OLYMPIC SLAUGHTER

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. ROONEY of New York. Mr. Speaker, I sorrowfully join in supporting House Resolution 1106 which mourns for the dead Israeli athletes and calls for strict sanctions against the maniacal governments which condone or encourage such acts of beastiality. Once again we find ourselves numbly wondering what kind of mad dogs have been turned loose upon the world; wondering too what kind of mind equates publicity for a cause with the death of innocents.

I agree with the thoughts in House Resolution 1106 that sanctions must be taken against the countries that harbor these murderers. Those countries and their leaders cannot be tolerated in a society of human beings, any more than society can tolerate the thought of succumbing to the demands of terrorists. The attack in Munich during the Olympic games was calculated to focus world attention on the cause of the Arab fanatics. It was calculated, too, to raise the gorge of the Israeli people to the point where they would vent their justified rage on the Arab States thus destroying the ongoing efforts for peace in that troubled part of the world.

Mr. Speaker, we can only pray that the latter calculation was wrong. We pray, too, Mr. Speaker for the easing of the anguish that now fills the hearts of all Israel and in particular the families and the loved ones of the slain athletes. May their souls rest in eternal peace.

A TRIBUTE TO HARRY S. TRUMAN

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. McCOLLISTER. Mr. Speaker, at the suggestion of one of my constituents, Mr. Frank J. Belik, of Omaha, Nebr., I would like to offer a few words of tribute to a fine American statesman, former President Harry S. Truman.

Mr. Truman, once again residing in his native Independence, Mo., presented unique leadership qualities to America in one of her darkest hours. Thrust into office in the midst of our country's involvement in World War II, President Truman guided the United States in its transition from a wartime to a peacetime economy. He continued to serve America for another 4-year term during which he asserted himself as a clear-thinking, decisive leader.

Today, at 88 years of age, the former President is still an intellectually active American. He did not retire from the responsibilities of American citizenry after serving as President, but has continued to participate in the American system as a concerned, involved, and interested member.

Harry S. Truman—a living example of citizenship for all Americans to observe, honor, and respect.

HOUSE OF REPRESENTATIVES—*Tuesday, September 12, 1972*

The House met at 12 o'clock noon.

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

Where the spirit of the Lord is there is liberty.—II Corinthians 3: 17.

O Lord our God, and God of our fathers, we greet the coming of another day with joyful hearts and enter into Thy presence with thanksgiving. As Thou didst lead our fathers to found on these shores a nation of free men so do Thou continue to lead their children in keeping the flag of freedom flying in our day that men everywhere may come to know and to enjoy the greatness of liberty.

Amid all our blessings make us mindful of those who dwell in the land of oppression, who eat the food of affliction, and who taste the bitter fruit of bondage. Particularly do we pray for our prisoners of war and their families. Hasten the day when wars shall cease, the captives be released, and all mankind begin to be blest with the joyful experiences of brotherhood and peace.

In the spirit of Him who sets men free we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1860. An act for the relief of David Capps, formerly a corporal in the U.S. Marine Corps;

H.R. 5299. An act for the relief of Maj. Henry C. Mitchell, retired;

H.R. 5315. An act for the relief of Gary R. Uttech;

H.R. 10635. An act for the relief of William E. Baker; and

H.R. 12638. An act for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3755) entitled "An act to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. CANNON, Mr. HART, Mr. COTTON, and Mr. PEARSON to be the conferees on the part of the Senate.

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

S. 909. An act for the relief of John C. Rogers;

S. 995. An act for the relief of Ronald K. Downie;

S. 2714. An act for the relief of M. Sgt. William C. Harpold, U.S. Marine Corps, retired, and

S. 3257. An act for the relief of Gary Wentworth, of Staples, Minn.

The message also announced that the Vice President, pursuant to Public Law 85–474, appointed Mr. PASTORE, Mr. JORDAN of North Carolina, Mr. HARTKE, Mr. MOSS, Mr. BAYH, Mr. HOLLINGS, Mr. BENTSEN, Mr. SAXBE, Mr. TAFT, and Mr. STAFFORD to attend, on the part of the Senate, the Interparliamentary Union Meeting to be held in Rome, Italy, September 21 to 29, 1972.

The message also announced that the Vice President, pursuant to section 140 (g) of Public Law 92–318, appointed Mr. PELL and Mr. BEALL as members, on the part of the Senate, of the National Commission on the Financing of Postsecondary Education.

AMENDING STATUTORY CEILING ON SALARIES PAYABLE TO U.S. MAGISTRATES

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7375) to amend the statutory ceiling on salaries payable to U.S. magistrates, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 2, after "$100" insert "nor more than $15,000".

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

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from California what changes, if any, were made in the bill as passed by the House.

Mr. EDWARDS of California. Mr. Speaker, the only change that was made, I advise the distinguished minority leader, was to limit the salary of part-time magistrates to $15,000 per year. Under the bill passed in the House, the salary of a part-time magistrate was tied to that of a part-time referee in

bankruptcy and could have gone as high as $18,000 per year. The Senate amendment reduces that to $15,000, and I believe it is a good amendment. No part-time magistrate can get more than $15,000 per year.

Mr. GERALD R. FORD. In other words, the Senate amendment modifies the House version down and, in effect, is more restrictive than the House version.

Mr. EDWARDS of California. That is exactly correct. It is an economy change.

Mr. Speaker, I believe that the amendment to this measure adopted by the other body is both a constructive amendment, as well as an economy measure, and I urge that we concur in that amendment.

As originally passed by the House of Representatives, H.R. 7375 imposed the following statutory ceilings on the salaries payable to the U.S. magistrates.

The House-passed bill imposed the same ceilings on the salaries of full-time and past-time magistrates as are currently imposed on the salaries of full-time and part-time referees in bankruptcy, with the exception that the salary of a full-time magistrate cannot exceed 75 percent of the salary of a judge of a U.S. district court.

As a practical matter, the salaries of full-time and part-time referees in bankruptcy are now set at maximums of $30,000 and $18,000, respectively, subject to an overall statutory ceiling of $36,000 and $18,000, respectively. Under the House bill, the statutory ceiling for full-time magistrates would be limited to $30,000, since the House bill would prohibit magistrates from earning more than 75 percent of the salary of a district judge.

With respect to part-time magistrates, the House-passed bill provided, in effect, for a ceiling of $18,000. The Senate amendment to the House-passed bill would decrease that ceiling to $15,000.

Mr. Speaker, as I have indicated, the Senate amendment to H.R. 7375 can only have the effect of decreasing the costs to the Federal Government of the magistrate system. The amendment has the support of the National Council of Federal Magistrates. As a result, I believe that it should have the warm endorsement of all of our colleagues.

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just considered.

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

There was no objection.

AMENDING TITLE 10, UNITED STATES CODE, TO ESTABLISH A SURVIVOR BENEFIT PLAN

Mr. PIKE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10670) to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That chapter 73 of title 10, United States Code, is amended as follows:

(1) The title of the chapter is amended by adding "; SURVIVOR BENEFIT PLAN" after "PAY", and by inserting the following after the revised title:

"Subchapter Sec.
"I. Retired Serviceman's Family Protection Plan ---------- 1431
"II. Survivor Benefit Plan---------- 1447

"Subchapter I.—Retired Serviceman's Family Protection Plan".

(2) Subchapter I is amended as follows:

(A) Sections 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1444 (a) and (c), 1445, and 1446 are each amended by striking out "chapter" wherever it appears and inserting in place thereof "subchapter".

(B) Section 1443 is repealed and the corresponding item in the subchapter analysis for that section is stricken.

(C) Section 1444(b) is repealed and the catchline and subchapter analysis item for section 1444 are each amended by striking out "reports to Congress;".

(3) The following new subchapter is added after section 1446:

"Subchapter II.—Survivor Benefit Plan

"Sec.
"1447. Definitions.
"1448. Application of Plan.
"1449. Mental incompetency of member.
"1450. Payment of annuity: beneficiaries.
"1451. Amount of annuity.
"1452. Reduction in retired or retainer pay.
"1453. Recovery of annuity erroneously paid.
"1454. Correction of administrative deficiencies.
"1455. Regulations.

"§ 1447. Definitions.

"In this subchapter:

"(1) 'Plan' means the Survivor Benefit Plan established by this subchapter.

"(2) 'Base amount' means—

"(A) the amount of monthly retired or retainer pay to which a person—

"(i) was entitled when he became eligible for that pay; or

"(ii) later became entitled by being advanced on the retired list, performing active duty, or being transferred from the temporary disability retired list to the permanent disability retired list; or

"(B) any amount less than that described by clause (A) designated by that person on or before the first day for which he became eligible for retired or retainer pay, but not less than $300;

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

"(3) 'Widow' means the surviving wife of a person who, if not married to the person at the time he became eligible for retired or retainer pay—

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

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

"(4) 'Widower' means the surviving husband of a person who, if not married to the person at the time she became eligible for retired or retainer pay—

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

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

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

"(A) unmarried;

"(B) (i) under 18 years of age; (ii) at least 18, but under 22, years of age and pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution; or (iii) incapable of supporting himself because of a mental or physical incapacity existing before his eighteenth birthday or incurred on or after that birthday, but before his twenty-second birthday, while pursuing such a full-time course of study or training; and

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

For the purpose of this clause, a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while he is regularly pursuing such a course of study or training, is considered to have become 22 years of age on the first day of July after that birthday. A child who is a student is considered not to have ceased to be a student during an interim between school years if the interim is not more than 150 days and if he shows to the satisfaction of the Secretary of Defense that he has a bona fide intention of continuing to pursue a course of study or training in the same or a different school during the school semester (or other period into which the school year is divided) immediately after the interim. Under this clause, a foster child, to qualify as the dependent child of a person to whom the Plan applies, must, at the time of the death of that person, also reside with, and receive over one-half of his support from, that penson, and not be cared for under a social agency contract. The temporary absence of a foster child from the residence of that person, while he is a student as described in this clause, will not be considered to affect the residence of such a foster child.

"§ 1448. Application of plan

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

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

"(c) The application of the Plan to a person whose name is on the temporary disability retired list terminates when his name

is removed from that list and he is no longer entitled to retired pay.

"(d) If a member of an armed force dies on active duty after he has become entitled to retired or retainer pay; or after he has qualified for that pay except that he has not applied for or been granted that pay, and his spouse is eligible for dependency and indemnity compensation under section 411(a) of title 38 in an amount that is less than the annuity the spouse would have received under this subchapter if it had applied to the member when he died, the Secretary concerned shall pay to the spouse an annuity equal to the difference between that amount of compensation and 55 percent of the retired or retainer pay to which the otherwise eligible spouse described in section 1540(a)(1) of this title would have been entitled if the member had been entitled to that pay based upon his years of active service when he died.

"§ 1449. Mental incompetency of member

"If a person to whom section 1448 of this title applies is determined to be mentally incompetent by medical officers of the armed force concerned or of the Veterans' Administration, or by a court of competent jurisdiction, any election described in the first sentence of subsection (a), or subsection (b), of section 1448 of this title may be made on behalf of that person by the Secretary concerned. If the person for whom the Secretary has made an election is later determined to be mentally competent by an authority named in the first sentence, he may, within 180 days after that determination revoke that election. Any deductions made from retired or retainer pay by reason of such an election will not be refunded.

"§ 1450. Payment of annuity: beneficiaries

"(a) Effective as of the first day after the death of a person to whom section 1448 of this title applies, a monthly annuity under section 1451 of this title shall be paid to—

"(1) the eligible widow or widower;

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

"(3) the natural person designated under section 1448(b) of this title at the time the person to whom section 1448 applies became entitled to retired or retainer pay, if there is no eligible beneficiary under clause (1) or (2).

"(b) An annuity payable to the beneficiary terminates effective as of the first day of the month in which eligibility is lost. An annuity for a widow or widower shall be paid to the widow or widower while the widow or widower is living or, if the widow or widower remarries before reaching age 60, until the widow or widower remarries. If the widow or widower remarries before reaching age 60 and that marriage is terminated by death, annulment, or divorce, payment of the annuity will be resumed effective as of the first day of the month in which the marriage is so terminated. However, if the widow or widower is also entitled to an annuity under this section based upon the marriage so terminated, the widow or widower may not receive both annuities but must elect which to receive.

"(c) If, upon the death of a person to whom section 1448 of this title applies, the widow or widower of that person is also entitled to compensation under section 411(a) of title 38, the widow or widower may be paid an annuity under this section, but only in the amount that the annuity otherwise payable under this section would exceed that compensation.

"(d) If, upon the death of a person to whom section 1448 of this title applies, that person had in effect a waiver of his retired or retainer pay for the purposes of subchapter III of chapter 83 of title 5, an annuity under this section shall not be payable unless, in accordance with section 8339(i) of title 5, he notified the Civil Service Commission that he did not desire any spouse surviving him to receive an annuity under section 8341(b) of that title.

"(e) If no annuity under this section is payable because of subsection (c), any amounts deducted from the retired or retainer pay of the deceased under section 1452 of this title shall be refunded to the widow or widower. If, because of subsection (c), the annuity payable is less than the amount established under section 1451 of this title, the annuity payable shall be recalculated under that section. The amount of the reduction in the retired or retainer pay required to provide that recalculated annuity shall be computed under section 1452 of this title, and the difference between the amount deducted prior to the computation of that recalculated annuity and the amount that would have been deducted on the basis of that recalculated annuity shall be refunded to the widow or widower.

"(f) An unmarried person who elects to provide an annuity to a person designated by him under subsection (a)(3), but who later marries or acquires a dependent child, may change that election and provide an annuity to his spouse or dependent child. A change of election under this subsection is subject to the rules with respect to execution, revocation, and effectiveness set forth in the last three sentences of section 1448(a) of this title.

"(g) Except as provided in section 1449 of this title or in subsection (f) of this section, an election under this section may not be changed or revoked.

"(h) Except as provided in section 1451 of this title, an annuity under this section is in addition to any other payment to which a person is entitled under any other provision of law. Such annuity shall be considered as income under laws administered by the Veterans' Administration.

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

"§ 1451. Amount of annuity

"(a) If a widow or widower is under age 62 or there is a dependent child, the monthly annuity payable to the widow, widower, or dependent child, under section 1450 of this title shall be equal to 55 percent of the base amount. However, when the widow has one dependent child, the monthly annuity shall be reduced by an amount equal to the mother's benefit, if any, to which the widow would be entitled under subchapter II of chapter 7 of title 42 based solely upon service by the person concerned as described in section 410(l)(1) of title 42 and calculated assuming that the person concerned lived to age 65. When the widow or widower reaches age 62, or there is no longer a dependent child, whichever occurs later, the monthly annuity shall be reduced by an amount equal to the amount of the survivor benefit, if any, to which the widow or widower would be entitled under subchapter II of chapter 7 of title 42 based solely upon service by the person concerned as described in section 410(l)(1) of title 42 and calculated assuming that the person concerned lived to age 65. For the purpose of the preceding sentence, a widow or widower shall be considered as entitled to a benefit under subchapter II of chapter 7 of title 42 even though that benefit has been offset by deductions under section 403 of title 42 on account of work.

"(b) The monthly annuity payable under section 1450(a)(3) of this title shall be 55 percent of the retired or retainer pay of the person who elected to provide that annuity after the reduction in that retired or retainer pay in accordance with section 1452(c) of this title.

"(c) Whenever retired or retainer pay is increased under section 1401a of this title, each annuity that is payable under this section, or section 1448(d) of this title, on the day before the effective day of that increase shall be increased at the same time by the same total percent. The amount of the increase shall be based on the monthly annuity payable before any reduction under section 1448(d) or 1450(c) of this title, or subsection (a) of this section.

"§ 1452. Reduction in retired or retainer pay

"(a) The retired or retainer pay of a person to whom section 1448 of this title applies who has a spouse, or who has a spouse and a dependent child, and who has not elected to provide an annuity to a person designated by him under section 1450(a)(3) of this title, or who had elected to provide such an annuity to such a person but has changed his election in favor of his spouse under section 1450(f) of this title, shall be reduced each month by an amount equal to 2½ percent of the first $300 of the base amount plus 10 percent of the remainder of the base amount. As long as there is an eligible spouse and a dependent child, that amount shall be increased by an amount prescribed under regulations of the Secretary of Defense.

"(b) The retired or retainer pay of a person to whom section 1448 of this title applies who has a dependent child but does not have an eligible spouse, shall, as long as he has an eligible dependent child, be reduced by an amount prescribed under regulations of the Secretary of Defense.

"(c) The retired or retainer pay of a person who has elected to provide an annuity to a person designated by him under section 1450(a)(3) of this title shall be reduced by 10 percent plus 5 percent for each full 5 years the individual designated is younger than that person. However, the total reduction may not exceed 40 percent.

"(d) If a person who has elected to participate in the Plan has been awarded retired or retainer pay and is not entitled to that pay for any period, he must deposit in the Treasury the amount that would otherwise have been deducted from his pay for that period, except when he is called or ordered to active duty for a period of more than 30 days.

"(e) When a person who has elected to participate in the Plan waives his retired or retainer pay for the purposes of subchapter III of chapter 83 of title 5, he shall not be required to make the deposit otherwise required by subsection (d) as long as that waiver is in effect unless, in accordance with section 8339(i) of title 5, he has notified the Civil Service Commission that he does not desire any spouse surviving him to receive an annuity under section 8341(b) of title 5.

"(f) Except as provided in section 1450(e) of this title, a person is not entitled to any refunds of amounts deducted from retired or retainer pay under this section unless the amounts were deducted through administrative error.

"§ 1453. Recovery of annuity erroneously paid

"In addition to other methods of recovery provided by law, the Secretary concerned may authorize the recovery, by deduction from later payments to a person, of any amount erroneously paid to him under this subchapter. However, recovery is not required if, in the judgment of the Secretary concerned and the Comptroller General, there has been no fault by the person to whom the amount was erroneously paid and recovery would be contrary to the purposes of this subchapter or against equity and good conscience.

"§ 1454. Correction of administrative deficiencies

"The Secretary concerned may, under regulations prescribed under section 1455 of this title, correct or revoke any election under this subchapter when he considers it necessary to correct an administrative error. Except when

procured by fraud, a correction or revocation under this section is final and conclusive on all officers of the United States.

"§ 1455. Regulations

"The President shall prescribe regulations to carry out this subchapter. Those regulations shall, so far as practicable, be uniform for the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.. Those regulations shall—

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

"(2) establish procedures for depositing the amounts referred to in section 1452(d) of this title."

SEC. 2. The chapter analysis of subtitle A and the analysis of part II of subtitle A of title 10, United States Code, are each amended by amending the item relating to chapter 73 by adding "; Survivor Benefit Plan" after "Pay".

SEC. 3. (a) The Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act applies to any person who initially becomes entitled to retired or retainer pay on or after the effective date of this Act. An election made before that date by such a person under section 1431 of title 10, United States Code, is canceled. However, a person who initially becomes entitled to retired or retainer pay within 180 days after the effective date of this Act may, within 180 days after becoming so entitled, elect—

(1) not to participate in such Survivor Benefit Plan if he is married or has a dependent child; or

(2) to participate in that Plan, if he is a person covered by section 1448(b) of title 10, United States Code.

(b) Any person who is entitled to retired or retainer pay on the effective date of this Act may elect to participate in the Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act before the first anniversary of that date. However, such a person who is receiving retired or retainer pay reduced under section 1436(a) of title 10, United States Code, or who is depositing amounts under section 1438 of that title, may elect before the first anniversary of the effective date of this Act—

(1) to participate in the Plan and continue his participation under chapter 73 of that title as in effect on the day before the effective date of this Act, except that the total of the annuities elected may not exceed 100 percent of his retired or retainer pay; or

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

A person who elects under clause (2) of this subsection is not entitled to a refund of amounts previously deducted from his retired or retainer pay under chapter 73 of title 10, United States Code, as in effect on the day before the effective date of this Act, or any payments made thereunder on his behalf. A person who is not married or does not have a dependent child on the first anniversary of the effective date of this Act, but who later marries or acquires a dependent child, may elect to participate in the Plan under the fourth sentence of section 1448(a) of that title.

(c) Notwithstanding the provisions of the Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act, and except as otherwise provided in this section, subchapter I of chapter 73 of title 10, United States Code (other than the last two sentences of section 1436(a), section 1443, and section 1444(b)), as in effect on the day before the effective date of this Act, shall continue to apply in the case of persons, and their beneficiaries, who have elected annuities under section 1431 or 1432 of that title and who have not elected under subsection (b)(2) of this section to participate in that Plan.

(d) In this section, "base amount" means—

(1) the monthly retired or retainer pay to which a person—

(A) is entitled on the effective date of this Act; or

(B) later becomes entitled by being advanced on the retired list, performing active duty, or being transferred from the temporary disability retired list to the permanent disability retired list; or

(2) any amount less than that described in clause (1) designated by that person at the time he makes an election under subsection (a)(2) or (b) of this section, but not less than $300;

as increased from time to time under section 1401a of title 10, United States Code.

(e) An election made under subsection (a) or (b) of this section is effective on the date it is received by the Secretary concerned, as defined in section 101(5) of title 37, United States Code.

(f) Sections 1449, 1453, and 1454 of title 10, United States Code, as added by clause (3) of the first section of this Act, are applicable to persons covered by this section.

SEC. 4. (a) A person—

(1) who, on the effective date of this Act is, or within one calendar year after that date becomes, a widow of a person who was entitled to retired or retainer pay when he died;

(2) who is eligible for a pension under subchapter III of chapter 15 of title 38, United States Code, or section 9(b) of the Veterans' Pension Act of 1959 (73 Stat. 436); and

(3) whose annual income, as determined in establishing that eligibility, is less than $1,400;

shall be paid an annuity by the Secretary concerned unless she is eligible to receive an annuity under the Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act. However, such a person who is the widow of a retired officer of the Public Health Service or the National Oceanic and Atmospheric Administration, and who would otherwise be eligible for an annuity under this section except that she does not qualify for the pension described in clause (2) of this subsection because the service of her deceased spouse is not considered active duty under section 101(21) of title 38, United States Code, is entitled to an annuity under this section.

(b) The annuity under subsection (a) of this section shall be in an amount which when added to the widow's income determined under subsection (a)(3) of this section, plus the amount of any annuity being received under sections 1431–1436 of title 10, United States Code, but exclusive of a pension described in subsection (a)(2) of this section, equals $1,400 a year. In addition, the Secretary concerned shall pay to the widow, described in the last sentence of subsection (a) of this section, an amount equal to the pension she would otherwise have been eligible to receive under subchapter III of chapter 15 of title 38, United States Code, if the service of her deceased spouse was considered active duty under section 101(21) of that title.

SEC. 5. Section 3(a)(4) of the Act of August 10, 1956, chapter 1041, as amended (33 U.S.C. 857a(a)(5)), and section 221(a)(5) of the Public Health Service Act, as amended (42 U.S.C. 213a(a)(5)), are each amended to read as follows:

"Chapter 73, Retired Serviceman's Family Protection Plan; Survivor Benefit Plan."

SEC. 6. Title 38, United States Code, is amended as follows:

(1) Section 415(g)(M) is amended to read as follows:

"(M) payments of annuities elected under subchapter I of chapter 73 of title 10."

(2) Section 503(17) is amended to read as follows:

"(17) payments of annuities elected under subchapter I of chapter 73 of title 10.".

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

There was no objection.

Mr. PIKE. Mr. Speaker, I am pleased to report that on last Friday, the Senate passed its version of H.R. 10670, the survivor benefits bill. As chairman of the Special Subcommittee on Survivor Benefits, I am happy to recommend that the House accept the Senate version of this legislation—thus eliminating the necessity of going to conference.

At the outset, let me point out that while the Senate made several changes in the House language, the essence of the House bill remains intact.

Let me briefly review the bill. The bill which we sent to the Senate was premised on two major considerations. First, it was built on the foundation provided by social security and second, to the extent feasible, it paralleled the survivor benefit program of the Civil Service Retirement System.

It provided for a maximum benefit of 55 percent to the survivor of the military retiree who would during his lifetime share in the cost of the program by deductions from the retired pay. The annuity will be adjusted according to the Consumer Price Index.

The deductions from the retired pay would be on the same formula that the civil service annuitants pay, that is, 2½ percent for the first $300 of the base amount and 10 percent for anything over that figure up to the maximum of the man's retired pay.

It provided for automatic coverage to all future retirees at the time of retirement if they are married or have a dependent child or children unless they elect not to participate.

The benefits under the bill accrue to the widow or widower of the retiree and are paid as long as they live or until remarriage if the remarriage occurs before reaching age 60. The annuity would not cease in the case of a widow or widower who remarries after age 60.

In the absence of a widow or widower, the benefits would go to the surviving dependent children in equal shares and the annuity would be paid as long as there are eligible children.

The bill provided that the benefits paid by DOD be reduced by the amount of social security benefit paid to the widow beginning at age 62 which is attributable to her husband's active military service.

The bill also provided for a minimum income guarantee for current widows of about $2,100 annually. If the widow's income is less than $1,400, a Defense supplement will be paid to the widow to bring the widow's income up to $1,400. This amount, together with a payment from the Veterans' Administration, will total about $2,100.

The bill guaranteed that no widow of a retirement-eligible member dying on active duty receives less than a widow

of a similar member—same grade and length of service—dying in retirement.

Our bill provided that future retirees will not be eligible to participate in the present military survivor benefit program—the retired serviceman's family protection plan—RSFPP. Present participants would be allowed to drop RSFPP and elect a survivor annuity under the provisions of the new plan. Alternatively, they will be allowed to continue to participate in RSFPP and elect in the new plan up to a maximum survivor benefit level of 100 percent of retired pay. Survivor annuities would continue to be paid under RSFPP for as long as those currently receiving benefits continue to be eligible for payments and for so long as there are eligible survivors, if the member elects to stay covered under RSFPP in addition to, or instead of being covered in the new plan.

These provisions are all contained in the bill passed by the Senate.

Of the several amendments to our bill adopted by the Senate the only one which would have been in serious controversy at any conference on the two bills was the provision in the House bill providing for the attachment of up to 50 percent of a retiree's pay in order to comply with an order of a court of competent jurisdiction in behalf of a spouse, ex-spouse, or dependent children.

This particular provision was one which I personally, strongly favored, as did the majority of the subcommittee. It was, however, only a bare majority of the subcommittee. It was opposed by Mr. GUBSER, the ranking Republican on the subcommittee; it was opposed by most of the servicemen's organizations who took an active interest in this legislation; it was opposed by the Department of Defense; and, it was omitted completely by the Senate.

The principal argument made against it was the fact that this attachment provision would single out military retirees for a form of enforcement of court orders imposed on no other employees or retired employees of the Federal Government.

We have with this legislation as it passed the House introduced this concept for the benefit of women and children whose husbands have failed to meet their legal obligations, and the concept has been put by the Senate committee into H.R. 1 as binding on all Federal employees and retired Federal employees. In view of this fact, and regardless of my strong feelings on the subject—and also because I learned to count votes a long time ago—I recommend that we accept the Senate amendments in order that this very important legislation may become the law of the land at the earliest opportunity.

While some of the other Senate amendments were of some substance, they are largely of a very technical nature and I shall not dwell on them at this time. Our most competent staff can answer any questions that any of the members may have as to these technical amendments.

I cannot close without again paying tribute to the Fleet Reserve Association for their leadership in getting this effort started; to the Honorable CHARLES GUBSER, ranking minority member of our special subcommittee, who is primarily responsible for the subject matter being brought to the attention of the Congress; to each member of the subcommittee who worked so hard on this legislation and to the staff of Bill Cook, John Ford, and Holly Contes. These combined efforts have brought us to what I believe is one of the better days in the history of the Congress for we know we have accomplished a long sought and desired goal—equal treatment to survivors of career military personnel to that of survivors of career civil servants.

Mr. GUBSER. Mr. Speaker, I concur with Mr. PIKE's recommendation that the House accept the Senate amendments to H.R. 10670, and I share in his great pride in the passage of this legislation.

Passage of this bill represents a classic example of the legislative process in its ideal form. The bill originated as an idea of the Fleet Reserve Association. A strong subcommittee was appointed by Chairman HÉBERT and his fortunate choice to serve as chairman of that committee was the gentleman from New York (Mr. PIKE). As the person who first introduced a survivors' benefit bill, I recognize how complex the subject matter was. But Chairman PIKE became the master of these complexities. His leadership and the hard work of all members of his subcommittee have resulted in this piece of landmark legislation. The administration contributed in a large measure to the final draft of the bill. In short, this bill is the product of a servicemen's association, the executive branch and a committee of Congress.

I might also mention that our former colleague, who acted as a member of the subcommittee which reported this bill and is now the junior Senator from the State of Maryland, the Honorable J. GLENN BEALL, is largely responsible for Senate clearance of the bill.

This legislation will immediately result in a $5 billion enhancement of the estates of retiring servicemen. It is a great step forward for military personnel and will certainly make a military career more attractive. It will go a long way toward creating the all-volunteer military service which we desire so much.

As Mr. PIKE pointed out, I was opposed to the attachment provision being applied solely to military personnel. I therefore concur in the Senate action deleting it from this bill. I recognize Mr. PIKE's strong feelings on this issue, so I particularly appreciate his willingness to accept the bill as it passed the Senate and to avoid holding up passage of the legislation because of attachment. Parenthetically I would like to state that I favor the attachment principle provided it applies to everyone and not just a single group.

As Mr. PIKE mentioned, the bill approved by the Senate is essentially the bill drafted by our committee. Other than the elimination of attachment, the only really major changes are in the method of extending coverage to dependent children and in the method of making contributions for military retirees who also qualify for benefits under the civil service.

The House bill had provided for the benefits to flow directly to dependent children. The Senate revised the bill to provide coverage for children on an actuarial basis—that is, for a slight additional charge the member is able to cover his dependent children; but his retired-pay deductions for such coverage would terminate when the children are no longer eligible for benefits. This makes it more advantageous to the retiree since he will only be paying as long as dependent children are covered, and at the same time it results in no additional cost to the Government as the program would be actuarially sound.

As regards military retirees who also qualify under the civil service retirement program, the retirees would have the option of which plan to use and could also use a combination of the two programs. The Senate revisions assure that he would never be paying twice for the same benefit and also that we would never get double coverage for the same period of service. The Senate language, therefore, is equitable for the Government and more advantageous to the retiree. Under the House plan he would have had to make an election under the military program at the time he retired and would have had to continue being under that program indefinitely.

The other changes in the Senate bill are minor changes mostly of a technical nature, and I do not believe it is necessary to go into them in detail here.

Before closing, let me say once again that this great piece of legislation could only result from great leadership. I am pleased that the Fleet Reserve Association's bill which I have fought for so hard and so long was fortunately referred to a subcommittee whose chairman can be classified as brilliant.

I urge the support of Mr. PIKE's motion.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PIKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this matter.

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

There was no objection.

MAKING IN ORDER CONSIDERATION OF THE SCHOOL LUNCH CONFERENCE REPORT TOMORROW

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that it may be in order to call up the school lunch conference report tomorrow notwithstanding the fact that it was only printed in the RECORD on Monday.

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

Mr. RUTH. Mr. Speaker, reserving the right to object, and I do not intend to object if the chairman will explain what this would do with regard to having the school board know what money they will

have available. We are late now in letting them know.

I think this is a good bill. If we would give this unanimous consent, I think it would be of benefit—especially to the schools.

If the chairman would explain a little bit more about this matter, I think it would be of help.

Mr. PERKINS. If the gentleman will yield, the conference report provides for the reimbursement rate for every school lunch that is served in the various school districts of the country. It increases the reimbursement rate from 6 cents to 8 cents. That is the real purpose.

The schools have already started in the country, and the conference was agreed to last Wednesday or Thursday. The report should have been filed on Friday, but I neglected to do it then. I was on my way to the House Chamber when the House adjourned.

Mr. RUTH. That is the point I want to make clear. I do not think we should penalize the schools for this oversight.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

COMMUNISM VERSUS SPORTSMANSHIP

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

Mr. SIKES. Mr. Speaker, as a people, we in America find it very difficult to understand duplicity by other nations. We seek to be honest in our dealings. We help others regardless of their ideological beliefs. We assume they will be forthright and fair with us. That is not always the way things work out. In fact, they almost never work out that way when we deal with Communists.

