forced by soaring operating costs to extract rent increases from these already hard-pressed tenants shortly after the projects opened, the survey showed. The predictable result has been a coast-to-coast wave of tenant strikes and law suits.

The main tenant complaint is about the large profits generated by the special tax preferences given subsidized housing in the 1969 tax revision act. The tax shelters, plus the congressionally mandated goal of 6 million subsidized units by 1978, plus the dire depression of the housing industry in the late 1960s, all combined in a volatile mix that allowed HUD to drive subsidized housing starts to a record 500,000 this year. (Some subsidized projects are occupied with another 2820 under construction.)

The tax shelter, says Boston entrepreneur Max Kargman, is the key to understanding the financial dynamic of multifamily subsidized housing: "That's what makes the whole deal work; it's what makes it profitable for the builder. Otherwise why should he put in all this time and effort, with all the risks and struggle. For what?"

The builder-developers make their profit by selling shelter equity to rich professionals and businessmen. For a percentage of the 90 percent federally guaranteed mortgage, usually between 12 and 20 percent, the investors purchase the right to offset taxes on other earnings with the rapid depreciation losses permitted on the full value of the apartments. In other words, on a $1-million project, they would pay between $120,000 and $200,000 for $1 million in depreciation used over a five-to-ten-year period. The return in federal income taxes avoided can run as high as 30 percent a year for the investor in the 50 percent tax bracket. These absentee landlords, known as limited dividend partners, have no hand in management which remains in most cases the responsibility of the builder-developer. The investors often don't even know where their investment is located unless their broker tells them.

Shelter sale is also the honey that draws entrepreneurs to subsidized housing, especially so-called easy fringe and suburban projects catering to young, white professionals with low but rising income. With actual cash equity of only $33,000—a not unusual proportion—a developer of a $1-million project can get a cash return in less than two years equal to five times his investment, if not more, depending on his sophistication.

The inequities and distortions are blatant in the shelter dynamic. When operating costs increase builder-developers resort to rent hikes and won't dip into front-end profits from the sale or use of shelters. The public hears only about the current $175-million a year cost of interest subsidies on the apartments and is ignorant of the millions lost to the Treasury each year because of the tax writeoffs. Furthermore, because profit dominates the process, private enterprise is drawn to the safest location possible for building subsidized apartments—fringe areas where 61 percent are located. "The guy who makes the most money is the guy who builds the projects where they don't need them anyhow," said housing consultant Robert H. Kuehn of Boston. Although the taxpayer guarantees the mortgage, puts up the interest subsidies, and supplies the financial coal, says Milton Semer, a former HUD official in the Johnson administration, private interests are determining where this new brand of public housing will be built, who will live in it, and under what circumstances. And most profits are front-end, meaning that while the government has a 40-year stake in the mortgage, the money men are home free from possible recapture of profits by the Internal Revenue Service if the project remains viable for ten years. "There's nothing to keep their feet to the fire," said an aide to Romney, worrying about a massive bailout of the money interests in the 1980s.

Even nonprofit housing sponsors are thinking up ways to harvest a share of the dollars spinning out of the program. Fearing a loss of their preferred tax status, the nonprofits until now left the tax gimmicks unused when they launched a project. But at least seven of the community-based and church groups have recently launched joint ventures with entrepreneurs, planning to use part of the shelter proceeds to support social services in the projects. "We have a low-income housing program in this country and we are going to use it," said Larry M. Lefkowitz, director of public affairs for the Non-Profit Housing Center in Washington. "You can either do nothing or use the tools in your tool box."

What went wrong with a program once hailed as the ideal way public seed money

could generate private sector enterprise of social worth? For one thing, HUD officials pressured by Romney until recently to meet production goals, have shaved operating and maintenance cost estimates 10-to-20 percent to bring proposed projects within federal cost limits. Since initial rents were pegged to the unrealistic estimates, the predictable result has been increases shortly after, or even before apartments are occupied. Needless to say, general inflation has added to the cost squeeze. For another thing, builders say they can't construct durable subsidized projects because Congress has set unrealistically low cost limits in the mistaken belief that there is such a thing as low-cost (versus low-rent) housing for the poor. And Congress made niggardly allowance for amenities, really necessities, such as playgrounds, day care facilities, teenage recreation centers, and counseling. Particularly important in the government's view is the short supply of competent housing managers.

All these problems are intensified by crime, drugs and decay in ghetto projects. The most desirable tenants tend to leave at the first opportunity for something safer. Finding the right replacement tenant becomes more difficult. Slowly, the project becomes poorer. Repair costs rise, rent receipts decline. Deterioration accelerates. "I just don't have the dollars to stem the tide," complained one hard-pressed housing manager in the Roxbury section of Boston. "Society asks him (the manager of low-income housing) to take on all its problems—drugs, alcohol, and welfare dependency—then blames him when he fails," said Edwin D. Abrams, a Boston housing consultant who also manages subsidy units. "But the government provides none of the social services money that might make this possible."

Faced with the necessity of doing something about a deteriorating situation, the government has the option of tinkering with the interest subsidy formula or changing direction completely in housing the poor. One first-aid method might entail operating subsidies, such as those recently instituted in public housing, to keep rents down and projects afloat. A variant might be infusion of money for social services. A third could be a return to direct, low-interest federal loans for construction. Radical surgery might entail abandoning interest subsidies and moving to direct stipends, allowing poor families to shop for shelter that doesn't carry the social stigma of a "project." Tony Henry and the NTO would have tenants themselves manage and control subsidized units. Norman V. Watson, the assistant HUD secretary for housing management, voiced the government's confusion on just what to do when he observed: "We've got to look at a housing strategy real quick."

THE JUSTICE DEPARTMENT AND THE PENN CENTRAL INVESTIGATION

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

Mr. PATMAN. Mr. Speaker, the Banking and Currency Committee has conducted an 18-month long investigation of the collapse of the Penn Central Railroad. The sixth report, incorporating the results of this investigation, was published on January 3.

Shortly after the publication of this document, three persons intimately involved with the affairs of Penn Central and one of its major subsidiaries—Executive Jet Aviation—were named in charges filed by District Attorney Arlen Specter of Philadelphia. I place in the RECORD a copy of a news story detailing this development.

THREE EX-AIDES OF PENN CENTRAL ACCUSED OF FRAUD

PHILADELPHIA.—Warrants to arrest three former executives enmeshed in the affairs of Penn Central Transportation Co. were issued as a result of an investigation by the city's district attorney's office. They charge criminal activity in connection with the financial collapse of the giant railroad.

In other developments, despite coal and dock strikes the railroad narrowed its November losses to $28 million from $37.1 million a year earlier. And Judge John P. Fullam, overseeing the reorganization of the rail subsidiary of Penn Central Co., indicated in a court order that the trustees of the New Haven Railroad have a lien, of indeterminate amount, or priority, against assets of Penn Central Transportation.

The warrants, alleging conspiracy to cheat and defraud and fraudulent conversion, were issued against David C. Bevan, former chairman of the railroad's finance committee; Charles J. Hodge, former chairman of the executive committee of what was then F. I. duPont, Glore Forgan & Co., investment bankers for the railroad, and Olbert F. Lassiter, former president of Executive Jet Aviation Inc., a Columbus, Ohio, charter airline in which Penn Central Transportation is selling its 57% ownership.

CHARGES SPELLED OUT

In a 57-page document spelling out the charges, District Attorney Arlen Specter said the three "conspired in their corporate activities to divert in excess of $21 million from the treasury of the Penn Central for themselves and others."

Mr. Specter said he was aided in the investigation by federal law-enforcement officials and by the trustees of the railroad that filed for reorganization in June 1970. Mr. Specter said other arrest warrants for key Penn Central officials, or ex-officials, weren't imminent and said he didn't know whether any federal charges would be brought against the three.

The alleged acts of Messrs. Bevan, Hodge and Lassiter, which the district attorney said "substantially drained the resources of the Penn Central, contributing to its bankruptcy," included:

—Establishing a world-wide airfreight and passenger system ultimately to benefit a travel agency which they, their relatives and friends privately owned and controlled.

—Manipulating more than $85 million in Penn Central investments to benefit a private investment group owned by themselves, their relatives and friends.

In addition to these charges, Mr. Lassiter is charged with personally misappropriating more than $130,000 of Executive Jet Aviation funds and siphoning them to his own company, Lassiter Aircraft Corp., a then newly formed supersonic jet research concern.

Mr. Bevan called the district attorney's charges "incredible" and a "grave mistake." In a prepared statement, he dubbed himself a "scapegoat," and asserted, "Except for the fact that I am experiencing it myself, I would say this sort of thing just cannot happen in America. I am instructing my counsel to demand an immediate trial, so that I can at last be vindicated."

Mr. Hodge had "no comment" on the case.

Yesterday, the reorganization court approved sale of Penn Central's 57% interest in Executve Jet for $950,000. The purchasers are Bruce G. Sundlum, Executive Jet president and a Washington attorney, and Robert L. Scott, Jr., Executive Jet's sales director and a Philadelphia businessman. Two months ago, the Civil Aeronautics Board authorized the sale; the CAB had ordered a divestiture in 1968 after finding that the railroad's interest in the carrier constituted a conflict of interest.

Regarding the railroad's losses to date, the trustees said the 11-month deficit narrowed to $248.9 million from $290.1 million a year earlier.

Both the November and the 11-month figures provide for certain rents, taxes and interest payments that aren't being paid, having been deferred by order of the reorganization court.

OPERATING RATIO CUT

The trustees said the company reduced its operating ratio—the percentage of operating revenue consumed by operating expenses—in November to 91.1% from 95.9% a year earlier. Moreover, freight revenue for the month rose to $117.1 million from $108.1 million as a result of rate increases offsetting traffic volume lost to the dock and rail strikes the trustees noted.

In the case of the New Haven Railroad's lien, Judge Fullam, while indicating the trustees of the New Haven have a lien, said, "The ultimate disposition of the claims asserted by the New Haven trustee is deferred pending completion of a program for handling proofs of claim in these proceedings . . . and consideration of objections."

Circuit Court Judge Robert Anderson of Connecticut, overseeing the New Haven estate, ruled last June that the New Haven was entitled to the lien against the property it transferred to the Penn Central in their 1969 merger. Attorneys for the Penn Central Railroad argued that Judge Anderson hadn't any jurisdiction over Penn Central affairs.

A Supreme Court decision in June sparked the turmoil. At the time the high court raised the price the Penn Central was to pay for the New Haven. Noting, however, that the New Haven already had been given 956,756 shares of Penn Central stock, valued at $87.50 a share, as a part of the purchase price, the Supreme Court sent back the case to Judge Anderson and to the Interstate Commerce Commission to reconsider the value in light of the Penn Central reorganization filing.

Throughout this investigation, the Banking and Currency Committee has offered its full cooperation with law enforcement agencies at all levels. The staff of the committee has worked with Mr. Specter's staff and, in addition, the U.S. Justice Department has been offered access to the various records and documents on this case.

Despite repeated offers of assistance, the Justice Department has given no firm indication of what, if anything, it plans to do in connection with the Penn Central matter. On January 7, I again wrote the Attorney General urging that his Department either take specific action or announce that there was no reason for prosecutions in the case.

As I told the Attorney General, I feel that it is important that the Penn Central case—which is now more than 18 months old—be cleared up as soon as possible. Confidence in law enforcement is not enhanced when such issues are delayed month after month, particularly when the facts have been so thoroughly laid on the public record.

Mr. Speaker, I place in the RECORD a copy of my January 7 letter to the Attorney General and a reply which I have received from Mr. Richard G. Kleindienst, the Deputy Attorney General:

HOUSE COMMITTEE ON
BANKING AND CURRENCY,

Washington, D.C., January 7, 1972.

Hon. JOHN MITCHELL,
The Attorney General,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: As you know, the District Attorney in Philadelphia has

brought criminal prosecutions against three key figures in the Penn Central case. These charges involve events detailed in reports released by the House Banking and Currency Committee in December of 1970, February of 1971, and January 3 of 1972.

While it is commendable that the local law enforcement officials have gathered together the resources to prosecute these cases, I question why the Justice Department has not been active on these same issues. I have offered your Department the full cooperation of the Committee and have made available the various documents collected in the course of our 18-month investigation. Once again, let me repeat my offer of full cooperation in any law enforcement activities which your office might enter in connection with the various issues raised in the Penn Central matter.

Much attention has been focussed on law enforcement in recent months and I know that you agree that there is a great need to improve the confidence of the American people in their various law enforcement agencies. Confidence is not enhanced when a feeling grows that large corporations and persons with important business and financial ties are immune from the actions of these agencies.

In this regard, there has been much concern expressed about the recent decision of the Federal Communications Commission to drop its investigation of the American Telephone and Telegraph Company (A.T.&T.) because of the mammoth size of this corporation. This, in my opinion, is a sad situation and it would be highly regrettable if any substantial part of the American public was led to believe that "bigness" was an immunity from law enforcement and regulatory investigations.

It is my sincere hope that the Justice Department does not concur with the manner in which the A.T. & T. case was dropped and I think it would be in the public interest for you to make it clear that the mere size of a corporation or the importance of an individual would not be used as a criteria for any law enforcement activities. Such a statement, in my opinion, would be very helpful in boosting the confidence of the people in their Government.

In regard to the specifics of the Penn Central matter, it is not my purpose to prejudge any of the cases which might be under investigation. It may well be that the Justice Department has determined that there is no basis for further investigation or prosecution and if this is the case, this fact should be made known to the American people. Eighteen months have passed since the failure of this corporation and, in the intervening period, the Banking and Currency Committee and various publications have detailed the major events surrounding the bankruptcy. With all of the spotlight that has been thrown on the Penn-Central matter, I think it is time for some type of firm determination to be made concerning any further action by your Department.

If it is the desire of your Department to pursue this matter further, I will make certain that the documents are made available for inspection by your staff and that the staff of the Committee provides full cooperation. Your Department has worked with the Banking and Currency Committee on many matters and I know that we can approach the Penn Central case in a spirit of mutual cooperation. This is something that requires vigorous action by both the legislative and Executive branches and I know that is how you view the matter. Let me know if there is any way that I can be of further help to you on these issues.

With best regards, I am

Sincerely,

WRIGHT PATMAN, *Chairman.*

JANUARY 17, 1972.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Attorney General has asked me to reply to your January 7, 1972 letter regarding the Penn Central investigation.

As you know, in response to your letter of March 11, 1971, in which you referred the Penn Central matter for our consideration, the Criminal Division on March 30, 1971 advised that the information developed by the House Banking and Currency Committee was being reviewed and appropriate investigation was contemplated. Since that time, the Federal Bureau of Investigation and the Securities and Exchange Commission have undertaken investigations and the entire Penn Central matter has been under continuing review within the Criminal Division.

We are unable to comment at this time, of course, as to the eventual outcome of these efforts. However, you may be assured that our investigation will be carried through to completion and, if the situation warrants, appropriate prosecutive action will be instituted by this Department.

Your offer of assistance in the completion of the investigation is appreciated.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

THE CONSUMERS DO NOT SHARE IN INTEREST RATE REDUCTIONS

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

Mr. PATMAN. Mr. Speaker, this is an election year, and the propaganda is growing about various economic projections and indicators.

This administration is extremely nervous about the fact that interest rates continue at extremely high levels for home buyers and consumers despite some downward trends in broad money market rates. The administration continues to talk about lower interest rates in the money markets, but it has not explained why the consumer and the home buyer have not shared more fully in these lower rates.

Last week, Dr. Arthur Burns, Chairman of the Federal Reserve Board and Chairman of the President's new Committee on Interest and Dividends conceded that the home buyers and consumers were not sharing in the savings recorded in the money markets. Dr. Burns issued a mild warning to the lenders about their reluctance to give the consumers a break on interest rates.

Despite sizable increases in the money supply by the Federal Reserve, interest rates are remaining at relatively high levels and later this year the conditions will worsen rather than improve. Because of the growing Federal deficits—$38.8 billion in the current fiscal year and $25.5 billion projected for the next fiscal year—the Treasury will be in the money markets in heavy volume later this year. In addition, corporate loan demands are expected to increase as the economy expands.

All of this points to extreme pressure on the money markets and another round of interest rate increases. The administration has made a very serious error in failing to carry out the Economic Stabilization Act and apply controls on all levels of interest rates. Once the interest rates start climbing again in the money markets, the administration will find it politically difficult to hold the line. The controls should be imposed now before it is too late.

In addition to guarding against future increases in the money markets as the loan demands increase, the controls are needed now to force lenders to pass on savings to home buyers and consumers. Virtually no consumer rates have come down and the great majority of installment credit is ranging between 18 percent and 24 percent and millions of consumers are borrowing at 36 percent and higher on so-called small loans. Beyond this are shady areas where credit merchants and loan sharks are obtaining interest ranging up to 100 percent and more. These rates are unconscionable at any time, but they cannot be tolerated at a time when the administration is attempting to hold the line on wages and prices through the Economic Stabilization Act.

Mr. Speaker, I place in the RECORD a copy of the letter I have sent to Dr. Arthur Burns concerning the interest rate problems and the recent actions of the Committee on Interest and Dividends.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 22, 1972.

Hon. ARTHUR F. BURNS,
Chairman, Board of Governors,
Federal Reserve System,
Washington, D.C.

DEAR MR. BURNS: Reading between the lines, your statement as Chairman of the Committee on Interest and Dividends issued on January 19 reflects a new concern that recent interest rate reductions in the money markets have not been passed on to homebuyers and consumers. As you know, this is a point which many of us in the Congress have been trying to impress on the Administration since the wage-price program went into effect on August 15. I welcome your public statement of concern about this problem.

While you have stated it in restrained language, the analysis is clear. I was particularly impressed by the paragraph which read:

"Interest rates on borrowings by households, such as on home mortgages, automobiles, and personal loans, are less sensitive than market rates to changes in underlying conditions. They have tended to move in the same direction as rates on open market instruments of comparable maturity. But these movements generally have followed market rate fluctuations with a considerable lag and have fluctuated within a much narrower range. In part, this sluggishness reflects the heavy cost of administering such loans."

You later followed this with a specific warning to the lenders in these consumer areas, and I quote:

"The Committee on Interest and Dividends expects lenders to be aggressive in passing on promptly to the borrower the benefits of reduced costs of funds available in the credit markets."

These savings which have been recorded in the money markets have obviously not been passed on to the consumer and homebuyer and the use of the future tense in your statement is well-taken.

The statement is in sharp contrast to the almost flippant attitude taken by the Cost of Living Council in its statement on interest rates issued December 22. With virtually no supporting data, the Council refused to implement Section 203(e) of the Economic Stabilization Act and found interest rates to be satisfactory.

While I find your new awareness of the interest rate problem refreshing, I do take exception to the fact that you attempted to use the high interest period of 1970 as a base period in discussing what is happening to mortgage rates. This period marked the highest interest rates for home mortgages in the history of the United States and it does not serve the public understanding of this problem to judge the reasonableness of interest rates against this disastrous period. Basically, we should look at the mortgage picture as it relates to the current Economic Stabilization program.

Immediately before the wage-price freeze was announced on August 15, the effective interest rate on new homes nationwide stood at 7.66%. The figures issued last month—even after a decline recorded for the month of November—showed that mortgage rates were at 7.79%. In short, Dr. Burns, the mortgage interest rates are actually higher today—as recorded by the Federal Home Loan Bank Board—than they were just prior to President Nixon's implementation of his freeze orders.

The spread between the money market rates and the mortgage interest rates is fantastically wide. The prime rate at many banks today stands at 4¾% while mortgage rates are still ranging between 7½% and 8% nationwide. It is obvious that the savings in the money markets are not being passed on.

This condition is even more pronounced in the consumer area where small loan rates are generally 36% and higher in the various states. Revolving credit and credit card operations are bearing interest rates of 18% in the great majority of cases. In some areas, this rate is 21% and 24%. None of these areas—which directly affect the consumer—have benefitted from any of the much-heralded interest rate reductions in the money markets.

We may well see fractional declines in mortgage rates in the next few months but, as you are well aware, it will take a drastic reduction in interest rates on this type of credit if we are to sustain a high level of homebuilding and particularly if we are to provide housing for low and moderate income families. I hope you will do your part to keep the developments on these interest rates in proper context in the public statements which will be emanating from your Committee.

It is my sincere hope that your Committee will spend more of its time and effort on the rates paid by homebuyers and by consumers, particularly in the low and moderate income range. As you know, Congressional hearings—and newspaper investigative stories—have recounted numerous instances of extortionate and usurious interest rates of 50%, 60% and even 100%. These are practices which continue today and I most sincerely question whether the credit merchants and loan companies which are charging 36% and more to millions of consumers will respond to "voluntary" programs.

The stating and the restating of the various money market rates—which has dominated the Administration's comments on interest rates—serves little public purpose. These rates are published daily in hundreds of newspapers and anyone with 10¢ has full access to this data. It seems absurd for the Administration to set up committees—and to use its top officials—to reassemble and restate this information. What is needed is definite and complete information on what consumers are being charged and on what terms they are able to receive credit. This kind of information has not been forthcoming and the Administration continues to operate in violation of the requirements of the Economic Stabilization Act in this area.

So far, you have issued only a warning to the lenders about passing on savings to the consumers but you have given no indication of what steps will be taken if these mimeographed statements are ignored. I would like to know what is contemplated if these charges are not reduced and what further steps will be taken to comply with the letter and the spirit of the Economic Stabilization Act as it relates to interest rates and credit charges.

Sincerely,

WRIGHT PATMAN.

I also place in the RECORD a copy of an article which appeared in the New York Times on Monday, January 24, with the headline: "Bond Men Expect Rates To Go Higher."

BOND MEN EXPECT RATES TO GO HIGHER—BUT FEDERAL RESERVE IS LIKELY TO TRY TO HOLD MARKETS STEADY

(By John H. Allan)

The bond market, which last week had its worst setback since September, now pessimistically believes that interest rates are headed higher.

The Treasury, however, is scheduled Wednesday afternoon to announce how it plans to refinance $4.5-billion of the national debt that matures Feb. 15, so the Federal Reserve doubtless will work to keep the credit markets on an even keel for the next several weeks.

As a result of this likely Federal Reserve action, any move toward still higher interest rates and lower bond prices probably won't be very large, some credit market analysts reasoned late last week.

A SHOCKING FIGURE

Much of last week's steep rise in rates was caused by news that the Federal budget deficit for fiscal 1972 would be nearly $40-billion, a figure that shocked Wall Street.

Treasury bill rates, for example, climbed from their recent low of 2.98 per cent to 3.42 per cent last Friday.

High-grade utility bond yields—rising for the first time since November—moved up to 7.30 per cent from 7 per cent, and investors still showed little enthusiasm.

Tax-exempt bond yields generally increased 20 or 25 basis points (hundredths of a percentage point).

The failure of investors to step in and buy bonds briskly once these higher yield levels were reached was the most discouraging aspect of last week's credit market performance for Wall Street.

It was odd, some dealers thought, that the credit market's atmosphere should be so pessimistic at a time when major commercial banks were again lowering the prime rate, when the Federal Reserve appeared to be accelerating its efforts to expand the monetary aggregates and when demand for bank loans decreased.

Furthermore, there seemed to be something fishy about the $40-billion budget deficit projection, too.

The figure—$28.4-billion larger than President Nixon projected a year ago—exceeded the projections of several leading Government finance specialists in New York who found the credit markets reaction perhaps overdone.

In a newsletter published last Friday, the Research Institute of America explained the big deficit figure in these political terms:

"The close-to-$40-billion red ink for fiscal '72, leaked to the press early to prepare the public for the shock, serves to make the big fiscal '73 deficit seem relatively small. And, assuming that he's re-elected, Nixon would be able to point to better-than-budget performance in '73 as an accomplishment."

Henry Kaufman of Salmon Brothers, writing in his Comments on Credit, suggested that the $40-billion figure seemed "improbable."

SIX-MONTH OUTLOOK

With the budget deficit for the six months ended Dec. 30 equaling $20-billion, the Government would have to incur an unprecedented $20-billion deficit in the second half of its fiscal year, a time when the Treasury is usually in surplus, Mr. Kaufman noted.

New legislation and advancing some 1973 spending into the final month of fiscal 1972 could produce a $40-billion deficit, however, he also indicated.