The recent Olympic games are a case in point. I believe the records will show that in every instance when judges were called upon to decide between an award to a Communist or to a non-Communist participant or to settle disputed awards the voting by the Communist judges followed straight party lines. Scoring always was weighted in favor of the Communist participants. Some of the decisions were very bad. One of the worst was the manner in which the basketball championship was handed over to a Russian team.

The tragedies associated with this year's games are difficult enough if the Olympics are to survive. Add to this the obvious favoritism shown by Communist judges to Communist athletes and the doom may have been spelled for this great classic among sporting events. Non-Communist athletes should not be asked to go up against a stacked deck. The Olympics are degenerating into a stacked deck as a result of Communist tactics.

THE SHOCK AT MUNICH

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

Mr. FISH. Mr. Speaker, last week, speeches in this Chamber reflected the shock, the anger, the frustration of Members of Congress over the slaying of 11 Israel Olympians in Munich. The shock and anger remains. The frustration now must be replaced with action. What is needed is a plan to rid the world of international terrorists.

It must be clear that the black september movement is an integral part of organized Arab terrorism. Shielded, supported, applauded by certain Arab nations, the terrorists are encouraged in their madness.

Terrorism is not a new phenomenon for Israel. The recent shooting of a diplomat in Brussels, the massacre at Munich, the Lod Airport slaughter, the attack on a El Al plane in Athens, the truckload of dynamite exploding in a crowded Jerusalem market—only continue and intensify a 20-year history of terrorist guerrilla warfare against Israel. The new element is the internationalization of the terror.

The time is now, Mr. Speaker, to put an end to such barbarism. The time is now for the world community in concert to deal firmly with the sanctuaries that shield, foster and glorify international assassins.

International air carriers should refuse to land in nations that give highjackers sanctuary.

Economic sanctions should be explored as leverage to force nations to act responsibly.

The time is now, Mr. Speaker, for nations of Europe and in our hemisphere to root our terrorists in our midst. In Europe and in the Americas civilized nations that do not support terrorism, in fact lend themselves as sanctuaries by permitting terrorist groups to operate and recruit on their soil.

Last night I attended an ecumenical memorial service at the Temple Beth El in Chappaqua, N.Y., under the sponsorship of the Jewish Community Council of Northern Westchester and Putnam County.

A resolution was adopted at this meeting which I was requested to transmit to the President of the United States which reads as follows:

We respectfully petition the President of the United States to do all that is in his power to bring an end to the sanctuary afforded Arab terrorists and recruiters in Europe and the Americas.

Mr. Speaker, the course for civilized nations of the world to follow is clear. Even while we mourn the death of the 11 Israeli Olympians, we must resolve to act firmly and swiftly to end international terrorism. Air piracy can be ended. Terrorist acts on the international scene can be ended, but it will take the concerted action of the civilized nations of the world.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 358]

Abourezk	Frey	Minshall
Abzug	Fuqua	Moorhead
Aspinall	Galifianakis	Murphy, N.Y.
Badillo	Gallagher	Nelsen
Baker	Gettys	Pelly
Baring	Goldwater	Pepper
Bell	Gray	Pucinski
Bevill	Green, Oreg.	Rangel
Blanton	Green, Pa.	Rhodes
Blatnik	Halpern	Roncalio
Bow	Hanley	Rooney, N.Y.
Buchanan	Hansen, Wash.	Ruppe
Byron	Hathaway	Ryan
Camp	Jacobs	Scheuer
Carney	Jarman	Schmitz
Clark	Jonas	Shriver
Clay	Kuykendall	Slack
Conyers	Landrum	Springer
Cotter	Lloyd	Stokes
Davis, S.C.	McCormack	Teague, Calif.
Davis, Wis.	McDonald, Mich.	Thompson, Ga.
de la Garza	McMillan	Vander Jagt
Delaney	Macdonald, Mass.	Whalley
Diggs	Mallary	Wilson, Bob
Dorn	Meeds	Wilson, Charles H.
Dowdy	Melcher	Wolff
Dwyer	Metcalfe	Yatron
Edmondson	Mikva	Young, Fla.
Eshleman	Miller, Calif.	Zablocki
Evins, Tenn.	Mills, Ark.	
Fraser		
Frelinghuysen		

The SPEAKER. On this rollcall 340 Members have answered to their names, a quorum.

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

CRIMES OF COUNTERFEITING AND FORGERY

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9222) to correct deficiencies in the law relating to the crimes of counterfeiting and forgery, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 9, strike out "money order issued by or under the" and insert "blank money order or a money order issued by or under the".

Page 2, line 2, strike out "or" where it appears the first time.

Page 3, line 4, strike out "retains" and insert "possesses".

Page 3, lines 24 and 25, strike out "or any postal money order form".

Page 4, line 2, strike out "such" and insert "postal".

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. ANDERSON of Tennessee. 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 Tennessee?

There was no objection.

IMMIGRATION AND NATIONALITY ACT AMENDMENTS

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1108 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1108

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. 16188) to amend the Immigration and Nationality Act, and for other purposes. 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 the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

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

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1108 provides an open rule with 1 hour of general debate for consideration of H.R. 16188 to amend the Immigration and Nationality Act.

The purpose of H.R. 16188 is to make it unlawful to knowingly hire aliens who have not been legally admitted for permanent residence or who are not authorized by the Attorney General to work while in the United States. Also, the legislation establishes a three-step procedure for imposition of sanctions against employers who hire illegal aliens.

While the legislation makes unlawful the knowing employment of illegal aliens, it provides that an employer who makes an honest effort to determine whether an alien is entitled to work will be exempt from liability.

For the first offense, an employer will be cited by the Attorney General informing him of the violation.

For a second offense within 2 years after receiving a citation, the employer will be fined not more than $500 for each alien employee.

For a third offense, the employer will be subject to a maximum penalty of $1,000 for 1 year imprisonment, or both, for each alien employee.

Also, provision is made for the forfeiture of vehicles used in transporting illegal aliens.

Cost of the legislation is estimated at $298,400 for each fiscal year.

Mr. Speaker, I urge the adoption of House Resolution 1108 in order that H.R. 16188 may be considered.

Mr. SMITH of California. Mr. Speaker, House Resolution 1108 provides 1 hour open rule for the consideration of H.R. 16188, which amends the Immigration and Naturalization Act and for other purposes.

I concur in the explanation of the bill as set forth by the distinguished gentleman from Tennessee.

Mr. Speaker, I commend the committee for bringing out this bill. I think it is long, long overdue. In fact, I do not think it goes far enough.

The primary purpose of H.R. 16188 is to make it an offense to knowingly hire illegal aliens.

It is estimated that there are presently between 1 and 2 million aliens illegally in the United States. The situation appears to be getting worse. Large numbers of illegal aliens contribute to problems such as unemployment, depressed wages, and increased welfare costs.

The Judiciary Committee has concluded that many illegal aliens enter seeking favorable employment opportunities in the United States. The goal of this bill is to eliminate the availability of jobs, thereby removing part of the economic incentive which attracts the illegal alien to the United States.

This bill makes it unlawful to knowingly employ illegal aliens. It establishes a three-step procedure for the imposition of sanctions against employers who hire illegal aliens. First, for a first violation, the employer gets a citation informing him of the apparent violation; second, if the employer subsequently violates the act within 2 years after receiving the citation, he may be fined by the Attorney General not more than $500 for each alien; and, third, if the employer violates the law again following imposition of the fine, he is then subject to a $1,000 fine and/or a 1-year prison term for each alien.

The cost of this bill is estimated at $298,400 per year, for increased funds for the Immigration and Naturalization Service. It is hoped that the long-range effect of this bill will be to save money.

The committee report contains a letter from the Justice Department generally favoring this bill.

I should like to see the penalties made more strict rather than just giving a citation, because in my opinion 90 percent of the employers, when they hire an illegal alien, know that the individual is an illegal alien. In restaurants all over the United States, I am satisfied that the employer knows that the individual is an illegal alien.

I imagine that many of you receive the same type of letter I have when the Immigration Department has caught up with the chef or particular expert salad maker, and he is ordered to return home, then you get a letter from the employer stating he cannot possibly replace this man, and please put in a private bill so that he can be kept here in the United States.

Back in 1970, I wrote to the Immigration Department in Los Angeles and asked them to check into the situation for me. Under date of April 17, 1970, I received a letter from the District Director in which he stated:

> At the present, this office has on file hundreds of similar recent reports relating to aliens illegally in the United States and employed in industry throughout the Los Angeles area. These reports are awaiting investigation.
>
> Now, listen to this:
>
> During the period from March 18, 1970, to April 14, 1970—
>
> That is less than 1 month—
>
> officers assigned to this office have conducted investigations concerning similar allegations and have located 7,558 aliens illegally in the United States.
>
> This is in the Los Angeles area.
>
> The majority of these aliens were employed in various industries in the metropolitan Los Angeles area.

It seems to me that if we are going to help cut down unemployment and take care of our own people, we ought to figure out some way to make the penalty sufficiently strict so that we will not have these people coming in on forged papers and having employers hire them when they know that they are illegal aliens.

Mr. Speaker, I think this is good legislation. I urge its adoption and recommend passage of the bill.

Mr. Speaker, I yield to the minority whip, the distinguished gentleman from Illinois (Mr. ARENDS) such time as he may consume.

(By unanimous consent, Mr. ARENDS was allowed to speak out of order.)

TRIBUTE TO HONORABLE RICHARD H. POFF

Mr. ARENDS. Mr. Speaker, during my many years service in the House what has been most rewarding is the unique opportunity afforded me to be associated with so many accomplished men and women from all walks of life and from all sections of the country. Some of the most talented, most learned, and most inspiring individuals one could possibly know have been Members of Congress—men of high principle willing to sacrifice a promising political career for the principles in which they believed.

Richard H. Poff, of Virginia, who retired from this body last month to take a seat on the Supreme Court of Virginia, is one such. I cannot let another day pass without saying that for me this Congress will never be the same without Dick Poff. This great loss to the Congress is a great gain for the Commonwealth of Virginia. I do not know anyone who is more knowledgeable in constitutional law than he. He is what I would call "a lawyer's lawyer." And his contribution to the work of the House Committee on Judiciary is beyond measure.

Dick Poff loves the law, and he loves his home State of Virginia. His appointment to the Supreme Court of Virginia gives him the cherished opportunity to serve both these loves in a meaningful way. While I regret he has left the Congress, I am pleased that Dick is able to undertake a work most gratifying to him.

No man served in this body for whom I hold greater affection, greater respect, and greater admiration than I hold for Dick Poff. I cherish his friendship and take immeasurable pride in being able to call him my friend.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Speaker, I have no quarrel with the objectives of this legislation—that is, its attempt to stop or reduce the inflow of illegal aliens to this country. In fact, I have in recent years made repeated appeals to the immigration authorities to increase the number of border patrolmen assigned to the Mexican border area.

But this bill, which makes it unlawful to knowingly hire aliens who are illegally in this country, will undoubtedly have a very adverse effect on employment opportunities for many native Mexican-Americans and others of that ethnic origin who are legal residents.

I recall that a few years ago when a Mexican bracero bill was being debated in this body the late Antonio Fernandez, a very distinguished and highly respected Member from New Mexico, expressed the warning—and his words are in the RECORD—that by making it illegal to employ a citizen of Mexico who is unlawfully in this country, would inevitably militate against employment of many others of that ethnic origin not in that category.

Now, I am quite aware of the committee's attempt to soften this danger. The committee provides that a violation will not result if the employer makes "a bona fide inquiry" about the residence status of the worker. It further provides that a written statement, signed by the employee, showing the applicant is legally in this country, shall be considered prima facie proof the employer undertook a "bona fide inquiry."

Evidently aware of the seriousness of the danger of jeopardizing job opportunities for many deserving people, the committee has softened the penalties for violations. In doing this, however, the Attorney General is given extraordinary power which would seem to deprive a defending employer of the right to appeal for a judicial review of a finding which might be capricious or otherwise unwarranted. It lodges in the Attorney General total and executive jurisdiction to pass final judgement on whether a citizen who has been charged is guilty or innocent.

As I read the bill, for the first two alleged violations the defendant would have no right of jury trial, and no right of appeal or a right to have any judicial review applied to the proceedings against him. This would seem to provide an inviting setting for possible harassment and bureaucratic infringement upon basic rights of citizens.

Again, Mr. Speaker, I support any reasonable and proper efforts to stop the influx of illegal aliens. But I am very fearful that, notwithstanding the good intentions of the committee, this bill is fraught with many dangers which are not intended.

No matter what is said about it; no matter what is written into the committee report—the fact remains that if this bill is enacted into law many employers will thereafter refuse to employ deserving Mexican-Americans who are strangers to them. They will not want to take the risks that are involved. Once it is made unlawful to hire illegal aliens, prospective employers will naturally be very hesitant about giving jobs to people under conditions which conceivably could be frowned upon by the Attorney General—with or without good reason.

Mr. Speaker, it will be recalled that our so-called "wetback" problem on the Rio Grande was practically nonexistent during the time we had an international agreement with the Republic of Mexico under which Mexican aliens were admitted to this country to work under a written contract approved by our Government. Those workers were not admissible unless and until the Secretary of Labor certified there was a labor shortage in the area and also certified that the wage level agreed upon would not tend to depress domestic wages for similar work.

Unfortunately, the bracero law was permitted to expire. Since then we have been plagued with an influx of wetbacks—which has steadily increased. Thus, by discarding that bracero program the Congress and our Government have done much to bring on the problem with which this legislation is designed to cope.

For the reasons I have listed I shall be constrained to vote against enactment of this measure.

Mr. ANDERSON of Tennessee. 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.

Mr. RODINO. 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. 16188) to amend the Immigration and Nationality Act, and for other purposes.

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. 16188) with Mr. MCFALL in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from New Jersey (Mr. RODINO) will be recognized for 30 minutes, and the gentleman from Indiana (Mr. DENNIS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the bill which the committee brings to the floor today, H.R. 16188, is the direct product of a yearlong investigation by the Immigration Subcommittee into the problem of the illegal alien. In discussing this problem, it might be remembered that the term "illegal alien" includes not only the alien who enters surreptitiously, but also the alien who enters legally as a nonimmigrant—visitor, student, and so forth—and thereafter violates the terms of his admission.

Our committee has long been concerned with this problem and in recent years it has intensified to such an extent that there are presently between 1 and 2 million illegal aliens in this country.

In 1970, the administration in their omnibus immigration bill included a provision which would impose criminal penalties on those who knowingly employ illegal aliens. When the Commissioner of the Immigration and Naturalization Service, Hon. Raymond F. Farrell, appeared before the subcommittee in May of 1971, he indicated that the illegal alien problem had reached serious proportions. Consequently, my subcommittee immediately commenced a detailed investigation in order to determine the magnitude and scope of the problem and to determine the impact of illegal aliens on the domestic labor market.

We traveled to five major cities throughout the country—Los Angeles, Calif.; Denver, Colo.; El Paso, Tex.; Detroit, Mich.; Chicago, Ill.; New York City—and we heard from 186 witnesses who were affected by, or familiar with, this problem. As a result of these hearings, we have concluded that the 1 to 2 million illegal aliens in the United States have: First, had a significant impact on our unemployment problem; second, burdened both Federal and State public assistance programs; and third, severely affected the U.S. balance of payments.

In addition, we have learned that the illegal alien himself is oftentimes exploited by the unscrupulous employers who threaten to expose the alien to immigration officials if he complains about substandard wages and working conditions or the denial of fringe benefits.

Furthermore, many States desperately concerned with this problem have considered legislation to impose penalties on employers of illegal aliens or to deny welfare assistance to those who enter the United States illegally. In this regard, it should be noted that a California court recently struck down a State statute imposing penalties on illegal aliens on the grounds that the language of the statute was unconstitutionally vague and the court indicated, but did not specifically rule, that this is an area of law which may be preempted by the Federal Government.

The concept of imposing Federal penalties on those who knowingly hire illegal aliens has also been either suggested or recommended by: First, the administration, particularly the Immigration and Naturalization Service of the Department of Justice; second, the President's Commission on Population Growth and the American Future; and third, representatives of organized labor.

The severity of the problem is clearly demonstrated by the statistics compiled by the Immigration and Naturalization Service relating to the number of illegal aliens located and deported in fiscal year 1972. In that fiscal year, over 500,000 illegal aliens were located and 467,185 were

actually removed. Instead of indicating better control of the illegal alien, the committee is of the opinion that the statistics relating to apprehension and deportation plainly illustrates that the problem has reached critical proportions and, in the absence of remedial legislation, will continue to worsen. It is significant to note that the number of illegal aliens removed from the United States in recent years exceeds the number of aliens who are annually admitted for lawful permanent residence under our present immigration law. Moreover, the committee is aware that the Immigration and Naturalization Service lacks sufficient funding and personnel to effectively combat the problem.

Despite the fact that eight out of 10 illegal aliens apprehended are Mexican natives, the problem is no longer restricted to the border areas of the Southwestern United States. Increasingly, illegal aliens travel, or arrange to be transported, to all of the major metropolitan areas in the United States, where they can obtain higher paying jobs and, at the same time, more easily escape detection by immigration authorities.

It is quite apparent that the primary reason an alien enters this country illegally is to obtain a job and consequently, the best way to attack the problem is to eliminate the availability of employment by imposing sanctions on the employer who knowingly hires illegal aliens. In other words, this legislation is designed to remove the economic incentive which causes aliens to illegally enter this country or to enter legally as a nonimmigrant and thereafter violate the conditions of their admission.

In drafting legislation to impose sanctions, the committee was careful, first of all, to protect the innocent employer of illegal aliens and, second, to eliminate the possibility of employment discrimination against ethnic or minority groups. We believe section 2 of H.R. 16188 accomplishes these objectives. This provision establish a three-step procedure for the imposition of sanctions, including citations by the Attorney General, civil fines, and criminal penalties.

For example:

First, for a first violation, the Attorney General is directed to serve a citation on the employer informing him of an apparent violation;

Second, if an employer commits a second offense within 2 years after receiving a citation, the Attorney General is directed to impose a fine of not more than $500 for each alien; and

Third, following the imposition of a fine, if an employer commits an additional violation, he shall be subject to a fine of $1,000 and/or 1-year imprisonment for each alien.

Section 2 of this bill would also repeal the provision in our present immigration law which specifies that normal employment practices shall not be deemed to constitute the harboring or concealing of illegal aliens.

In addition, there are two provisos contained in section 2 which are designed to insure that innocent employers of illegal aliens will not be prosecuted under this legislation.

The first proviso states that an employer who makes a bona fide effort to ascertain whether the prospective employee is entitled to work in the United States shall not be subject to civil or criminal liability. The second provision stipulates that if an employer obtains from his employee a signed statement that he is a citizen, a permanent resident, or an alien authorized to work in the United States, this shall be deemed prima facie evidence that the employer has made a bona fide inquiry.

Another provision of this bill, section 1, would allow qualified and admissible natives of the Western Hemisphere to adjust their status from a nonimmigrant to an immigrant without leaving the United States to obtain an immigration visa. This relief is presently available to natives of the Eastern Hemisphere and the committee believes that it should also be made available to Western Hemisphere natives. This section would, however, deny adjustment of status to aliens—other than immediate relatives—who have accepted unauthorized employment.

The other substantive provision of this bill would amend 18 United States Code 1546 to expressly include border-crossing cards, alien registration receipt cards, and other immigration documents used for entry into, or as evidence of stay in, the United States. This provision is necessitated by the Supreme Court's decision in *United States* v. *Campos-Serrano*, 404 U.S. 293 (1971). In that decision, the Court held that 18 United States Code 1546, which imposes criminal penalties for falsifying or misusing falsified immigration documents, does not cover alien registration receipt cards or border-crossing cards since they were not specifically mentioned in the statute.

Sections 4 and 5 of this bill contain a standards savings clause and an effective date clause.

In summary, there are two primary goals which this legislation is designed to acomplish. First, this bill will eliminate the intolerable situation existing under current law which enables employers to hire and exploit illegal aliens without fear of penalties. Second, this legislation will have the effect of assuring all American workers, particularly those who are low-skilled, or unskilled, that they will not have to compete for scarce jobs with aliens illegally in the United States.

In this regard, I read into the RECORD a letter which I received yesterday from the director, Department of Legislation, AFL–CIO, Mr. Andrew J. Biemiller, supporting this legislation:

SEPTEMBER 8, 1972.

Hon. PETER W. RODINO, Jr.,
Chairman, Subcommittee No. 1, House Judiciary Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On Tuesday, September 12, the House of Representatives is scheduled to take up for debate and action H.R. 16188, a bill to repeal the exemption of employers now contained in the Immigration and Nationality Act from the prohibition against "harboring" illegal aliens. The AFL–CIO has long supported this legislation and urges its approval by the House.

For too long a time there has been a growing problem arising from the increasing number of persons who enter this country illegally, take jobs needed by the unemployed in our own land, and work at substandard wages paid by exploiting employers. This process is robbing large numbers of American citizens and legal immigrants of opportunities for needed jobs and it continually threatens to undermine fair wage levels. To the extent that it does so, the present exemption of employers from the anti-harboring provisions tends to frustrate and defeat the declared policy of Congress in other provisions of the Immigration and Nationality Act which aim to protect the employment opportunities and labor standards of American workers.

The AFL–CIO has long favored legislative action to deal with this situation along the lines of the provisions contained in H.R. 16188. This bill, we believe, will be workable and effective in dealing with the problem of employment of aliens illegally in the United States. But its provisions are also fair in that it provides for notice and warning before any punitive action is taken against persons violating the law.

We urge that H.R. 16188 receive overwhelming approval from the House of Representatives.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

On the other hand, this legislation is not intended as a punitive measure and we are not attempting to make criminals of employers. The committee believes that administrative fines will provide a sufficient economic deterrent in most cases and that criminal penalties should be imposed only on the habitual offender.

At the same time, we have avoided imposing any additional criminal sanctions on the alien who enters illegally and obtains employment, or on the nonimmigrant who accepts unauthorized employment in violation of his status. The committee felt that additional penalties would serve no useful purpose and experience has shown that the present criminal penalties on aliens who enter without inspection have proved to be an ineffective deterrent in the case of individuals who cross the border illegally for the sole purpose of providing for themselves and their families. Furthermore, the U.S. attorneys' offices are reluctant to prosecute cases of illegal entry and even when prosecutions are instituted, convictions are infrequent.

Finally, the committee has taken every precaution in drafting this bill to insure that employment discrimination against members of ethnic and minority groups does not occur.

This bill is the result of long hours of serious study and deliberation and, in preparing this legislation, careful consideration has been given to the budgetary problems confronting the Immigration and Naturalization Service and the practical limitations on our overburdened Federal courts.

Therefore, I urge my colleagues to support this necessary legislation.

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

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

Mr. HOLIFIELD. Mr. Chairman, on that point is there a written document that would be certified by the applicant for a job under the penalties of perjury,

or anything like that? He is an illegal resident and an illegal alien. Is there any teeth in that document, in other words?

Mr. RODINO. Presently in the law anyone who falsely and willfully misrepresents himself to be a U.S. citizen or makes false statement on matters within the jurisdiction of Government agencies is violating sections 911 or 1001 of title 18 of the United States Code.

Mr. HOLIFIELD. This is a document that is sworn to, that the applicant swears to, so that it protects the employer?

Mr. RODINO. No, not necessarily, but the Attorney General will draft regulations as to the type of information to be contained in the form.

Mr. HOLIFIELD. I know that there is a penalty against signing a document to get into the country, and I think there should be, but I just wondered if there was any penalty for this kind of fraud on an employer—such as using, for instance, a forged identification card, social security card, or anything like that? Is there any kind of penalty?

Mr. RODINO. There is a penalty for the use of a false identification card or a forged identification card.

Mr. HOLIFIELD. If the employer proffers this for the individual to fill out, will it have space in it asking for the listing of social security numbers or other documentation or identification, which in effect would build up a case whereby the individual, if he did use fraud, would be subject to punitive action?

Mr. RODINO. We might say to the gentleman that we did not detail the specific questions that would be asked of the alien. This is something that we left to the Attorney General. If any individual making an application willfully misrepresents himself, whether it is a sworn document or otherwise, this is something for which he is liable under present Federal criminal laws.

Mr. HOLIFIELD. I hope that this is tight enough. The word "knowingly" is, of course, a word such as I think you would have to use. Incidentally, I am not criticizing the gentleman, but for an individual to say that, "I thought he was a resident American," or "I didn't think that he was," or "I didn't knowingly know," in other words, that he was an illegal alien. I am just wondering if that word, unless it is buttressed by some kind of sworn statement, would not leave a legal loophole for evasion.

Mr. RODINO. This is one of the reasons why we took that three-step procedure. The citation itself is a warning to the employer, and if that employer were to do it a second time, then this is an indication again that that employer is not exercising good faith and the citation could be used as evidence in proving "guilty knowledge" on the part of the employer.

Mr. YATES. Mr. Chairman, will the gentleman yield on that point?

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

Mr. YATES. An employer who receives a warning—I am talking about a good faith employer who receives a warning—under the penalty provisions of this bill will never again hire a Latin American applicant for a job; will he? He would not want to take the chance of going to jail and paying a fine, so in order to protect himself, he just will not hire an applicant who is a Latin American.

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

Mr. RODINO. I yield to the gentleman from Texas.

Mr. FISHER. I believe the gentleman from Illinois made a good point. I believe it is true the employers certainly will hesitate to hire another Latin American, because he will not want to take the risk as to whether the job applicant is an illegal or legal alien, no matter what he might sign.

As I understand it, the gentleman (Mr. RODINO) is referring to the first offense; that is, the first time an employer hires someone about whom some question is raised. Let me ask the gentleman a question about that.

As I understand it, from reading the bill on page 4, if, as a result of hiring a person who is, we will say, suspect—if somebody gets a rumor out that the worker is an illegal intrant—the Attorney General or some of his functionaries, whoever may have the responsibility, would decide either on evidence or information, to use the words in the bill, which the Attorney General deems "persuasive," and then he can issue the warning to the man and inform him that he has apparently violated the law. "Apparently."

As I understand it, there is no appeal from that. There is no chance to have it reviewed. The man against whom the charges are leveled would have no authority to seek a jury trial to determine whether he is or is not guilty.

Am I correct in that?

Mr. RODINO. No; the gentleman is not correct.

Mr. EILBERG. Mr. Chairman, will the gentleman yield on that point?

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

Mr. EILBERG. The law is very clear, that the citation is only a warning. It has no immediate legal effect on the employer and causes him no legal detriment, except that it is a condition precedent to later sanctions.

What the gentleman no doubt refers to is the civil penalty involved. There will be a right of appeal to the Board of Immigration Appeals. Ultimately, if a fine is assessed, the United States must sue that individual in court, so there is judicial review at that time.

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

Mr. RODINO. I yield to the gentleman from Texas.

Mr. FISHER. The gentleman missed the point entirely with his contribution. I am talking about this first warning. We can call it a warning or a charge, but it is a very important part of a succession of the three-stage actions against the employer. One cannot have the second until one has the first, and one cannot have the third until one has the second. So all three of them enter into this picture.

I am talking about the first one now. As I understand it, from reading the bill, it is very clear to me there is no opportunity for the employer who is suspect or warned to have an opportunity to go to court to have the finding reviewed, to have any administrative remedy applied.

Mr. RODINO. I believe, if he recognizes the fact that he is an employer who wants to exercise reasonable diligence and good faith, he will have no problem.

Mr. FISHER. Mr. Chairman, will the gentleman yield further?

Mr. RODINO. I refuse to yield further.

Mr. FISHER. Will not the gentleman do this for me? Will not the gentleman read to me the provision in this bill he is talking about?

Mr RODINO. I am sorry, the bill is there for the gentleman to read.

Mr. FISHER. I have already read it, and I do not find that in it.

Mr. RODINO. I refuse to yield further.

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

Mr. Chairman and members of the Committee, I rise in support of this bill, which my distinguished colleague, the gentleman from New Jersey (Mr. RODINO) has described to the Committee.

I would like to make just one or two points in the course of my remarks.

This bill is an effort to address itself to what I think everyone here concedes to be a problem, that is, the presence in this country of a large number of aliens who have either entered illegally and taken employment or who have entered legally, perhaps as a student or a visitor, and then have unlawfully taken employment, violating that status.

This problem has become acute because of the unemployment situation in this country and because of the large number of these illegal aliens in the United States.

The main thrust of the bill is to attempt to address itself to this problem by for the first time placing sanctions on the man who knowingly employs an alien who is not legally entitled to that employment. That is a serious matter because you are putting a sanction on an American employer who is not necessarily one of these soulless corporations that we like to talk about. The employer may be a housewife with a maid. He may be a small farmer or rancher with a couple of hands. Therefore, it is not a thing to be approached lightly as far as I am concerned or as far as the committee is concerned.

It is also important from the point of view of the employee. No one wants to make it difficult for an ethnic Latin who is an American citizen to obtain employment.

So I would say that a conscientious effort has been made in this bill to address itself to the problem in a moderate fashion.

The bill is certainly no panacea for a very difficult problem which is basically an economic problem, basically an international problem, but which in that aspect falls beyond the jurisdiction of this subcommittee.

Now, what we have done in the way of sanctions is this: This is a three-step procedure. The first one is that the Attorney General, if he thinks an employer is unlawfully employing aliens who are

not entitled to employment, can serve him a notice. There is no penalty attached to that stage of the matter whatsoever. It is a basis for further proceedings if any are taken, but there is no penalty at that stage. It is merely putting the man on notice that he may be violating the law, and he should be careful not to continue to do so. It was our thinking certainly that that was a moderate way to approach the problem. The bill which we originally had simply made it a misdemeanor, a criminal offense, to knowingly employ anyone who was not entitled to be employed, and in an alien status, so this was an ameliorating provision.

The second step is a civil penalty rather than a criminal penalty which, again, was intended to be an ameliorating provision. It can be exacted only after the first nonpenalty notice, and it has to be done within 2 years of that notice. There has to be another incident within that period of time. Only after these two steps have been exhausted can there be a criminal prosecution, and then, of course, the Government has to prove that the employment was knowing. Obviously, that would have to be true for any criminal prosecution. In addition to that, and as a further safeguard to the innocent employer, the bill has been drawn to provide that if the man makes a bona fide inquiry as to the status of the employee, he is not guilty of any knowing employment.

It goes still a step further and says that if he requires from the man he employs a written statement that he is a citizen or that he is otherwise entitled to employment, that will be not conclusive proof, but prima facie proof that he did make a bona fide inquiry. If he makes a bona fide inquiry, he is guilty of no offense.

Mr. HOLIFIELD. Will the gentleman yield?

Mr. DENNIS. I have yielded to the gentleman from California. I shall be happy to yield to the chairman.

Mr. HOLIFIELD. I just wanted to ask, on a bona fide inquiry, how would you define that? Would it include the presentation of a document to be signed, to be signed by the applicant, or just a vocal question, "Are you a legal resident of the United States"?

Mr. DENNIS. I would think that a bona fide inquiry basically in the first instance is a question of fact depending on all the circumstances, but the bill says that if you take this written statement, that is prima facie evidence that your inquiry was bona fide.

Mr. HOLIFIELD. Then in effect, any employer who wants to protect himself, in addition to asking the vocal question, will also present a document of some kind for the man to sign?

Mr. DENNIS. I would certainly think so.

Mr. HOLIFIELD. And would that require any type of certification such as an affidavit or a notary public seal, or would that point be covered by existing statutes?

Mr. DENNIS. The bill before us does not require that the statement be sworn, only signed, but present law does provide, for instance in section 911 of title 18, that, "Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined," and so forth. So that that is an offense.

Another section, 1001, says,

> Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

So I think that would cover it.

Mr. HOLIFIELD. The gentleman feels that that would cover the situation through a signed document that was not notarized?

Mr. DENNIS. That would be my feeling, yes.

Mr. HOLIFIELD. I am glad to hear the gentleman say that, because over 30 percent of my district is composed of people with Spanish names, and by far the most of them are very good people, and I find among them a great resentment of these illegal aliens coming into the country and taking their jobs by being hired at lower rates for their services.

It seems to me that the committee has made an attempt to do a good job, and I wish to compliment the gentleman and the members of the committee.

Mr. DENNIS. I thank the gentleman.

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

Mr. DENNIS. I yield to the distinguished chairman of the Judiciary Committee.