The Morgan Guaranty Trust Company's Monthly Survey, published today, described the Nixon Administration as "wholly committed intellectually" to an activist budget policy and relatively unconcerned by red-ink financing.

Pointing to the large budget deficits for fiscal 1972 and fiscal 1973, the Survey concluded: "Clearly, no intent exists to scale them back sizably either by expenditure cuts or by tax hikes."

In short, the $40-billion projection that belted the bond markets so hard last week may have been a political ploy, but it also served as a very real reminder of the Government's reflationary effort that lies ahead this year, one analyst reasoned.

Against this background Government financing activity this week will be heavy, the corporate bond sale schedule will be a moderate $450-million and the tax-exempt bond and note volume will be a fairly heavy $800-million.

SALES SCHEDULED

The Treasury Department not only has its usual $3.9-billion sale on three-month and six-month bills this afternoon but also will sell $1.7-billion of nine-month and one-year bills tomorrow.

On Wednesday the Treasury's debt managers are scheduled to disclose how they plan to refinance $4.47-billion of bonds and notes that come due in three weeks.

The Bankers Trust Company, writing in its weekly Market Comments, said the market's current "nervousness" might dissuade the Treasury either from refunding in advance any other Government securities or from offering a long-term issue to help extend the average maturity of the national debt.

Consequently, Bankers Trust suggested, the Treasury may merely offer two notes, one due in 15 or 18 months and the other in about seven years. The market's tone indicates a rate of 4⅝ per cent on the shorter note and about 6⅛ per cent for the longer issue, the bank also said.

The Federal National Mortgage Association plans to sell $700-million of debentures tomorrow and the Tennessee Valley Authority plans to sell $110 million of 119-day notes.

The big test for the tax-exempt bond market this week will be $300-million of high-grade securities scheduled for sale by five states—California, Hawaii, Pennsylvania, Delaware and Maryland.

MUNICIPALS OFFERED

This week's major local government bond and note sales (all at competitive bidding unless noted otherwise) include:

MONDAY

Columbus, Ohio, $10-million notes, due February, 1973.

TUESDAY

California, $100-million bonds, due 1973–1992, rated AA by Moody's and AAA by Standard & Poor's.

Hawaii, $55-million bonds, due 1975–1992, rated A by Moody's and AA by Standard & Poor's.

Pennsylvania, $50-million bonds, due 1974–2001, rated Aa and AA.

Massachusetts, $77-million notes, due March, 1973.

Delaware, $30-million bonds, due 1973–1992, rated Aa and AA.

WAR POWERS: A DIFFERENT APPROACH

(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, on December 7, the so-called War Powers Act of 1971, sponsored by Senator JAVITS and supported by Senator STENNIS and others was ordered reported by the Senate Foreign Relations Committee by a vote of 13 to 0.

While I have deep respect for many of the Senators who apparently favor this method of restricting the power of the President to carry on hostilities without a declaration of war, I am deeply concerned by certain aspects of this bill. Specifically, I am concerned that it attempts to spell out the conditions under which the President can embark on hostilities and also that it sets a 30-day deadline for congressional authorization.

It is my belief that a different approach should be adopted, based on the principle that the President can carry on hostilities in the absence of a declaration of war only so long as he has at least tacit approval of both Houses of Congress. The corollary of this principle is that either House, acting alone, should be able by resolution to terminate the President's authority to carry on hostilities.

I have put this approach into bill form—H.R. 12645, introduced yesterday—the text of which follows:

H.R. 12645

A bill governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "War Powers Act of 1972".

PURPOSE

SEC. 2. It is the purpose of this Act to fulfill the intent of the framers of the Constitution of the United States, and insure that the collective judgment of both the Congress and the President will apply to the initiation of hostilities involving the Armed Forces of the United States, and the continuation of such hostilities.

REPORTS

SEC. 3. The use of the Armed Forces of the United States in hostilities in the absence of a declaration of war or specific authorization by Congress shall be reported promptly, and in no event later than 24 hours after the commencement of hostilities, in writing by the President to the Speaker of the House of Representatives and the President of the Senate, together with a full account of the circumstances under which such hostilities were initiated and the estimated scope of such hostilities. In the event the Congress is not in session, the President shall convene the Congress in extraordinary session. Whenever Armed Forces of the United States are engaged in hostilities outside of the United States, its territories and possessions, the President shall, so long as such forces continue to be engaged in such hostilities, report to the Congress periodically on the status of such hostilities, as well as the scope and expected duration of such hostilities, but in no event shall he report to the Congress less often than every six months.

TERMINATION OF AUTHORITY

SEC. 4. The authority of the President to deploy Armed Forces of the United States and to direct or authorize such Armed Forces to engage in hostile action, in the absence of a declaration of war or specific authorization of the Congress, shall terminate upon the adoption by either House of the Congress of a resolution disapproving continuance of the action taken.

CONGRESSIONAL PRIORITY PROVISIONS

SEC. 5. Any such resolution of disapproval shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it orginates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays. Any resolution so reported shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

SEC. 6. Upon the adoption of any such resolution of disapproval, the President shall proceed at once to effectuate the immediate withdrawal to the United States or any territory subject to its jurisdiction of the United States forces involved, having due regard to the need to protect such forces from attack while in the process of withdrawal.

EFFECTIVE DATE

SEC. 7. This Act shall take effect on the date of its enactment.

I hope that this bill will receive serious consideration in the Foreign Affairs Committee and in the House, at least to the same extent as the Javits bill is considered, if the latter passes the Senate.

It may be noted that, although the House has already passed House Joint Resolution 1 requiring certain information from the President in the event of undeclared war, House Joint Resolution 1 and S. 2956—the Javits bill—cannot be sent to conference because one is a bill and the other a joint resolution.

I insert herewith a copy of a statement I made before the Senate Foreign Relations Committee explaining in greater detail my concern about the Javits bill and my reasons for supporting a different approach, and the text of my earlier resolution House Joint Resolution 669:

STATEMENT SUBMITTED BY HON. JONATHAN B. BINGHAM, A MEMBER OF THE HOUSE OF REPRESENTATIVES FROM NEW YORK

I wish to thank you, Mr. Chairman, and the Members of this Committee, for providing me this opportunity to present my views on proposed legislation dealing with the war powers of the President and the Congress. As a Member of the Foreign Affairs Committee of the House of Representatives, and of the Subcommittee on National Security Policy and Scientific Affairs, I have had occasion to study in considerable detail the numerous legislative proposals in this area. As you undoubtedly are aware, the Resolution on Presidential War Powers passed by the House on August 2, 1971 (H.J. Res. 1), requires only that the President report to the Congress should he commit American troops without specific prior approval by the Congress. I certainly feel that that resolution does not go far enough in clarifying the President's responsibility to the Congress. On the other hand, I am deeply disturbed about certain provisions of more comprehensive war powers legislation that was considered by the House and which this Committee is now considering. The main purpose of my statement today is to alert this Committee to a number of serious difficulties and dangers in the proposals before the Senate—dangers which I feel have not been sufficiently recognized or dealt with in the already lengthy national debate on this issue.

First, I am forced to conclude that it is quite futile and unwise to attempt specifically to prescribe the circumstances under which the President may engage in hostilities in the absence of a declaration of war. If the criteria stated are sufficiently broad, they amount to no restraint at all. This is especially true since successive Presidents have shown themselves quite capable of interpreting Congressional prescriptions to suit their own needs and to justify their actions. Surely, the Gulf of Tonkin Resolution is a striking illustration. Highly restrictive prescriptions, on the other hand, could interfere with the President's capacity for quick, flexible response under circumstances that could prove tragic. The Javits bill (S. 731), for example, in my view would have inhibited or prevented President Truman from responding as he did to the invasion of South Korea. Similarly, the Javits bill could make it difficult for a President to respond adequately to a sudden Soviet-Arab attack in the Middle East. So it seems to me that any effort to prescribe circumstances in which the President is authorized to deploy combat forces is destined to fall either by imposing, in effect, no real restraint on the President or too much.

Second, it is my judgment that any deadline on Presidential or Congressional action is ill-advised and probably unworkable. The thirty-day provision of the Javits, Eagleton, and Stennis bills, after which Presidential action would have to be terminated unless continued by Congress, could well force the Congress into a premature decision or terminate Presidential action before a full assessment could be made of the situation. Similarly, any time limit is likely to be arbitrary and none can hope to suit every circumstance.

There is also the procedural problem of determining when the specified time period commences. To base a time limit on a Presidential report of troop deployment has grave drawbacks. As recent experience indicates, Presidents can be slow to report to Congress, especially when foreign involvement occurs gradually, rather than through decisive action. How long after we became involved in Vietnam, for example, did the Congress receive a clear report of that fact from the President? When would we have started counting off thirty days with regard to our Vietnam involvement? Such questions seems to me to raise serious doubts about the practicability of any time limit on Presidential intervention.

Third, I believe Congress should not be placed in a position where it must act in order for Presidential action to continue. If the Congress does act, then the President receives a blank check to proceed as he sees fit from there on out, and the Congress is all too likely to be swept up in the enthusiasm of the moment, giving the President authority that it might later regret having given. Again, our dismal experience under the Tonkin Resolution should be a warning. Rather, the responsibility and authority which the Congress now has—through the "power of the purse"—to restrict or terminate Presidential action should be spelled out clearly. What is now a blunt and awkward tool should be sharpened so that it can be used with more precision.

Mr. Chairman, I hope and trust that the distinguished Members of this Committee and of the full Senate will give careful consideration to these difficulties with pending

Senate legislation before taking further action. It is my feeling that an entirely different approach is required than is offered by any of the Resolutions pending before this Committee. Specifically, it is my conclusion that the authority to carry on hostilities in the absence of a declaration of war should continue only so long as the President has at least tacit approval of both houses of Congress: in other words either house, acting alone, should be able to "blow the whistle" on the President at any time. Each house fully represents the American public, and the first body to reach a majority in opposition to Presidential action should be able to terminate it. There is clear precedent for such an approach in the Executive Reorganization Act, which stipulates that rejection by either house of the Congress is sufficient to kill a Presidential effort to reorganize the Executive Branch.

The approach I am suggesting as an alternative to those before the Senate is embodied in legislation I submitted in the House but which has not, to my knowledge, been introduced in the Senate, and I submit the text of that resolution to follow my remarks in the record of these hearings.

HOUSE JOINT RESOLUTION 669

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That use of the Armed Forces of the United States in military hostilities outside the territory of the United States in the absence of a declaration of war shall be unlawful following the adoption by either House of the Congress of a resolution disapproving continuation of such use. Any such resolution of disapproval shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it originates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays. Any resolution so reported shall immediately become the pending business of the House to which this reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

Upon the adoption of any such resolution of disapproval, the President shall proceed at once to effectuate the immediate withdrawal to the United States or any territory subject to its jurisdiction of the United States forces involved, having due regard to the need to protect such forces from attack while in the process of withdrawal.

LEGISLATION TO SETTLE RAILROAD AND AIRLINE LABOR DISPUTES

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

Mr. HARVEY. Mr. Speaker, nine times since last May, I have introduced legislation that would establish permanent mechanisms for the settlement of railroad and airline emergency labor disputes. During this period, the proposal has received the bipartisan support of 69 Members of the House. We all feel that this Congress must improve the inadequate mechanisms of the Railway Labor Act for dealing with emergency strikes.

When we first introduced this legislation, the Nation was facing a crippling rail strike, and this Congress was on the verge of passing another in a series of ad hoc bills to settle the rail dispute. Also on the horizon at that time was a longshore strike of national proportions, and we seriously considered including all transportation disputes in our legislative packet. We rejected the idea for the time, however, because we believed it to be unworkable without further study. Our main concern was to provide the Railway Labor Act with permanent mechanisms for settling emergency disputes. As a member of the Interstate and Foreign Commerce Committee which has jurisdiction over the Railway Labor Act, I felt that I was in a better position to guide our legislation through committee if we concentrated on railroads and airlines alone.

During the extensive hearings held by the Transportation and Aeronautics Subcommittee of the Interstate and Foreign Commerce Committee on our bill, it became very clear that a bill which included all emergency transportation disputes under one heading might not be the most desirable approach for solving the problem. Witnesses for both labor and management in the railroad and airline industries stated repeatedly that they did not want to see the Railway Labor Act abolished and their industries shifted into the jurisdiction of the Taft-Hartley Act. They emphasized the many advantages of the Railway Labor Act in areas other than emergency disputes, and they urged the committee to find a solution that would not emasculate this act.