Mr. CELLER. Mr. Chairman, I ask the gentleman would not the employer exculpate himself to show he did not really and intentionally hire an illegal alien by asking certain questions? For example, he would say, "Have you a green card?" A green card would mean that the intended employee was an alien lawfully admitted for permanent residence.

He would ask him, "Are you a citizen?" Or, "Are you an alien? If you are an alien are you admitted for permanent residence? If you are an alien have you the right to work here?" He could ask for a birth certificate, a draft card, or he could ask for a motor vehicle driver's license. He could ask questions along those lines which would indicate that he did not intentionally hire a man who was here illegally.

In addition thereto, if I understand correctly, the Attorney General under the bill is to provide certain forms which can be filled out which will help the employer in discovering whether or not he is hiring an illegal or legal alien. All these factors must be considered when you seek to hold the employer responsible for violations of the law. Am I correct in that?

Mr. DENNIS. The chairman is absolutely correct, in everything that he has said, and I concur therein.

Mr. CELLER. I thank the gentleman.

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

Mr. DENNIS. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, do I understand correctly that the Attorney General devises his own procedure by which the determination of a violation of the act is arrived at?

Mr. DENNIS. In the second step, the civil penalty, the Attorney General does have some discretion as to the procedure which he will adopt in that particular case, although the statute does say that the man shall be entitled to a hearing, and it may be that some other general provisions of the Administration Procedure Act would nevertheless apply to the situation.

Mr. ECKHARDT. It is my understanding that the Administrative Procedure Act would not apply. And on page 5, beginning at line 5, it says:

> The proceedings shall be conducted in accordance with such regulations as the Attorney General shall prescribe and the procedure so prescribed shall be the sole and exclusive procedure for determining the assessment of a civil penalty under this subsection.

As I read that, there will be no requirement of an adjudicatory type presentation under the Administrative Procedure Act, and I wonder whether there is any guarantee of the right of cross examination for the person so accused?

Mr. DENNIS. In my estimation the language at the bottom of page 4 where it says:

> A civil penalty shall be assessed by the Attorney General only after the person charged with a violation * * * has been given an opportunity for a hearing.

That, to my notion, and I would think probably to yours, would necessarily import the right to cross-examine.

I further suggest to the gentleman, in paragraph 5 there is a certain backhanded indication of further review, because in providing that if there is a penalty and if it is not paid, then a civil suit may be brought to collect it. The statute says that in any such suit, or in any other suit seeking to review the Attorney General's determination—and so on—which evidently contemplates some type of proceedings.

Mr. ECKHARDT. It says here that suits shall be determined solely upon the administrative record upon which the civil penalty was assessed. So that would not afford cross-examination because the record alone would be the basis for the determination.

Mr. DENNIS. You are talking about paragraph 5 now?

Mr. ECKHARDT. Paragraph 5.

Mr. DENNIS. Yes. Where I was talking about cross-examination was paragraph 4 at the bottom of page 4, where it says that before the penalty is assessed the man is entitled to a hearing.

To my mind, that imports the right of cross-examination at that point at the Attorney General's hearing.

Mr. ECKHARDT. I would not know—unless there is a reference to the Administrative Procedures Act—would the gentleman object to referring to the Administrative Procedures Act?

Mr. DENNIS. The civil penalty shall be assessed by the Attorney General only after the person charged with the violation under paragraph 3 has been given

an opportunity for a hearing—and that means cross-examination.

Mr. ECKHARDT. Would the gentleman object then to saying—a hearing in accordance with the Administrative Procedure Act sections dealing with the adjudicatory process?

Mr. DENNIS. I do not want to make a snap judgment on that.

I would like to yield to the gentleman from Pennsylvania.

Mr. EILBERG. For the benefit of the gentleman from Texas, the subcommittee was assured by the Attorney General that the civil penalty and all procedures connected with it are subject to appeal to the Board of Immigration Appeals.

It would be just conflicting to have it subject to another basic law on a matter of rights established under the Board or by the Board of Immigration Appeals.

In other words, there is a review there. Further, the gentleman from Texas is concerned apparently with new procedures that the Attorney General might prescribe. The Attorney General has that now under existing law. He can establish procedures in exclusion and deportation cases, visa petitions, waivers of inadmissibility and rescission of adjustment of status.

There are many categories there and there is nothing new or novel giving him the ability to establish procedures by providing a warning only in the first stage, the citation stage.

Mr. DENNIS. I thank the gentleman.

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

Mr. DENNIS. I yield to the gentleman.

Mr. HUTCHINSON. Further pursuing the thought of the gentleman from Pennsylvania (Mr. EILBERG) this civil proceeding that we are talking of is a civil proceeding directed against an employer. It is not a civil proceeding against the immigrant—it has to do with the employer.

So, the proceedings already in the law having to do with immigrant appeals does not seem to me to be particularly appropriate.

I would like to ask the gentleman in the well this further question, just for reassurance.

In this civil proceeding—before the Attorney General can assess a penalty, a civil penalty, is it necessary for the record before the Attorney General to establish beyond a reasonable doubt that the employer knowingly employed this immigrant, knowing he is illegally here?

Mr. DENNIS. In my judgment, the question of knowledge is necessary under both section 2 and section 3. I do not think either a civil or criminal penalty can be imposed unless you showed knowledge.

Mr. HUTCHINSON. Then you are satisfied that the language in the bill is very clear in that regard so that after this becomes law, we might not be surprised?

Mr. DENNIS. That would certainly be my thinking about what the bill means. I am sure that is the intention of the committee. I would call attention to the fact that the only thing made unlawful here under section 2 is knowingly to employ. Then we follow with the various steps of procedure which can be taken to punish—the only thing we have made illegal—which is knowing employment.

So I feel the answer is, it must be knowing.

Mr. HUTCHINSON. I thank the gentleman. I would ask the gentleman if he cares to respond to my earlier observation on the arguments made by the gentleman from Pennsylvania (Mr. EILBERG) with reference to the fact that they could go to the Court of Immigration Appeals, and so on. My observation is that would not particularly follow because this is not a case involving the immigrant, this is a case involving the employer.

Mr. DENNIS. It is a case involving the employer, but as I understand, the gentleman from Pennsylvania has been assured by those in charge in the Department of Justice that they could go to the Board of Immigration Appeals. As far as I am concerned, I hope that is correct. I think the Board of Immigration Appeals procedure would provide this remedy. I hope that is true.

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

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

Mr. EILBERG. Mr. Chairman, under the Immigration and Nationality Act, section 257, the procedure is available for imposing fines for bringing aliens into the United States to evade the law. We questioned the Attorney General as to the application of the section we are now considering and he felt that same appeal would follow.

Mr. DENNIS. The Attorney General feels the appeal to which we are referring would lie under the same section to which the gentleman is referring.

Mr. EILBERG. Yes.

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

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

Mr. PATTEN. Mr. Chairman, in committee did the gentleman get the impression there were hundreds of thousands of aliens who come in illegally who are knowingly employed? Do I gather from this regional questioning that there are people who would like to flout the laws—the present laws and still be allowed to hire illegal aliens as has been their practice in past years? Is there some basis for my observation?

Mr. DENNIS. There is no doubt from our hearings that there are hundreds of thousands of aliens illegally in this country, and there is no doubt I think from the hearings that quite a number of them are employed. When it comes down to proof of knowledge, that is a difficult proposition. I do not recall that we have testimony which establishes how many are knowingly employed, particularly.

Mr. PATTEN. Are the agricultural workers brought in illegally to pick melons in violation of the laws of the United States? Did that happen this past season?

Mr. DENNIS. I would hate to come to any conclusion such as this. I assume that all citizens care about the laws until it is proven to the contrary. We have a great many illegal aliens in this country. That is true and that is why we have this bill.

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

Mr. DENNIS. I yield to the chairman of the committee, the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Chairman, during fiscal year 1972 the Immigration and Naturalization Service deported some 500,000 illegal aliens. That was more than the number of aliens who entered the country as immigrants. It has been estimated there are some 1 to 2 million illegal aliens in this country. We have tried everything to stop the hiring of illegal aliens and nothing has availed us at all. This is the only method left to us. Just adding manpower, just giving more agents to the Immigration and Naturalization Service is not going to solve this situation. We had to devise something of this sort, because the sore spot is the desire on the part of unscrupulous employers to hire at lower wages under pitiful conditions these unskilled illegal aliens, to labor under very, very severe conditions. This is the method we think will curb a great many of the evils and solve much of the difficulty. At least we have to try it. We have tried everything else and everything else has failed. We have to try this program to see how it works.

Mr. DENNIS. Mr. Chairman, may I say the thrust of the bill is to try to lessen the economic attractiveness of employing an illegal alien. That is the problem to which we are addressing ourselves and it is the thrust of this bill. At the same time we are trying to do it in a moderate and reasonable way, designed not to make criminals out of a great many American citizens who are not disposed to be classed as and who would not and should not be classed normally as in that category.

This is a sort of first step measure. We will have to see how it works. It may be we will need to strengthen it. It may be we will need to ameliorate it. It may be entirely unsatisfactory. But it is a first step in addressing ourselves to an unsatisfactory problem. As such, I recommend its support.

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

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

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

In further response to the question asked by the gentleman from New Jersey, I think the gentleman in the well will recall in some of the hearings which our committee conducted there was evidence, very clear and conclusive evidence that some of these illegal aliens, who had been identified and were then deported or permitted to leave the country under voluntary circumstances, that they had later showed up again employed illegally by the very same employers from whose places of business those aliens were originally taken when first identified. I think the gentleman will agree with me that in at least those instances there can be no doubt whatso-

ever that employers were illegally employing these aliens knowingly, and that is a very real part of our problem.

Mr. DENNIS. I think that is the type of thing we tried to reach in the bill, Mr. Chairman.

I reserve the remainder of my time.

Mr. RODINO. Mr. Chairman, I yield to the distinguished chairman of the Judiciary Committee (Mr. CELLER).

Mr. CELLER. Mr. Chairman, I wish to compliment the chairman of the subcommittee and his cohorts, members of the subcommittee, for an able presentation and able writing of this proposed bill, which I approve wholeheartedly.

This bill is just to our alien population, protects American workmen, safeguards rights of employees of aliens, and adds to the well-being of the Nation's economy.

We owe an immeasurable debt to the great influx of strangers in our midst over the decades. The amalgam of diverse peoples from all parts of the universe has enriched us with brain and braun.

We welcome the poor, the distressed, the persecuted the disheartened. We hold the lamp beside the "Golden Door," through which has entered the human refuse of teeming shores. We and they have mutually prospered. But despite this boon problems have arisen, the avid desire to come to our shores and to partake of our generosity has enticed many to overlook our laws.

Many come and overstay their leave, enter secretly, refuse to depart when their legal tenure here has terminated, many students deliberately "forget" to depart, many come temporarily to seek work to support themselves and their families but remain indefinitely.

Guards at the borders cannot keep all from entering the pearly gates, what must be done about these irregularities?

It is a human problem that must be handled humanely and with prudence and justice. The bill before you is prudent and just. Those unwanted must be forced to leave, but brute force must be tempered with equity. We treat employers of those illegal entrants fairly.

The Immigration Service has done well in apprehending and causing to go hence aliens who are here illegally. In the fiscal year 1972 over 500,000 deportable aliens were located and were deported. Yet the presence of so many more of those ineligible to stay offers serious problems.

Probably between 1 to 2 million are here without legal basis. Most are Mexican natives. They crossed the Rio Grande, entered the United States because of economic hardship in their native land. They are here primarily to eke out a livelihood for themselves and their brood. The Service has insurmountable trouble with such a mass of aliens. New legislation is essential.

Mere manpower in the Service does not serve as an answer. Sanctions against those who deliberately and knowingly employ these unfortunate people are essential.

Opportunity is easy to hire these poor and wretched people at pitiably low wages. Horrible conditions are present and exacerbate the difficulties of the Service.

We must remove the incentives that encourage employers to hire these illegal aliens. Otherwise, among other disadvantages, American native employables suffer.

Presently there are no penalties upon firms, farmers, and corporations hiring illegal aliens. There is the rub. Much exploitation of these unfortunate people by unscrupulous outfits is rampant. Most of these aliens are unskilled and ignorant, and those are easily imposed upon.

This bill would make it unlawful to knowingly hire aliens who have not been lawfully admitted for permanent residence or who have not been authorized by the Attorney General to work while in the United States. The bill establishes the following three-step procedure for imposition of sanctions against employers who knowingly hire illegal aliens: First, for a first violation, the Attorney General would serve a citation on the employer informing of the violation; second, for a second violation within 2 years after receiving a citation, the Attorney General would impose a fine of not more than $500 for each alien; and third, for any additional violation the employer would be subject to a fine of $1,000 and/or 1-year imprisonment for each alien. These conditions are reasonable and should alleviate much of the difficulties.

Mr. RODINO. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Chairman, I rise in support of H.R. 16188 and urge the Committee to promptly approve this very necessary legislation.

As Chairman RODINO has stated, the Subcommittee on Immigration and Nationality has thoroughly investigated the problem of the illegal alien. We have diligently listened to every argument presented. Arguments demanding rigid sanctions against employers as well as arguments opposing any penalty—administrative or criminal—against employers as well as illegal aliens. The committee has cautiously weighed all arguments.

Now in an endeavor to protect the American workingman, as well as to prevent employers from becoming criminals, and at the same time, not to disadvantage any minority group, we come to the House today with remedial legislation.

Regardless of whatever sympathy we may share for the underprivileged of other countries, we, as Members of Congress, in considering any legislation, have an obligation to support and protect the American worker. Protection of our workingmen must begin at home. We must not tolerate unfair competition for jobs, nor creation of substandard working conditions caused by aliens who are illegally in our country.

The extensive hearings held by the committee have directed a legislative course. H.R. 16188 is not designed to make criminals of every employer or even of the aliens illegally in the United States, but is directed to removing the incentive to aliens to violate their status or to enter surreptitiously and to take jobs in this country.

It is evident that the problem of the illegal alien will remain as long as job opportunities are available in this country for those who enter illegally, or legally as temporary nonimmigrants, for the purpose of seeking illegal employment.

The committee believes that the best approach to this problem is to eliminate the availability of jobs thereby removing the job incentive that draws aliens to the United States in violation of the law.

Testimony is firmy established that illegally employed aliens: First, take jobs which would normally be filled by American workers.

Second. Depress the wages and impair the working conditions of American citizens.

Third. Compete with unskilled and uneducated Americans—the disadvantaged to whom our manpower programs are directed.

Fourth. Increase the burden on American taxpayers through added welfare costs by taking jobs which may be filled by persons on welfare, thereby thwarting our efforts to find jobs for these welfare recipients through such programs as the work incentive program.

Fifth. Reduce the effectiveness of employee organizations.

Sixth. Constitute for employers a group highly susceptible for exploitation.

This remedial legislation, I am firmly convinced, is in the best interests of American labor and of the United States.

Mr. DENNIS. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. MAYNE).

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

Mr. Chairman, H.R. 16188 is directed toward a problem of increasing magnitude—one that is nationwide in scope and not limited to the border areas in the Southwest. That problem is the presence of between 1 and 2 million illegal aliens in the United States, most of whom are employed.

While the majority are from Mexico our committee found in its hearings, held in cities the length and breadth of the country, that illegal aliens have entered into labor markets in every section. They are employed in all phases of industry and the service trades as well as agriculture. Every illegal alien occupying a job means a lost job opportunity for a U.S. citizen or permanent resident.

Even my own inland Sixth Congressional District, in northwest Iowa, just about as far from the various borders as you can get, has not been immune from this problem, and it is a problem of growing magnitude. The Immigration and Naturalization Service district office at Omaha, Nebr., responsible for enforcing the immigration laws throughout both Iowa and Nebraska, apprehended 65 illegal aliens in those two States in the year ending June 30, 1965. Total apprehensions by that district office in Iowa and Nebraska have increased by leaps and bounds over the years until during

the fiscal year ending June 30, 1972, 771 illegal aliens were apprehended. A total of 2,770 illegal aliens were apprehended by the Omaha INS office in the 8 years ending June 30 of this year, and 93 more were apprehended in July and 61 more in August. Although some of these were apprehended on Interstate 80 on the way to jobs in the Chicago area, most of them were taken into custody by the Immigration and Naturalization Service inspectors upon their visiting various farms and industries and finding these persons working illegally.

While much of the credit for this record of apprehensions deservedly belongs to the three inspectors working out of the Omaha office, joined this summer by an inspector trainee, with the district director and deputy director frequently lending a hand, this record of increasing apprehensions also reflects the increasing seriousness of the problem of illegal aliens working in competition with legal immigrants and American citizens at a time of relatively high unemployment. The Immigration and Naturalization Service would be among the first to admit that the number apprehended may be only the tip of the iceberg of the total number of illegal aliens in the area. The INS needs the additional tools provided by this bill.

Additionally, we found that illegal aliens impose a heavy drain upon our local educational, welfare, and health services. We were also informed that our balance of payments is unfavorably affected by the large aggregate of funds sent out of the country by these aliens.

Our hearings established that the illegal aliens are often exploited by unscrupulous employers on the farms and in the factory—paid minimum wages, often worked overtime without pay, denied vacations, and other benefits. The constant threat of disclosure of his illegal status, renders the alien defenseless against exploitation, not only by his employer, but by the landlord, the retailer he buys from, by everyone he must depend upon. In one instance we were told of an epidemic spread of disease because the illegal aliens in the community were afraid to seek treatment for fear their status would be revealed.

Fearful that he will be apprehended if he reports any income, the illegal alien usually pays no income tax and contributes nothing toward social security or unemployment funds. Although he works at gainful employment, he does not register for the Selective Service as does the legal immigrant and the American citizen, and so escapes military service. He avoids the census taker, and so the population of an area is not accurately reflected in the census and in the allocation of educational, health, and other services to that area in accordance with formulae based on census statistics.

Afraid to place his earnings from illegal employment in any bank because he fears this would result in his illegal status being detected by the Internal Revenue Service and the Immigration and Naturalization Service, the illegal alien often hoards his wages in cash, and is therefore easy prey for thieves and confidence men—again, because of his illegal status, he is reluctant to report the crime and his losses to law enforcement authorities. The illegal alien is especially susceptible to blackmail—not only for money, but also for service as an accomplice in crime.

Presently there is no great incentive for the employer to inquire into the citizenship or alien status of prospective employees. H.R. 16188 sets forth an elaborate three-step procedure for the imposition of sanctions on employers who knowingly employ aliens illegally in the United States.

Under the proposed bill, the Attorney General, after receiving evidence that a violation had occurred, would notify the apparent violator of the apparent violation. If the apparent violator continued to engage in apparently violative acts, the Attorney General would then formally determine whether there had actually been a violation. This determination would be made through a civil proceeding conducted before an officer of the Immigration and Naturalization Service designated for this purpose. Upon a finding that the individual had committed a violation, the Attorney General would then assess a civil penalty of up to $500. A subsequent violation by a person against whom a civil penalty had been assessed would be a misdemeanor and conviction therefore would subject the violator to a maximum punishment of 1 year's imprisonment or a fine of $1,000, or both.

Thus H.R. 16188 would specifically put employers on notice that the employment of illegal aliens is proscribed. The bill contains a proviso that enables employers or agents to avoid violations of the statute if they make a bona fide inquiry, in accordance with regulations prescribed by the Attorney General, whether the prospective employee is a citizen or an alien authorized to work.

Other provisions of the bill provide for the forfeiture of vehicles used in smuggling and transporting illegal aliens; and for the loss of the right of a nonimmigrant to adjust his status—to permanent resident when a visa is available—if he has taken unauthorized employment.

This is a good bill which will make possible substantial progress toward elimination of the problem of illegal employment. With all employers on notice of the new law, illegal aliens in this country will find employment opportunities drastically reduced, and those aliens across the borders will have far less incentive to enter the United States illegally.

I urge favorable action upon the bill.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, as a member of this subcommittee, I can say we went into this at very great depth. We literally held hearings from border to border and coast to coast. We listened to representatives of business, farmers, labor unions, and chicanos, as well as the various affected government agencies.

I was opposed at the outset of our hearings to proposals which would have imposed an immediate criminal penalty on employers who would hire illegal aliens, because I felt that was too drastic and was using the criminal laws to affect what is basically a civil problem.

I believe the committee has come up with a bill which is very carefully drawn, which has many, many safeguards. I believe any employer who conscientiously wants to comply with the law will have no trouble with this bill.

The problem is going to be—and that is the focus of this bill—with the employer who knowingly, wilfully and deliberately hires illegal immigrants because he wants to exploit their condition and pay substandard wages.

It is true, as the gentleman from Indiana (Mr. DENNIS) pointed out, that the root of this problem lies in the depressed economic conditions in other countries, particularly those bordering us on the south.

I believe the Congress has to consider that in another context, but our first obligation, after all, is to look after our own citizens and the people who are here lawfully. Where there are hundreds of thousands we know of, and many more hundreds of thousands, we are convinced, who have not been apprehended and who are taking jobs away from Americans, who are costing the taxpayers money for welfare they are receiving, it is our obligation to close every possible loophole we reasonably can.

Possibly after we have some experience with this bill, we may even want to tighten it up in certain respects. But I believe this bill is an important step to get at the source of the problem.

The chairman of the subcommittee and other members went to detention camps down on the border and asked some of the hundreds of illegal immigrants who were there waiting to be deported whether or not they would have come to this country if they had employment in their own country, and they invariably said "no".

By adopting this bill, we are at least going to dry up the attraction, the "bait" that is used to draw these people into this country. In this way I believe we will start to get some control of the problem.

Mr. DENNIS. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. MCKEVITT).

Mr. MCKEVITT. Mr. Chairman, I rise in support of H.R. 16188. It is a good bill—as far as it goes. However, it is only the beginning of an attack which must be made on several fronts against a problem which affects not only the employment market but adds to the tax burden of every American and endangers the health and safety of everyone living in the United States.

I wish every Member of this body could have attended the hearings conducted by the Immigration Subcommittee of the Judiciary Committee in cities throughout this land—from the west coast to the east coast, from the southern border to the northern border.

We heard from the officials of the Immigration Service that they picked up more than 400,000 illegal aliens last year.

But we heard testimony that there may be 2 million illegal aliens plus an unknown number of nonimmigrant visitors and students who have entered the labor market to take jobs away from U.S. citizens.

We inspected the border operations of the Immigration Service, we visited the detention facilities, we watched the deportation procedures, and we carefully examined the field investigation system by which some illegal aliens are located and apprehended. We found the Service does need more personnel; but we also found areas of inefficiency and incompetence—and above all, a woeful lack of cooperation between Government agencies.

We heard from fruitgrowers, farmers, and industrial employers—many of whom testified that illegal aliens were often hired when U.S. citizens refused to work and chose unemployment compensation instead. But we also heard testimony of exploitation, shortchanging, and mistreatment of aliens by employers.

Labor union officials in some cities told us they assumed no responsibility to inquire as to the legal or illegal status of aliens granted membership.

Social Security Administration officials informed us they made no inquiry as to the status of applicants for social security cards—and had no right to make such inquiry.

State and local welfare and health agencies testified of the heavy burden upon their services occasioned by illegal alien applicants. Others told of the infectious diseases, of epidemic proportions in some areas, brought into the United States by the illegal aliens. Law enforcement officers reported upon dope smuggling and other criminal activity by the illegals.

And we also heard from the illegal aliens themselves and from officials of ethnic organizations who urged us to be humanitarian—not to take any steps to make life harder for the alien. But no humanitarian can defend the taking of jobs away from the disadvantaged—from the unemployed U.S. citizen—the undermining of decent wage levels—the exploitation of the aliens themselves.

This bill, H.R. 16188, is just one step—it puts the employer who has benefited from the employment of illegal aliens—the unscrupulous employer who has exploited illegal aliens—on notice that he is violating the law. It protects the honest, law-abiding employer who makes a sincere effort to screen job applicants and hire only those eligible to work. It will obviously remove at least some of the incentives for aliens to cross the border and take jobs away from U.S. citizens. Without the economic incentive the alien will not attempt the illegal entry.

But for those 2 million illegal aliens already in the United States, we need to take other steps to discourage their continued drain upon our welfare and public health services—and to encourage them to depart voluntarily. I have introduced a bill, H.R. 16430, which will amend the Social Security Act to prohibit the payment of and or assistance under approved State public assistance plans to aliens who are illegally within the United States. This measure, when enacted, will not only save the taxpayers of the United States million of dollars, it will also assist in the detection and identification of illegal aliens so that they may be deported as provided by law.

The enactment of H.R. 16188—the bill now under consideration—and H.R. 16430, along with cooperation from the Social Security Administration in noting alien status upon social security cards, more efficiency in the operation of the Immigration Service—these steps are all needed promptly to bring a complex and dangerous problem to successful solution.

I urge your support for this legislation.

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

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

Mr. HOGAN. Mr. Chairman, H.R. 16188 is the result of more than a year's investigation, hearings, and study by the Immigration and Nationality Subcommittee of the Judiciary. We have traveled from California to New York, from El Paso to Chicago and Detroit. We have heard testimony from farmers, fruitgrowers, manufacturers, tradesmen, service employers, illegal aliens, civil rights groups, ethnic organizations, labor union officials, private attorneys, Immigration Service employees and officers, law enforcement officers, U.S. magistrates, and representative officials from local, State, and Federal labor, health, and welfare agencies.

Witnesses have urged that all immigration be cut off; that all Mexicans and Canadians be given the right to enter the United States at their pleasure; that permanent resident status be granted to all illegal aliens now in the United States.

I cosponsored this bill because I think it is vitally needed.

The facts are clear:

First. There are between 1 and 2 million illegal aliens in the United States, the majority of whom are presently employed.

Second. Illegal aliens have had a substantial adverse impact on our unemployment situation; the wages and working conditions of American workers; Federal and State public assistance programs; and the U.S. balance of payments.

Third. The illegal alien problem is nationwide in scope and, therefore, is not limited to the border areas in the Southwest United States.

Fourth. The availability of employment in the United States and the economic conditions in the aliens' native country encourage aliens to enter this country illegally in search of employment.

Fifth. Since the employment of illegal aliens is not presently prohibited, employers and placement agencies do not now inquire into the citizenship or alien status of prospective employees.

Sixth. Due to the nature of their status, illegal aliens are often exploited by unscrupulous employers—for example, they are sometimes denied vacation pay, overtime pay, and other fringe benefits.

Seventh. The Immigration and Naturalization Service is unable to cope effectively with the illegal alien problem, due to insufficient funding and manpower.

Eighth. Immigration violations are low priority matters in the U.S. attorneys' offices and criminal penalties against aliens are enforced only in aggravated cases.

Ninth. There has been little, if any, cooperation by the various agencies of the Government in combating the illegal alien problem—Wage and Hour Division of the Department of Labor, the Social Security Administration, and the Department of Health, Education and Welfare.

Tenth. Counterfeit or altered documents, including social security cards, visas, alien registration receipt cards and birth certificates are often used to enter the United States illegally and to obtain employment after entry. H.R. 16188 attacks the problem revealed by these facts.

Section 1 would permit natives of the Western Hemisphere who are in the United States to adjust to immigrant status as can natives of the Eastern Hemisphere—provided a visa is immediately available. However, H.R. 16188 provides that an alien who has illegally taken employment would be denied this opportunity.

Section 2 repeals the proviso in section 274 of the Immigration and Nationality Act which provides that normal employment practices shall not be deemed to constitute the harboring or concealing of illegal aliens—an offense which is currently punishable by a fine of $2,000 and/or 5 years in prison.

Next, it makes unlawful the "knowing" employment of illegal aliens. Providing however, that an employer, who makes a bona fide effort to determine if the prospective employee is entitled to work in the United States, shall be exempt from civil or criminal liability.

The following three-step procedure for the imposition of sanctions against employers who knowingly hire illegal aliens is provided in the bill:

For a first violation, the Attorney General is directed to serve a citation on the employer informing him of such apparent violation;

If such employer commits a subsequent violation within 2 years after receiving a citation, the Attorney General is directed to impose a fine of not more than $500 for each alien; and

Following the imposition of such a fine, if an employer commits an additional violation, he shall be subject to a fine of $1,000 and/or 1-year imprisonment for each alien.

Also, provision is made for the forfeiture of vehicles used in smuggling and transporting illegal aliens.

Section 3 of the bill amends 18 U.S.C. 1546 to include border crossing and alien registration cards in the general forgery and counterfeiting penalty statute.

H.R. 16188 is a sound and logical treatment of the problem. It will discourage aliens from crossing our borders illegally because job opportunities will be sharply reduced. It will put all employers on notice that it is a violation of law to

knowingly employ illegal aliens. It will protect those employers who sincerely make inquiry as to the eligibility of prospective employees. It will preserve job opportunities for U.S. citizens and reduce a heavy drain by illegal aliens upon our welfare services.

It is a good bill. I urge its passage.

Mr. DANIELSON. Mr. Chairman, I rise in support of the bill. In the time remaining on general debate. I hope to put to rest the minds of one or two persons who have been concerned that if this bill is passed, a prospective employee with a Spanish surname simply could not find employment, because the prospective employer would be afraid to hire him.

I can understand the gentleman's concern, the gentleman who raised that point, but I would like to point out that I think he is needlessly concerned. This bill very carefully protects the employer against that sort of a situation. It provides, by it terms, that it is unlawful in a criminal sense, or unlawful in a civil penalty sense, only in the event that the employer should knowingly employ the illegal alien. Procedures are carefully spelled out which require the Attorney General first of all, to examine into whether or not there has been such a knowing illegal employment. It provides that having done so, and finding in the affirmative, the Attorney General must serve a citation upon the employer, and it is only for subsequent acts that the penalties are invoked.

In addition, the bill provides two or three steps under which the prospective employer may exculpate himself. I call the gentleman's attention to the language appearing on page 3 of the bill in paragraph b(1); namely:

> An employer, referrer or agent shall not be deemed to have violated this subsection if he has made a bona fide inquiry whether a person hereafter employed by him is a citizen or an alien,

And second:

> That evidence establishing that the employer, referrer, or agent has obtained from the person employed or referred by him a signed statement in writing that such person is a citizen of the United States or that such person is an alien lawfully admitted for permanent residence or is an alien authorized by the Attorney General to accept employment.

This does exculpate him, so there really is no need for this fear. I happen to come from a district which has a very substantial number of residents of Latin surname. I have a file full of letters of complaint from those residents stating that they or their husbands or their fathers or their sons cannot obtain employment simply because in the industries nearby illegals are filling those jobs. I have not to this day received one letter expressing a fear that this bill would cause any difficulty.

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

Mr. DENNIS. Mr. Chairman, I yield to the gentleman from Texas (Mr. PRICE) for a unanimous consent request.

(Mr. PRICE of Texas was given permission to extend his remarks at this point in the RECORD.)

Mr. PRICE of Texas. Mr. Chairman, the bracero program existed from 1951 to 1963.

Looking back, the bracero program was the kind of program that had substantial appeals for those involved in it. U.S. farmers and ranchers like it, because it helped them meet their labor demands by supplying steady dependable help and at reasonable costs. Mexicans who participated in the program like it, because it enabled them to make significantly more money doing agricultural work in the United States than they were able to earn doing similar work in Mexico. The Government of Mexico favored the program, because it provided an additional means of obtaining U.S. dollars and it partially helped Mexico's domestic employment problems. In fact the only primary dissatisfactions with the bracero program stemmed from certain liberal politicians and organized labor representatives who viewed the program in the light of misguided idealism at best; and union organizational needs at worst.

I regretted the termination of the bracero program, and I have viewed with interest the varied attempts the detractors of the program have made to find a workable substitute. To date, nothing has really been developed. Farmers and ranchers in northwest Texas and throughout much of the Southwest still stand in dire need of steady and dependable farm labor. I would point out here that the high unemployment rate has not materially changed this labor shortage situation, because there are just not that many people who are interested in working in agriculture. I say this despite the fact that the Department of Labor claims there are workers available in general and in northwest Texas in particular. I say this, because I know from bitter experience what other farmers and ranchers know; namely, that the chronically unemployed cannot do the needed jobs on farms and ranches—they just cannot do the work. The simple fact of the matter is farmwork is hard work. There is no real timeclock, work is governed more by the light of the sun and the state of the weather. Moreover, wages are typically low, because farmers do not make enough money themselves to pay top dollar for farm labor. In this regard, as I and other farm State Members have often stated, the level of food prices in the marketplace depend more on distribution and packaging costs than they do on farm production costs.

Mr. Chairman, the present welfare system and unemployment compensation system also have contributed to the farm labor shortage. In some cases individuals can make more money by drawing welfare and unemployment compensation than they can make by either working part-time or not working at all.

When all is said and done, when the liberals are through gnashing their teeth over the supposed immorality of encouraging Mexicans willing to work on U.S. farmlands, and when the labor organizers are through bemoaning the fact that the Bracero program undercuts their efforts to unionize American farmworkers, then one central fact remains. The farmers and ranchers of this Nation need new sources of farm labor and they need it desperately.

In an attempt to meet this need I introduced a bill to reestablish the Bracero program some time ago which would put it under the jurisdiction of the Secretary of Agriculture, and empower the Secretary to establish certain program standards governing the provision of adequate wages, hours, and conditions of employment. Under my proposal, U.S. farmers and ranchers will have the opportunity to get more help, and Mexicans who want to better themselves and better care for their families by earning more money will be free to do so in this country.

As those of us who live in border States know, there is a thriving trade going on right this minute involving Mexicans illegally entering the United States to work. To combat this illicit trade the members of the U.S. border patrol are working overtime. Their efforts have not stopped the flow of Mexican workers from illegally entering the country, because the United States-Mexico border is simply too long to be adequately patrolled and there are too many spots suitable for passage between the two nations.

Mr. Chairman, on balance it seems to me there is a clear need for instituting a new Bracero program or something close to it. Not only would it benefit American agriculture, it would also appeal greatly to Mexican farmworkers. Such a program would strike a new equilibrium between the labor resources of Mexico and the agriculture labor needs in the United States. It would better enable the food and fiber producers of this Nation to continue to provide their needed goods at reasonable costs to the American consumer.

Mr. DENNIS. Mr. Chairman, I yield myself the balance of my time.

Mr. HUTCHINSON. Will the gentleman yield?

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

Mr. HUTCHINSON. Mr. Chairman, the debate thus far on this bill has made no reference to section 3 of the bill. Section 3 of the bill undertakes to amend section 1546, title 18, United States Code.

I would like to ask the gentleman if he would indicate in a word or two what changes in the law are made in section 3.

Mr. DENNIS. I say to the gentleman the inclusion of section 3, which includes the alien registration receipt card and certain documents under the counterfeiting or forgery statute is caused by a decision in the case of the United States against Campos-Serrano, 404 U.S. 293, which held that alien registration receipt cards were not covered by the present law.

This section covers them, and, therefore, corrects that decision.

Mr. Chairman, during the balance of my time, I would like to say once again that this is a rather moderate approach to a difficult problem. Those who have looked at the committee report will realize that I have some individual views which I expressed, which indicate some

of my reservations with regard to this bill.

On the whole, however, it seems to me that in addressing itself to the problem in a rather moderate way, as a first step, as I said a while ago, it would help to correct a situation which has been giving concern for some length of time, and that it does so while being fair to all concerned and without intentionally bearing too hard on anyone.

As such I recommend its adoption by the committee and by the House.

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

Mr. RODINO. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, in the time remaining I would merely like to point out that we must react to this problem and attempt to protect American citizens and the aliens who are lawfully admitted, to enjoy the job opportunities this country provides, to insure that there is orderly immigration into this country and to insure that we do not provide a bonus to persons who come into our country illegally, and take jobs in preference to American citizens and those lawfully resident aliens. In this regard, I would like to insert in the RECORD the following letter which I received from the general counsel of the California Rural Legal Assistance, Sheldon L. Greene, as well as a newspaper article prepared by Mr. Greene:

CALIFORNIA RURAL LEGAL ASSISTANCE,
San Francisco, Calif., August 22, 1972.

Hon. PETER W. RODINO, JR.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This will urge your support of H.R. 16188 reported favorably by the Judiciary Committee on August 15th. The measure would discourage the employment of illegal entrants to the exclusion of lawful resident workers. The bill takes into consideration both the problems of identification of illegal entrants and the civil rights of lawful resident aliens.

The apprehension of 420,000 illegal entrants in 1971 indicates the severity of the problem. Enactment of H.R. 16188 will certainly provide jobs to lawful resident workers reducing acute unemployment among the unskilled and semiskilled and lowering welfare costs.

Enclosed you will find an article which appeared in several newspapers explaining my views in greater detail.

Thanks.

Very truly yours,

SHELDON L. GREENE,
General Counsel.

[From the Los Angeles Times, May 25, 1972]

THE EMPLOYER SHOULD PAY A PENALTY FOR HIRING ILLEGAL ALIENS

(By Sheldon Greene)

Unemployment in the American labor force has hovered around 6% for the past year. One of every five black and brown ghetto youth, white Appalachians and residents of depressed areas are chronically out of work.

At the same time, more than two million persons are believed to live and work illegally in the United States. More than 420,000 illegal entrant workers were picked up by immigration officials last year and their ranks continue to swell. Although border violators usually work for subsistence wages, their overall impact is enormous. They account for an annual loss of wages, estimated at more than $1 billion, that otherwise would be available to the American poor.

While Mexico provides most of the illegal entrants, many South American and European countries and the Caribbean account for substantial numbers who jump ship or enter on student or temporary visas and take permanent jobs. The highest concentration of illegal aliens is in the Southwest (more than 100,000 were apprehended in California alone in 1971), but many are found in the major population centers of the Eastern seaboard and the Midwest as well.

For the enterprising illegal entrant the stakes are high—10 times the wage available in Mexico. At the same time, the risks of apprehension or punishment are marginal. Immigration officials, swamped by the volume, simply give them a free ride home within a few days after detection. Formal deportation or prosecution is reserved or a small percentage who are involved in smuggling, which is a multimillion dollar illegal industry with ties to the drug traffic.

Ironically, an illegal entrant to the United States finds it easier to get a job than a lawful resident because of his willingness to take undesirable employment for low wages by American standards and to work long hours without overtime compensation. Unable to bring in cheap foreign labor lawfully and unwilling to meet competitive demands for job security, decent wages and fringe benefits, such employers as clothing manufacturers, hotels, restaurants and farm factories consider the hiring of illegal entrants to be the next best thing to moving the plant to Mexico.

The public indirectly subsidizes this preference by paying hundreds of millions of dollars in public assistance, unemployment compensation and health care to those lawful residents left unemployed. There also result staggering indirect costs for law enforcement, deficiencies in the urban tax base and a greater need for expensive programs to create jobs.

Until recently, employers were free to hire illegals with impunity. While illegal entry was itself a crime, hiring the border jumper was not expressly prohibited. But in 1972, California, where for every two jobless workers there is one illegal, became the first state to prohibit the knowing hiring of border violators.

The somewhat bland measure, the Arnett Act, was ruled unconstitutional in a lower state court. The decision is being appealed and the Legislature is working on remedial language. The act faced opposition from an improbable coalition of employers of cheap labor, representatives of a segment of the urban Mexican-American community and immigration lawyers. The critics charged discrimination against Chicanos, but they neglected to note that the intense immigration inspections in urban areas would continue with or without the law prohibiting employment of illegal entrants—at least as long as the incidence of illegal entry is high.

Suggesting that employment should be open to everyone on both sides of the border, the critics of the Arnett Act ignore the fact that opportunity is limited by available jobs. One loaf and a few fishes may have served to feed the multitudes who came to hear Christ, but the income from a limited number of jobs when the demand for work exceeds the supply will not fill the bellies of the families of unsuccessful applicants. And it will also diminish the paycheck of those fortunate enough to find employment.

While opponents have attempted to characterize the Arnett Act as anti-alien, the legislation actually favors lawful resident aliens by making jobs available to them. It should also encourage illegal entrants married to lawful residents to apply for and obtain permanent resident status.

Considering its effect on unemployment and poverty, something had to be done to curb illegal entrant use. The approach taken by the California Legislature and by federal lawmakers, who have conducted extensive national hearings resulting in the introduction of a similar bill, seems to be the least undesirable of several alternatives. Creating a Cactus Curtain on our long, open border with Mexico is unrealistic. Certainly, providing more stringent penalties against the illegal entrants themselves would be inhumane and hypocritical and would not stop the influx while job access remains constant.

Ironically, the benefit to the illegal entrants as a group is speculative. Notre Dame sociologist Julian Samora, who has studied the problem extensively, concluded in a recent book that most illegal entrants are not materially improved by their exposure to American jobs. "Those who profit are those who employ him, or who smuggle him," he asserts. Since the employer is the principal beneficiary of the traffic and since his willingness to employ illegal entrants is the principal inducement to the number of unlawful entries, providing penalties which make it less profitable to employ illegal entrants is clearly the best possibe remedy.

Democratic and Repubican legislators who support laws curbing illegal entrant employment including Mexican-American elected officials and public figures like Cesar Chavez, recognize that the country owes to its poor—black, white and brown citizen and lawful alien—an equal crack at the limited job opportunities available to the semiskilled in a technological society.

We must recognize that for a period of time many employers have knowingly employed illegal aliens. Now, these employers will be put on notice that they should discontinue doing so.

If we do not pass this bill then the number of employers who say there is no penalty on the statute books and there is no prohibition will continue unabated; the serious unemployment situation that we see today will continue to grow with illegal aliens taking the jobs of American citizens and lawfully resident aliens.

For these reasons I recommend the adoption of this bill.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of H.R. 16188, a bill to provide civil penalties for those who knowingly hire aliens who have not been lawfully admitted to the United States.

Mr. Chairman, several leaders of organized labor in the 14th Congressional District of New Jersey have come to see me to complain about certain unscrupulous employers who hire illegal aliens. At a time of persistent unemployment in my State, New Jersey, which has an unemployment rate of over 7 percent and in my own Hudson County, a jurisdiction with persistently high unemployment, this practice is particularly unfortunate. Their complaints are valid, and I am happy that we are taking action to correct this situation.

Even more unfortunate, Mr. Chairman, is the near peonage in which illegal aliens are kept. Employers may hire them at below the minimum wage and/or require them to work under substandard conditions. If the employee complains he is turned over to the immigration officials. Our Government simply cannot permit this condition to be continued. We cannot permit any human being to be exploited.

Mr. Chairman, it is estimated that there are over 1 million illegal aliens employed in America today. The effect of this is to depress wages for Americans, and by replacing otherwise employable Americans to swell our welfare rolls. This bill, by imposing civil penalties on employers who hire illegal aliens, should put some teeth into the immigration law.

I urge all my colleagues to join with me in support of this bill.

Mr. BOLAND. Mr. Chairman, I support H.R. 16188, the Immigration and Nationality Act.

The purpose of this bill, and justifiably so, is to make it unlawful for an employer to hire, knowingly, aliens who have not been lawfully admitted for permanent residence, or who are not authorized by the Attorney General to work while in the United States. For too long a time the number of aliens illegally entering this country has been growing; these illegal aliens are working for substandard wages and are therefore standing in the way of the unemployed of our own country.

Specific instances of employed illegal aliens in my own area of western Massachusetts were called to my attention within the past few years by John F. Albano, manager of the Western Massachusetts International Garment Workers Union, AFL–CIO, and Charles Marchese, business agent for Carpenters Union Local 122 in Springfield.

Illegal aliens from islands in the Caribbean area were working under sweatshop conditions in certain garment factories at substandard wages when taken into custody by officers of the Immigration and Naturalization Service.

The poor aliens had been promised good paying jobs when they were recruited by shoddy New York City agencies in their island homes. After arriving in New York, they had to repay travel expenses and then pay job-finding fees to agencies who had already contracted for their labor in Massachusetts factories. The illegal aliens were eventually deported, but the employment agency and the employer got only verbal Government reprimands.

Robbing Americans of jobs was not unique to the garment industry building contractors in western Massachusetts were employing carpenters and other tradesmen who had entered illegally from Canada with job promises. Such practices ended only when the building trades unions demanded investigations by the Immigration and Naturalization Service.

The present exemption from antiharboring provisions tends to frustrate and defeat the declared intent of Congress in other provisions of the Immigration and Nationality Act. To protect the employment opportunities and labor standards of American workers we must pass H.R. 16188.

Illegal aliens are generally unskilled or low-skilled workers, who compete for jobs with minority groups who have traditionally been denied opportunites to improve their skills. Consequently, this legislation is designed to remove this illegal source of competition, protect the job security of citizens of the United States and aliens lawfully present in this country.

Further, this legislation establishes a three-step procedure for the imposition of sanctions on employers to insure that only those employers who knowingly hire illegal aliens are penalized. For the first violation, the Attorney General will serve a citation informing the employer of the violation. If a subsequent violation is committed within 2 years of the first citation, a fine of not more than $500 will be imposed for each alien. If the same employer commits an additional violation, he is subject to a fine of $1,000 and/or 1 year imprisonment for each alien.

I urge my colleagues to support this legislation.

Mr. KOCH. Mr. Chairman, I intend to vote against this bill. I believe that employers should not be turned into sheriffs. I am in accord with the efforts made by those departments charged with responsibility for preventing illegal immigration into the country, deporting illegal aliens, and preventing those immigrants not allowed to work under the law, from doing so. However, if this bill were enacted, the effect would be the following:

An employer, to show good faith efforts on his part to comply with the law would demand of every perspective employee who looked "foreign," whatever that means, or who spoke with a foreign accent, a signed statement that he or she were an American citizen or an alien permitted to work in the United States. So, someone educated, perhaps even with a cultured English accent, would not be asked the question but someone who emigrated to this country years ago, but perhaps never lost his East European or Mediterranean accent, would be required to sign the forms. I do not think this would be just. Worse still would be situations where employers not wanting to be bothered with such forms would refuse to hire foreign born.

I am thinking of my 78-year-old father who is working in a department store in midtown Manhattan at this moment. He came here when he was 14 years old. He is a citizen. He still retains his accent from the old country. I would not want him singled out from the other employees in his department, most of them probably American born, and asked to sign a special form. He and others like him should not be made to feel they are second class citizens.

Hence I shall vote to recommit this bill to committee.

Mr. SISK. Mr. Chairman, it is my intention to vote in favor of H.R. 16188. The time has come when we can no longer rely on the traditional method of employing sanctions against the alien alone to protect the jobs which properly belong to American citizens and aliens legally admitted for permanent residence. We in California are acutely aware of the adverse effect these large numbers of illegal aliens have had on the employment situation in the State. In many instances the illegal entrant to the United States finds it easier to get a job than a lawful resident because of his willingness to take undesirable employment for low wages. The public, of course, subsidizes this preference by paying the ever-increasing costs of public assistance, unemployment compensation, and health care to those lawful residents left unemployed.

While I would agree with the basic argument of the committee in reporting this bill that to solve the illegal alien problem, we must remove the economic incentive which draws the illegal alien to the United States, I am most concerned that employment discrimination may result, particularly against those of Mexican background in my area. There is a genuine fear in California, in the light of the enactment of a similar law in the State recently, that there would be wholesale layoffs by employers of thousands of aliens, illegal or legal, and that those with Spanish surnames would be identified and pointed out as a special category in relation to the total work force. It is my hope that the committee will make a special effort to see that this legislation is implemented in a manner which will prevent job discrimination against members of ethnic or minority groups.

I am equally concerned, Mr. Chairman, that we are still not giving the same treatment to Western Hemisphere immigrants that we have given to their Eastern Hemisphere counterparts since 1965. Many of my Mexican-American constituents contend, and I think rightfully so, that our policy toward Western Hemisphere aliens is designed to restrict immigration, at least legal immigration on the Mexican border. As we all know, there is no preference system for immigration from the Western Hemisphere as there is for the Eastern Hemisphere. All aliens seeking to enter this country for permanent residence from the Western Hemisphere, except immediate relatives, must obtain Labor Department certification. This is, of course, totally impossible for the thousands of unskilled workers attempting to enter this country from Mexico. Yet, labor certification is not required for unmarried sons and daughters of citizens, spouses and unmarried sons and daughters of permanent resident aliens, married sons and daughters of citizens, and brothers and sisters of citizens from Eastern Hemisphere countries, even though they be just as unskilled as persons from Mexico.

With the termination of the bracero program and with the imposition of the labor certification requirement we effectively ended legal immigration from Mexico of the unskilled and semiskilled who are not immediate relatives of American citizens and as a result illegal immigration increased proportionately. Since 1963 there has been a huge influx of nonimmigrants from Mexico and elsewhere in Latin America and a vast underground labor market has been created. These poor, exploited workers, living at the margins of society and the law could not participate in the political life of the community and were frequently used to blunt the efforts of American workers for decent wages, job security, and better working conditions. The answer in my opinion, therefore, is not to further restrict immigration from Mexico and other Western Hemisphere coun-

tries but to remove the inequity which currently exists in the Immigration and Naturalization Act and accord the same treatment to Western and Eastern Hemisphere applicants.

I was deeply pleased by your statement earlier, Mr. Chairman, that you favor the establishment of a preference system for the Western Hemisphere and your personal assurance that the Judiciary Committee will give full consideration to the matter early in the next session of Congress.

Mr. ANNUNZIO. Mr. Chairman, I welcome this opportunity to commend the gentleman from New Jersey, the Honorable PETER W. RODINO, Jr., the distinguished chairman of the Subcommittee on Immigration and Nationality. The bill before us today and the comprehensive hearings which preceded its drafting are indicative of the high quality efforts of the subcommittee under his very able leadership.

The bill under consideration, H.R. 16188, is aimed primarily at protecting the U.S. labor market against illegal aliens, aliens who are either present in this country in violation of the immigration law or who have accepted employment in violation of their immigration status. The magnitude of the problem and the need for this legislation were carefully documented by the immigration subcommittee in their extensive hearings on illegal aliens. These hearings were held in eight cities across the country, including my own city of Chicago. It was concluded that illegal aliens have a substantial adverse impact on U.S. employment as well as on Federal and State public assistance and other benefit and service programs.

It was estimated during the course of the hearings that there are between 1 and 2 million aliens illegally in this country, and that they are here almost exclusively for the purpose of obtaining employment. Furthermore, the problem is no longer primarily a regional one, as it has been in the past. The illegal alien is now found throughout the country wherever there is the promise of employment. He is increasingly found in industry as opposed to agriculture, where his apprehension is considerably more difficult.

As documentation of these generalizations, testimony received by the subcommittee in Chicago indicated that over the past 10 years there has been an 800 percent increase in the number of illegal aliens apprehended in the tri-State Chicago INS district, which consists of Illinois, Indiana, and Wisconsin. In fiscal 1971, 9,572 deportable aliens were located in this area, 8,747 of them in Illinois. Of the deportable aliens located while employed, 90 percent were in industry and 10 percent in agriculture.

I do not mean to imply in citing these statistics that the problem of the illegal alien is more serious now that it affects my part of the country than it was before when it was in somebody else's backyard. What these statistics and similar ones received in Detroit, Denver, and New York show is the extent to which this has become a national, rather than a regional problem, requiring Federal legislation rather than just strategically located increased manpower.

Commenting on the 800 percent increase in apprehension in the Chicago district, Mr. Alva L. Pilliod, the U.S. Immigration and Naturalization Service District Director, told the subcommittee:

> It is quite apparent that under the present conditions, this situation will get out of control. It has been suggested that we have an increase in manpower, and an increase in manpower would, no doubt, bring an increase in the number of apprehensions. However, it is my firm conviction that the aliens will continue to come to this area or anywhere where they can seek employment, so long as the employment opportunities exist, and the continued apprehensions and deportations will not to a great extent deter them.

The illegal alien appears to be driven by very strong economic motives, bordering in many cases on simple self-preservation. Sanctions in the Immigration and Nationality Act aimed at deterring the alien from entering the country illegally and/or illegally accepting employment range in severity from enforced voluntary departure to two years' imprisonment and a $1,000 fine. It is apparent that these sanctions have not been effective.

Mr. Chairman, quite frequently foreign immigration has been blamed for high unemployment in the United States. This is sheer fallacy. Labor certification is required for all lawfully admitted aliens who plan to become American citizens, other than immediate relatives, such as mothers, fathers, sons, daughters, brothers, and sisters. My colleagues will recall it was the intention of the Immigration and Nationality Act Amendments of 1965, which I sponsored and supported, to make it easier to reunite families and bring together members of families who had been tragically separated for so many years.

During fiscal year 1971, approximately 48,000 skilled immigrants entered the United States with the required labor certification which was issued to them only because their skills were in short supply in the United States. Thus, labor certification has been used as an effective tool in limiting admission of aliens to those whose skills are needed in the American labor market.

It is not the lawfully admitted aliens who are taking jobs away from Americans. To the contrary, lawfully admitted aliens are usually highly educated, highly skilled individuals who are supplementing our labor supply when it is short in certain specific areas, and quite frequently, we find other nations lamenting their "brain drain" because only their highly qualified citizens can meet the requirements for immigration to the United States and therefore they are losing their most productive citizens. Their loss, of course, is our gain.

Our country was built, and its greatness was assured to a very large degree by the lawfully admitted aliens who have come to America from all over the world. Indeed, Polish Americans, Italian Americans, German Americans, Jewish Americans, Irish Americans, Scandinavian Americans, Slovenian Americans, Greek Americans, and so many others, have made tremendous contributions to the growth and advancement of our country—and it is unfair to put legally admitted and illegal aliens in the same category. They are totally different, and this vast difference should be recognized.

I do not advocate a ban on immigration—our immigrants are the ones who built America. What I do advocate is a halt to the entry of illegal aliens into our country, since it is they who are adversely affecting our unemployment situation.

The legislation before us today aims to deter the illegal alien from coming by eliminating his incentive for coming—employment. It is currently not illegal for U.S. employers to hire illegal aliens, with the result that many employers do not attempt to ascertain the immigration status of prospective employees. It seems probable that most employers would be deterred from hiring illegal aliens if it were in violation of a Federal criminal statute.

H.R. 16188 would make it unlawful to knowingly hire aliens who have not been lawfully admitted for permanent residence or who are not authorized to work while in the United States. The criminal provisions of the bill are not aimed at the employer who unwittingly hires an illegal alien or even at the one-time offender. A graduated three-step procedure for the imposition of sanctions against the employer would be established, consisting of a warning for the first offense; a civil penalty of not more than $500 per alien for a second offense; and a fine of $1,000 and/or 1-year imprisonment for each alien for a third offense. The three-step civil and criminal penalty provision is expressly aimed at the employer who has established a clear pattern of violation.

Mr. Chairman, I believe the bill before us represents an effective approach to a very complicated and sensitive problem. I would like again to commend the gentleman from New Jersey and the subcommittee he chairs for their painstaking work, and to urge that this legislation be enacted.

Mrs. ABZUG. Mr. Chairman, while the aim of this legislation—to prevent aliens not entitled to accept employment from accepting it—may be laudable, I do not believe that it will accomplish that purpose. In fact, I believe that it will leave us in the same position we are in now.

Originally, proposed legislation in this area would have created a presumption that an employer employing aliens not entitled to accept employment did so knowingly, and would have made such an employer criminally liable upon such a showing. There was substantial objection to this approach on two counts: First, many individuals, including myself, feared that the effect of this law would be to justify and even encourage job discrimination against the foreign born, or those with foreign accents, or those with swarthy skins; second, some individuals asserted that the law would place an undue burden upon the employer, imperiling him—by the use of a possibly unconstitutional presumption—for conduct not his own.

Section 275 of the existing Immigration and Nationality Act imposes criminal penalties upon aliens who enter the

country illegally, but, according to the committee report on this bill:

It has proved to be an ineffective deterrent in the case of an alien who crosses the border illegally for the sole purpose of sustaining himself and his family. Moreover, the United States attorneys' office are reluctant to prosecute cases of illegal entry and even when prosecutions are instituted, convictions are infrequent.

The Judiciary Committee, taking cognizance of the objections noted above, rewrote the legislation. In its present form, it provides a three-step procedure before any employer can incur criminal liability: he must first receive a citation, then is subject to a civil penalty of $500 if he repeats his offense within 2 years, and only upon a third offense becomes liable to criminal prosecution. In addition, he will go free if he has obtained from the illegal employee a signed statement to the effect that the employee is a citizen or is an alien authorized to accept employment.

Obviously, then all that an employer has to do is to make every one of his employees sign such a statement. Then, he will be safe, except for the unlikely case in which it can be demonstrated that he accepted such statements knowing them to be false.

In the meantime, though, it is the employee who is subjected to criminal penalties as soon as he falsifies such a statement. The staff of the Judiciary Committee has informed my office that a false statement to the employer that an individual is entitled to accept employment will subject him to prosecution under section 1001 of title 18, United States Code, prohibiting false statements in matters subject to the jurisdiction of the United States. I must say that it is not all that clear to me that the statement envisioned by the bill would come within section 1001.

The application of section 1001 to such a statement leaves us no better off than we are at present. The employer can easily protect himself from prosecution by taking signed statements from all employees. The employee subjects himself to prosecution if he falsifies such a statement—no second or third chances are provided for. Of course, we began this discussion with the committee's statement that convictions of illegal aliens are difficult to obtain.

Where does that leave us? We have done nothing to deter employers from hiring individuals not entitled to work, because they will protect themselves by obtaining signed statements from the employees. We have created an additional liability for the little guy, the poor soul who comes across the border to try to earn the price of food for his family, although it seems unlikely that there will be many prosecutions or convictions of this nature. In summary, this bill, while it will impress the press and our constituents and perhaps create some additional animus against the foreign born, will accomplish nothing of substance, and I urge its defeat.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended to read as follows:

"SEC. 245. (a) The status of an alien who was inspected and admitted or paroled into the United States may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence; and (3) an immigrant visa is immediately available to him at the time his application is filed.

"(b) Upon the approval of an application for adjustment made under subsection (a), the Attorney General shall record the alien's lawful admission for permanent residence as of the date the order of the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the number of the preference or nonpreference visas authorized to be issud under section 203(a) within the class to which the alien is chargeable, or the number of visas authorized to be issued pursuant to the provisions of section 21(e) of the Act of October 3, 1965, for the fiscal year then current.

"(c) The provisions of this section shall not be applicable to: (1) an alien crewman; (2) any alien (other than an immediate relative as defined in section 201(b)) who has hereafter accepted unauthorized employment prior to filing an application for adjustment of status; (3) any alien admitted in transit without visa under section 238(d); or (4) any alien who is a native of any country contiguous to the United States or any adjacent island named in section 101(b)(5), except an alien who is an immediate relative defined in section 201(b), or who is the child of parents neither of whom was born in such country or adjacent island."

SEC. 2. Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended by deleting the proviso in paragraph 4 of subsection (a) and by redesignating subsection (b) as subsection (e) and adding new subsections (b), (c), and (d) to read as follows:

"(b)(1) It shall be unlawful for any employer or any person acting as an agent for such an employer, or any person who for a fee, refers an alien for employment by such an employer, knowingly to employ or refer for employment any alien in the United States who has not been lawfully admitted to the United States for permanent residence, unless the employment of such alien is authorized by the Attorney General: *Provided*, That an employer, referrer, or agent shall not be deemed to have violated this subsection if he has made a bona fide inquiry whether a person hereafter employed by him is a citizen or an alien, and if an alien, whether he is lawfully admitted to the United States for permanent residence or is authorized by the Attorney General to accept employment: *Provided further*, That evidence establishing that the employer, referrer, or agent has obtained from the person employed or referred by him a signed statement in writing that such person is a citizen of the United States or that such person is an alien lawfully admitted for permanent residence or is an alien authorized by the Attorney General to accept employment, shall be deemed prima facie proof that such employer, agent, or referrer has made a bona fide inquiry as provided in this paragraph. The Attorney General of the United States shall prepare forms for the use of employers, agents, and referrers in obtaining such written statements if they so desire, and shall furnish such forms to employers, agents, and referrers upon request.

"(2) If, on evidence or information he deems persuasive, the Attorney General concludes that an employer, agent, or referrer has violated the provisions of paragraph (1), the Attorney General shall serve a citation on the employer, agent, or referrer informing him of such apparent violation.

"(3) If, in a proceeding initiated within two years after the service of such citation, the Attorney General finds that any employer, agent, or referrer upon whom such citation has been served has thereafter violated the provisions of paragraph (1), the Attorney General shall assess a penalty of not more than $500 for each such alien employed in violation of paragraph (1).

"(4) A civil penalty shall be assessed by the Attorney General only after the person charged with a violation under paragraph (3) has been given an opportunity for a hearing and the Attorney General has determined that a violation did occur, and the amount of the penalty which is warranted. The hearing shall be of record and conducted before an immigration officer designated by the Attorney General, individually or by regulation. The proceedings shall be conducted in accordance with such regulations as the Attorney General shall prescribe and the procedure so prescribed shall be the sole and exclusive procedure for determining the assessment of a civil penalty under this subsection.

"(5) If the person against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in such order, the Attorney General shall file a suit to collect the amount assessed in any appropriate district court of the United States. In any such suit or in any other suit seeking to review the Attorney General's determination, the suit shall be determined solely upon the administrative record upon which the civil penalty was assessed and the Attorney General's findings of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"(c) Any employer or person who has been assessed a civil penalty under subsection (b)(3) which has become final and thereafter violates subsection (b)(1) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both, for each alien in respect to whom any violation of this subsection occurs.

"(d)(1) Any vessel, vehicle, or aircraft which has been or is being used in furtherance of a violation of subsection (a), or which has been or is being used by any person who for a fee refers or transports an alien for employment in furtherance of a violation of subsection (b), shall be seized and forfeited: *Provided*, That no vessel, vehicle, or aircraft used by any person as a common carrier in the transaction of business as such common carrier shall be forfeited under the provisions of this section unless it shall appear that (A) in the case of a railway car or engine, the owner, or (B) in the case of any other such vessel, vehicle, or aircraft, the owner or the master of such vessel or the owner or conductor, driver, pilot, or other person in charge of such vehicle or aircraft was at the time of the alleged illegal act a consenting party or privy thereto: *Provided further*, That no vessel, vehicle, or aircraft shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such vessel, vehicle, or aircraft was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States, or of any State.

"(2) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of vessels and vehicles for

violation of the customs laws; the disposition of such vessels and vehicles or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as applicable and not inconsistent with the provisions hereof: *Provided*, That such duties as are imposed upon the collector of customs or any other person with respect to the seizure and forfeiture of vessels and vehicles under the customs laws shall be performed with respect to seizures and forfeitures of vessels, vehicles, and aircraft under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General.".

SEC. 3. The first paragraph of section 1546 of title 18 of the United States Code is amended to read as follows:

"Whoever knowingly forges, counterfeits, alters, or falsely makes any immigrant or nonimmigrant visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay in the United States, or utters, uses, attempts to use, possesses, obtains, accepts, or receives any such visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or".

SEC. 4. Nothing contained in this Act, unless otherwise specifically provided therein, shall be construed to affect the validity of any document or proceeding which shall be valid at the time this Act shall take effect; or to affect any prosecution, suit, action, or proceeding, civil or criminal, done or existing, at the time this Act shall take effect; but as to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things, liabilities, obligations, or matters, the statutes or parts of statutes repealed by this Act are, unless otherwise specifically provided therein, hereby contained in force and effect.

SEC. 5. This Act shall become effective on the first day of the first month after the expiration of ninety days following the date of its enactment.

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

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

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: On page 2, line 20, after "adjustment of status;" insert the word "or".

On page 2, line 21, strike out "section 238 (d); or (4) any alien who is a native of any country contiguous to the United States or any adjacent island named in section 101(b) (5), except an alien who is an immediate relative defined in section 201(b), or who is the child of parents neither of whom was born in such country or adjacent island." and substitute in lieu thereof "section 238(d)."

The committee amendments were agreed to.

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

Mr. Chairman, I approve of the thrust of the bill for various reasons that have already been discussed here today. However, I quarrel with the method used in the bill.

What is America to you and to you and to me? One answer is that it is a blend of people from all parts of the world. All of us know of the symbolic Statue of Liberty, and its inscription:

Give me your tired, your poor,
Your huddling masses, yearning to breathe free, . . .

Today we are asked to reject this great tradition. This proposed legislation would introduced new humiliation to many legal newcomers to our own land and to many more who were born here, but whose ethnic characteristics still show on their face and in the color of their skin.

No blond white American faces the requirement of proving his citizenship when he applies for work, but under this legislation the Latin, the oriental, the black and brown people of the Mediterranean and Caribbean lands would have to be challenged by every potential employer.