A jurisdictional dispute among House committees also reduces the desirability of transferring all transportation industries to the Taft-Hartley Act. Legislation to amend the Railway Labor Act is sent to the Interstate and Foreign Commerce Committee, while those bills that seek to amend the Taft-Hartley Act are referred to the Education and Labor Committee. Any proposal that attempts to form a single umbrella over the entire transportation industry creates a very complex and often unresolved situation.

Today, with the Nation's economy being threatened by the resumption of the west coast dock strike—a strike that President Nixon has called "intolerable"—the administration has again requested ad hoc legislation to settle a transportation labor dispute. The time has come for this Congress to face up to its responsibilities to the American people and to create permanent mechanisms for the settlement of all such transportation work stoppages. Ad hoc legislation is simply not the answer; we must give the President the necessary tools to bring about a rapid and equitable settlement.

With the pressure of this new dock strike increasing continuously, I have been able to develop an approach that will provide permanent mechanisms for both the Railway Labor Act and the Taft-Hartley Act in the area of emergency disputes. Briefly, this proposal maintains the legal divisions that already exist in labor legislation in the transportation industry by amending both the Railway Labor Act and the Taft-Hartley National Labor Relations Act of 1947. The significant difference between this bill and the several others that have previously been introduced is that each of the laws is amended separately, in a different title of the new legislation. There is ample precedent for dividing controversial legislation into separate titles. In the 92d Congress, two examples come quickly to mind. The Interstate and Foreign Commerce Committee and the Committee on House Administration worked well together to report and pass a historic campaign spending bill. Earlier in the Congress, Chairman STAGGERS and Chairman MILLS worked very closely to pass the Airport-Airways Development Act. Emergency strike legislation offers the committees yet another opportunity to work together to find a solution that will benefit the national health and well-being.

Title I of the legislation that we are introducing today is identical to H.R. 11281, the latest version of our bill to amend the Railway Labor Act. This bill is now pending in executive session of the Transportation and Aeronautics Subcommittee and, in brief, it provides an "arsenal of weapons" approach to railroad labor disputes. It guarantees a solution to these disputes by providing three weapons—selective strikes, final offer selection, and a 30-day cooling-off period. These options are to be used until a settlement is reached and thus, the all-too-frequent event of the President requesting temporary legislation to end a rail strike would be eliminated.

Title II of this bill amends the Taft-Hartley Act in essentially the same fashion. If, after the 80-day injunction, the parties have not reached an accord, the President would have three alternative courses of action—final offer selection, an additional 30-day cooling-off period, and the imposition of partial operations—which would be used until a settlement is reached. We have replaced the selective strike option of title I with partial operations because of the nature of the industries regulated by Taft-Hartley. While a working definition of a selective strike, with limits and public safeguards, can be made for the railroad industry, similar attempts in the other transportation fields would result in confusion and invite disaster. As in title I, the amendments to the Taft-Hartley Act would also guarantee a solution by providing finality and guarding against future destructive strikes.

If this Congress is going to tackle the problems of emergency transportation strikes, it must do so without delay. The current west coast dock strike becomes more intolerable by the minute. When coupled with the previous longshore walkouts of this past summer and fall, and the "selective" U.T.U. rail strike in July and August, its economic effects are devastating. Indeed, the dock strike has been blamed for the $2 billion trade deficit for 1971—the first such unfavorable balance since 1893. My cosponsors and I believe that we have provided this Congress with a vehicle for action. We urge its prompt and complete consideration.

A TURNING POINT FOR WORLD TRADE

(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, the Honorable Peter M. Towe, Minister of Economic Affairs, Canadian Embassy, Washing-

ton, D.C., on January 21, 1972, delivered an able and most impressive address before the Board of International Trade of Miami on the vital subject, "A Turning Point for World Trade." The Board of International Trade is deeply interested in the whole scope of international trade because Miami is becoming a very large factor in international trade and commerce. Hence, the officials of the Board of International Trade of Miami sought as the speaker on this occasion a man of conspicuous knowledge in the field of international economics and trade. Such a man is the Honorable Peter M. Towe, Minister of Economic Affairs in the Canadian Embassy in Washington, D.C. He has had a wide experience and possesses a deep knowledge of this vast field of international trade. His contact has been with many parts of the world over many years. Moreover, the Board of International Trade of Miami was well aware that Canada is our great neighbor and our best customer. It was a very appropriate selection, therefore, for the Board of International Trade in Miami to invite Mr. Towe to speak on this significant occasion in Miami. All who heard Mr. Towe were deeply impressed with his message which he delivered in his characteristically charming manner.

Since the Congress is so vitally concerned in the problem of international trade and when such an issue is so critical to our country, I commend Minister Towe's able address to my colleagues and my fellow citizens, Mr. Speaker, and I include his address at this point in this RECORD:

A TURNING POINT FOR WORLD TRADE

First, may I thank you for this opportunity to speak to so important a gathering. I confess I always feel a certain embarrassment when I am introduced in such generous detail: the number of positions I've held is probably no more than par for the average Canadian foreign service officer. I suspect the introduction I had a short time ago in the mid-west gave a much more accurate impression. "Mr. Towe", said the Chairman of the meeting, "has had so many different posts that his service in each must have been exceptional—in fact, it would not be too much to say that his career has been a life of unbroken blemish!"

When I accepted your invitation to speak, the selection of a theme was not too formidable: the United States surcharge and the related measures—which bore with special severity on Canadian exports and employment—were becoming for Canada increasingly intolerable. International monetary arrangements were in disorder. But perhaps even more important, there were pervasive uncertainties about the whole future direction of United States foreign economic policy. Not only were some senior officials of the Treasury Department in Washington telling the world that Uncle Sam was through playing Santa Claus, but they were actually suggesting that other countries should try the role for a change. With the Christmas season approaching the metaphor may have been apt. But because the intentions of the U.S. Government were unclear this suggestion was perhaps the most disconcerting of all.

It was in truth a tough time for Canada. Contrary to popular rumor, we really *are* your biggest trading partner and stood to lose the most by your trade and investment restrictions. Measures which were directed at other countries were seen as likely to have much more devastating effects on Canada.

Well, as you all know, many things *have* changed since early December. The surcharge and the discriminatory application of the investment tax credit which went with it have been dropped. A measure of order has been restored in the international monetary field. And there is at least some prospect the world will move again toward freer international trade and payments. Still, Christmas itself is an excellent season and I hope the new and neighbourly spirit that began in December will continue through and beyond the new year.

Today, instead of complaining about United States measures, I'll ask you to share with me a neighbour's view of the current international economic scene, and some ideas as to where the United States and Canada should be going together, in co-operation instead of controversy. Maybe in the course of these comments we will be able to cast some fresh light on the extent to which the U.S. really was acting as a sort of free world Santa Claus.

My excuse for discussing that sometimes dreary subject of international trade and payments is simply that it is of great importance for Canada, and I suggest more than of passing interest to the United States. For Canada over 50% of our production is exported; over one-quarter of our national income is generated by foreign trade. Comparative figures for the United States are, of course, much smaller. But for both countries exports are vital to the maintenance of income and employment in many critical sectors. We are, of course, each other's biggest customer. You take 65% of our exports and supply nearly 75% of our imports: we buy ten billion dollars worth of your products every year, virtually as much as Japan and the entire European Common Market put together. Canada is by far your biggest, and I suggest, your best customer. From Florida alone, Canadians purchase over $25 million worth of goods annually; and perhaps more important, this state is a tourist mecca for Canadians, especially during our long, cold winters. (Incidentally, I was very pleased to learn recently of the progress being made by Dade County officials in the construction of new facilities at the Miami International Airport. When these are completed it will make it even more inviting for Canadians to fly to Miami and the elimination of current delays will help us get into that delightful Florida sunshine that much sooner.)

You Americans are of course more important to us as a trading partner than we are to you. I doubt that many Americans have sleepless nights worrying about the policies which the Canadian Government might adopt. On the other hand, it is difficult to conceive of any United States economic measure, whether international or domestic, which wouldn't have important implications for Canada. Because of its size, what the United States does—or what the United States does not do—affects not only the welfare of Americans, but also that of the world as a whole and, because we are so close and interdependent, of Canada in particular.

It's not all that far back to the Great Depression of the 30's, when sky-high tariffs were imagined capable of blasting a country's exports into foreign markets, and when in fact beggar-your-neighbour policies resulted in an even worse downward spiral in international trade and by extension, a growing lack of confidence in domestic economies. The Hawley Smoot Tariff Act of 1930 raised your tariffs to the highest level in history and together with certain revenue duties introduced in 1932 effectively shut off Canadian exports to this country of a number of key products. The American economy sneezed, and the Canadian economy caught pneumonia.

Happily by 1934 there was a growing recognition of the boomerang effect of the policies adopted in '30 and '32: an awareness that when a country closes its markets to the world the world cannot in turn buy the things it wishes to sell. In 1934, the reciprocal Trade Agreements Act provided the President with the authority to reduce duties by 50% through the negotiation of reciprocal tariff concessions on the basis of the most-favoured-nations (MFN) principle. The United States succeeded Great Britain as the major proponent of MFN. Had it not done so, world trade would have been thrown into even more confusion following World War II and a sound basis for trade recovery would have been lacking.

At the conclusion of the Second World War, most of the industrialized countries of the world were impoverished—and we had not yet *even* begun to give much thought to the less developed world. Canada and the United States, however, had emerged from the agonies of war with their economies immensely strengthened. Together we shared the task of helping former allies help themselves. With other like-minded nations we fashioned a new international economic philosophy and the institutions to give it substance—the International Monetary Fund, the International Bank for Reconstruction and Development and the GATT—the General Agreement on Tariffs and Trade. And drawing on the experiences of the 1930's we began a series of multilateral tariff negotiations which contributed in no small measure to the annual growth since then in world trade of roughly 10%.

In these early post-war years there was much optimism and, I suggest, a greater appreciation than ever before in history of the benefits of international specialization. There was even the beginnings of recognition that there was little logic in barriers to imports of goods which are unobtainable at home or can be produced much less expensively abroad.

There was then no serious economic rival to the United States—indeed many books and articles were devoted to the problem of national existence in a lopsided world where a chronic dollar shortage appeared as an insoluble problem.

It's now somewhat fashionable to allege that this was a period during which the United States was somehow soft in negotiations, that deals struck were indefensibly out of balance or wildly in favour of foreigners. There's very little validity in such an allegation. Reciprocity meant then, as it means now, mutual profit, the practice of give and take. Reciprocity doesn't imply a need for a precise balance in arrangements worked out, for example, between the rich and the decidedly not so rich. The stronger partner in so-called reciprocal arrangements doesn't use his economic strength to accomplish the self-defeating objective of further relative impoverishment of his trading partner and potential customer.

If the United States made agreements which acknowledged the inequality of the partnership, it was because such acknowledgements were in America's best interests.

In short, I believe that the trade and related commercial arrangements made by the United States were largely appropriate to the circumstances of time. And in my judgment these arrangements did not in themselves contribute greatly to the United States balance of payments problem which began to emerge most clearly in the early 1960's.

What then did cause these important problems? Your industrial productivity had taken an enormous quantum jump during and immediately after World War II. American productivity continued steadily to improve. But almost suddenly European and Japanese economies, recovered from wartime devastation, took a similar quantum jump—and instead of being a light year behind, were now suddenly breathing down the U.S. economy's neck. U.S. productivity in most fields is still ahead and still progressing: but its advantage over its rivals in purely relative

terms has nearly disappeared. Both the reduction in the U.S. trade surplus and the increasing desire of American business to invest abroad were symptomatic of this fundamental change. As the late Walter Winchell used to say, nothing recedes like success.

Well, what to do about it? The classical remedy to such a situation would have been to devalue the dollar. But devaluation would not be easy under the then accepted international monetary rules: the U.S. was virtually obligated to follow a dollar policy of "benign neglect". More important, there was a marked psychological aversion in the United States even to the concept of dollar devaluation. It seemed somehow to be an admission of defeat. If the U.S. set the example, lit the way as it was, where would it ever end? One could be excused if they thought at this point of the old Scot who was holding the lantern for the doctor while the Scot's wife gave birth. No sooner had one baby been delivered than the doctor cried, "don't take the light away, Jock, I think it's going to be twins" and sure enough, a second child was produced. The Scot was just recoiling from this rude surprise when the doctor called out, "bring the lantern closer again Jock! I think there'll be yet more!" "Och no," said the Scot, retreating quickly, "it must be the light that's attracting them!"