What a denial of the flaming torch of the Statue of Liberty, lifted into the sky to proclaim our welcome to the huddled masses yearning to be free.

This legislation would do more—it would turn every housewife hiring a maid, or every shopkeeper hiring a porter, or every farmer hiring a field hand—all of these and many more would be turned into policemen.

I yield to no one in my desire that we serve the citizens of our Nation first, and I say with all the fervor I can command that we do not serve them well by selfishness.

I know that our Nation has economic problems. I represent a south Texas district where unemployment is scandalously high—as much as 15 percent. But I know in my heart that the jobless man and woman does not want help if that help will take pride away from them.

The passage of this bill would be a confession of weakness by this House. It would say to people whose skins are not white or whose voices have accents that we have abandoned our belief in equal rights for all under the law.

Let me cite statistics in the area I know best, my own south Texas congressional district. We have almost 450,000 white people according to the latest census. Of these almost half are Spanish-speaking or have Spanish surnames. We do not have many blacks and we have a few hundred American Indians, Japanese and Chinese—in other words, about 50 percent of our people have ethnic influences that affect their appearance and their speech.

We have never thought that this was a burden—because to have a burden there must be a burden on someone. We have problems, of course—but we have pride in the intermixture of our people, and I must oppose any action that would build barriers between our peoples.

It has been said that good fences make bad neighbors. We do not want such fences as this legislation would erect. Those of you who represent minorities in your districts—if this bill passes—can well expect to hear from your native citizens asking you—Why is it there is a law on the books that every time I go to ask for a job, I am asked if I am a citizen and, yet, my blond brother across the street is never asked that question? Have I been relegated to a second-class citizen because of the law that the Congress has passed?

Listen to what the bill says on page 3:

"That an employer shall not be deemed to have violated this subsection if he has made a bona fide inquiry whether a person hereafter employed by him is a citizen or an alien, and if an alien, whether he is lawfully admitted to the United States for permanent residence or is authorized by the Attorney General to accept employment: *Provided further*, That evidence establishing that the employer, has obtained from the person employed or referred by him a signed statement in writing that such person is a citizen of the United States or that such person is an alien lawfully admitted for permanent residence" . . . and so on.

It would be fine if the employer—and we have all types of employers—if he would treat everyone who came to apply for a job alike. But under this bill he is precluded from doing that because if he should hire a man who turns out to be a unlawful alien, then he is subject to penalties. Therefore, as I said before, it is the minority group that we are trying to protect actually under this bill, whose jobs we are trying to protect—and I agree with that.

As I said at the beginning, it is not the thrust of the bill that I oppose—it is the mechanics of the bill that I oppose because I know these people to be proud people. Let me tell you something—those of you who represent these minorities have in the past received many, many complaints about how they are treated by the immigration and border patrol officials. I myself, as some of you, have seen check points along our highways where our border patrol waves on a blond, blue-eyed man but stops every automobile that carries a Latin person.

Not too long ago to the embarrassment of those people, a district judge was stopped right down there in my district. Officers made him get out of his car for no reason at all except that he was a Latin American—when right before him dozens of cars were waved on.

It is bad enough as the situation is now, but here we are sanctioning this type of action not by Government officials but by every single prospective employer in this country.

I urge the ladies and gentlemen of this Committee to look at the results of what this bill will be. Sooner or later you will be here remembering the words I have spoken today when we receive complaints of discrimination against the citizens of this country who happen to be of a minority, simply because they and they alone are asked to produce

proof of citizenship or lawful residence in this country before they are ever given a job.

Mr. PRICE of Texas. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Chairman, I compliment the gentleman from Texas for a very eloquent explanation of this legislation. I associate myself with his remarks. I think the gentleman has a clear an understanding as anyone else in this House on this problem, and equal to or better than anyone else.

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

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

Mr. SEIBERLING. Mr. Chairman, I share the gentleman's disapproval of any practice of Immigration Service people stopping all persons whose appearance is of a particular nationality or race, but I think the gentleman in his fears about this bill is seeing ghosts. It is rather significant to me that we did not have this kind of objection raised when we had the hearings in El Paso or Los Angeles. In fact the Chicanos and the Mexican Americans who testified there did not raise these objections.

Mr. KAZEN. I would not call every Mexican American a Chicano.

Mr. SEIBERLING. I said "and Mexican Americans."

Mr. KAZEN. All right.

Mr. SEIBERLING. They came to us and said, "We need this protection. We are being competed with by illegal aliens."

Mr. KAZEN. My time is short. I agree with the gentleman. They do need protection. We have to stop the illegal aliens, but this is not the way to do it. The burden should be on the Government.

My argument today is for human decency. I say the system proposed by this legislation for many citizens and legal resident aliens will be degrading and humiliating, and for this reason I shall vote against this bill.

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

(On request of Mr. SEIBERLING, and by unanimous consent, Mr. KAZEN was allowed to proceed for 2 additional minutes.)

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

Mr. KAZEN. I yield to the gentleman from Ohio since he got the time for me.

Mr. SEIBERLING. Mr. Chairman, I do not know what the gentleman's experience is as an employer but I am an attorney.

Mr. KAZEN. I am an attorney.

Mr. SEIBERLING. When I applied for admission to the bar, when I was employed by a law firm, when I was employed by Goodyear, I was asked if I was an American citizen.

Mr. KAZEN. But there is a double standard that will be applied here because the employer is not going to bother to question the blue-eyed blond whereas he will be forced to question the minorities, the blacks and the browns and the orientals in order to protect himself, because if he should hire a person who turned out to be an illegal alien without having made the inquiry ordered in this bill, then the employer is in trouble.

Mr. SEIBERLING. There are a great many blue-eyed, blond, illegal aliens in this country.

Mr. KAZEN. This is correct.

Mr. SEIBERLING. What will happen as a result of this bill is that the employers are going to inquire of every applicant.

Mr. KAZEN. I hope so, because I believe not enough members of this Committee will join me in voting against this bill. I hope what the gentleman says is true, but knowing human nature, I know what is going to happen. We are going to humiliate and embarrass the minorities every time they go to ask for a job.

We are trying to do something in this legislation which I agree with, but the method this committee has chosen is wrong and inhumane for all minorities in this country.

AMENDMENT OFFERED BY MR. WHITE

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

The Clerk read as follows:

Amendment offered by Mr. WHITE: Amend H.R. 16188, page 3, line 2, by adding thereafter a new section 2, and renumbering the subsequent sections:

SEC. 2. That section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) is amended by striking out "who is coming temporarily to the United States to perform other temporary services or labor, if unemployed persons capable of performing such service or labor cannot be found in this country; or (iii)".

SEC. 2. Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by striking out the period at the end of subparagraph (J) and inserting in lieu thereof "; and" and by adding at the end thereof the following new subparagraph:

"(M) an alien having a residence in a foreign country which he has no intention of abandoning who is coming to the United States under a contract of employment to perform services or labor (other than services referred to in subparagraph (H) of this paragraph) of a temporary or seasonal nature, subject to the conditions that—

(i) the contract of employment shall be for a period of not to exceed one year, which may be renewed for additional periods up to one year, but will not be renewable for periods aggregating more than five years;

"(ii) the alien will not perform services or labor not specified in the contract of employment, or perform services or labor for an employer not named in the contract of employment without the approval of the Secretary of Labor; and

"(iii) the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14)."

Mr. WHITE. Mr. Chairman, again, like my colleague from Texas, I am not complaining of the objectives of the particular bill before us, but this bill leaves a hiatus in the treatment of the American public. We of the Southwest, in Texas, Arizona, and California, also recognize that at times there is great difficulty in harvesting crops. There is at times a scarcity of labor. The present status of the law provides that the Secretary of Labor shall certify the need for labor in case of any specific application. The Secretary of Labor recognizes that that person, once receiving a permanent visa, becomes a permanent resident of the United States and is, therefore, competitive on the labor market of the United States and is available to all of the benefits, including welfare, and therefore the Secretary of Labor is very guarded about approving such applications.

Consequently, many, many of these needed employees are not approved, and farmers find great hardship in trying to harvest their crops and till their lands.

What I propose here is an alternative that should have been done some time ago in order to maintain this Nation, to prevent the welfare rolls that we have had, and in order to provide the labor necessary to do the essential jobs in various communities throughout this land.

This amendment, which is in the form of a bill that I introduced earlier, provides that a person can apply for a temporary visa for a period of 1 year for a specific job under a specific contract, renewable for a year at a time, up to 5 years. I know that the Justice Department at one time said that they were afraid that this would cause a great increase and proliferation of immigration in this country, but what they failed to see was that it will have the exact reverse effect, because this insures that we are not going to have great migration into this country. We are not going to have people, wetbacks, coming across the Rio Grande and other places, coming in illegally, because they will know there is a means by which to get jobs in this country under legal procedures.

That is what I am providing—legal procedures.

Mr. EILBERG. Mr. Chairman, will the gentleman yield at this point?

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

Mr. EILBERG. I am sure the gentleman is familiar with that provision in the Immigration and Nationality Act, providing nonimmigrant visas for temporary workers—the H–2 worker. Is there anything in the law to prohibit an individual from applying for a temporary visa for the purpose of working? It is my understanding there is none, so I do not understand the necessity for this particular amendment.

Mr. WHITE. This sets up a specific procedure for a year at a time for a specific application for a particular job. I do not believe that particular section has been used. I am not familiar with the reason why this particular section has not been used.

Mr. EILBERG. Why not give this particular section an opportunity to work itself? This is the purpose of it.

Mr. WHITE. It has been there for years and years.

Mr. EILBERG. Does the gentleman know of any people that have applied under the H–2 category and who have been denied?

Mr. WHITE. I believe they have not been admitted, but I think if we adopt this amendment side by side in this bill, we are assuring that the American public, especially the people in the South-

west, knowing that they are going to have penalties against them, have an alternative. We have to go back to our people and tell them, "All right, we have a bill before our Congress saying that if you hire an illegal alien and for some reason the evidence shows that you knew he was an illegal alien, for whatever desperate purpose you have, then you are susceptible to the warning and thereafter you are susceptible to fines and penalties, even imprisonment and jail."

How can we sell that to the people if we do not give them an easy alternative? That is what I am suggesting in this particular amendment—give them an alternative that will insure that we are not going to have a permanent person in our society drawing welfare and competing in the labor market. I say give them a year at a time under the control of the Secretary of Labor.

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

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

Mr. PODELL. It is my understanding the amendment provides an employer can enter into a contract with a prospective employee without the need for labor certification.

Mr. WHITE. No. He needs labor certification.

Mr. PODELL. If the individual can get labor certification, what is the need for this provision?

Mr. WHITE. Because the Secretary of Labor is reluctant to issue a certification for a permanent visa. We believe if there were a temporary visa for a year at a time, for a specific contract, which intrinsically will not allow the person to become a public charge, there is more likelihood that the Secretary of Labor would approve such an application.

Mr. PODELL. The problem presents itself today that the Labor Department does not give labor certification.

Mr. WHITE. For permanent visas.

Mr. PODELL. What the gentleman is doing is creating a temporary visa situation where the Labor Department can give temporary certification?

Mr. WHITE. Yes, sir. And it is renewable by certification each year up to a specific period of time, for a maximum period of time. After that time the person should apply for a permanent visa.

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

Mr. Chairman, I believe the gentleman from Texas points out a problem that applies not only in the Southwest but in all parts of the country.

I am not from the Southwest. I am from the Northeast. We have a very serious problem in the Northeast as well. We have a problem with respect to household help, wherein the Labor Department refuses to give labor certification to individuals who seek employment here in this country as household help, as domestics, as housekeepers, and so forth.

The rationale which is set forth by the Labor Department is that there is a glut of employees on the market. This is not the case. There is an entirely insufficient number of individuals seeking domestic employment.

I, for one, receive requests from my constituents constantly to try and assist them in bringing people in from foreign countries as domestics.

This may seem to be a very small part of a major problem, but nevertheless it does exist. I believe the gentleman from Texas has found a solution to a problem which has been long standing throughout the entire country.

This is an opportunity for us to provide domestic help on a temporary basis, and which can be reapplied each year. I believe the gentleman from Texas has made a very valid point.

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

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

Mr. BIAGGI. I should like to ask the gentleman from New York a question for the purpose of emphasizing an essential element in our considerations.

The amendment offered today by the gentleman from Texas deals with a situation, as the gentleman has stated, of domestics, specifically as to the problem relating to the Northeast but not confined to the people of the Caribbean. It relates to all the world, really, because there have been many applications made by people throughout the world to come to the United States to serve as domestics, and other capacities, and they have been denied admission.

There is an essential point involved, and I will ask the question for the record. Is there an adequate supply of domestics for the people of the United States currently within our country?

Mr. PODELL. I cannot answer that for the entire country, obviously, but I can speak for New York and for New York City and for my district, and I will say that it is impossible—impossible to get household help in New York City. I would say that 50 percent of the domestic help today in New York City is there illegally in one form or another, because one cannot get American citizens to take the jobs.

Mr. BIAGGI. I anticipated that reply, and want the record to show that fact. That is all the more reason why the amendment offered by the gentleman from Texas, with which I concur, has a great deal of merit.

I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this bill. I would like to commend the committee and, in particular, the gentleman from New Jersey (Mr. RODINO) for the fine effort made to help reduce the number of illegal aliens working in the United States.

It is clear that in recent years the number of illegal aliens entering the United States has increased rapidly. This is especially true in the Southwest United States and in my home State of New York.

With these additional people available in the work pool, jobs that could go to American citizens and legal aliens are drained off the economy. The result is more people on welfare and a diminished opportunity for minority and low-income workers to improve their economic status.

While this measure will not solve the problem overnight, in the long run it will greatly reduce the incentive for coming illegally into this country. By placing civil and criminal penalties against the employer who knowingly hires the illegal alien, there is a better opportunity to eliminate the job market for this virtual slave labor. At the same time, we will help eliminate the oftentimes inhuman and unfair labor conditions under which these illegal aliens work.

This particular bill, though, should be looked on as only a starting point. It does not address itself to other aspects of the problem. There is in operation, particularly in New York State, unscrupulous individuals who sell a packaged dream to immigrants.

Unable in many cases to get into the country legally, the prospective immigrant from all countries throughout the world goes to these individuals and purchases his travel, forged papers, and all the other effects of a "good citizen" just to get into America. The Justice Department is already burdened in its efforts to apprehend these individuals and put them out of business. This legislation would provide an additional weapon in its fight.

The committee has alluded to the problem of freely available social security cards. Here we have a ready means to better control the work status of aliens. The social security system should devise a better means of verifying the status of the individual applying for a card so that the card itself would be proof of citizenship and working rights.

I hope this bill is not viewed as a club over the head of the lawfully admitted alien. I have long urged that some improvement should be made in our immigration laws to permit better access by aliens. America, with all its problems, is still the land of opportunity.

This country was built by immigrants, like my parents, who came to this country seeking a better opportunity for employment, a better opportunity for their children, and, in general, a better opportunity to live life and enjoy it. The Statue of Liberty is a beacon of opportunity to the world; and as long as it stands, we cannot turn our backs on the poor, the weak, and the downtrodden of this earth.

Mr. Chairman, I urge passage of this bill and urge at the same time that the additional steps necessary to properly control the illegal alien situation also be taken by the respective departments.

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

Mr. Chairman, I would like to direct a question to the gentleman from Texas (Mr. WHITE) if I may, with respect to this amendment.

I do not have a written copy of the amendment, but, as I recall it, it would make provision for a temporary type of visa to be issued where a prospective employer would enter into a contract with a prospective employee who is an alien, and otherwise would not have legal status in the United States, under which that alien could come to the United States under the contract, and be employed in specified types of work for this employer for 1 year, and the contract would be subject to renewal for four additional 1-

year periods, making a total of not to exceed 5 years.

Mr. WHITE. That is correct.

Mr. DANIELSON. How, may I ask, would this program differ in substance from the old bracero program which we had in effect in this country until more or less 10 years ago?

Mr. WHITE. As I recall it, that bracero program involved a contract with a foreign power in which the foreign power enlisted or recruited the employees and brought them to the border under specific treaty arrangements.

Mr. DANIELSON. I thank the gentleman. I believe that is correct.

Under that program, the bracero program, the United States, or the State of California, in a contract with Mexico, or the Southeastern United States in a contract with Cuba or Haiti, could enter into a contract under which a large group, a contingent of employees would come in and work under the contract, whereas your proposed amendment would be an individual contract between the employer and the alien. Is that correct?

Mr. WHITE. That is correct.

May I point out one other thing. Under the present program, if a person receives a permanent visa for domestic employment, it has been our experience that person may go to work for that employer for a short period of time, and with a permanent visa he is entitled to move anywhere else in the United States that he wishes to, and a large percentage do. So this does not alleviate the problem one bit as far as help is concerned to that employer. He has to go out and get another visa for another person.

Mr. DANIELSON. But under the gentleman's proposal the employee would be under contract to a given employer. It is reminiscent, in my mind, of the indentured service that we had in this country in the colonial days where a colonist could bring in someone from a foreign country and this person was compelled to work, for that employer only, during the period of indenture.

Mr. WHITE. The difference between that is a person had to stay with that job, but under my amendment he can go back to his own country.

Mr. DANIELSON. But assuming he enjoys living in the United States at $15 or $20 a day rather than $2 a day, do you feel there might be any leverage by which the employer might be able to convince the employee to exceed 40 hours per week?

Mr. WHITE. No. It is under the regulations of the Secretary of Labor, and they have to comply.

Mr. DANIELSON. But those regulations also applied in the days of the bracero program. Is that not true?

Mr. WHITE. I do not know what the agreement was with Mexico.

Mr. WILLIAM D. FORD. Will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman.

Mr. WILLIAM D. FORD. Is it not true that another distinction between the gentleman's proposal and the bracero program was that there was a treaty between this country and a foreign power which set forth certain minimum health standards and certain minimum living quarters standards and hours of work and wages and other factors. In fact, a bracero had more protection in many of the States, particularly in the southwestern part of the United States, than an indigenous employee because of the very bad working conditions that itinerant workers were subjected to at that time. That protection provided by treaty would not be present if the gentleman's amendment were adopted today.

Mr. DANIELSON. I believe the comments of the gentleman from Michigan are very close to correct. Of course, I cannot evaluate them with precision at this time. However, I can add to this extent: As an assistant U.S. attorney many years ago when we deported aliens who were here, and had originally entered under the bracero program, the Immigration people always went to the place of business of the employer and checked his books and records and saw to it that the alien, when he went to the border to go home, was paid up to date, and he could take his shoes with him and he could take his personal possessions with him and, in fact, when he went across the border he went back with whatever he had earned.

Mr. WHITE. Will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Texas.

Mr. WHITE. These factors would be under review constantly, of course, or renewal. There will be no problem. The bracero program only referred to farm laborers. This amendment goes to all types of laborers or employees, so that the Secretary of Labor has complete control to insist on proper working conditions.

Mr. DANIELSON. I thank the gentleman.

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

Mr. Chairman, I would like to have the attention of the gentleman from Texas (Mr. WHITE) on this matter, if I may. I am not completely out of sympathy with what I think the gentleman is thinking about, but I am not clear that he is really doing anything here that amounts to very much. The H–2 program which he seeks to strike out as part of his amendment already is a means to get seasonal employment into the country. It seems to me that the gentleman's amendment merely spells out a procedure in greater detail, and the excuse for that, if I understand it, is that the Secretary of Labor has been too niggardly about cooperating under the present H–2 provisions. Yet, if I read the gentleman's amendment correctly, he says down at the bottom that consular officer has got to be in receipt of a labor certificate issued by the Secretary of Labor.

As long as that is true, I am not sure that I see where this amendment meets the objection that the Secretary is not giving permission.

Mr. WHITE. We think the problem does go to the Secretary of Labor. By spelling out procedures provided for 1 year plus renewal up to 5 years with this particular bill, we think, perhaps, the Secretary of Labor would be more lenient. I do not recall the H–2 provision allowing for extensions. I cannot recall whether it allows for extensions and goes as far as my particular amendment.

Mr. DENNIS. If I may say to the gentleman, my understanding is that it can be renewed as long as the need can be shown, and the absence of Americans available for the employment.

Mr. WHITE. But this is spelling out procedures which we think will make it far easier to get renewal.

I would like to add, with permission of the gentleman, and ask unanimous consent that the "K" be read as an "M." Counsel pointed out that it would be more proper to have it as an "M."

Mr. DENNIS. I would simply say to the committee that although the amendment—and I have only had an opportunity, of course, to see this briefly—the gentleman did provide this table with a copy—it really does not do very much that is not in the law already.

I am inclined to agree that the Secretary of Labor has sometimes been less than outgoing in approving these things when asked to do so by the Attorney General, but I am not sure that this proposal which still requires his certificate, will do anything at all to encourage him to take a broader view.

Actually, under the law at present, it is the Attorney General who can give these H–2 permissions. Really, I think the law as it stands, if properly administered, will meet the problem.

Mr. WHITE. We would like to take our chances. We think it will help.

Mr. Chairman, I did not ask for unanimous consent at that time, but counsel has pointed out the propriety of having an "M" instead of a "K." I ask unanimous consent to so modify the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. WHITE) to so modify his amendment?

There was no objection.

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

Mr. Chairman, although I recognize the fact that the gentleman is attempting to make a solution to an almost insoluble problem, I think the amendment the gentleman offers certainly does not provide in any way for protection against the unscrupulous employer who would dismiss this alien at will despite the fact that there is a contract. I say this because there is no enforcement provision, and there is no right of the Secretary of Labor to do anything other than to oversee any job change. It would adversely affect, once again, the working conditions in the country because it would put him in competition with others who are seeking similar employment. It does not in any way indicate what specific provisions there would be in the contract between the employer and the alien, and this would subject him once again to the possibility of discontinuance if he were to in any way protest against the conditions of his employment or the fact that his wages may have been decreased, or anything of that sort.

It seems to me that under the circumstances it does not solve the problem, whereas in the provisions in the immigration law providing that temporary workers may be admitted to fill certain needs in this country, there is better control by the Secretary of Labor when this kind of H-visa is issued. And in my considered judgment, Mr. Chairman, it would seem to me that this is certainly not useful in any way, and would only cloud the issues surrounding this legislation.

Therefore I would oppose the amendment.

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

Mr. Chairman, I would like to address some questions to the gentleman from Texas (Mr. WHITE).

First let me say that I rise in support of his amendment, but I would like to ask the gentleman this question: In this situation we give the Secretary of Labor the same authority which he has now. And I am sure that the gentleman has had many inquiries as I have had from agriculture in the Midwest and the southern border States wherein they write and say that they cannot get people to help gather their crops on their farms. Therefore we write to the Secretary of Labor and he says. "Well, check with your State unemployment office to see if there is help available."

So you write to the State unemployment office, and your inquiry goes back to your local district office, and they write back and say, "Yes, we have men available."

As a farmer-rancher myself, I have gone into the employment offices time and time again, and although some legitimate people have been laid off and are entitled to workmen's compensation, there is also a bigger percentage in a lot of the areas of what is termed, at least, in our part of the country, as people who cannot do a day's work. They go to work for a couple of days, and then come back and draw their unemployment compensation, and you cannot find a person in many cases to work in agriculture in the Midwest and Southwest.

I think that the gentleman from Texas has found the solution to this runaround by the Secretary of Labor, because certainly this merry-go-round has provided no satisfaction.

So I think that the gentleman's approach is a satisfactory approach; it is a new approach, and it would tend to provide the labor that is much needed all over the Midwest and Southwest.

I would like to have the gentleman's comments—if this is not correct in his area also?

Mr. WHITE. I thank the gentleman very much for his support on this particular amendment.

In my opinion, the Secretary of Labor will be more inclined to grant a visa as a temporary visa than a permanent visa because he knows that that person is not going to be on the labor market as a permanent resident of the United States. He can set up guidelines for every aspect of the contract that I think would be fair to both sides, and I think there would be a greater allowance of visas.

I think it will mean some alleviation of the problem that we have in the Southwest and in other parts of the country.

Mr. PRICE of Texas. That is right. I agree with the gentleman over there to send out 5,000 men to our part of the country right now and we would put them to work. That is the point—you have touched the point—it is not only a matter of being there, but also a matter of being willing to work. This is part of the guideline that I think the Secretary of Labor could set up in determining whether or not a labor force is available for work. Well, there are more people in the welfare offices drawing welfare checks who could work and many people in the State unemployment offices in these States that could work and will not work. I think your amendment is a proper step to solve the labor shortage for agribusiness and other businesses with adequate protection to the laborer.

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

Mr. PRICE of Texas. I yield to the gentleman.

Mr. EILBERG. I think in the debate on this amendment so far we have not addressed ourselves to the existing law.

It is the position of the subcommittee and I believe all of the subcommittee members that the provision of law, the H–2 provision, can deal with this problem.

There has been no indication that H–2's have been arbitrarily denied.

Mr. PRICE of Texas. I can show you 15 letters in my office today where they have been denied by the Secretary of Labor.

Mr. EILBERG. I do not doubt that the gentleman has received such letters. But I think it is very interesting that the subcommittee charged with the responsibility in this area heard no testimony on this subject.

Mr. PRICE of Texas. This gentleman over here said a minute ago that he had received some testimony from people that they could not get workers.

Mr. EILBERG. The Secretary of Labor indicated his position on legislation similar to the amendment before us in a letter dated July 31, 1972, to the chairman of the full committee, the gentleman from New York (Mr. CELLER). Mr. Hodgson said:

> In light of our experience with the use of temporary alien workers, I oppose any expansion of our admissions policy for nonimmigrant aliens or broadening the existing job limitations.

He goes on to say:

> Even under the Bracero program, which vested compliance authority in the Secretary of Labor to assure that the conditions on which temporary farm workers were admitted were maintained by the employer, the Department of Labor had a difficult task with its limited staff of preventing worker exploitation. Under these bills there is no provision for a compliance program to be carried out by either the Immigration Service or the Department of Labor.

I submit, therefore, that the amendment should be rejected.

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

(Mr. PRICE of Texas asked and was given permission to proceed for 2 additional minutes.)

Mr. PRICE of Texas. Mr. Chairman, regardless of what the Secretary of Labor said on this issue that they do not have the personnel to administer this bill, that does not help the farmer in the Midwest and Southwest who have to harvest his crops when they become ripe and it does not help the person who is trying to farm and get someone to run the tractor so he can feed this Nation and they do not need to tell me that there are people available because I can take anyone to my district and show you that there are not enough laborers to prepare the land, water, and harvest crops available regardless of what the Secretary of Labor says.

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

Mr. PRICE of Texas. I yield to the gentleman.

Mr. RODINO. I want to reiterate that this amendment can only be performing a very useless act because there is a provision in our immigration, the so-called H–2 visa that you read that is being used now in these very areas. It would be used for those who come temporarily to the United States to perform temporary services or labor, if unemployed persons capable of performing such services or labor cannot be found in this country.

It would seem to me, therefore, that we do already have established law which is available to the individual who finds a need—and when the Secretary of Labor finds that there are not available American workers who desire this kind of employment.

Mr. PRICE of Texas. If that is true, then why does the Secretary of Labor object to the gentleman's amendment?

Mr. RODINO. Because it sets up new procedures and makes it more difficult and we have something already on the books.

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

Mr. PRICE of Texas. I yield to the gentleman.

Mr. WHITE. The difference is that my amendment specifies a contract for a specific job for a specific period of time renewable for 1 year at intervals, up to 5 years maximum time.

The H–2 is a one line statement that is nebulous, and which the Secretary of Labor obviously was not able to enforce or utilize to any great extent.

But my amendment allows an across-the-board scope for temporary passports.

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

Mr. Chairman, I rise at this, although I had not intended to participate, at least not at this juncture, in this debate but because of the nature of the debate and especially because of the nature of the pending amendment which has been offered by my very distinguished and very respected colleague, the gentleman from Texas (Mr. WHITE) and in view of some of the statements which have been made in the course of the discussions on this proposal.

I cannot help but review this situation. It was almost exactly 10 years ago

as a freshman in this House that I was given the credit for the leadership in eventually defeating the so-called bracero system or law. Let us go back. That system prevailed in our country from 1951 until about 1964, the terminal year, because we allowed 1 year to round out the program in 1963.

I recall the history in my part of the country, which is the State of Texas, as it occurred under a controlled plan. The gentleman's amendment is a resurrection of the bracero program without any of the merits or any of the controls of the bracero program.

I heard the same arguments 10 years ago and 20 years ago as offered by my other distinguished colleague, the gentleman from Texas, that it is impossible to find farm labor, that it must be necessary to contract in some vague way in order to tap this reservoir.

I recall 1957, my freshman year in the State senate of the State of Texas, for the first time offering a minimum wage bill in the State of Texas, and I had set a minimum of 40 cents, because the farmworker who happened to have the bad luck of being born in the State and being a native American was earning less than 40 cents in the fields of Texas, but the foreign imported Mexican laborer under the bracero contract first was guaranteed by international agreement, having the power and sanction of enforcement by two countries, of first 40 cents and then 50 cents. The native Texan, the native American had absolutely no protection, no safeguard, and nobody really cared if he earned 30 cents or less.

If we adopt this proposal, we are going to go back to it at a time in which all the labor indexes clearly show there is available labor; but what we are not told is not that the labor is not going to go into the fields at 40 cents or 50 cents or 75 cents an hour. That is the salient difference. This is the point which ought to be brought out and this is the reason I rise at this time.

We have heard time and time again the same arguments. I remember the alarums in 1962 and 1963 from the California fields, where I was even burned in effigy. They said that if we did away with the bracero program the crops would perish in the fields, and that was 10 years ago, and the crops certainly have not perished.

Of course we have problems. The reason I was motivated and the reason for my saying I did not intend to get up to argue much on this is that in all these efforts in this field we have never really brought in the human element, the human side. It is a very tragic thing to have to debate this type of legislation one way or the other, because we know that literally thousands of the folks that have come into the United States have done it impelled by the same motive as our ancestors did. They want to have a job. They want to have a chance to earn a living and support their families. I think everyone of us instinctively shares a sympathy with this, but unfortunately the conditions staring us in the face today are a little bit more complex. In my district for instance there is no question. I have statements from the immigration officials just this week where they have raided at least two places that have been under strike by the employees. They have found illegal workers at the struck plants having the impact of strike breakers.

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

(On request of Mr. WHITE and by unanimous consent, Mr. GONZALEZ was allowed to proceed for 2 additional minutes.)

Mr. GONZALEZ. I find that the human element gets lost. On the one hand you have unions and union members who are interested in protecting their particular economic interests. On the other hand, we have the employer who is also interested in protecting his economic interests and we tend to lose sight of what is really, really involved here that we are not addressing ourselves to, and we have not. I think that on a higher order eventually we will have to see what is involved, because it is wrong for us to have the misery of one nation feeding on the misery of another. It is wrong for us to provide laws or systems or operations that will allow a continuation of the exploitation of the native American fieldworker and his associates by the importation of the hard-pressed and usually in misery foreign counterpart.

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

Mr. GONZALEZ. I will be glad to yield to the gentleman from Texas.

Mr. WHITE. I agree with what the gentleman says. He is a great humanitarian, but I want to point out that in this particular amendment there is a safety valve that shows that it must be certified by the Secretary of Labor. I left that in there as a control, to control the terms of the agreement, the time, the conditions, the pay, the hours, everything. He is an absolute czar on approval of any particular application, so you will not have this type of exploitation that the gentleman is speaking of, if it is properly done.

Mr. GONZALEZ. I would like to agree with the gentleman, but I am afraid I must conclude that the safety valve he proposes here is kind of a faulty one. It will get stuck.

Mr. WHITE. Oh, I do not think so.

Mr. GONZALEZ. It will not announce the "hold harmless" safety point.

Mr. EILBERG. Will the gentleman yield on that point?

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

Mr. EILBERG. Mr. Chairman, a strong reason for the amendment offered by the gentleman from Texas is the unreasonable position of the Labor Department on labor certification. The gentleman says there is great difficulty.

Mr. GONZALEZ. Yes, but for domestic labor.

Mr. EILBERG. For domestic labor. I have a suggestion in connection with the very loose procedures in the language which the gentleman referred to.

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

Mr. EILBERG. I would just like to call the gentleman's attention to the fact that the language of the amendment does not do away with labor certification. If the problem exists with the Labor Department now under existing law, the amendment of the gentleman from Texas does nothing. That same problem will remain.

Mr. GONZALEZ. I agree with the gentleman. That was the reason I was compelled to get up as reluctantly as I did, because of the fact that the sponsor is a distinguished and respected Member of my own Texas delegation.

Let me add one thing here that I did not complete. The evidence is in. In my own district, for example, there is no question that this form of labor supply has been grossly exploited, not only against its own best interests, but also at the expense of the native worker.

As I said, just this week I received a report from the Immigration and Naturalization Service where in at least three of these struck plants the native worker happened to be striving for standards, and he found himself confronted with strike-breakers who happened to be illegal aliens.

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

Mr. GONZALEZ. We are asking our enforcement officials under these circumstances to come in under pressure and raid the place, as they did this week in San Antonio, picking up 38 or 40 illegal aliens, with the strikebreakers. In this respect I must share sympathy with those who are attempting to establish under the American system some type of work standards, although, as I said awhile ago, I hate to be caught in an economic battle of appetites between organized labor and the employer who wants a cheap source, and other contending economic interests.

If anything, there is no question in anybody's mind in southwest Texas that the problem has become acute, especially within the last 2 years.

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

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

Mr. PODELL. Is it not a fact that the Labor Department would be more apt to give labor certification in certain areas on a temporary basis than it would on a permanent basis, when it is possible that the lack of employment or surplusage of employment may be only temporary? Is that not a possibility?

Mr. GONZALEZ. I would say, answering in the abstract, that that would be true, yes, in the abstract; but we are not dealing in the abstract, we are dealing with concrete realities.

The gentleman talks about the difficulty of getting a maid for a New York apartment. It all depends, as it does with the field workers in Texas. One is not going to get that maid from a domestic supply at $3 a day.

Mr. PODELL. Mr. Chairman, will the gentleman yield further?

Mr. GONZALEZ. I yield further.

Mr. PODELL. The gentleman earlier in his remarks stated that there was an overabundance of employable individuals, and he referred particularly to a certain segment of employment, I imagine in the agricultural field.

Mr. GONZALEZ. All over.

Mr. PODELL. The gentleman referred to a domestic in a New York apartment. What about Washington, D.C.? Is the gentleman going to tell this body there is a surplus of employable household help in Washington, D.C.?

Mr. GONZALEZ. Yes; if a person will pay that maid $10 or $11 or $12 a day he will get them here in Washington, D.C.

Mr. PODELL. If the gentleman will yield, for $10 or $11 or $12 a day one can get a "good morning" and a "good night."

Mr. GONZALEZ. I will yield, and I will supply a few names after the debate. I think that we ought to understand that we are talking about an immensely difficult situation. It is not a matter that can be properly worked out on the floor.

The truth is that many nations desire to import foreign labor, and many do. Uniformly, the labor importing countries are relatively wealthy, and uniformly, the conditions of the imported laborers turn out to be miserable.

An alien worker, one who is in a country only for a season, has absolutely no bargaining power. If he protests his wages or his working conditions he can be fired and replaced forthwith. Even if he is being cheated he has no real redress—for who is going to listen to an alien beggar? And so imported workers live in a condition that approaches servitude, because they are hopeless and powerless.

This is what we have exprienced in the bracero program; this is what we experienced with the coolie business in the last century—and this is what other countries that import foreign laborers experience today.

I do not think that we want to reopen in our country the desperately tragic bracero program. I do not think that we have found the answer to prevent exploitation of imported workers—for nobody has, in this land or in any other, found any way to protect the rights of workers who are absolutely without any influence or power, as alien workers are.

Let us not bring back upon ourselves the shame of the discredited alien labor program; let us not bring upon ourselves the same conditions and shame that has beset and still besets every nation that uses imported alien labor—let us be reasonable and act for our own honor and integrity, and not play off against each other the poor and desperate people of this land and their even more poor and desperate counterparts abroad.

We have workers enough to do our labor—we have millions without work. Let us not degrade them, degrade aliens, and degrade ourselves by reopening the odious practice of alien contract labor—be it a coolie law or any euphemism for it—because in the final analysis a coolie law is just that—a coolie law, and ought to be rejected by humane and honorable societies.

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

Mr. Chairman, the gentleman from Texas who last spoke is correct, that this is a sort of a renewal of the bracero program.

Those who were around during the period the gentleman from Texas spoke about, when he gave such fine leadership to the effort to end that program, will remember that it was about the fourth or the fifth effort made to terminate that program, which had been adopted as a temporary expedient during the war years.

The amendment does not have some of the safeguards, as the gentleman from Texas pointed out, that the bracero program had, yet this Congress ended the bracero program because it considered that it had led to abuses. Yet under the bracero program was a contract between the two governments, a solemn obligation between Mexico and the United States, and the workers brought in under the bracero program were entitled to certain protections, and their government was in a position to enforce their rights.

We would have no such representative for the workers brought in under the proposed amendment.

The gentleman from Texas, the author of the amendment, Mr. WHITE, has indicated that there is a requirement for a labor certification in his amendment. But if that is the same labor certification which the law already requires, what is the purpose of the amendment?

There is something more here than meets the eye. If it is the same certification that the law already requires, and that it what would appear on the face of the amendment, then there is no purpose to the amendment.

But I believe the interpretation which would be placed on our action is that we want something different from the present law, that one way or the other we want a lot of foreign laborers brought in to work in agriculture in the United States.

I do not believe we want to give that impression to the Justice Department or to the Immigration Service or to the Department of Labor.

It would be very grave step backward if we were not to return even part way to those days and quit trying to work out our problems with our own domestic labor force.

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

Mr. O'HARA. I am happy to yield to the gentleman from Texas.

Mr. WHITE. The gentleman continues to equate this particular amendment program with the bracero program, when in fact under the amendment it is all individual applications with individual approval by the Secretary of Labor of all the facets of a particular contract. It is not a broadcast type program whereby classes of people would come in for an industry such as the farming industry. This relates to all phases of industry, but it has to be filtered through the Secretary of Labor, who can control these abuses and the fears the gentleman pronounces.

Let me also point out that it will help stem illegal aliens coming into this country, because there has not been a workable means by which a legal entry or hiring may be made up to now. The Secretary of Labor has been fearful of granting visas, because he knows they will be here permanently. Therefore, these people come here illegally, and they sometimes bear children who are permanent citizens. Under my amendment you have a 1-year contract, and then the aliens can go back to their original country, and you do not have the problems in permanent residence.

Mr. O'HARA. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman for yielding.

There is one point that has to be made here. The bracero program imported single workers. That in itself created a social problem, which has never been gone into thoroughly. This is why I said this amendment is not really a renewal of the bracero program. If it is, it is a weak one with none of the protections. But I believe it is a direct throwback to the old contract worker importation tactics used up to 1873 when the Congress prohibited this type of contract worker, and from that time on until 1951, when the so-called bracero program came in.

There were very good and fundamental reasons why the Congress took that action, and for those same reasons we should do it again today.

Mr. O'HARA. Certainly, Mr. Chairman, it would be a very serious and grave step to take without further hearings and without much more consideration than we can give to this proposal today.

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

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

Mr. PRICE of Texas. Mr. Chairman, I demand tellers.

Tellers were rejected.

So the amendment, as modified, was rejected.

AMENDMENT OFFERED BY MR. PICKLE

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

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 7, after line 16, insert the following new section:

SEC. 3. The Immigration and Nationality Act is amended by inserting immediately after section 274 the following new section:

"Disclosure of Illegal Aliens Who Are Receiving Assistance under the Social Security Act

"SEC. 274A. Notwithstanding section 1106 (a) of the Social Security Act, any officer or employee of the Department of Health, Education, and Welfare shall disclose to the Service the name and most recent address of any alien who such officer or employee knows is not lawfully in the United States and who is receiving assistance under any State plan under title I, X, XIV, XVI, XIX, or part A of title IV of the Social Security Act."

Redesignate the following sections accordingly.

Mr. PICKLE. Mr. Chairman and members of the committee, I rise today to propose an amendment——

Mr. CELLER. Mr. Chairman, a point of order.

The CHAIRMAN. The Chair will point out to the gentleman from New York who desires to make a point of order that it comes too late. The gentleman from Texas is recognized.

Mr. CELLER. But, Mr. Chairman, I was standing while the amendment was being read.

The CHAIRMAN. The Chair did not

observe the gentleman standing. If the gentleman says he was standing, then the Chair will rule that the gentleman was standing and the gentleman from New York will state his point of order.

Mr. PICKLE. Mr. Chairman, a parliamentary inquiry. Have I been recognized for my amendment? I thought I had been recognized.

The CHAIRMAN. The Chair did not observe the gentleman from New York standing at the time of the recognition of the gentleman from Texas. However, the gentleman from New York says that he was standing. Therefore, the Chair rules that the gentleman from New York was standing at the time and is entitled to make his point of order.

Mr. PICKLE. I wonder, then, if the gentleman from New York would reserve his point of order.

Mr. CELLER. I reserve the point of order and will permit the gentleman to make his statement.

Mr. PICKLE. I thank the gentleman.

The CHAIRMAN. The gentleman reserves his point of order.

The gentleman from Texas is recognized for 5 minutes.

Mr. PICKLE. Mr. Chairman, Members of the Committee, I propose an amendment to this bill in order to aid the Department of Justice in stemming the illegal alien problem and in fulfilling the objectives stated on page 5 of the committee report.

If the Members would turn to page 5 of the report of this bill, they will notice language in which the committee points out the lack of cooperation in the Federal departments. I would read to the House a portion of that statement:

> The lack of cooperation by the various agencies and departments of government in combating the illegal alien problem demonstrates the need for remedial legislation of this nature. For example, the relative ease with which social security cards can be obtained by illegal aliens and the common misconception that such cards constitute authorization to work, has enabled such aliens to obtain employment without difficulty. On the other hand, if an illegal alien is unable to locate employment, he may become eligible for public assistance in all States under regulations recently proposed by the Department of Health, Education and Welfare. These regulations which will prohibit a State from denying public assistance to a noncitizen—including illegal aliens, may further aggravate the illegal alien problem in the absence of this legislation.

Mr. Chairman, my amendment would be a first step in remedying the lack of cooperation in controlling the inflow of illegal aliens, a fact which the committee admits and states clearly on page 5.

Mr. Chairman, this problem comes about partially because of a recent ruling that HEW has issued relative to a decision of the Supreme Court. HEW read into that Supreme Court decision of Graham against Richardson this new regulation which really does not make any horse sense. The HEW rule would require the States to pay welfare benefits to illegal aliens. Welfare officials in Texas tell me such a requirement would probably cost my State $25 million to $27 million per year. I am sure there are many other States which would have similar or comparable costs.

I do not understand how HEW could say that this case, Graham against Richardson, requires welfare to be given to illegal aliens. The basis of the Graham decision is that the word "person" in the 14th amendment encompasses lawfully admitted aliens.

Justice Blackmun, who wrote the Graham opinion, said in part 2 of the opinion that he did not say that the 14th amendment extended to illegal aliens. In fact, a three-judge court in Texas actually, in Perez against Hackney, ruled that Texas had to assist lawful aliens, but said nothing about illegal aliens. This decision followed the Graham case.

Mr. Chairman, I have tried to impress my views on HEW, and the replies by HEW to my inquiries have been slow and unsatisfactory. I imagine that many Members of the House have also protested to HEW. HEW has engaged in a great contest of paper shuffling. They will not give an answer; they will not say definitely that a State must pay these aliens, but they did put out a rule through the regional offices that says that every State would be required to pay welfare benefits to every illegal alien. They promised only 6 weeks ago that they would do something about this—that is, issue a new ruling.

The committee recognizes that this is a bad situation and should not be permitted. The committee recommends that some action be taken. Yet, they come before us here today with a bill that, in effect, says, "You must pay illegal aliens welfare benefits."

One of the arguments I took to HEW was that if illegal aliens applied for welfare, why does not HEW follow the intent of the law and tell the Justice Department where we do have the illegal aliens?

I have been informed also that HEW says that they cannot and they do not choose to pass on such information. So my amendment would attempt to remedy this situation.

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

Mr. PICKLE. I yield to the gentleman from Texas.

Mr. FISHER. Mr. Chairman, I want to commend the gentleman for bringing this subject up, that is, of having a policy and a system in our Government today under which tax money used for welfare purposes is being paid to and for the benefit of illegal aliens who are here contrary to the law. This is being done under the sanction of HEW, as I understand it.

I have protested about this, and the gentleman now addressing the House has protested it.

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

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

Mr. FISHER. Mr. Chairman, if the gentleman will yield further, many protests have been launched against this. Let me cite another example of how this welfare thing has gotten out of hand, as applying to illegal aliens.

In San Antonio, according to the press report, a loan was granted under section 235 of the 1968 Housing Act, which is a subsidized program, and a highly subsidized program. A contract and a sale was granted to an illegal alien in San Antonio financed under that program. Now, I just do not think the American taxpayer should be expected to subsidize these people who are here illegally. I think the gentleman from Texas (Mr. PICKLE) has brought up a good point. I hope that the reservation of the point of order will be withdrawn so that we can insert this into this legislation, and maybe that will help expose the situation and hopefully eventually bring about some relief.

Mr. Chairman, the Congress should prohibit any form of tax-supported aid to aliens illegally in this country.

I have introduced a bill (H.R. 16575), which would prohibit social security numbers being issued to illegal aliens and also prohibit any Federal aid for any who are illegally in this country.

Mr. PICKLE. Mr. Chairman, I thank the gentleman for his comments, and I would like to conclude my remarks, because I know that I have a time limitation.

My amendment would require any HEW official to report to the Immigration and Nationality Service the receiving of welfare by any illegal alien, and the address of such illegal alien. Such information would allow the Immigration Service to proceed according to its duties as to illegal aliens.

Now, I am accomplishing this purpose by adding a new section to the Immigration and Nationality Act, and that would be section 274(a). My amendment would not affect in any way the bill before us, H.R. 16188, as reported from the committee. I think that my amendment is a step toward meeting the issue that is stated very frankly on page 5 of the committee report, the way the present practice is being carried out. HEW says that they cannot tell anybody if these illegal aliens are on their books, particularly the Immigration and Nationality Service; although they are illegal aliens, they will not give this information to them. The two Government agencies do not talk to each other. As an example, HEW directed the States to specifically pay welfare benefits to illegal aliens. I think we ought to suggest that HEW and the Immigration Service get together, and that they pass this information on.

And it would not in any way affect this particular bill.

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

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

Mr. MAYNE. Mr. Chairman, the gentleman has said that HEW refuses to pass this information on to another Government agency as to whether or not a person is an illegal alien. Well, the situation is even worse than that because the Social Security Administration does not know whether an applicant is an illegal alien or not; they make absolutely no inquiry as to this. They take the position that the social security cards and social security benefits will be issued without

regard to American citizenship, and they absolutely refuse to cooperate with other branches of the Government in trying to identify the problem, and find out who the illegal aliens are.

I think the gentleman from Texas is doing a real service to this House, and to the country, by offering this amendment.

Mr. PICKLE. I thank the gentleman and I hope the House will accept this amendment. I would have hoped that the committee would not have reserved a point of order because, obviously, the committee is in sympathy, from what you said in the report, and if we do not take this action, then there will be no action taken this session.

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

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

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. PICKLE) which would require all welfare agencies to report to the Immigration and Naturalization Service any illegal alien put on the welfare rolls.

The need for this amendment is clear. The Department of Health, Education, and Welfare has grossly misinterpreted the decision of the Supreme Court which struck down residency requirements for welfare recipients. The justices certainly did not intend to grant welfare benefits to illegal aliens. Mind you, I said illegal aliens. I am not referring to those who have entered this country through lawful means. Nevertheless, HEW has construed the decision to apply to illegal aliens.

This amendment would merely require that, if that is done, then the agencies should report the illegal alien to the authorities. This would thus provide an additional method of detecting persons illegally in this country.

In most areas of the country, the welfare rolls have grown so large that taxes can no longer support the number of people in poverty. Local communities have rebelled against further expansion of these payments. As a result, reduced benefits, in many cases, must be paid. In Texas and New York, for example, where substantial numbers of illegal aliens may go on welfare, the problem is even more acute. In fact, it is depriving those who legitimately need welfare of a reasonable benefit.

The thought that an offender of law can enjoy the benefits of this country's largess is repugnant to the American taxpayer and really appears to be an invitation to the impoverished of the world to seek entry into this country by illegal means to either deprive an American of employment or to join the rolls of welfare recipients. It would not be a question of persons traveling to a welfare haven from State to State but from nation to nation—an intolerable prospect that must be stopped immediately.

As I remarked during debate, the illegal alien problem will not be solved by this bill alone. This amendment does provide yet another step further toward a solution. I hope that this amendment will prompt HEW and the other agencies to eliminate similar inconsistencies in the laws and regulations.

POINT OF ORDER

Mr. CELLER. Mr. Chairman, I insist upon my point of order that the amendment offered by the gentleman is not germane. It amends the Social Security Act. This bill is amendatory of the Immigration and Naturalization Act and, therefore, the amendment is incompetent for consideration by this Committee of the Whole since this Committee of the Whole is now considering an entirely different act and, therefore, the amendment is not germane.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. PICKLE. Yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman.

Mr. PICKLE. Mr. Chairman, in my opinion this amendment is germane and has been discussed at length prior to its submission.

First, I would point out to you that I am simply adding a new subsection, section 274(A), to section 274 which is before this body at this time.

I am just amending a specific section that you have here now.

Second, I do not affect your bill—I just make an addition to the very section that you are amending by the legislation you are offering.

In the present law pertaining to the immigration service, it says this in section (b):

> No officer or person shall have authority to make any arrests for violation of any provision of this section except officers and employees of the service designated by the Attorney General either individually or as a member of a class or all other officers whose duty it is to enforce the criminal laws.

I submit to you, Mr. Chairman, that is a statement that indicates the Congress is expecting Immigration to take action when they know there are illegal aliens in this type of situation receiving welfare benefits.

I do not affect the bill that you have. It merely adds an additional section to the very section that you are considering.

I also submit to you under the rules of the House on page 444, section C, it says:

> A general subject may be amended by specific provisions of the same class.

Thus, the following have been held to be germane and they recite several instances in which such cases have been held to be germane to a bill admitting several territories to the Union and an amendment adding another territory and an amendment to a bill providing for the construction of buildings in each of two instances and an amendment providing similar buildings in several other cities and to a resolution embodying two distinct phases of international relationships and so on.

It is clear within the rules that when you are dealing with certain type of classes that this type of amendment would be in order.

I think the only objection that the committee has raised on this amendment, other than just saying that it is not germane, is that this is an attempt to amend a section of the social security act. We are not actually amending section 1106 (A).

Now I hope the committee would keep this in mind—that section 1106(A), and I have a copy of it here, specifically states that relative to disclosure of information on the position of HEW and the Welfare Department, it says:

> No records can be or may be disclosed on welfare payments to any officer or any other person.

I am not asking that they disclose all this information and that they turn their files open. I am simply saying that HEW shall notify immigration when they have an illegal alien that they know of to whom they may be paying benefits.

That is not opening up all the records and violating any sense of confidentiality. That is just simply saying that HEW knowing that there are illegal aliens shall notify immigration. Otherwise, I say to the chairman of the committee, unless we take action, and the committee, I repeat, is sympathetic, because you point out that it ought not to be permitted—unless you ask action and not just try to attempt to be strictly technical and this situation continues, and although you have said you are going to make recommendations—here we are coming to the end of the session and my State possibly within the next year, if this thing is carried out, will pay some $25 to $27 million.

I say the amendment is germane, that it does not repeal any section of the Social Security Act. It simply adds to it. It says HEW shall notify the Immigration Service. But I do say they must take the first step and say HEW must at least let Immigration know. It seems to me this is very much in line and germane to the matter. Otherwise we are precluded from any action. The regional offices already said throughout the country that HEW says that "person" means even an illegal alien. This is our only chance. I do think it is germane, because we are not creating a new section, or repealing any other law.

The CHAIRMAN (Mr. MCFALL). The Chair is ready to rule.

The gentleman from New York makes a point of order that the amendment offered by the gentleman from Texas (Mr. PICKLE) is not germane to the bill H.R. 16188. The amendment would insert a new section 3 in the bill by amending the Immigration and Nationality Act to provide that notwithstanding section 1106(a) of the Social Security Act, officers and employees of the Department of Health, Education, and Welfare shall disclose to the Immigration Service the names and most recent addresses of aliens unlawfully in the United States who are receiving welfare assistance under provisions of the Social Security Act.

The Chair notes that while the problem which the gentleman seeks to correct is discussed on page 5 of the committee report, as the gentleman from Texas has stated, the bill itself contains no provisions which refer to the Social Security Act or to officers or employees

of the Department of Health, Education, and Welfare.

The Chair feels that the amendment constitutes an attempt to waive the provisions of law which is not being amended by the bill, and to affect the activities of Federal officials who are not mentioned in the bill. For these reasons, the Chair holds that the amendment is not germane to the bill and sustains the point of order.

AMENDMENT OFFERED BY MR. PICKLE

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

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 7, after line 16, insert the following new section:

SEC. 3. The Immigration and Nationality Act is amended by inserting immediately after section 274 the following new section:

"DISCLOSURE OF ILLEGAL ALIENS WHO ARE RECEIVING ASSISTANCE UNDER THE SOCIAL SECURITY ACT

"SEC. 274A. Any officer or employee of the Department of Health, Education, and Welfare shall disclose to the Service the name and most recent address of any alien who such officer or employee knows is not lawfully in the United States and who is receiving assistance under any State plan under title I, X, XIV, XVI, XIX, or part A of title IV of the Social Security Act."

Redesignate the following sections accordingly.

Mr. PICKLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD. I will explain very briefly what I seek to do.

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

There was no objection.

The CHAIRMAN. The gentleman from Texas is recognized in support of his amendment.

Mr. PICKLE. Mr. Chairman, my amendment now would read this way.

The center of the amendment, which some of the Members have before them, would pertain to section 274A. That portion which says "notwithstanding section 1106(a) of the Social Security Act" would be deleted, and the language would now read:

Any officer or employee of the Department of Health, Education, and Welfare shall disclose to the Service the name and most recent address of any alien who such officer or employee knows is not lawfully in the United States and who is receiving assistance under any State plan under title I, X, XIV, XVI, XIX, or part A of title IV of the Social Security Act.

What I have done Mr. Chairman, is simply delete that portion, so it is without any reference to the Social Security Act, and I make no reference to the Social Security Act.

POINT OF ORDER

Mr. CELLER. Mr. Chairman, I make the point of order the amendment still is not germane.

The CHAIRMAN. The point of order comes too late. The gentleman in the well had been recognized and proceeded to explain his amendment.

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

Mr. PICKLE. I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, I was one of those who along with the gentleman in the well and others had contacted HEW on their proposed regulation to give welfare payments to illegal aliens. The gentleman in the well may not have received the answer from HEW but I got a letter just today in which they tell me:

A decision as to provisions to be contained in the final HEW regulations regarding citizenship and alienage has not yet been made. All the comments received regarding the proposed regulations are being analyzed and will be taken into account in making that decision.

What I cannot specifically understand, I will say to the gentleman from Texas (Mr. PICKLE), is in that letter they refer only to aliens. What the gentleman and the others and I have been talking about is aid to illegal aliens, those aliens who are in this country unlawfully. Yet the HEW people go ahead and cite certain Supreme Court decisions that they say in effect order them to give help to illegal aliens. I am not questioning the decision of the Supreme Court as to helping aliens. What we are talking about is helping illegal aliens in this country, and to that I certainly object. Certainly there should be no objection to trying to clarify that matter in this piece of legislation.

Mr. PICKLE. I thank the gentleman, and that is what I am attempting to do, to clarify it. Obviously, we are all in agreement that we should not pay these benefits to illegal aliens, and yet I repeat that under decisions in this agency, and in this particular case, Mr. Dudley Hall, Associate Regional Commissioner for Assistance Payments, did notify my State that they would have to pay assistance, medical assistance, to all aliens, including those who were illegally in the United States.

Of course, a State can, in its State plan, have a statement that they would intend not to include in their own State plan payment of these benefits, and at some point later if HEW approved it, we might find some relief. But right now this amendment is merely a statement of purpose that HEW shall tell Immigration what to do.

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

Mr. PICKLE. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I rise to commend the gentleman for his previous effort and for his present effort to try to bring some order out of the chaos which exists.

I think the gentleman feels, as I do, that our laws with respect to aliens and illegal aliens are not adequate at this time. But it seems to me that the pending legislation before us today is not the answer.

This bill works undue hardships on employees of labor and unduly penalizes employers of labor. I am constrained to feel that this bill ought to be recommitted and restudied in order that we might have a measure which takes into consideration the matters which the gentleman has raised. This approach could bring about a more equitable treatment of the whole problem of the treatment of aliens.

Mr. PICKLE. I thank the chairman and the members of the committee. I hope that the House will support this amendment.

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

Mr. Chairman, let me, first of all say that this is just a spurious attempt to get by the lack of germaneness of the previous amendment that was offered. It was unfortunate that the distinguished chairman was not recognized, since he was on his feet prior to the explanation of his amendment; but, nevertheless, I now state that if the gentleman in the well from Texas is serious about trying to insure that no welfare assistance is given to those who are illegal aliens, and do not merit it, then I would trust that he would take it before the proper forum. There are no teeth in this amendment. It states merely that the Health and Welfare officer shall disclose to the Immigration Service the name and most recent address of any illegal alien, but it does not in any way impose any obligation. It does not provide for any penalty; it does not do anything at all except alert the Service.

We have stated in our committee report that there is a lack of coordination between Government agencies, but we realize that the jurisdiction of our committee is confined to the Immigration and Nationality Act. We made recommendations to the Department of Health, Education, and Welfare, and the other appropriate agencies of Government that must deal with this problem.

I would say to the gentleman that I know he means to do the kind of job that would really bring about a solution to this problem, but I would say that he should present his proposal to the appropriate committee of the Congress; the Ways and Means Committee, so that they might write the kind of legislation that would insure what the gentleman is seeking to do. But to bring this up is just a vague, useless, and certainly ineffective amendment. I think it just encumbers the bill.

Mr. PICKLE. Will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Texas.

Mr. PICKLE. First, I want to take whatever approach would be appropriate to get the right kind of legislation. I have appealed to HEW, because in my opinion HEW need not have ruled or have scared all of these State officials like they have. I do not agree with their ruling at all, but I have tried to get relief from them, as have many Members of this House, and we cannot get the time of day out of HEW on this subject. I defy the Members of this House to try it. Have they tried it?

They will say, "We are studying this." They say, "This is a serious problem, we believe. This might be a violation of the intent. We hope to be able to issue a ruling within the next few weeks."

This has been going on since this matter came up. It has not moved 1 inch.

Maybe this bill could be made a little

stronger and if you want to put some more teeth into it, I would say you are welcome to do it. I would accept any amendments the Members would want to put in.

In the meantime, though, this is at least a first step, and surely we must take this first step.

Mr. RODINO. I would say to the gentleman that the fact that he has called this to the attention of Congress, is certainly a worthy contribution.

I am sure that the gentleman wants to legislate effectively. It is one thing to present an amendment to this assembly which is supposedly intended to accomplish something, and yet another to present an amendment that is not going to do any thing at all except to call attention to an issue.

I would therefore suggest that the gentleman should bring this to the attention of the Ways and Means Committee and other appropriate committees, and perhaps that would cause this kind of legislation to be adopted. I would help the gentleman, because I believe he presents a real problem, but it should not be within the Immigration and Nationality Act.

Mr. PICKLE. While we grope for ways to find a perfect answer my State will be out some $25 million or $27 million. I would rather have Santa Claus now, or at least have commonsense now, rather than to delay this thing.

Mr. RODINO. Does the gentleman really expect that, the terms "shall disclose," will be anything but just words, with no actual action?

Mr. PICKLE. I would say that if this amendment is passed—and I believe it will pass overwhelmingly—it will be a direct message to HEW to get off its backside and issue a ruling, and not allow this to continue to go on.

Mr. RANDALL. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. PICKLE).

I listened attentively to the gentleman from New Jersey, the floor manager of this bill, state his objections to the amendment. Notwithstanding, I think we should presume that if this bill is passed with this amendment the executive branch, meaning HEW, are going to have to pay some attention to congressional intent. Certainly, if this amendment is adopted it will give our various committees an opportunity to inquire of HEW, "What have you done about disclosing the names of illegal aliens who are receiving assistance under any State plan or social security under our Federal provisions?" I am sure the Appropriations Committee, when they come before that committee with a request for funding, will be in a strong position to find out why HEW has not followed the mandate of this amendment. The wording is not permissive in nature. The key words are "shall disclose."

To say that this would be ineffective, with no teeth in it, is simply to say that the words "shall disclose" mean nothing, and that HEW will stand back and figuratively thumb their noses at us. I cannot believe we have yet reached such a ridiculous state of affairs.

I believe it was the gentleman from Iowa, over on the other side of the aisle, Mr. MAYNE, who said we have never been able to assemble and find out how many illegal aliens have actually received social security cards, or the number who have worked the required number of quarters, then have been deported, and, having gone back to where they came from, are drawing social security today. At least we ought to be able to find out how many such almost, unbelievable instances in fact exist.

This amendment is a step in the right direction. I believe the amendment should be adopted.

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

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

Mr. SEIBERLING. We inquired at great length during our hearings of some of the representatives of HEW and Social Security, as well as the Justice Department, whether it would be possible for them to indicate, at the time they grant a social security number, whether the applicant is an alien or a citizen.

Mr. RANDALL. And what did they say?

Mr. SEIBERLING. They take the position it is not their obligation and that in fact under the law they are not permitted even to inquire.

This is a perfectly meaningless thing, because they will never be affected by this proposed amendment, because they will never know whether it is an alien or a citizen under the present procedure. They can comply with this proposed amendment and not do one thing, because they will not know of any aliens.

Mr. RANDALL. Let us make clear the difference between an alien and an illegal alien. Surely there is some kind of interrogation by HEW when they issue a social security card whether the applicant is a legal or an illegal alien.

Mr. SEIBERLING. I can state that any person can walk into any social security office in this country and get a social security number without disclosing anything more than his address. He does not need to indicate whether he is a citizen or an alien, much less whether he is an illegal alien.

The only department qualified to determine whether an alien is legally or illegally here is the Department of Justice, not the Department of HEW. So this is a meaningless amendment that will accomplish absolutely nothing.

Mr. RANDALL. We must be in worse shape, then, than some of us thought we were, if HEW passes out social security cards to any and all illegal as well as legal.

But bad as it may be, the gentleman's amendment is a step in the right direction. Let us adopt this amendment and see whether the people of HEW can continue to go their own way without paying any attention to the mandates of Congress.

Mr. Chairman, H.R. 16188 has as its purpose to repeal the exemption of employers now contained in the Immigration and Naturalization Act from the prohibition against "harboring" illegal aliens. There has been an increasing number of persons who enter this country illegally, take jobs needed by the unemployed in our own land, and are paid substandard wages by exploiting employers.

Now, I have no quarrel with legal immigrants. These are an entirely different category of aliens. It is the illegal immigrants or illegal aliens who rob not only our own citizens, but those legal immigrants from the opportunity for needed jobs. The present exemption of employers from antiharboring provisions frustrates and defeats the declared policy of Congress which should be to protect the employment opportunities and labor standards of American workers.

H.R. 16188 is not only workable and effective legislation, but completely fair in that it provides for notice and warning before any punitive action is taken against persons violating the law.

Now, Mr. Chairman, at the appropriate time and perhaps in a special order later this week, I shall take the time to outline what the Special Studies Subcommittee of the House Committee on Government Operations, which it is my honor to Chair, has done on this problem of illegal aliens in this country. It would take too long at this time to enumerate or describe in detail our activity. I will say that the committee has asked the General Accounting Office to make a thorough study in the Kansas City area as well as the Boston and Los Angeles areas, and to extend its study to include Chicago, New York, and Miami. At another time I will outline the tentative recommendations of GAO and also point out the need for further hearings and further legislation, on the matter of illegal aliens.

For the time being, I join not only in the support of the amendment by the gentleman from Texas (Mr. PICKLE), but also support the content of H.R. 16188, which I hope receives the overwhelming approval of the House today.