Now the reduction in the competitiveness of United States products in world markets to which we've referred was, of course, a reflection of the economic recovery of Western Europe and Japan, which rendered the old exchange rates unrealistic and out of date. It was a reflection as well of the fact that it was the turn of other countries to enjoy sky-rocketing growth in productivity. Making the problem worse was a growing case of inflation in the United States, due in part at least from the mid-1960's to American involvement in the Vietnam war.

In recent years overseas critics of United States balance of payments problems have been many and vocal. But few were willing to concede that concrete contributions—such as revaluation and faster removal of discriminatory barriers against U.S. exports—would be required on their part if the American problems they criticized were to be relieved.

As far back as the 1950's, USA official reserves had decreased as America's somewhat disproportionately large share of the world's gold was distributed more widely. But as the gold stocks continued to fall, the monthly deficits, which once had come to be accepted, now became a cause for real concern. By the summer of 1971, it was starkly evident that the deterioration in the United States balance of payments position simply could not be sustained. For the first time since the nineteenth century, the United States was running successive deficits every single month in its trade balance and international currency speculation against the dollar was rampant. It appeared unlikely, at least in Washington, that multilateral action could be taken soon enough or perhaps even at all; and unilateral action seemed to be the only alternative.

Thus on August 15, the United States Government bit the bullet. The measures then announced, in particular the floating of the United States dollar, marked a watershed, the beginning of a new era for the United States as well as for the world trading community.

In Canada most of the August 15 measures were applauded and welcomed as the beginning of necessary reforms. But the import surcharge, which was part of the package, was regarded as a totally unnecessary trapping and one which seemed to call into question the whole reliability of the United States as a trading partner. The surcharge seemed designed principally for its shock effect. To convince others that August 15th was the start of a new ball game. Some, however, felt that as an additive to the closing of the gold window it represented economic overkill. It reminded me of the story of the farmer—who must have been from Texas—who was seen by a friend behind the barn hitting a mule over the head with a huge 2 x 4. "My God," said his friend, "What are you trying to do?" "Train it," replied the Texan. "But you'll kill it if you hit it so hard!" said his friend. 'How can you consider that to be 'training'." "Well," said the Texan, before the training actually starts you've got to attract its attention!"

Our attention was certainly attracted by some of the August 15 decisions. We had always assumed that our access to the United States market would be at least as free and as dependable as American access was to our market. The broad lines of our industrial development since the late 1930's had been based on the possibility of selling a large part—even occasionally the major part—of production in the U.S., (indeed many American plants, especially those near the border, have come to count on the Canadian market for a large part of their sales.)

Perhaps however on reflection, August 15 was a timely warning. Perhaps we Canadians had, albeit unwittingly, been placing too many of our eggs in the U.S. basket.

There is no doubt that the closing of the gold window on August 15 marked the end of an era—that it signalled the need for a truly international solution to the U.S. balance of payments problem. But I confess that many Canadians bridled somewhat at the charge that we had somehow contributed to the problem.

In fact, we felt that we had more than met the tests of good trading partner as outlined by President Nixon on August 15. We couldn't be accused of holding to an artificial exchange rate for our currency. We had let our dollar float freely since May 1970, and it had appreciated by about 8%. And certainly we had no illegal or discriminatory trade barriers against the United States.

Soon after the guns of August, we were reminded by our American friends that after long years of deficits in our trade balance with the U.S., we were enjoying, for the moment at least, a favourable balance. This overlooked the fact that in overall current account transactions between Canada and the United States (that is not only goods and services, but also interest and dividends) the United States continues to enjoy a surplus as it has done every year with us since 1946. For 1970, our figures show a Canadian deficit on current account with the United States of $214 million.

Well, as I said at the outset, many things have happened since August 15th. The import surcharge and the discriminatory aspects of the investment tax credit have been eliminated. We now have in prospect a new exchange rate system and Congress is to be asked to raise the price of gold. Short term bilateral trading deals are being worked out between the U.S. and Japan, the EEC and Canada.

As far as Canada is concerned there is no suggestion that we should somehow pay for the surcharge removal or for the new system of exchange rates which has been tentatively agreed. Rather there is a determination on both sides of the border to use unsettled conditions as the stimulus to solve unsettled problems. We are expecting the U.S. to move toward elimination of some of its trading procedures and practices which are causing us the most harm. Americans will, understandably, be expecting us to review some of our practices with the object of making them (not more reciprocal) but more appropriate to today's changed economic circumstances. One obvious example concerns the value of goods which Canadian tourists can bring home duty free.

(I suppose I should say a word about the Canada-U.S. Automotive Agreement which was concluded in 1965. As a result of these arrangements production and employment on both sides of the border has increased significantly. Rather unexpectedly, however, and somewhat fortuitously I might add, we have recently experienced a surplus in trade with you in the automotive sector. Incidentally, our accumulative trade deficit in this sector since 1964 approaches $2 billion and other cumulative net payments on current account in this sector (interest, dividends, etc.) total nearly another billion. Nonetheless we are continuing to examine with you possible modifications and modernization of the existing arrangements in an effort to make them even more defensible on both sides of the border.)

But what of the future? Certainly it is a new ball game now and the relative balances of economic power have altered. But there's really nothing very sinister as some would suggest in the fact that between 1950 and 1970 the United States share of the world gross national product declined from 39.3% to 30.2%. It would be wrong to believe that this reflects anything but a welcome advance in the standards of living of other countries. Surely it is not in the U.S. interest, or of any other relatively wealthy country such as Canada, that the gap in per capita income which existed at the end of World War II between North America and the rest of the world be accentuated.

But new trading arrangements will have to take recent economic developments fully into account. For its part Canada stands ready to play a role, appropriate to its size and importance in world trade, in the development of new measures which we hope will lead to an expansion of international trade on a sustained basis. At the same time, it would be quite wrong to proceed from the assumption that the United States balance of payments problem can somehow be solved by concessions from others. Let us not forget that the United States is now, and happily is likely to remain for some time, the most powerful economic force in the world. The net international investment position of this country in 1960 was about $45 billion; in ten years it had increased by more than 50%. Direct and indirect U.S. investment in Canada alone totals the staggering sum of $34 billion. The net private investment income from foreign investments of United States residents in 1970 was over $6 billion, and it's increasing at a mind-boggling rate; by the second quarter of 1971, the figure had passed $9 billion at annual rates.

I don't suppose there are many responsible Americans who would deny that for better or worse United States still has to be the leader if there is to be one in the field of international trade. And I suspect that most Americans would prefer it that way. Enlightened leadership involves a willingness, indeed an eagerness, to find ways to break down trade barriers. For the United States it means justifiable self-confidence in the future competitiveness of the American economy. Enlightened leadership proclaims that the welfare of a nation is enhanced through imports paid for by exports of goods and services on the basis of comparative advantage. Although foreign trade is directly responsible for only a small part of this nation's annual increase in wealth, a healthy, expanding and dynamic trading environment can serve to promote not only greater international understanding but increased confidence at home. While the economic and political climate may not at the moment seem the most promising for concluding the sort of far-reaching trade arrangements needed to meet the challenges of the decade, a bold start must be made now.

And Canada, for one, is anxious to be on the starting line. If we've learned anything from the events of the past twelve months, it is that in international trade the only alternative to progress is retrogression. We have come as close as we dare (and perhaps closer than was prudent) to a breakdown in

international trading confidence. Such a breakdown would impede rates of growth and prejudice economic well-being not only in the world at large, but also and perhaps with the most far-reaching conesquences, in the United States as well.

Lest you consider me a mere Cassandra, let me finish with a little story that illustrates the importance of the *one* single ingredient both our countries must have in these challenging times.

It seems two young nuns, out on a mission of mercy, were returning to their convent late at night when their car ran out of gas. Seeing a gas station down the road they walked to it and asked if the attendant could sell them some gas and something to carry it in. After a long search the attendant had to admit that all he could find to hold the gas was an old chamberpot. Undismayed, the good sisters said the chamberpot would do, and cheerfully carried it back to their car.

As they were pouring the gas into the tank two Baptist ministers drove around the corner. The headlights of their car illuminated the extraordinary sight of the nuns filling their tank from a chamberpot, they were struck with astonishment. Finally one of them said to the other, "you know, you may not agree with everything they *say*, but you sure have to admire their *faith!*"

SUPPLEMENTAL FUNDING FOR BILINGUAL EDUCATION

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

Mr. RYAN. Mr. Speaker, on the opening day of this session of the 92d Congress I introduced legislation—H.R. 12424—to provide full funding for bilingual education for fiscal year 1972. I am reintroducing this legislation today with 10 cosponsors. This legislation provides a supplemental appropriation of $65 million for fiscal year 1972 to bring the appropriations for title VII of the Elementary and Secondary Education Act up to the full authorization level. Title VII authorized $100 million for fiscal year 1972; $35 million was appropriated, and the administration's budget request was even less—$25 million.

As an original sponsor of the Bilingual Education Act, I am particularly concerned that it receive full funding. The bilingual education program is a desperately needed domestic program that has been undercut by the warped state of our national priorities. In the United States there are over 3 million schoolchildren who lack a command of even basic English. For a majority, their first language is Spanish. The bilingual education program provides a system of compensatory education for both youth and adults to overcome the language handicaps which persons of limited English-speaking ability face in our society. The inability to use the English language affects opportunities for education and, ultimately, for employment.

The bilingual education program is comprised of a broad range of activities, including research and pilot projects for improved techniques for the teaching of English, adult education, promoting closer ties between home and school, and special training programs to prepare qualified individuals to become teachers in bilingual education endeavors. It is important to note that the program stresses the importance of the history and culture of the participants, so that they will appreciate their own heritage and understand its contributions to American society.

There is a very great need for this program in New York City where in the 1970–71 school year 299,280 Spanish-surnamed children were enrolled in the public elementary and junior and senior high schools. These children constituted 26.3 percent of the public school children in New York City, and the percentage is rising.

It is quite clear that the non-English-speaking child who at the beginning of school is unable to acquire literacy in English in competition with his English-speaking classmates and who is not permitted to acquire it in his own language makes a poor beginning that he may never be able to overcome. He thus may tend to drop out and drift into unemployment or a very low-paying job.

Thus far, American schooling has not met the needs of bilingual children. Passage of this supplemental appropriation bill is critical to the future of these children and critical to the effectiveness of the program.

Members of Congress joining me in cosponsoring this legislation are: Mrs. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. HALPERN, Mr. KOCH, Mr. RANGEL, Mr. ROSENTHAL, and Mr. SCHEUER.

ANNOUNCEMENT OF HEARINGS ON PROPOSALS TO MAKE ELECTION DAY A LEGAL PUBLIC HOLIDAY, BY REPRESENTATIVE DON EDWARDS OF CALIFORNIA

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

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled public hearings on H.R. 3840 and H.R. 6140, designating certain election days as legal public holidays. These hearings will be held on February 24 and 25, 1972, at 10 a.m., room 2141, Rayburn House Office Building.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

DEFENDING THE WEED—HOW EMBATTLED GROUP USES TACT, CALCULATION TO BLUNT ITS OPPOSITION

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

Mr. PERKINS. Mr. Speaker, I would like to call my colleagues' attention to an article appearing January 24, 1972, in the Wall Street Journal, entitled "Defending the Weed—How Embattled Group Uses Tact, Calculation To Blunt Its Opposition:"

DEFENDING THE WEED—HOW EMBATTLED GROUP USES TACT, CALCULATION TO BLUNT ITS OPPOSITION

(By Jonathan Kwitny)

WASHINGTON.—Lunching in a Washington restaurant, Anne H. Duffin scans the menu and utters a little exclamation of delight. Swordfish is back.

It's not that Mrs. Duffin likes mercury. She just tends to sympathize with anything or anybody cast in an underdog's role. That's because she works for one of the biggest underdogs of all, the Tobacco Institute, the tobacco industry's chief lobbying and public relations organization.