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

Mr. Chairman, I am not going to oppose this amendment, because I have a good deal of sympathy with the thought behind it and I am willing to go along just as a matter of expressing that sympathy.

But what my friend from New Jersey (Mr. RODINO) said—and it is true—is that you are not really doing a thing with this amendment. I think the author knows that.

In the first place, the people at the Department of Health, Education, and Welfare will not have this information. They will not know it. So, since it only applies to them if they do know it, and they will not know it, we are not doing anything there.

In the second place, if you really want to do something about it, what you need to do is amend the Social Security Act to require them to find out and ask the question and put it on their social security card, none of which we can do here.

So all this is is a sort of pious, if that is the word, hope, or expression of opinion, or something of that kind.

Mr. ECKHARDT. Will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. ECKHARDT. Will the gentleman tell me how we may constitutionally require someone, as a condition for getting social security, to admit the fact that he is guilty of being in the country illegally to the extent that he can thus be convicted of a crime and still not be in violation of the fifth amendment?

Mr. DENNIS. I have often admired the acute legal perception of the gentleman from Texas. He has thrown out a very interesting question.

It seems to me perhaps, if you are dealing with—and this is off the cuff and I have not thought about it before—an illegal entrance which has violated the law by entering illegally and if you ask him the question, "Did you enter illegally," then you may have a point. If you are merely asking, "Are you an alien," then that is not a crime. If you are merely asking "Are you an alien entitled to employment," that is not a crime, either, because unlawfully taking employment is not an offense, although I suggested during the committee hearings we might make it one, but it was not made one. So I do not think the problem will arise in a good many cases.

Mr. CELLER. Will the gentleman yield?

Mr. DENNIS. I yield to the chairman of the committee.

Mr. CELLER. Can you tell the committee how in thunder HEW can make a distinction between aliens who are here legally and aliens who are here illegally? Do they have the apparatus to do any such thing? I ask that especially because it has been estimated that there are in this country today from 1 to 2 million illegal aliens. How in thunder can HEW separate the wheat from the chaff and the illegal from the legal aliens and satisfy the provisions of this proposed amendment? Will you tell us how that can be done?

Mr. DENNIS. Of course, I think the chairman has a very valid point which underlines again what I said awhile ago; that is, we are really not accomplishing very much here. What the gentleman's amendment does is to say that if they know, they should tell the Service. It is hard for me to see what is wrong about that.

Mr. PICKLE. Will the gentleman yield?

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

Mr. PICKLE. The gentleman made reference to my amendment. No one in this House should be deluded in to thinking that HEW does not know whether it is a legal or illegal alien. They do know and recognize the problem. For us to debate it technically here is somewhat ridiculous. Perhaps we can later find stronger language, but right now this is certainly a mandatory first step, in my opinion.

I thank the gentleman for yielding.

Mr. RODINO. Will the gentleman yield?

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

Mr. RODINO. I would like to point out that in a colloquy we had with Mr. John Hutley, Deputy Commissioner, Assistance Payments Administration, who testified before our committee from the Department of HEW, he was unable to answer to these very questions as to whether or not individuals were known to be legal or illegal aliens; he was unable to offer any information at all which would indicate that Health, Education, and Welfare had any knowledge or could in any way find out whether the person who was receiving assistance was or was not here legally. This was explored at great length, and it was for that very reason that we addressed ourselves in the report to the question whether or not HEW should look into this matter and deal with it more effectively.

I would like, at this point, to insert into the RECORD, the colloquy from our hearings.

Mr. RODINO. Well, would it not be a matter of importance to know in view of the fact that there have been allegations to the effect that there are a substantial number of illegal aliens who are receiving welfare?

Mr. HURLEY. Well, we have the allegation——

Mr. RODINO. I am not talking about the question of citizenship now but I am trying to determine "who" are the recipients of welfare assistance.

Mr. HURLEY. Well, as I say, sir, as I discussed with members of the committee staff, that we can throw no light in terms of whether a number of illegal aliens are on assistance or not.

Mr. RODINO. Isn't this a matter of importance to determine in view of the fact that HEW is responsible for the allocation of substantial sums of money in this area?

Mr. HURLEY. They are responsible under the terms of the Social Security Act and there are many specific features in the determining of eligibility for assistance which agencies have to inquire into, but this is not one that has been required. As I say, we have to amend our regulation at this time to reflect this decision by the Supreme Court.

Mr. RODINO. We found in the course of our hearings that just as you say there is no information whether the person was a permanent legal resident alien or an illegal alien. You say there is no information to this effect and you can determine the status of persons receiving this kind of assistance. At some time or other there were some spot surveys made, that is all. It was determined that the number of those receiving welfare were illegal aliens.

Now I am wondering whether or not there should not be some comprehensive inquiry in this direction and some importance attached to the charges that are being made that in some areas of the country the number of the illegal aliens receiving welfare payments is large.

Mr. HURLEY. Mr. Chairman, I doubt if it would be very productive because as I mention there is no basic inquiry into the matter of citizenship in determining eligibility. This would have to be a de novo kind of review and I question just how effective that would be.

Mr. RODINO. It is not a question of determining whether they are citizens or not but whether they are aliens who are legally here or aliens who are illegally here. I think that is something else again.

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

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

Mr. MAYNE. Mr. Chairman, I am supporting this amendment, although I do think that it is of very limited utility. It is, as the author of the amendment says, however, a step in the right direction which perhaps will open the door a little further to getting some kind of a sensible Social Security Administration policy on these questions.

The amendment will, it seems to me, require that when the Social Security Administration and HEW do have information concerning an alien, that they will then have to disclose it.

Of course, as has been pointed out by several Members here including the distinguished chairman and the distinguished chairman of the subcommittee, the Social Security Administration does not presently have this information.

They do not ask for it; they do not want it. I have an application for a social security number here. There is absolutely nothing on it about citizenship status. There should be. Certainly it would be reasonable as one of the conditions of eligibility for social security, to require a person to state whether or not he is a citizen. I would go further than that and require him to relate, if he is not a citizen, the circumstances under which he came into this country.

Unfortunately none of this is presently inquired into by the Social Security Administration at the present time. It should be, but it is not. But this amendment will, at least, require the Social Security Administration to give such information as it does have and, at present, they are not willing to do even that.

They would keep an absolute iron curtain drawn over this and are not cooperating with the Department of Justice as they should to ferret out cases of illegal aliens who are receiving social security benefits.

I am convinced that was not the intent of Congress when it passed the social security law. We did not intend to be providing social security benefits to illegal aliens. I will support the pending amendment, but to get more thoroughgoing correction of this situation, I agree with the gentleman from Indiana that we are going to have to amend the Social Security Act itself.

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

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

Mr. SEIBERLING. Mr. Chairman, I would just like to associate myself with the remarks of the gentleman from Ohio, with one exception. That is, that I do not come to the same conclusion he does with respect to this amendment.

It seems ridiculous to me that an alien can walk into a social security office in this country and get a social security card and number without stating anything more than his name and address. We had testimony to the effect that some illegal aliens have two, three, four, and more social security numbers, and they use different cards for different purposes.

At the very least, the Social Security Administration should be compelled by law, as the gentleman says, to indicate by some code on the card whether the individual is a citizen or not.

Because of this practice the Social Security Administration at the present time has no way of knowing whether a person

is even an alien or not, so you could pass this amendment, and it will not compel them to take any action whatsoever.

Now, if in addition, we amended the law to require the Social Security Administration to indicate by the number whether a person is an alien or not, they could then report to the Immigration Service all social security numbers of people who are not citizens, and the Immigration Service could make the determination of whether they think that each particular individual is or is not an illegal alien. If the Service determines a person is an illegal alien, it could then contact the Internal Revenue Service to determine from the employer's payroll tax returns bearing social security numbers, the identity of the particular alien's employer. They could then notify the employer that he is employing an illegal alien.

But this would require a very large administrative machinery, even though computers could turn out the information. We have testimony to the effect that there would be millions of social security numbers that would have to be reviewed for this purpose every calendar quarter, and that the Immigration Service would have to have an enormous number of people working on this to make much use of it.

So you are talking about not just a simple requirement that HEW report all aliens whom they know to be illegal aliens; you are talking about an involved procedure that would have to be set up. They will have to employ hundreds of people. They will have to set up a whole new elaborate computerized machinery. Perhaps we should do that, but it is beyond the jurisdiction of the Judiciary Committee.

In any event, I agree that the Social Security Administration should require information as to whether a person is an alien or not.

So while I agree with the gentleman from Iowa as to what we ought to require the Social Security Administration to do, the conclusion that I come to is that this amendment would accomplish nothing more than serve as an expression by the House of its dissatisfaction with the present practice of the Social Security Administration.

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

Mr. Chairman, I think that although teeth will be missing in the proposed amendment before us, it does have a purpose. The Supreme Court in the Graham case has said that welfare benefits could be paid to resident aliens; they made no reference to illegal aliens. The Secretary of Health, Education, and Welfare is now under the provisions of the Graham case considering the possibility of directing the States to pay welfare benefits to illegal aliens in Texas and in other States. It surely presents a multimillion-dollar liability situation for the States if HEW directs them to pay welfare payments to illegal aliens. This involves a lot of money to subsidize these aliens.

If this amendment does anything, it may express the clear intent of this Congress that we think that we should not have HEW requiring the States to pay welfare benefits to illegal aliens. That is the reason I am going to vote in favor of the amendment offered by the gentleman from Texas (Mr. PICKLE).

I have previously introduced H.R. 16430 which forbids the payment of welfare benefits to illegal aliens. I hope my colleagues will join me in cosponsorship of this legislation.

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

Mr. Chairman, I had intended to stay out of the debate on this issue although I participated actively in the hearings we held across the country. I think that the debate on this particular amendment has brought our attention to the problem which came up in all of the hearings.

One of the things that has troubled me in the provisions of this legislation—and I want to say that I enthusiastically support the bill—is that we have not really provided a method for the potential employer of illegal aliens some way to determine whether or not the person he is employing is in fact an illegal alien.

In each of the hearings I asked the witnesses from the government agencies if it would not be helpful to have a special social security card, perhaps one of a different color, to designate an individual as an alien, not necessarily as an illegal alien, but as a noncitizen of the United States. This would at least be prima facie evidence to the prospective employer that he should inquire further, and be alert to the possibility that the individual is an illegal alien, and under this proposed bill unacceptable for employment.

So, although I agree with those who have said that the amendment before us would not accomplish anything constructively, I do hope in the legislative history that it has stimulated that it will serve notice to the Committee on Ways and Means and to the Social Security Administration that they share part of the responsibility for this problem of illegal alien employment in the United States.

So I thank the gentleman from Texas for making that contribution.

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

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

Mr. EILBERG. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. PODELL

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

The Clerk read as follows:

Amendment offered by Mr. PODELL: After section 3, add a new section 4 as follows:

SEC. 4. Renumber following sections. Amendment to 101(a)(15)(H) of the Immigration and Nationality Act by adding a new subsection IV as follows:

"Who is coming temporarily to the United States under a contract of employment to perform work as a live-in domestic without regard to the provision of section 212(a)(14) of the Act."

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

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

Mr. PODELL. I yield to the gentleman.

Mr. DENNIS. I wonder if the gentleman could furnish us with a copy of his proposed amendment.

Mr. PODELL. I am unable to do so as I have prepared the amendment just a few moments ago after the defeat of the White amendment. But I shall be delighted to explain it to the gentleman so that the gentleman would understand it completely.

Mr. DENNIS. I will listen attentively.

Mr. PODELL. Mr. Chairman, this amendment is very simple. It merely provides for a certain class of aliens who can come to this country without need for labor certification—that is, the domestic.

During the debate on the White amendment, it was brought out that there was a surplusage of individuals to take care of some of the farm problems and, therefore, the kind of language as required under the amendment offered by the gentleman from Texas was not truly necessary. However, the same does not apply to domestic employment. There is a severe shortage of domestic employment whether it be in New York or in Washington in any part of the country. This very simple amendment now permits temporary help to come here to this country without need for labor certification for a period of 1 year, and that is the sum and total substance of the amendment.

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

Mr. Chairman, I think the gentleman, whether he is facetious or not, knows that this would certainly disrupt the whole labor market. This amendment has not been studied in any way whatsoever. We have already provided legislation for temporary workers. I am sure the gentleman, if he wants to provide for legislation of this sort, will take this up at the appropriate time. I would assure him that when we consider comprehensive legislation regarding temporary workers, I am sure this would be given a hearing. I believe this amendment has no place in this bill, and I believe it certainly would be disruptive of the whole purpose of this legislation, which is to deal with the effect of the illegal alien on the domestic labor market.

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

Mr. RODINO. I yield to the gentleman.

Mr. PODELL. Can the Chair give to us or give to the House a sort of broad guess as to just how many bills have been introduced and how many requests have been made by Members of Congress for help with regard to domestics on behalf of their constituents?

Mr. RODINO. The gentleman would have to, I think, survey the field. I know there have been many individual requests. However, the gentleman knows too that this is not a question that can be easily answered and that the Labor Department is certainly cognizant of the

effect that this kind of legislation would have on the domestics themselves. The fact is that bringing in these people who will work at substandard wages will result in their eventual exploitation.

I would think the gentleman would certainly not want to foist this kind of legislation on the Congress.

Mr. PODELL. Mr. Chairman, will the gentleman yield further?

Mr. RODINO. I yield to the gentleman.

Mr. PODELL. In view of the fact that the gentleman knows that there have been numerous requests over the years by Members of Congress on behalf of constituents, can the gentleman now say that the gentleman's committee has not been aware of this problem for some time?

Mr. RODINO. The gentleman knows that we have been aware of it but today we are dealing with priority matters and the gentleman knows also that there are many, many domestics who are properly employed at proper wages. But to attempt to resolve the problem under these circumstances, I think, is really begging of a situation that certainly does not deserve the time we are giving it now.

Mr. PODELL. And it is better not to do anything at all?

Mr. RODINO. I would say at this point that the gentleman is quite aware of the fact that the situation has been dealt with and the situation is constantly being dealt with and I would oppose the amendment and urge its defeat.

Mr. DENNIS. Mr. Chairman, I rise in opposition to the amendment. I want to concur with what the distinguished chairman of the subcommittee, the gentleman from New Jersey (Mr. RODINO), has said in opposition to this particular amendment, and I would add thereto that this seems to me to be an effort to single out a special class or problem. We defeated the White amendment here which in my judgment had a great deal more merit than this amendment. If we cannot give any special and additional relief, beyond the H–2 category, to the large agricultural interest in this country, I fail to see why we should give any additional relief, more than that category now provides, to those who think they need a ladies' maid.

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

Mr. Chairman, about an hour ago one of our distinguished Members made a most eloquent plea on this floor and invoked those immortal words on the State of Liberty—

> Give me your tired, your poor, your hudduled masses yearning to breathe free. . . .

Now we are confronted with this amendment. In the fine print of this amendment, are we not saying: "Give me your poor, provided, however that pursuant to this indenture said alien shall covenant and agree to work for me as a domestic for the period of 1 year, and this indenture shall be subject to renewal for 4 additional years, a total of 5 years."

I submit, Mr. Chairman, that is about what we would do by this amendment. I respectfully request that it be defeated.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. ECKHARDT

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

The Clerk read as follows:

> Amendment offered by Mr. ECKHARDT: Amend H.R. 16188 by adding on page 5 line 6, after the word "regulations" the following: ", within the constraints and requirements of Title 5, section 554 of the United States Code" which shall be applicable to the hearing provided for herein,".

Mr. ECKHARDT. Mr. Chairman, the only thing this amendment does is require the Attorney General, when he establishes the procedure by which he may fine a person $1,000 who is alleged to have employed a person he may not employ under this act, to apply the procedure required under title 5, section 554 of the Administrative Procedure Act. If this is not done we have a very strange act here. It gives the Attorney General first the power to make exceptions. He is an administrative authority. On page 3 it says that it shall be unlawful to employ a person who has not been lawfully admitted to the United States for permanent residence unless—and it provides here that the Attorney General may make the exception—the employment of such alien is authorized by the Attorney General. So he is an administrator. He can make it legal, so to speak.

Then on page 5 it says a civil penalty shall be assessed by the Attorney General only after the person charged with the violation under paragraph 3 has been given an opportunity for a hearing and the Attorney General has determined that a violation did occur. So he is the judge. He makes the determination whether a violation occurs.

It says he shall determine the amount of the penalty which is warranted. So he also performs the function of the judge or the jury of providing a penalty.

It says the hearing shall be of record and conducted by an immigration officer designated by the Attorney General individually or by regulation. So he appoints the hearing officer. That is, he selects the jury, so to speak.

In addition to that the proceedings that are conducted shall be conducted in accordance with such regulations as the Attorney General shall prescribe, and the procedure so prescribed shall be the sole and exclusive procedure for determining the assessment of a penalty under this subsection.

So he writes the law. He writes the proceedings under which the hearing is conducted.

Then, finally, under the next section it is said that "In any such suit, or in any other suit seeking to review the Attorney General's determination, the suit shall be determined solely upon the administrative record upon which the civil penalty was assessed, and the Attorney General's finding of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive."

So what he decides is conclusive if there is any substantial evidence to support it.

Mind you, he does not have to give notice of a hearing as is provided under title 5, section 554, the Administrative Procedure Act. He may consult with the litigants. He can receive information from attorneys on one side or another without violating the Administrative Procedure Act.

In other words, he does not have to be a pure judge who decides a case without conducting a conversation with litigants ex parte. He does not have to permit cross-examination, but his determination is final.

When I went to law school I heard a phrase that I did not understand at that time, but I am beginning to understand it now, and that is that this is a nation of laws and not of men. What we would do here is make this an administration of man. We would give the authority to the Attorney General to be the administrator, that is, the administrative agency. We would give him authority to be the rulemaking power, the legislative body. We would give him authority to be the prosecutor. We would give him authority to appoint the judge; and we would finally give him authority to make the determination as to the penalty on the question of guilt.

We would do all this, without assuring one scintilla of due process. We do not control him by one administrative limitation whatsoever.

If we did not have in this act the provision that he shall prescribe the procedure so described and shall have the sole and exclusive authority to do so, the Administrative Procedure Act, section 554, would apply, because it says:

> This section applies, according to the provisions thereof, in every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing, except to the extent that there is involved—

And then it names six categories, none of which apply here.

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

Mr. ECKHARDT. So this is an adjudicatory procedure. In every other adjudicatory procedure provided by statute we give the right of cross-examination. We limit the nature of the hearings by those well-devised techniques and provisions that afford due process under title 5, section 553, for rulemaking authority, and 554 for adjudicatory process.

At any rate, there is no reason in the world why, in my opinion, the committee should oppose—whatever other process may be available—granting the person who is accused of violating this act the right to cross-examination in his own defense.

If we are going to have a proper final hearing, it should be one that is obtained after due process, and that is all the amendment does.

I would certainly invite the committee on both sides of the aisle to accept the amendment, if they would. It certainly is within the general framework of the bill, and it does no harm to its principal pur-

pose and general design. I think it makes the bill suitable for me to support, but certainly the bill without such an amendment would put such complete sweeping power in the Attorney General it could not be supported by me. I would then oppose it, not on the grounds of general policy with respect to immigration, but on grounds relating to due process.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I join with the gentleman. I believe the Congress should make policy instead of the Attorney General.

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

Mr. Chairman, in 1950 the Supreme Court held in Sung against McGrath that administrative hearings in proceedings for the deportation of aliens must conform to the requirements of the Administrative Procedure Act.

Seven months later, the Congress enacted a provision in a supplemental appropriation bill that proceedings under law relating to the exclusion or expulsion of aliens shall be without regard to the provisions of sections 5, 7, and 8 of the Administrative Procedure Act. In other words, the Congress overcame the decision of the Supreme Court.

In order to resolve this problem and as a result of the 1952 Immigration and Nationality Act, the position of special inquiry officer was established to afford aliens with hearings, along with all the procedural safeguards of cross-examination, et cetera. This officer operates independently of the enforcement machinery, and all hearings are conducted in conformity with the requirements of the Administrative Procedure Act.

The point I make here, Mr. Chairman, is that a procedure and a mechanism is already set up, and what the gentleman suggests is that there be another procedure.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. As I understand your explanation, these procedures pertain to the trials of aliens, but do not apply to someone who is accused of illegally employing aliens. Is that correct?

Mr. EILBERG. They go against shippers and airlines as well.

Mr. EVANS of Colorado. Does the law so provide at the present time, that employers of illegal aliens are subject to the Administrative Procedure Act?

Mr. EILBERG. There is an appeal procedure set up in the Board of Immigration Appeals, which I have just established, which hears a variety of appeals. The Attorney General has established a Board of Immigration Appeals, and this board has authority to hear appeals in many different cases, on practically every case which might come under the Immigration Act.

Mr. EVANS of Colorado. Can the gentleman assure us here in this Committee that in those hearings involving employers accused of hiring illegal aliens, there will be proceedings following the requirements of the Administrative Procedure Act?

Mr. EILBERG. In response to the gentleman, I have a statement from the Attorney General, which reads:

> There is no doubt that if a statutory provision or the imposition of a civil penalty were enacted, the regulations would afford the opportunity for an administrative appeal, probably to the Board of Immigration Appeals.

In other words, the Attorney General knows of this problem and is telling us that an appeals procedure would be provided for employers.

Mr. EVANS of Colorado. It seems to me there is some question with regard to what is required under the law. Since there is that uncertainty, the Congress, itself, should be specific in what it considers in this regard, and no harm, certainly, could be done by accepting the amendment offered by the gentleman from Texas.

Mr. EILBERG. The point is that the Board of Immigration Appeals is set up with normal procedures, and is so weighted down with so many cases that, under the existing procedures, it could not handle them. My argument is a practical one as well. We would load down the process of procedure under the Administrative Procedure Act with so many different cases, it would not work.

That is why the Board of Immigration Appeals was set up.

I might say that these appeals have been extended to cover penalties on owners of vessels, in the case of crewmen, and, in the case of the airlines, when persons enter the United States without visas or in passing through the United States to foreign destinations do abscond. Therefore, although I am completely in favor of granting an employer every due process, I believe such safeguards already are provided under the existing regulations.

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

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

Mr. DENNIS. I share some of the concerns of the gentleman from Texas, and I have been a bit like the gentleman from Colorado; I have not really seen any particular objection to writing this into the law.

What I understand the gentleman to say now is, if I understand him correctly, that the Attorney General has given him assurance that if we adopt the bill as it is, without the proposed amendment, he will, in fact, adopt regulations which provide in this instance for an appeal from the administrative findings to the Board of Immigration Appeals. Is that what the gentleman is saying?

Mr. EILBERG. That is exactly correct.

Mr. DENNIS. Then the gentleman is saying further, if I understand him, that he believes that to be preferable, because that would keep this appeal, which is under the Immigration Act, before the Board of Immigration Appeals rather than bringing in the procedure provided in another act. Is that correct?

Mr. EILBERG. That is correct. And that is the extent of my opinion.

Mr. DENNIS. And the gentleman is saying in that matter he feels there will be complete review here for the employer?

Mr. EILBERG. The gentleman is correct.

The gentleman from Texas eloquently referred to language that the determination should be on the administrative record which would be based on the Attorney General's findings, and he says again and again "solely upon the administrative record, solely upon the administrative record." He leans very heavily on this.

This language is copied from existing law. In other words, the subcommittee has written the language in here which already appears in section 106 concerning judicial review of orders dealing with exclusion. So this is nothing new.

He also talks about another provision, saying that it is a sole and exclusive procedure, as though there is something wrong with that. That language also appears in the Immigration and Nationality Act. So once again we are borrowing language from the existing law, and that is the language we put in our bill.

I suggest if we do put it in here, we will be wasting time, because we will just have to come back here and do it over again.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. DENNIS, Mr. EILBERG was allowed to proceed for 2 additional minutes.)

Mr. DENNIS. Will the gentleman yield?

Mr. EILBERG. I yield to the gentleman.

Mr. DENNIS. The gentleman is saying, therefore, if I understand him correctly, for the purpose of legislative history, that if we reject the amendment offered by the gentleman from Texas, it is nevertheless the intent and the purpose of this bill, as provided by the committee, and the belief of the members of the committee, that a complete review of the administrative penalty provided in section 2 will be provided by the Board of Immigration Appeals. Is that correct?

Mr. EILBERG. That is correct.

Mr. DENNIS. I thank the gentleman.

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

I would like to make a comment here. I must confess I think the gentleman from Texas has raised a point which has not really been squarely met, and that is that the Board of Immigration Appeals apparently is not subject to the provisions of the Administrative Procedure Act governing judicial proceedings. Is that correct?

Mr. EILBERG. Will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman.

Mr. EILBERG. That is not correct. The Board of Immigration Appeals and the other procedures for administrative review within the Department of Justice comply with the standards set up by the Administrative Procedure Act. You have in effect a separate parallel process.

Mr. SEIBERLING. So, then, you are saying that the Board of Immigration Appeals is subject to the same basic due process requirements with notice of

hearing, cross-examination, et cetera, as are provided by the Administrative Procedure Act. Then why is it not expressly governed by the Administrative Procedure Act?

Mr. EILBERG. Because there was difficulty created by the number of deportation cases that were being submitted to the Immigration and Naturalization Service after the Supreme Court's decision. They were swamped, and it was necessary to set up the position of a special inquiry officer to hear these cases.

Mr. SEIBERLING. But this is different from the ordinary immigration case, and under this particular section it will involve employers who are citizens and not aliens who are covered by the deportation process.

Mr. EILBERG. I suggest that the employer is given due process precisely as in the procedure existing under the Administrative Procedure Act.

Mr. ECKHARDT. Will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman.

Mr. ECKHARDT. The point is, though, as has been said here, that the Board of Immigration Appeals will not have authority to entertain the appeal unless the Attorney General sets up that structure. So if the gentleman from Pennsylvania is correct that the Attorney General will so authorize the Board of Immigration Appeals as a reviewing authority, and, after all, that is only at his discretion, then if under those circumstances the Administrative Procedure Act applies, you can write my amendment in the bill and accomplish exactly what the Attorney General says he proposes to do.

If he is correct on that, and under those circumstances, the Administrative Procedures Act applies, you can write my amendment into the bill and do exactly that, and it will not affect it at all except that it will compel the Attorney General to provide for submission to the Board of Immigration Appeals, or else to hear the matter under the standards of adjudicatory procedures of the Administrative Procedures Act.

So the amendment does not add anything more than what you say the Attorney General is going to do anyway. The only thing is, it does not depend on the grace of the Attorney General to afford due process. It provides for due process as a matter of right. It tells him that he has to afford due process.

Whatever procedure he sets up, whether it be through the Board of Immigration Appeals or otherwise, he should proceed with all due process. That is all the amendment does.

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

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

Mr. EILBERG. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was agreed to.

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

Mr. Chairman, the legislation currently before us represents a serious assault against certain basic principles and rights upon which this country was founded. It is the culmination of an ill-conceived campaign against the foreign born and certain minority groups in this land. It unnecessarily exacerbates tensions which already exist within many communities and serves no other purpose than to give some credence or sense of legitimacy to the scare headlines declaring that "illegal aliens" are depriving American workers of jobs, are undermining the economy and inflating the welware rolls.

In recent months one of the most popular scapegoats for our bankrupt economic policies and soaring unemployment has been the illegal aliens. Erroneous and misrepresented figures have been put forth on the number of persons living and working illegally in the United States and unfounded charges have been made on their affect on the domestic economy. What is especially disturbing is the fact that the Judiciary Committee's report simply parrots these charges without any attempt to support or verify them.

It is claimed, for example, that illegal aliens are taking jobs which American workers would normally fill. I believe a careful examination will reveal that the illegal alien accepts work which the vast majority of citizens would not even consider. Mr. PODELL of New York, for example, speaks from experience which is closer to reality than the committee report. Most unemployed persons will not take these jobs and they are left for the illegal alien to fill at substandard wages.

The claim that illegal aliens flock to the welfare rolls is equally as specious. I believe the facts will clearly show that, fearful of being exposed and deported, the illegal alien will do everything possible to avoid any association with the authorities. Also, the possibility of becoming a permanent resident is seriously jeopardized if an illegal alien would accept public assistance. Finally, many of the illegal aliens have a deep sense of personal pride and even though they maintain a submarginal economic existence, they will try to avoid accepting welfare at all costs.

While some illegal aliens may send a portion of their meager salaries back to their families in their homelands, I am certain that the effect of this outflow of funds on our balance of payments is virtually insignificant and that it surely palls in the face of some of our more outlandish expenditures overseas.

As I have observed on several occasions in the past, the term "illegal alien" serves as a code word for Mexican Americans on the west coast and in the Southwest and for Spanish-speaking persons from Latin America and the Caribbean on the east coast. If this legislation is enacted, anyone who speaks with an accent and/or has the appearance of being Latin or Hispanic will be subject to questioning about their citizenship or immigration status. This requirement is really only one step removed from the implementation of a sort of national identity card or similar system.

The committee pays only lipservice to the rights of minority groups. For one can find no benefits at all in this legislation which will accrue to Puerto Ricans, Mexican Americans, Cubans, or other Spanish-speaking citizens or permanent residents. Although the committee intends that this measure be implemented in a manner which prevents job discrimination against minority or ethnic group members, I find no comfort in their assurances. We all know from past experience that the will of the Congress is not always realized in the performance of a program or the implementation of a law.

Mr. Chairman, I feel very strongly that our domestic labor force must be afforded all possible and reasonable protection. However, while protecting the rights of the American worker, we must not deny rights to others. The problems of unemployment and economic depression will not be solved by pitting American-born workers against the foreign-born. The provisions of H.R. 16188 provide no meaningful safeguards for the American worker and certainly will not expand employment opportunities. Finally, I find it difficult to believe that an immigration measure will help to improve domestic labor standards.

Although I am very much opposed to this legislation, I do so with some regret as H.R. 16188 contains a provision whereby qualified Western Hemisphere aliens may adjust their immigration status to that of permanent resident without having to leave the United States. This provision is long overdue as the current requirement that a Western Hemisphere alien leave in order to administratively adjust his status has worked an undue personal and financial hardship on hundreds of thousands of Latin Americans. I am hopeful that the committee will pursue this issue and favorably report a separate measure to effect this necessary change in our immigration laws.

Mr. Chairman, I am fearful that the unfounded charges which this legislation perpetuates will serve only to fan the flames of prejudice and misunderstanding and that it will discriminate against many citizens and bona fide permanent residents, regardless of the supposed safeguards. By enacting this measure the House will be avoiding one of the root causes of the illegal alien situation—the highly discriminatory limitation on the number of persons who can annually emigrate to the United States from Western Hemisphere countries. This is the issue to which we must address ourselves and not to some imagined problem which H.R. 16188 hopes to solve. I urge the defeat of the measure before us which represents nothing more than a return to the days of harsher, more inhumane immigration policies and the grossly discriminatory features of the Walter-McCarran Act.

Finally, I would warn the members of the committee that there are many areas of this country where the illegal aliens are not Latin Americans but Europeans from Mediterranean countries such as Italy and Greece. My own district in New York City is one such example. Although at present the term, "illegal alien" is a code word which applies primarily to

Spanish-speaking people; the effect of the legislation would inevitably and ultimately be to set up a double standard with respect to anyone with a foreign accent as the safest way to avoid inquiries by the Attorney General.

The effect of this act therefore is to reduce employment opportunities for all who have a foreign name or accent and as such it represents precisely the kind of legislation that should be repudiated.

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

Mr. Chairman, I could well associate myself with the remarks of those Members who have just spoken against the bill, and say that all of my arguments have been given, but I also rise in opposition to this bill because experience in my home State of California shows that this bill may be unconstitutional and of highly questionable policy.

On its face, the bill appears to pass constitutional muster, but in California we experienced an almost similar piece of legislation, the Arnett law, with very adverse effects.

Even before that law became effective it was clear to everybody that its effect was to deny people of foreign background, particularly Americans of Mexican and Asian heritage, equal protection under the law as guaranteed by the 14th amendment.

The California law, as you know, was declared unconstitutional. The fifth amendment of the Constitution places the same prohibition on the power of the Federal Government.

Past experience with the Arnett law indicates that employers will seek to minimize their exposure to the sanctions of this law with the result that they refuse to hire people with foreign backgrounds, and begin firing those already on the payroll. This was the case in many instances in California.