Few industries—perhaps only the ones run by the Mafia—have been called worse names by more eminent name-callers than the tobacco industry. Few have been beset more often by restrictive legislation, constrictive regulation and punitive taxation. Still, probably no other has so skillfully finessed its way out of its dilemmas, turning a series of imminent disasters into near victories—or, at the very least, quite comfortable and profitable accommodations. The clinching evidence: Despite concerted attacks on smoking and increasing data linking cigarets with cancer and heart ailment, domestic cigaret consumption rose 3% in 1971.

The main credit goes to the Tobacco Institute, assisted, of course, by the seemingly unshakable addiction to nicotine of an estimated 50 million Americans. Even the most outspoken antismoking antagonists are quick to congratulate the institute staff's shrewd professionalism, low-keyed Southern charm and refusal to panic under pressure. "Their strategy over the past couple of years has been bright and able," says Michael Pertschuk, chief counsel for the Senate Commerce Committee, source of many of the industry's woes.

THE ROLE OF MR. CLEMENTS

Mr. Pertschuk adds: "Other industries can't get their members to do anything to head off regulation until it's too late. The automobile industry never did anything about safety until it was too late. But the Tobacco Institute has moved its members to take the initiative. In terms of PR, the industry is in a better position now than it has been since the (smoking) hazards came to light, while none of its steps really damaged the market."

Unlike trade associations that follow, rather than lead, their corporate membership, the Tobacco Institute has developed its own institutional clout. That partly explains its high level of performance. Probably more responsible than anyone else for the institute's vigor is its former president, Earle C. Clements, who in 1964 brought an astute political mind and some high-level influence to the institute's affairs.

A former Democratic Congressman and Senator from Kentucky, Mr. Clements had served as head of the party committee that distributed campaign funds and as whip—second in command—to Lyndon B. Johnson when Mr. Johnson was the Senate's Democratic majority leader. Mrs. Clements' daughter later served as Lady Bird Johnson's White House social secretary. In 1964 Mr. Clements went to work for the institute as a lobbyist, but some observers say he almost immediately became its chief in all but title. He was named president in 1966.

Mr. Clements, 74 years old, now holds an informal post as resident chief adviser. Two other heavyweights are moving up in the institute. One is Horace R. Kornegay, who was named president last year; he is a former Congressman from a North Carolina tobacco district. The other is William Kloepfer, an experienced hand in unpopular causes; he worked for the often-embattled Pharmaceutical Manufacturers Association before becoming public relations director for the institute in late 1967.

Like a pair of successful policemen, Mr.

Kornegay and Mr. Kloepfer complement each other; Mr. Kornegay, the nice guy, radiates antebellum charm, while Mr. Kloepfer, a crusty New Yorker, talks tough.

TEARS AT A PARTY

Perhaps surprisingly, the institute itself seems to have little trouble finding and holding other loyal staffers. There seem to be few personal crises over the morality of defending cigarets. According to Mrs. Duffin, none of the institute's 30 employes has left to take another job in the two-and-a-half years she has worked there. Cigaret companies haven't been so fortunate. For example, Robert Wald, former legal counsel to Loew's Theatres' Lorillard division, quit last year because of personal misgivings. "I haven't the slightest doubt that cigarets cause lung cancer," he says. "I had to come home every night and face my kids' saying, 'Daddy, why do you work for a cigaret company?'" (Curiously, he wound up in a job representing Bon Vivant, which last year manufactured some poisoned vichyssoise.)

Institute employes do have their problems. Mrs. Duffin admits that she endures constant teasing about her job, and not long ago she "burst out crying at a party when an old friend accused me of defending tobacco just because I get paid for it." And the institute failed recently when it tried repeatedly to employ a respected science writer for a $40,000-a-year report-writing job. "They asked a great many of us, and nobody took that job," says Judy Randall, a science writer for the Washington Star. "I don't think any legitimate science writer would want to work for the Tobacco Institute or for any other special-interest group seeking to minimize what seems to be clear evidence of major risk."

On the other hand, Gilbert Heubner, who left his medical practice in Bluffton, Ind., to become the institute's resident physician, says he turned down several job offers in industry because the institute "had the most intriguing problem. It had controversy." Dr. Heubner's, and the institute's, problem: convincing people that smoking hasn't proved dangerous.

Nobody—not even the Tobacco Institute—argues that smoking will improve your health. So the industry instead has focused its attack on flaws in research that purports to show that smoking definitely is dangerous. "If our product is harmful," says James Bowling, vice president of Philip Morris, "we'll stop making it. We now know enough that we can take anything out of our product, but we don't know what ingredients to take out. In 1920 it was accepted as scientific fact that smoking caused TB. It was later found out they had no connection—after some states had even outlawed smoking. We don't know if smoking is harmful to health, and we think somebody ought to find out."

The institute took that attitude as early as 1958, when the smoking and health issue grew unavoidable. But only in 1964, with the report to the U.S. Surgeon General that heavy smoking was implicated in such diseases as lung cancer, did the industry take the offensive. Philip Morris—and later the institute itself—hired the law firm of Abe Fortas, a friend of Lyndon Johnson, to protect its interests. The institute also enlisted the law firm of former Secretary of State Dean Acheson, and the lobbying help of Jack Mills, former executive director of the Republican Congressional Campaign Committee.

One of the first things the institute encouraged its members to do was backpedal their promotion and advertising in sensitive areas—the youth market, for example. The companies stopped promoting cigarettes on college campuses. "Hell, when I went to college you couldn't have put out a football program without the help of about three tobacco companies," Mr. Kornegay, more or less accurately, recalls. "That's all out now."

The institute quickly exhibited a genius for protective compromise. Its stand on legislation to require a health warning on cigaret packages is a case in point. In 1965, the institute actually greased the path for such legislation. The antismoking forces wound up with the requirement that cigaret packages carry this statement—in rather small and inconspicuous type—"Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health."

In return, the industry won some important ground. Its support of that legislation effectively undercut the effort of the Federal Trade Commission and other groups to require a scarier caveat. The industry-supported legislation prevented federal and state agencies from imposing further sanctions against cigarets. Moreover, industry lawyers found still another advantage: A health warning of some kind might help them defend personal damage suits filed by cancer patients or their survivors.

Similarly, in 1969, the industry volunteered to take cigaret advertising off radio and television, at a time when Congress again was mulling stiffer sanctions against cigarets. The main beneficiary of this move, which was put into effect on Jan. 7, 1971, was the industry itself; it had been spending nearly a quarter of a billion dollars a year on commercials that turned out to be of questionable worth.

BEHIND THE SCENES

"When we stepped back and looked at how the advertising had grown, it was startling," Mr. Kloepfer says. "The extreme competition among the six companies had gone too far." Mr. Kornegay adds, "You really question the business judgment of it, because for 1971 (after the commercials stopped) sales of cigarets went up. Was it worth living with all the criticism the ads brought on?"

With cigaret ads barred from television and radio last year, the industry's ad spending dropped about 30%, the institute says. Cigaret advertisers spent about $200 million in 1971.

The institute's outward show of sweetness and light sometimes has been achieved only by bucking its own members. Messrs. Kornegay, Kloepfer and Clements are adept at powdering old scars, but the institute's back rooms have seen numerous internal conflicts and tribulations.

One conflict surfaced in 1965, when American Brands (then American Tobacco) quit the institute. The company was adamant against giving an inch to antismoking forces. And for years, some insiders report, tobacco company lawyers fought over policy questions with Hill & Knowlton, the institute's outside public relations counsel.

Hill & Knowlton, insiders say, wanted to concede from the beginning that smoking may harm some people, and at the same time to stress the industry's efforts to make cigarets safe. Fearful that such an admission might encourage lawsuits, the lawyers fought Hill & Knowlton, and won. At the end of 1968, the institute says, it let lapse its contract with Hill & Knowlton. The institute maintains that it preferred its own in-house PR group. Hill & Knowlton now claims to have quit the account for its own reasons.

THE TRUE FIASCO

However unhappy the Hill & Knowlton affair, it was bliss compared to the institute's brief fling with high-powered advertising man Rosser Reeves. Mr. Reeves was the prime instigator of a January 1966 article in True magazine that shrilly disputed medical findings that smoking is dangerous. Reprints went out to hundreds of thousands of doctors, government officials and other "opinion makers" along with a cover letter from "The Editors" of True. There was no indication that tobacco interests had sponsored the mailing.

A few months later, this newspaper disclosed that the writer of the article had been paid by Brown & Williamson, a tobacco manufacturer, and that Mr. Reeves' advertising agency had paid for the reprints. By all accounts but its own, the institute then dumped Mr. Reeves. Mr. Reeves won't comment on the episode. Mr. Clements contends that he let Mr. Reeves' contract lapse, like Hill & Knowlton's, only because he wanted an in-house PR man.

There also are charges that doctors have been paid for "pro-tobacco" testimony before congressional committees. Mr. Wald, the former Lorillard lawyer, says doctors have been paid "very handsomely" by an ad hoc committee of tobacco company lawyers. Ed Merlis, a staffer for the Senate Commerce Committee, says some doctors have admitted they were paid. Mr. Clements says only that "the institute has had nothing to do with the witnesses that testified before Congress." Mr. Kornegay says he doesn't know if anybody paid the medical witnesses or not. In any case, if Mr. Wald's account is correct, they were paid by individual tobacco firms or their lawyers rather than the institute.

Mr. Clements, with Southern delicacy, declines to answer when asked if he was ever embarrassed by anything done in the institute's name. He says he won't "answer any questions about our internal operations" because "that's like asking what happened in bed the night before with your wife"—a simile he used three times in one interview to ward off questions.

Yet, if some of the industry's machinations stray from the path of intellectual virtue, the industry's opponents don't always appear virginal, either. Anticigaret crusaders, for example, often bandy hard-to-document but impressive statistics like "300,000 excess deaths a year" or "100,000 doctors have quit smoking."

"The 300,000 excess deaths included suicides, people (smokers) run over by trucks and everything else," Mr. Kornegay claims. "They threw in everybody who died of cancer, everybody who died of heart attacks, even if they were going over Niagara Falls in a barrel at the time. But as soon as somebody said it everybody else started repeating it. This kind of statistic is like goat barbecue—the more you chew it the bigger it gets."

Moreover, tobacco men complain—with some evidence to back them up—that the scientific establishment sometimes stifles publication of research suggesting that smoking is not all that dangerous and on occasion has greatly overstated the significance of research with antismoking implications. And finally, they complain, again apparently with some justice, that results of anticigaret research get much more extensive and sensational publicity than studies tending to support the industry view.

The industry actually has spent tens of millions of dollars on smoking and cancer research. The industry even solicited the advice of Dr. Cuyler Hammond, vice president of the American Cancer Society and a major smoking foe, about who should run the industry research effort. And, Dr. Hammond says, the man he recommended got the job.

Other smoking critics also speak kindly of the institute. "There's not the antagonism people might expect," says a spokesman for Sen. Frank Moss (D., Utah), perhaps the industry's chief congressional opponent. "I'm personally impressed with them." Clifton Reed, who runs public relations for the cancer society, says, "Whenever we call them for information, we get it."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MITCHELL (at the request of Mr. BOGGS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TERRY) and to revise and extend their remarks and include extraneous matter:)

Mr. WHALEN, for 15 minutes, today.
Mr. HOGAN, for 5 minutes, today.
Mr. FINDLEY, for 10 minutes, today.
Mr. HALPERN, for 5 minutes, today.
Mr. BOW, for 15 minutes, today.
Mrs. HECKLER of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. MCKAY) and to revise and extend their remarks and include extraneous matter:)

Mr. RODINO, for 10 minutes, today.
Mr. ADDABBO, for 15 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. WILLIAM D. FORD, for 5 minutes, today.
Mr. BURKE of Massachusetts, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN.

(The following Members (at the request of Mr. TERRY) and to include extraneous matter:)

Mr. MCCULLOCH.
Mr. ROBISON of New York.
Mr. HANSEN of Idaho.
Mr. ARCHER.
Mr. PELLY.
Mr. CLANCY.
Mr. SCHMITZ in four instances.
Mr. FINDLEY.
Mr. ANDERSON of Illinois.
Mr. HALPERN in two instances.
Mr. DU PONT.
Mr. BROOMFIELD in 10 instances.
Mr. GOLDWATER.
Mr. KEATING.
Mr. WYMAN in two instances.
Mr. VANDER JAGT.
Mr. VEYSEY in three instances.
Mrs. HECKLER of Massachusetts in two instances.
Mr. TERRY.

(The following Members (at the request of Mr. MCKAY) and to include extraneous matter:)

Mr. BRINKLEY.
Mr. PREYER of North Carolina.
Mr. BLANTON.
Mr. BLATNIK.
Mr. BADILLO in three instances.
Mr. MOSS in three instances.
Mr. ASPIN in 10 instances.
Mr. GIAIMO in 10 instances.
Mr. ANDERSON of Tennessee.
Mr. ROSENTHAL in five instances.
Mr. ROE in two instances.
Mr. ROY.
Mr. WILLIAM D. FORD.
Mr. MAZZOLI.
Mr. ANDERSON of California in two instances.
Mr. MACDONALD of Massachusetts.
Mr. DULSKI in five instances.
Mr. DELANEY.
Mr. HAGAN in three instances.
Mr. GONZALEZ in two instances.
Mr. RARICK in five instances.
Mr. ROGERS in five instances.
Mr. FRASER in five instances.
Mr. SCHEUER.
Mrs. CHISHOLM.
Mr. DENHOLM.
Mr. FOUNTAIN.

ADJOURNMENT

Mr. MCKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Monday, January 31, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1439. A letter from the vice president and general manager, Chesapeake & Potomac Telephone Co., transmitting a statement of receipts and expenditures of the company, pursuant to chapter 1628, acts of Congress 1904, and a comparative general balance sheet, pursuant to paragraph 14 of the act of March 4, 1913; to the Committee on the District of Columbia.

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. TAYLOR: Committee on Interior and Insular Affairs. H.R. 10086. A bill to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes (Rept. No. 92–743 (pt. II)). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 741. Resolution providing pay comparability adjustments for certain House employees whose pay rates are specifically fixed by House resolutions; with an amendment (Rept. No. 92–776). Ordered to be printed.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 769. Resolution authorizing payment of compensation for certain committee employees (Rept. No. 92–777). Ordered to be printed.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 532. A bill to authorize certain persons to accept gifts of money for the purpose of acquiring objects to be placed in the Capitol; with amendments (Rept. No. 92–778). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 1010. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes; with amendments (Rept. No. 92–779). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY of New York: Committee on Ways and Means. H.R. 1246. A bill to amend section 1071 of the Internal Revenue Code of 1954, as amended; with an amendment (Rept. No. 92–780). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY of New York: Committee on Ways and Means. H.R. 1247. A bill to amend the Internal Revenue Code of 1954 and the Tax Reform Act of 1969 regarding the treatment of charitable contributions; with amendments (Rept. No. 92–781). Referred to to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 1467. A bill to amend section 152(b)(3) of the Internal Revenue Code of 1954 for the purpose of including nationals of the United States within the definition of the term "dependent" in connection with deductions for personal exemptions; with amendments (Rept. No. 92–782). Referred to the Committee of the Whole House on the State of the Union.

Mr. CORMAN: Committee on Ways and Means. H.R. 2466. A bill to amend section 2039 of the Internal Revenue Code of 1954 (relating to estate tax treatment of annuities); with an amendment (Rept. No. 92–783). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 5372. A bill to amend section 5042(a)(2) of the Internal Revenue Code of 1954 to permit individuals who are not heads of families to produce wine for personal consumption; with amendments (Rept. No. 92–784). Referred to the Committee of the Whole House on the State of the Union.

Mr. CORMAN: Committee on Ways and Means. H.R. 5527. A bill to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber; with amendments (Rept. No. 92–785). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY of New York: Committee on Ways and Means. H.R. 5815. A bill to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1836; (Rept. No. 92–786). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 10264. A bill to amend the Internal Revenue Code of 1954 to provide an election by certain foreign corporations to treat interest income as income connected with U.S. business; with an amendment (Rept. No. 92–787). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 10335. A bill relating to the tax on self-employment income in the case of retired partners; with an amendment (Rept. No. 92–788). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 10646. A bill to amend section 956(b) of the Internal Revenue Code of 1954 to eliminate from the concept of U.S. property certain debt obligations acquired by controlled foreign corporations engaged in the banking business; with amendments (Rept. No. 92–789). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 10837. A bill to amend section 7275 of the Internal Revenue Code of 1954 with respect to airline tickets; with amendments (Rept. No. 92–790). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 11197. A bill to reduce the required charitable distributions under the Internal Revenue Code of 1954 in the case of certain contributions received by private foundations before the date of enactment of the Tax Reform Act of 1969; with amendments (Rept. No. 92–791). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 7025. A bill to amend the Internal Revenue Code of 1954 to permit affili-

ated banks to contribute in their fiduciary capacities to a common trust fund maintained by one of the affiliated banks for the benefit of the entire group; with amendments (Rept. No. 92–792). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY of New York: Committee on Ways and Means. H.R. 9040. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from the Federal estate tax for certain debt obligations of domestic corporations in cases where the interest on such obligations would be treated as income from foreign sources for purposes of the interest equalization tax (Rept. No. 92–793). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 10412. A bill to amend the Internal Revenue Code of 1954 to provide a carryback and carryover of certain foreign taxes on mineral income; with amendments (Rept. No. 92–794). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 7987. A bill to provide for the striking of medals in commemoration of the bicentennial of the American Revolution (Rep. No. 92–795). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 2672. An act to permanently exempt potatoes for processing from marketing orders (Rept. No. 92–796). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 782. Resolution providing for the consideration of H.R. 10086. A bill to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes (Rept. No. 92–797). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 783. Resolution providing for consideration of H.R. 11394. A bill to create an additional judicial district in the State of Louisiana, to provide for the appointment of additional district judgeships, and for other purposes (Rept. No. 92–798). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 784. Resolution providing for the consideration of S. 748. An act to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank (Rept. No. 92–799). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 785. Resolution providing for the consideration of S. 749. An act to authorize U.S. contributions to the Special Funds of the Asian Development Bank (Rept. No. 92–800). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 786. Resolution providing for the consideration of S. 2010. An act to provide for increased participation by the United States in the International Development Association (Rept. No. 92–801). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 12687. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. CONABLE, Mr. DELANEY, Mr. DOW, Mr. DULSKI, Mr. FISH, Mr. GROVER, Mr. HALPERN, Mr. HANLEY, Mr. HASTINGS, and Mr. HORTON):

H.R. 12688. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on Ways and Means.

By Mr. CELLER (for himself, Mr. KEMP, Mr. KING, Mr. KOCH, Mr. LENT, Mr. MCEWEN, Mr. MURPHY of New York, Mr. PEYSER, Mr. PODELL, Mr. RANGEL, Mr. REID, Mr. ROBISON of New York, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, Mr. SMITH of New York, Mr. STRATTON, Mr. TERRY, and Mr. WOLFF):

H.R. 12689. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on Ways and Means.

By Mr. DELANEY:

H.R. 12690. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for tuition expenses incurred in providing private nonprofit elementary and secondary education; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 12691. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY (for himself, Mr. MICHEL, Mr. BURKE of Florida, Mr. CÓRDOVA, Mr. GOODLING, Mr. HOSMER, Mr. JONES of North Carolina, Mr. KING, Mr. LATTA, Mr. RAILSBACK, and Mr. ROBINSON of Virginia):

H.R. 12692. A bill to provide a fair and effective means for the settlement of certain emergency labor disputes; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOWERS:

H.R. 12693. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY (for himself, Mr. MCCORMACK, Mr. MCCLURE, Mr. HANSEN of Idaho, and Mr. ULLMAN):

H.R. 12694. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Columbia-Snake-Palouse program; to the Committee on Agriculture.

By Mr. WILLIAM D. FORD (for himself, Mr. ABOUREZK, Mr. CLARK, Mr. CLAY, Mr. CONYERS, Mr. COTTER, Mr. DANIELS of New Jersey, Mr. DANIELSON, Mr. DENT, Mr. EDWARDS of California, Mr. EILBERG, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, and Mr. MATSUNAGA):

H.R. 12695. A bill to assist local educational agencies to provide quality educational programs in elementary and secondary schools; to the Committee on Education and Labor.

By Mr. WILLIAM D. FORD (for himself, Mr. MOSS, Mr. PEPPER, Mr. PERKINS, Mr. PRICE of Illinois, Mr. RANGEL, Mr. REES, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STEED, Mr. TIERNAN, Mr. MEEDS, Mr. MIKVA, Mrs. MINK, Mr. MILLER of California, Mr. MITCHELL, and Mr. MOORHEAD):

H.R. 12696. A bill to assist local educational agencies to provide quality education programs in elementary and secondary schools; to the Committee on Education and Labor.

By Mrs. GRASSO:

H.R. 12697. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the cost of fire science programs; to the Committee on Science and Astronautics.

By Mr. GRIFFIN:

H.R. 12698. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN:

H.R. 12699. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and breathing apparatus; to the Committee on Science and Astronautics.

By Mr. HAMMERSCHMIDT:

H.R. 12700. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. HANLEY:

H.R. 12701. A bill to amend title 23 of the United States Code relating to highways to provide that all sections of the officially designated National System of Interstate and Defense Highways shall become toll free for public use; to the Committee on Public Works.

By Mr. HARVEY:

H.R. 12702. A bill to amend the Railroad Labor Act and the Labor Management Relations Act, 1947, to provide more effective means for protecting the public interest in national emergency disputes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGAN (for himself, Mr. BROYHILL of Virginia, Mr. FAUNTROY, Mr. GUDE, and Mr. SCOTT):

H.R. 12703. A bill to extend and amend section 8(d) of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. JACOBS:

H.R. 12704. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the costs of fire science programs; to the Committee on Science and Astronautics.

By Mr. JONES of North Carolina:

H.R. 12705. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. KEE:

H.R. 12706. A bill to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KEMP:

H.R. 12707. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. MCCLORY (for himself, Mr. HUNGATE, Mr. ADAMS, Mr. ANDERSON of Illinois, Mr. ANDERSON of Tennessee, Mr. BELL, Mr. BROTZMAN, Mr. BUCHANAN, Mr. DANIELSON, Mr. DELLUMS, Mr. DUNCAN, Mr. EDWARDS of California, Mr. EILBERG, Mr. FORSYTHE, Mr. FRENZEL, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr.

McCULLOCH, Mr. MALLARY, Mr. MAZZOLI, Mr. MORSE, Mr. MOSHER, Mr. MYERS, Mr. PRICE of Illinois, and Mr. REES):

H.R. 12708. A bill to establish a Commission on Penal Reform; to the Committee on the Judiciary.

By Mr. McCLORY (for himself, Mr. HUNGATE, Mr. GRAY, Mr. MEEDS, Mr. SCHEUER, Mr. SCHWENGEL, Mr. SMITH of New York, Mr. TAYLOR, Mr. THONE, Mr. VANDER JAGT, Mr. WINN, and Mr. WYDLER):

H.R. 12709. A bill to establish a Commission on Penal Reform; to the Committee on the Judiciary.

By Mr. McMILLAN (by request) (for himself, Mr. DOWDY, Mr. HAGAN, Mr. FRASER, Mr. JACOBS, Mr. CABELL, Mr. BLANTON, Mr. STUCKEY, Mrs. GREEN of Oregon, Mr. O'KONSKI, Mr. BROYHILL of Virginia, Mr. GUDE, Mr. THOMSON of Wisconsin, and Mr. LINK):

H.R. 12710. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. McMILLAN:

H.R. 12711. A bill to extend the penalty for assaut on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes; to the Committee on the District of Columbia.

H.R. 12712. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. MATHIS of Georgia:

H.R. 12713. A bill to amend the Agricultural Adjustment of 1938 to authorize the lease and transfer of Flue-cured tobacco acreage-poundage marketing quotas between farms in the same State; to the Committee on Agriculture.

By Mr. METCALFE:

H.R. 12714. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

By Mr. MONAGAN:

H.R. 12715. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN (for himself, Mr. QUIE, and Mr. ZWACH):

H.R. 12716. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. NICHOLS:

H.R. 12717. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. PELLY:

H.R. 12718. A bill to amend Public Law 89–701, as amended, to extend until June 30, 1973, the expiration date of the act and the authorization of appropriations therefor, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PEYSER (for himself, Mr. BAKER, Mr. BURKE of Florida, Mr. CONTE, Mr. FISH, Mr. GROVER, Mr. GUDE, Mr. HALPERN, Mr. HILLIS, Mr. KING, Mr. LENT, Mr. McCLORY, Mr. MORSE, Mr. MYERS, Mr. O'KONSKI, Mr. SEBELIUS, Mr. THONE, Mr. WYDLER, and Mr. YOUNG of Florida):

H.R. 12719. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. PEYSER:

H.R. 12720. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. RIEGLE:

H.R. 12721. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

By Mr. ROBISON of New York:

H.R. 12722. A bill to authorize the President of the United States to propose or agree to a change in the par value of the U.S. dollar; to the Committee on Banking and Currency.

H.R. 12723. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 12724. A bill to amend the Uniform Code of Military Justice in order to provide that courts-martial may place persons on probation upon first-time conviction for certain narcotic-drug-related offenses, and for other purposes; to the Committee on Armed Services.

By Mr. ROE:

H.R. 12725. A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

By Mr. ROUSSELOT:

H.R. 12726. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and breathing apparatus; to the Committee on Science and Astronautics.

By Mr. RYAN (for himself, Mrs. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. HALPERN, Mr. KOCH, Mr. RANGEL, Mr. ROSENTHAL, and Mr. SCHEUER):

H.R. 12727. A bill to provide supplemental appropriations to fully fund bilingual education programs under title VII of the Elementary and Secondary Education Act of 1965 for the fiscal year 1972; to the Committee on Appropriations.

By Mr. STRATTON (for himself, Mr. HELSTOSKI, Mr. CARNEY, Mr. BIAGGI, Mr. METCALFE, Mr. ROE, Mr. HARRINGTON, Mr. ROY, Mr. McKEVITT, Mr. FORSYTHE, Mr. HOGAN, Mrs. ABZUG, Mr. DERWINSKI, Mr. YATRON, Mr. CLEVELAND, Mr. DAVIS of Georgia, Mr. MIZELL, and Mr. KYROS):

H.R. 12728. 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. TEAGUE of Texas (by request):

H.R. 12729. A bill to amend chapter 11, title 38, United States Code, to increase the statutory rates for certain anatomical loss or loss of use; to the Committee on Veterans' Affairs.

H.R. 12730. A bill to amend chapter 19, title 38, United States Code, so as to provide a statutory total disability for insurance purposes to any veteran who has undergone kidney or heart transplant or anatomical loss or loss of use of both kidneys; to the Committee on Veterans' Affairs.

H.R. 12731. A bill to amend title 38, United States Code, to increase the amount payable on burial and funeral expenses; to the Committee on Veterans' Affairs.

By Mr. VANDER JAGT:

H.R. 12732. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. WIGGINS (for himself, Mr. SANDMAN, and Mr. STEIGER of Arizona):

H.R. 12733. A bill to amend title 18 of the United States Code to provide penalties for the taking and holding of hostages by inmates of Federal prisons, and for the making of certain agreements with such inmates to secure the release of such hostages; to the Committee on the Judiciary.

By Mr. DELLENBACK (for himself, Mr. McCLURE, Mr. RHODES, Mr. McCLOSKEY, Mr. BOB WILSON, and Mr. TEAGUE of California):

H.J. Res. 1031. Joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees; to the Committee on Education and Labor.

By Mr. HALPERN (for himself, Mr. KOCH, Mr. WALDIE, Mrs. ABZUG, Mr. ASPIN, Mr. FORSYTHE, Mrs. GRASSO, Mr. GUDE, Mr. KEMP, Mr. KYROS, Mr. LEGGETT, Mr. LONG of Maryland, Mr. MAZZOLI, Mrs. MINK, Mr. MITCHELL, Mr. PEPPER, Mr. PETTIS, Mr. ROY, Mr. RYAN, Mr. SARBANES, Mr. ST GERMAIN, Mr. TERRY, and Mr. TIERNAN):

H.J. Res. 1032. Joint resolution designating May 1–7, 1972 as "National Bikecology Week"; to the Committee on the Judiciary.

By Mr. HALPERN (for himself, Mr. KOCH, Mr. WALDIE, and Mrs. HICKS of Massachusetts):

H.J. Res. 1033. Joint resolution designating May 1–7, 1972 as "National Bikecology Week"; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia:

H.J. Res. 1034. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

By Mr. KEMP:

H.J. Res. 1035. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

By Mr. DELANEY:

H. Con. Res. 513. Concurrent resolution requesting the President to proclaim Sunday, February 20, 1972, as "Community U.S.A. Anti-Smut Day"; to the Committee on the Judiciary.

By Mr. DULSKI:

H. Res. 780. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. MORGAN:

H. Res. 781. Resolution providing for expenses of conducting studies and investigations authorized by House Resolution 109; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ECKHARDT:

H.R. 12734. A bill for the relief of Ngan Sham Kwok Chee Stella; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 12735. A bill for the relief of Abdul Mannan; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

BLOOD THAT KILLS

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. VEYSEY. Mr. Speaker, for the past year I have been studying blood banking in the United States. In that time I have read dozens of articles in the medical, legal and popular press on various facets of this hidden scandal. The article, "Blood That Kills" in the January 29 issue of the National Observer is far and away the best single description of the problem I have seen.

Mr. Gribbin has researched the problem thoroughly and manages to explain the complicated medical, legal, and social questions involved with a clarity that makes it look simple. Having struggled to explain some of these same problems myself in the past, I know it is not.

As the Observer's editor remarked, this article does not take a "my-gawd-ain't-it-awful" approach but just piles up the facts and tries to give everybody his say. I strongly urge my colleagues, if they read anything on blood banking, to read this article:

[From the National Observer, Jan. 29, 1972]

BLOOD THAT KILLS

(By August Gribbin)

As Howard Schmid prepared to undergo surgery, neither he nor his wife saw reason to worry about his necessary but uncomplicated blood transfusion. They didn't know that many U.S. hospitals routinely use "cheap", possibly contaminated blood from skid-row addicts and bums—blood that can make a simple transfusion riskier than the most delicate surgery.

Like most Americans, the LaGrange, Ill., couple also didn't know that most authorities agree that a national blood program could solve the problem, but that the organizations judged most qualified to set one up oppose this solution. So blood transfusions now kill at least 3,500 Americans and medically injure another 50,000 each year, says Stanford University's Dr. J. Garrott Allen, whom many researchers regard as the nation's leading expert on the blood problem.

Of every 150 patients over 40 years old who receive blood transfusions, one dies, Dr. Allen estimates. Howard Schmid, age 52, didn't know that either.

THE HEPATITIS MENACE

Schmid's heart operation in a Chicago hospital went "beautifully," says Mrs. Schmid. "My husband came home. He was feeling better than he had in years. Out walking and everything. Planning to go back to work."

Three months later Schmid awoke one morning with yellow skin and a 102-degree temperature. "We took him to the hospital. And—he died," says Mrs. Schmid. The cause of death: serum hepatitis from contaminated blood.

Serum hepatitis is one of two main forms of a group of liver infections generically called hepatitis. The other main type is infectious hepatitis. The diseases' symptoms are roughly the same; so are their treatments. But infectious hepatitis, nicknamed "dirt disease," comes primarily from contaminated food and water and shows up most often amid crowding, poor sanitation, and malnutrition.

Serum hepatitis, far more serious, comes principally from injecting or transfusing tainted blood. The blood of persons who have had infectious hepatitis, and their uninfected regular associates' blood, is especially suspect. The malady inflames the victim's liver, causing extreme pain, itching, weakness, diarrhea, nausea, fever, and yellowing of the skin.

Researchers haven't isolated the ultimate sources of serum hepatitis. They do know that its infectious agents flourish in the dirt and squalor of city slums and skid rows. And that's just where many commercial blood banks have set up blood-collection stations.

There commercial blood-bank operators are within easy reach of down-and-out donors and drug addicts who sell their blood for $3 to $5 per pint. Outside of skid-row sections, donors normally get $15 to $20 a pint for common types of blood. Rarer types bring $50, $60, or more.

DANGER IS IMPORTED, TOO

The skid-row banks sell common types of blood to hospitals and to other banks for $40 to $50 a pint. One industry source says they net 100 per cent profit after processing and other costs.

The commercial banks also get such "cheap blood" from prisoners. Like addicts, prisoners frequently lie about past illnesses so they can earn a few dollars or special privileges for giving blood.

Some commercial banks also import blood from such willing sources as impoverished, medically backward Haiti. They extract and sell this blood's highly marketable plasma—which also can cause serum hepatitis.

EVERYWHERE THE DOLLAR

Certainly not all commercial suppliers depend on convicts and derelicts as sources of blood. Many suppliers take extreme care in hiring "donors," who often are robust but cash-shy soldiers and college youths. And of course a tiny percentage of the blood from presumably healthy donors may contain hepatitis.

Richard Dice, president of the reputable, commercial Community Blood Services of Alabama, abhors the questionable practices of what he calls "relatively few blood bankers." Commercial banks vary in quality from place to place, he asserts, adding: "If you really dissect blood donating in this country, you'll find that the dollar is involved everywhere. The Red Cross levies fees for the blood it distributes to hospitals; nonprofit banks charge fees. Both have blood-replacement plans."

Under such plans, banks solicit blood from unpaid volunteers by promising them free blood should they ever need it. Some hospitals, which frequently have their own blood banks, and some nonprofit banks "lend" blood, requiring the user to solicit replacement blood from acquaintances.

NOT ALL BLOOD IS EQUAL

Dice says the difference between the banks is not whether they are commercial or nonprofit, but how conscientiously they operate. Many of his colleagues agree wholeheartedly.

Doctors nonetheless make a huge distinction between "commercial blood," whose donors receive payment, and "volunteer blood," whose donors generally receive no cash. The difference can get fuzzy, because many noncommercial banks pay volunteers for their blood, calling the payment an "incentive." Blood obtained from "incentive"-paid donors sometimes is called volunteer blood.

Unpaid contributors' blood is generally considered much safer than that of paid donors. The promise of pay allegedly induces some donors to conceal disqualifying histories of hepatitis, past transfusions, allergies, or communicable diseases.

Statistics support the theory. Stanford's Dr. Allen reports that in one study blood traced to addicts in prisons and slums was found 70 times likelier to carry hepatitis than is blood from unpaid volunteers. Overall, he says, commercial blood is 10 times likelier to harbor hepatitis than volunteer blood is.

Dr. Allen has been studying blood-transfusion problems since 1945. It was he who first discovered commercial blood's special health hazards. He has published widely. And many medical men regard him as the nation's leading authority on blood donating and hepatitis.

HEPATITIS RISK UNDERSTATED

Commercial blood, which the Government says composes one-third of the U.S. supply, is currently indispensable. Without it, hospitals in some major cities would have to curtail transfusions. So it is almost universally available even to the altruistic volunteer whose blood donations to a non-profit bank entitled him to free, safer volunteer blood.

No blood bank has centers in all states. The Red Cross, biggest of the banks, has 59 centers in 42 states. But the centers may not cover the entire state, and they can't always supply blood. So a volunteer donor requiring emergency transfusion in such areas simply gets what's available; the Red Cross or his own nonprofit bank only picks up the tab.

The common use of commercial blood is the biggest contributor to the serum-hepatitis rate among transfusion patients. Nobody knows just how high the rate is, the Government's Center for Disease Control (CDC) in Atlanta says, because physicians often fail to report serum-hepatitis cases. The CDC says the real hepatitis rate could be 2 to 10 times Dr. Allen's estimate, or 35,000 deaths and 500,000 illnesses a year instead of 3,500 deaths and 50,000 illnesses.

DIFFICULTIES OF DIAGNOSIS

Why the confusion?

First, some serum-hepatitis symptoms resemble those of other illnesses. Thus a doctor may diagnose hepatitis as something else—especially if he doesn't know that the patient has had a transfusion. Second, the disease takes two to six months to develop. After that time, both patient and doctor may fail to connect the hepatitis with a transfusion given while treating another malady from which the patient apparently has recovered.

Mrs. Schmid is suing Rush Presbyterian-St. Luke's Medical Center in Chicago for its alleged "failure to warn us that there might be a danger in using blood from paid donors." Had she known of the danger, Mrs. Schmid says, she could have obtained volunteer blood for her husband, whose membership in a fraternal organization made him eligible for free