I think that the Members of the House should know that there were many occasions where I received calls from parish priests and from ministers on behalf of their parishioners who were complaining because employers were making inquiries with regard to their status, and in some instances were releasing them because they were not able to immediately prove their citizenship.

I think we must also note that some employers in California would not even interview for employment anyone who was of Asian background or who had a Spanish surname. In contrast, white Americans whether they were here legally or not did not face these employment obstacles in either getting a job or retaining the employment that they had.

I believe a similar effect would take place if this bill becomes the law of the land. It would treat people of foreign extraction as second-class citizens in direct contradiction to the requirement of the fifth amendment.

From a policy standpoint, the bill falls wide of its mark. The bill attacks a narrow and definable problem with a meat cleaver approach which would have a widespread effect never intended by its sponsors.

The bill puts the burden of determining the status of a job applicant on the employer. The fact is that the employer does not read the fine print of the Immigration and Naturalization Act. He is not an expert in this field. He is only interested in hiring a competent person with the least amount of trouble and fuss.

But under this bill, he becomes the one person called upon by law to make a finding of fact and in so doing is performing the job of the immigration authorities of this country. The whole thing then rests on the employers of this Nation. They are called upon to become experts in the field of immigration, and decide whether or not a person is here legally.

I contend that this is not a subject matter in which the employers of this Nation seek expertise in.

I believe that the bill, H.R. 16188, would hang an albatross of suspicion around every person of foreign background in the highly competitive job market that could only result in lost chances and less opportunities. Although such an effect is not intended by the sponsors of this bill, there is little doubt that this would be the outcome.

I believe that this bill will cause the loss of job opportunities particularly for those Americans of Spanish speaking and Asian descent, and reverse the efforts of these people to achieve job equality in this country.

It is clear that the complex issues raised in this bill cannot be adequately settled within the short time and span of 1 hour of debate. We need to reflect further on the impact and language of this legislation, including the necessity to correct existing inequities in the law for the Western Hemisphere countries.

I sincerely hope that the proper committee of this Congress deals with this matter and particularly these inequities in the Western Hemisphere. It is my understanding that they are now in the process of doing that. I applaud the committee for that, but for the present I ask for a "No" vote on the discriminatory legislation before us.

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

Mr. Chairman and gentlemen, first of all I want to associate myself with the remarks a while ago of the gentleman from Texas (Mr. GONZALEZ) relative to the braceros.

Here is a man who knew what he was talking about and he told it precisely as it was. I thought he did a masterful job of helping to defeat that amendment.

Second, I would like to point out that I feel this bill serves a most useful purpose. Many people forget that already today in our law there are penalties against the illegal alien who seeks and accepts employment. It is unlawful for any alien who is here without a legal right to be employed, to accept employment and to work as a competitor in our labor force.

But this bill for the first time would put some onus on the employer, the man who utilizes this illegal labor force.

Customarily, when an employer has been found to be employing illegals, the illegals are picked up and some censure is directed at the employer, who responds, "Who, me? I did not know that these people were illegal." This bill will give the employer some incentive to make a reasonable inquiry—and how much effort does that take? Very little I submit. He can inquire of a prospective employee—Are you a citizen of the United States?

If he says, "Yes"—that is the end of it. If he says, "No"—he can then inquire as to his status as an alien in this country.

Now the Immigration and Naturalization Service already provides every alien with one type or other of identification card. I have spoken to the representatives of the INS. They tell me there is no reason why they cannot prepare an adequate identification card which would indicate that the alien is or is not entitled to accept employment. That is all it would take in order to protect the employer from the penalties under this bill.

I quite agree with the gentleman from New York (Mr. BADILLO) who states, and this is very true, that the illegal alien labor force in the United States is of all origins. It is not just of Latin origin, or oriental. There are blonde, blue-eyed Europeans. They are of every category and every race and every nationality and every type of person and of every type of speech. It just happens that different groups are concentrated in different parts of the United States.

For those who, like myself, consider themselves to be liberal, I would like to point out the testimony which appears on page 170 and following of the committee hearings. It is well worth reading. It is testimony by Mr. Sheldon Greene, General Counsel of the California Rural Legal Assistance, a man who has worked on this program for years and who is eloquent in expressing the need for this type of legislation. A portion of his statement follows:

Mr. Chairman, members of the committee, I am Sheldon Greene, general counsel to California Rural Legal Assistance.

I am appearing here because, in the last four years, I have been concerned with the problem of illegal entry. I have litigated it, made some studies, done some writing, and it is certainly one of the most frustrating problems one can encounter. The Congress of the United States has always been frustrated with the problem of alien labor. In 1885, legislation was first enacted to minimize the exploitation and the abuse of alien workers, both because they were harmed and because the domestic laborers were displaced. The situation hasn't really changed since then, although Congress periodically comes back and provides what they deem at the time to be sufficient safeguards in the law, to insure that the domestic labor force won't be harmed by the influx of foreign laborers.

For example, the bracero program, like every other, was subject to abuse. So much so that a governmental agency which studied it in 1954—the President's Commission on Migratory Labor—actually, perhaps without precedence, condemned the Government of this country for complicity in encouraging lawbreakers to disregard the bracero law.

In fact, the Immigration and Naturalization Service withheld illegal entrants to farmers who had refused to pay the minimum wages to the braceros—according to the agreement between the two countries.

And so it continues today—the statistics, I'm sure you are familiar with them, show this fantastic impact on unemployment and on poverty, 133,000 illegal entrants were apprehended in California alone, in 1970. And

over 300,000 illegal entrants were apprehended nationally.

Opposed to this is the fact that in California there is, or was, in this past month, 68,000 families of unemployed wage earners who were being supported by public assistance, to the tune of about $100 million of taxpayers' money a year.

It is very easy to see the connection between illegal entry and this problem of unemployment and public dependency. In fact, when you consider the number of illegal entrants who are apprehended, scale up the number who were not apprehended to perhaps 250,000 to 300,000 conservatively, and then compare that with the fact that in California today there is about 600,000 unemployed, it is obvious to see that the impact of the illegal entrant upon unemployment in California is devastating.

Lastly I want to touch briefly on the impact of this sort of employment upon our economy and our social structure. I have in my hand—and I will insert this in the RECORD—a memorandum from the office of the Los Angeles County Superintendent of Schools, dated June 23, 1972. I want the Members to hear this. In his memorandum he says that in Los Angeles County alone the cost to the taxpayers of that area, brought about by the presence of illegal aliens, projects to an annual cost of $96 million, and probably more than $100 million. I am speaking of 1 year in Los Angeles County.

The memorandum follows:

OFFICE OF THE LOS ANGELES COUNTY SUPERINTENDENT OF SCHOOLS,
June 23, 1972.

To: Dr. R. McCaughin, Chief Deputy Superintendent.

From: Bill Ruth.

Re: Illegal Aliens—("Non-Citizens without Immigration Status")—Preliminary Report.

I discussed the subject today with Rose Erlich. Their "300,000" figure refers to subject persons of all ages believed to be living in the Los Angeles Unified School District. The figure is derived from estimates frequently mentioned by Immigration and other authorities placing the number of such persons in the Southern California area at about one million.

Assuming that about 20 percent of this population would be enrolled in school, the Los Angeles district would have approximately 60,000 illegal alien pupils. Since the current expense of education (1970–71) is approximately $800 in the district, this would represent an annual cost for educating these pupils of $48 million. Actually, such pupils often require special instruction (Special Education and ESL classes) and this would mean higher costs.

If we assume that similar enrollments in all other school districts of the county would provide a combined total equal to the Los Angeles Unified enrollment, we can project a countywide enrollment of 120,000 at an annual cost of $96 million. (Average current expense countywide is $805.) Costs of special education for these pupils probably would increase the projection to more than $100 million. A further increase might be effected by projection on the basis of a ratio of 44% to 56% in terms of Los Angeles Unified enrollment to the rest of the county.

Although the law (EC 6950) permits school districts to make claims against the county for the cost of educating such pupils—thus spreading the tax burden countywide—fewer than 300 ADA claims were filed by all districts last school year. Our contacts with districts indicate that the lack of claims, to date, is due to the *difficulty in identifying* "non-citizens without immigration status" and to *concerns about community relations problems* inasmuch as the law requires that the names and addresses of persons upon whose attendance such claims are based must be forwarded to immigration authorities.

The purpose in the preceding explanation of the provisions under Education Code Section 6950 is to illustrate the lack of available data in school records to substantiate the "guesstimates" about the "non-citizen without immigration status."

We could attempt a telephone survey of selected districts to seek further clues on the subject, but the lack of response to the provisions of EC 6950 suggests that we are not likely to glean much information by this means.

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

Mr. DANIELSON. I yield to the gentleman from California (Mr. HOLIFIELD), my dean.

Mr. HOLIFIELD. Mr. Chairman, I just want to associate myself with the remarks of the gentleman. I have had a number of Mexican American people in my district who are citizens of the United States who have been born here and who are very valuable citizens, who have come to me over the past few months and complained about the competition they have to face with these people who come in illegally.

The figures the gentleman has given of the deportation of almost a half million people annually from southern California is evidence of the widespread practice of illegal aliens coming in and taking the jobs of a great many resident legal citizens.

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

(On request of Mr. HOLIFIELD, and by unanimous consent, Mr. DANIELSON was allowed to proceed for 1 additional minute.)

Mr. DANIELSON. Mr. Chairman, I would like to point out in concluding that increasing the number of border patrol agents is no solution. We have more than 3,500 already. They did report 420,000 people last year but they only skimmed the surface. More Immigration Service staff is not the answer, however. We need the active, dedicated cooperation of the employer.

Illegal aliens are also subject to exploitation and abuse. For example, at two plants in Los Angeles employees were questioned by immigration officials and 53 deportable aliens were discovered. Allegations that a number of employees at one of these plants had paid supervisors amounts ranging from $350 to $750 to obtain their jobs were investigated by the district attorney. It was not possible to obtain legally admissible evidence to prove those allegations, and it appears that—even if it was true—there is little that could be done other than to prosecute them for operating an employment agency without a license.

It is not beyond the realm of possibility that the illegal alien would be willing to pay that kind of money for a job—at so much a week on payday—although I doubt if many of them could get it together in cash at one time. Under normal circumstances, a Mexican laborer earns the equivalent of $2 for a full day's work in Mexico, but in an unskilled job in this country, he can earn between $10 and $15 a day.

The jobs they take are unskilled work. The people they are cutting out of work are our own hard-core unemployed, where the unemployment rate is the highest. In my own district they are taking the jobs from the people who most urgently need those very jobs—unemployed Mexican Americans.

And this is the reason that I feel it is extremely important that we do something and do it fast.

I would like to point out another important economic factor. A few months ago the Congress appropriated $1 billion for Public Service Employment, which is supposed to create 173,000 jobs. About 10 percent—$100 million—was allocated to California—or, about 17,300 jobs for our State. More than 90,000 of the illegal aliens picked up this past year were in California.

Obviously, it would seem, these aliens were holding more jobs than we are creating with the Public Service Employment Act. In other words, effective legislation that would prevent illegal aliens from taking jobs from citizens and legally admitted permanent residents would be more valuable in California than the Public Service Employment Act.

Nationwide, there are roughly 5 million unemployed. A conservative estimate of 500,000 illegal aliens holding jobs in this country would indicate that unemployment rates could be cut by 10 percent if illegals were effectively prevented from going to work here.

I might also mention that there are approximately 350,000 unemployed veterans of the Vietnam war. We can safely say that there are more illegal aliens working in this country than there are unemployed Vietnam vets.

These figures must necessarily be estimates. We know how many aliens are apprehended, but we do not know how many are not discovered.

Estimates of the number of illegal aliens actually in the United States run between 1 to 10 million. With more than 420,000 deportable aliens located in the United States in fiscal 1971, it is hard to believe that the figure is not at least more than 2 million. This allows for four escaping detection for each one that is located.

Most of the aliens located are not officially deported—an action which would make them subject to imprisonment if they were located in the United States subsequently. Only 16,893, less than 5 percent, of the 345,353 located in fiscal 1970 were deported. There were another 303,348 who were "required to depart" from the United States. That means they are loaded on a bus and taken to the border or otherwise ordered to leave. Many of them return almost immediately and many employers rehire the same aliens who have been apprehended a few days earlier while in their employ.

An anecdote to illustrate this can best be given by quoting from a letter I received several weeks ago from the Los Angeles Immigration office as a result of a complaint about illegal aliens working in a small restaurant which I forwarded to them. The letter reads, in part:

Investigators apprehended three aliens illegally in the United States in their employment at the cafe. Two other aliens, also

illegally in the United States and also employed by the same cafe, were apprehended at a nearby motel. The only employee left at the cafe is a United States citizen waitress.

I can sympathize with the breakfast customers the next morning, but the point of this story is that I received a report about a week later that claimed that every one of the aliens who had been apprehended at the cafe were back at work.

It is a tremendous problem to attempt to solve simply by seeking out individual aliens and taking them to the border.

I intend to try and enlist the aid of the only person who can really solve the problem—the employer.

Statistics concerning aliens apprehended are as follow:

STATISTICS RELATED TO ILLEGAL ALIENS

Total number of deportable aliens located in the United States.

FY 1970, 345,353.

FY 1971, 420,126 almost 22 percent increase over 1970.

FROM MEXICO

FY 1970, 296,801.

FY 1971, 348,178 (83 percent of total).

Total number of deportable aliens located who had entered the U.S. without inspection (surreptitious border-crossers):

FY 1970, 244,492.

FY 1971, 317,822.

FROM MEXICO

FY 1970, 243,826.

FY 1971, 312,943 (98.5 percent of total).

SOUTHWEST REGION—FY 1971

Total: 330,527 located, of these 298,858 had entered without inspection.

Calif. 90,623 located, of these 76,827 had entered without inspection.

Texas 193,122 located, of these 176,951 had entered without inspection.

Ariz. 40,302 located, of these 38,852 had entered without inspection.

Balance from New Mexico, Nevada, Oklahoma, Colorado, Wyoming, and Utah 6,480 located, of these 6,228 had entered without inspection.

1961–1971 total illegal aliens apprehended in the United States:

1961	88,823
1962	92,758
1963	88,712
1964	86,597
1965	110,371
1966	138,520
1967	161,608
1968	212,057
1969	283,557
1970	345,353
1971	420,126

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

Mr. DANIELSON. I yield to my colleague, the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, may I say to the gentleman from California that no one is quarreling with his figures. Those who oppose this bill agree with the gentleman. The only thing we are saying is that this is not the right way to administer this law. This is discriminatory and we do not agree with the way it is done.

Mr. DANIELSON. I thank my distinguished colleague for his comments.

Mr. Chairman, I withdraw my motion to strike.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MCFALL, 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. 16188) to amend the Immigration and Nationality Act, and for other purposes, pursuant to House Resolution 1108, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. PRICE OF TEXAS

Mr. PRICE of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. PRICE of Texas. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. PRICE of Texas moves to recommit the bill, H.R. 16188, to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

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

Mr. PRICE of Texas. 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 53, nays 297, not voting 81, as follows:

[Roll No. 359]

YEAS—53

Abbitt	Downing	Purcell
Anderson, Calif.	Fisher	Quillen
Andrews, Ala.	Goldwater	Rees
Badillo	Hébert	Roberts
Burleson, Tex.	Jones, Ala.	Rosenthal
Cabell	Kazen	Roybal
Caffery	Koch	Satterfield
Casey, Tex.	Long, La.	Sebelius
Chappell	McCormack	Sikes
Chisholm	McEwen	Skubitz
Clawson, Del	Mink	Steiger, Ariz.
Clay	Mitchell	Veysey
Collins, Ill.	Moss	Waggonner
Collins, Tex.	Passman	Waldie
Colmer	Patman	White
Dellums	Pickle	Wright
Denholm	Poage	Yates
	Price, Tex.	Young, Tex.

NAYS—297

Abernethy	Anderson, Ill.	Andrews, N. Dak.
Adams	Anderson, Tenn.	Annunzio
Addabbo	Archer	Arends
Ashbrook	Ashley	Aspin
Barrett	Begich	Belcher
Bennett	Bergland	Betts
Biaggi	Biester	Bingham
Blackburn	Boggs	Bolling
Bow	Brademas	Brasco
Bray	Brinkley	Brooks
Broomfield	Brotzman	Brown, Mich.
Brown, Ohio	Broyhill, N.C.	Broyhill, Va.
Burke, Fla.	Burke, Mass.	Burlison, Mo.
Burton	Byrne, Pa.	Byrnes, Wis.
Byron	Carey, N.Y.	Carlson
Carter	Cederberg	Celler
Chamberlain	Clancy	Clark
Clausen, Don H.	Cleveland	Collier
Conable	Conover	Conte
Corman	Coughlin	Crane
Culver	Daniel, Va.	Daniels, N.J.
Danielson	Davis, Ga.	Davis, S.C.
Dellenback	Dennis	Dent
Derwinski	Dickinson	Dingell
Donohue	Dow	Drinan
Dulski	Duncan	du Pont
Dwyer	Eckhardt	Edwards, Ala.
Edwards, Calif.	Eilberg	Erlenborn
Esch	Evans, Colo.	Fascell
Findley	Fish	Flood
Flowers	Flynt	Foley
Ford, Gerald R.	Ford, William D.	Forsythe
Fraser	Frenzel	Fulton
Garmatz	Gettys	Giaimo
Gibbons	Gonzalez	Goodling
Grasso	Gray	Griffin
Griffiths	Gross	Grover
Gubser	Gude	Hagan
Haley	Hall	Hamilton
Hammer-schmidt	Hanna	Hansen, Idaho
Harrington	Harsha	Harvey
Hastings	Hays	Hechler, W. Va.
Heckler, Mass.	Heinz	Helstoski
Henderson	Hicks, Mass.	Hicks, Wash.
Hillis	Hogan	Holifield
Horton	Hosmer	Howard
Hull	Hungate	Hunt
Hutchinson	Ichord	Jacobs
Jarman	Johnson, Calif.	Johnson, Pa.
Jones, Tenn.	Karth	Kastenmeier
Keating	Kee	Keith
Kemp	King	Kluczynski
Kyl	Kyros	Landgrebe
Latta	Lent	Link
Long, Md.	Lujan	McClory
McCloskey	McClure	McCollister
McCulloch	McDade	McFall
McKay	McKevitt	McKinney
Madden	Mailliard	Mann
Martin	Mathias, Calif.	Mathis, Ga.
Matsunaga	Mayne	Mazzoli
Meeds	Melcher	Michel
Miller, Ohio	Minish	Minshall
Mollohan	Monagan	Montgomery
Moorhead	Morgan	Mosher
Murphy, Ill.	Myers	Natcher
Nedzi	Nichols	Nix
Obey	O'Hara	O'Konski
O'Neill	Patten	Perkins
Pettis	Peyser	Pike
Pirnie	Podell	Powell
Preyer, N.C.	Price, Ill.	Pryor, Ark.
Quie	Randall	Rangel
Rarick	Reid	Reuss
Riegle	Robinson, Va.	Robison, N.Y.
Rodino	Roe	Rogers
Roncalio	Rooney, Pa.	Rostenkowski
Roush	Rousselot	Roy
Runnels	Ruppe	Ruth
St Germain	Sandman	Sarbanes
Saylor	Scherle	Scheuer
Schneebeli	Schwengel	Seiberling
Shipley	Shoup	Sisk
Slack	Smith, Calif.	Smith, Iowa
Smith, N.Y.	Snyder	Spence
Staggers	Stanton, J. William	Stanton, James V.
Steed	Steele	Steiger, Wis.
Stephens	Stratton	Stubblefield
Stuckey	Sullivan	Symington
Taylor	Teague, Calif.	Terry
Thompson, Ga.	Thompson, N.J.	Thomson, Wis.
Thone	Tiernan	Udall
Ullman	Van Deerlin	Vanik
Vigorito	Wampler	Ware
Whalen	Whitehurst	Whitten
Widnall	Wiggins	Williams
Wilson, Charles H.	Winn	Wolff
Wyatt	Wydler	Wylie
Wyman	Zion	Zwach

NOT VOTING—81

Abourezk	Baker	Blanton
Abzug	Baring	Blatnik
Alexander	Bell	Boland
Aspinall	Bevill	Buchanan

Camp	Halpern	Mizell
Carney	Hanley	Murphy, N.Y.
Conyers	Hansen, Wash.	Nelsen
Cotter	Hathaway	Pelly
Curlin	Hawkins	Pepper
Davis, Wis.	Jonas	Pucinski
de la Garza	Jones, N.C.	Railsback
Delaney	Kuykendall	Rhodes
Devine	Landrum	Rooney, N.Y.
Diggs	Leggett	Ryan
Dorn	Lennon	Schmitz
Dowdy	Lloyd	Scott
Edmondson	McDonald,	Shriver
Eshleman	Mich.	Springer
Evins, Tenn.	McMillan	Stokes
Fountain	Macdonald,	Talcott
Frelinghuysen	Mass.	Teague, Tex.
Frey	Mahon	Vander Jagt
Fuqua	Mallary	Whalley
Galifianakis	Metcalfe	Wilson, Bob
Gallagher	Mikva	Yatron
Gaydos	Miller, Calif.	Young, Fla.
Green, Oreg.	Mills, Ark.	Zablocki
Green, Pa.	Mills, Md.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Mahon for, with Mr. Rooney of New York against.

Until further notice:

Mr. Green of Pennsylvania with Mr. Eshleman.
Mr. Blatnik with Mr. Bell.
Mr. Hanley with Mr. Railsback.
Mr. Teague of Texas with Mr. Devine.
Mr. Zablocki with Mr. Kuykendall.
Mr. Delaney with Mr. Frelinghuysen.
Mr. Evins of Tennessee with Mr. Baker.
Mr. Gaydos with Mr. Springer.
Mr. Pucinski with Mr. Lloyd.
Mr. Murphy of New York with Mr. Mills of Maryland.
Mr. Mikva with Mr. Halpern.
Mr. Macdonald of Massachusetts with Mr. Frey.
Mr. Leggett with Mr. McDonald of Michigan.
Mr. Lennon with Mr. Buchanan.
Mr. Yatron with Mr. Shriver.
Mrs. Hansen of Washington with Mr. Camp.
Mr. Hawkins with Mr. Baring.
Mr. Alexander with Mr. Scott.
Mrs. Abzug with Mr. Carney.
Mr. Cotter with Mr. Davis of Wisconsin.
Mr. Conyers with Mr. Miller of California.
Mr. Jones of North Carolina with Mr. Mizell.
Mr. Bevill with Mr. Nelsen.
Mr. Aspinall with Mr. Pelly.
Mr. Boland with Mr. Mallary.
Mr. Fountain with Mr. Jonas.
Mr. Fuqua with Mr. Schmitz.
Mr. Diggs with Mr. Gallagher.
Mrs. Green of Oregon with Mr. Rhodes.
Mr. Hathaway with Mr. Stokes.
Mr. Metcalfe with Mr. Abourezk.
Mr. Pepper with Mr. Young of Florida.
Mr. Dorn with Mr. Talcott.
Mr. Blanton with Mr. Vander Jagt.
Mr. Curlin with Mr. Whalley.
Mr. Edmondson with Mr. Bob Wilson.
Mr. Ryan with Mr. Galifianakis.
Mr. Landrum with Mr. de la Garza.
Mr. Mills of Arkansas with Mr. McMillan.

Messrs. HOLIFIELD, BOLLING, LONG of Maryland, McCULLOCH, STRATTON, and MICHEL changed their votes from "yea" to "nay."

Messrs. KOCH and DELLUMS changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. 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. 16188 and to include extraneous matter.

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

There was no objection.

CHANGE IN LEGISLATIVE PROGRAM

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

Mr. BOGGS. Mr. Speaker, I take this time to announce the change in the legislative program for the balance of this week.

On tomorrow we will not consider H.R. 15003, the consumer product safety bill. We hope to consider that bill next week.

We will consider the conference report on H.R. 15495, the military procurement bill, which will be considered under a rule waiving points of order.

We will then consider the conference report on H.R. 14896, the School Lunch Act amendments, on which the chairman, Mr. PERKINS, has unanimous consent.

We then hope to have and probably will begin general debate on H.R. 16593, the Defense Department appropriations bill. We would only have general debate on that bill tomorrow, and do not anticipate reading the bill for amendment until Thursday.

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

Mr. BOGGS. I will be happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Is that the order in which the program will follow, as far as you can tell today?

Mr. BOGGS. As far as I can tell today, the conference report on military procurement will be the first order of business.

The school lunch amendments will be second, and general debate on defense appropriations follows.

I yield back the remainder of my time.

CONFERENCE REPORT ON S. 3442, COMMUNICABLE DISEASE CONTROL ACT AMENDMENTS OF 1972

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 3442), to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 6, 1972.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as read.

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

There was no objection.

The SPEAKER. The gentleman from West Virginia is recognized.

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

Mr. Speaker, I rise in support of the conference report on S. 3442, a bill to extend and revise programs of assistance under the Public Health Service Act for the control and prevention of communicable diseases. This conference report is in most respects the same as the House-passed bill except that we have separated the House-passed support for venereal disease control programs into a new section, and compromised with the Senate on the money figures in the two bills.

The House bill authorized appropriations of $90 million in each fiscal year from 1973 through 1975. The Senate bill authorized a total of $165 million for each fiscal year over the same period, and the conference report authorizes a total of $107.5 million per year.

The House-passed bill authorized the expenditure of $50 million in each fiscal year for grants for venereal disease control programs. In the Senate bill and in the conference report venereal diseases are treated in a separate section which specifically authorizes project grants for research, demonstrations and training with respect to venereal disease; formula grants to States for public health programs for diagnosis and treatment, and project grants to States and political subdivisions for prevention and control programs. The total authorization in this section will be $62.5 million a year.

The Senate-passed bill also contained increases requested by the administration in the authorization for family planning services and project grants for health services development. For family planning services, the conference report increases the authorization for appropriations in fiscal year 1973 from $90 million to $111.5 million. The conference report does not contain the Senate-passed increase in authorization for project grants for health services development.

Mr. Speaker, as we are all aware, communicable diseases, including measles, tuberculosis, and, particularly, venereal diseases, are an ever-present threat to the health of this Nation. This bill will increase our programs for the control of these diseases and make them substantially more effective. I know of no opposition to this conference report and, because this is a good bill which we need as soon as possible, I urge its passage.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky, a member of the subcommittee (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I must say that this is a good conference report. We did not get the House position in its entirety, but most of it was obtained.

Of course, this bill has to do with the prevention of diseases such as tuberculosis, measles, and venereal diseases, and it also includes an authorization for family planning. All these things are very much needed.

Mr. Speaker, I urge the support of the conference report.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman from Kentucky. I yield such time as he may consume to the chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Speaker, I should like to join in asking passage of the conference report. It is a good report. It does address itself to the great need for doing something with respect to communicable diseases in this country, and particularly with respect to the VD epidemic which is spreading all over the Nation. This bill was reported unanimously by the Subcommittee on Public Health and Environment and passed the House by a vote of 386 to 2 on July 18, 1972.

I urge the adoption of the conference report.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

DIRECTING THE SECRETARY OF THE SENATE TO CORRECT THE TITLE OF THE BILL, S. 3442

Mr. STAGGERS. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 698), to provide for the correction of the title of the bill just passed, and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 3442) to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance and for other purposes, the Secretary of the Senate shall correct the title so as to read: "An Act to amend the Public Health Service Act to extend and revise the program of assistance under that Act for the control and prevention of communicable diseases."

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

BUSING

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

Mr. GAYDOS. Mr. Speaker, Time magazine, in a recently authorized poll, found that 67 percent of the cross section of Americans questioned were "totally opposed" to forced school busing.

The Time findings square almost exactly with those of other opinion samplings and also with the vote results of elections in which school busing has been presented as an issue.

The fact, thus, must be faced by those in positions of authority. The people do not want the neighborhood school concept abandoned. Nor do they want their children hauled for various distances each school day to achieve some social goal unrelated to education.

Few issues in our national history have so aroused the emotions of those immediately involved as has that of compulsory busing. It is spreading bitterness, fanning popular defiance, and creating tensions such as never were felt before.

I am certain that vast numbers of our black citizens are as opposed to forced busing and as concerned for their neighborhood schools as are whites. We have seen in Pittsburgh certain of the black civil rights leaders turn their attention to campaigns against busing.

If busing could bring better education for all our youngsters—if it could achieve a harmonious racial balance in the schools—if it could promote racial understanding and amity generally—then every thoughtful American would and should support it. But the facts are otherwise. Money and time spent in busing means less money and time spent on education.

Also, the feelings generated by the forcing of something which most people do not want can only worsen our race relations and threaten the fine progress which has been made in this field over recent years.

The solutions which the busing advocates seek cannot come through the transporting of children away from their home neighborhoods, but must come through the improving of our schools where they are substandard, the elimination of our ghettos and arrangements by which all our citizens, regardless of race, can share in the opportunities for a good life in America.

Let us upgrade our schools to the highest level possible. Let us spend public funds on this rather than on buying and operating buses. And let us work for a better understanding between the races and to eliminate with care and wisdom the barriers which divide them.

Congress has addressed itself to the schoolbusing controversy, laboring over legislation to curb the practice. But, as might be expected in such a highly charged matter, the congressional "cure" is wordy, full of doubletalk, and potentially ineffective. As a Congressman, I consider it my duty to make public my views. I am opposed to compulsory busing in the sincere belief that it will bring far more problems than it possibly could solve and that our children, black and white, best can be educated by improving rather than destroying our system of neighborhood schools.

I have and will support any legislation which has this as its clear purpose.

THOSE WHO PERISHED AT MUNICH WILL LIVE FOREVER IN OUR HEARTS

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

Mr. YATES. Mr. Speaker, the Olympic games are over. The races have been run. The Olympiad flame has been extinguished. But there cannot be erased the shock and horror which engulfed the world when the news broke of the murder of the Israeli athletes by Arab terrorists last Wednesday.

Mr. Speaker, on Thursday, I attended a special service for the dead which was held in the Loop Synagogue in Chicago, Ill. The mood of the hundreds who attended was one of deep emotion, of profound sorrow and sympathy for the families of those who had been slain. In everybody's mind was the question: Would something be done to prevent a repetition of the brutal killings by Arab terrorists? These killings had occurred in Munich, Germany. The previous murder of innocent civilians had occurred at the Lod Airport in Israel. Would nations continue to stand by in apparent helplessness while Arab terrorists make the whole world their arena for murder?

In my speech on the floor of the House last week, I urged the President of the United States to mobilize the nations of the world to take action to halt the brutal, criminal killings. I repeat that request now. We must not let the time pass without pressing for a solution to this bitter problem.

Mr. Speaker, the principal speaker at the service in the Loop Synagogue was the brilliant, scholarly rabbi of Anshe Emet Synagogue, Dr. Seymour J. Cohen, past president of the Synagogue Council of America. His moving address, resounding through the hushed synagogue, gave courage and comfort to the grieving worshippers.

He said:

They who perished in Munich will live forever in our hearts.

The congregation softly murmured "Amen."

Mr. Speaker, I am proud to append Rabbi Cohen's eloquent address to my remarks for all Members of the Congress to read. It follows:

REMARKS OF DR. SEYMOUR J. COHEN, RABBI, ANSHE EMET SYNAGOGUE

We are shocked and overwhelmed by the events of yesterday. Beautiful young lives have been cruelly snuffed out, victims of insensitive barbarians. They died at the hands of their murderers but they are the victims of a world which is still unprepared to put an end to piracy, to kidnapping and the murder of innocents.

The moral health of mankind is reflected in the mirror of Jewish experience. We are the sensitive barometer of mankind. When Jewish blood is cheap, all life becomes cheap. When Jewish blood is cheap, it is the sign of a sick world; when Jewish life is precious, all human life is precious. It is a sign of a world which is spiritually alive, which is sensitive, concerned not with self, but with the safety of all. We are the world's barometer of the moral state of mankind.

An Israeli coach who faced the tormenting dilemma of saving the lives of his young team or surrendering to the demands of their ultimate murderers agonized and shouted in despair: "Why don't they ever fight fair?" The fighting of wars is not the hallmark of the Jewish people. We hate war; we love peace. God's Name is Peace. We teach our children when they first start lisping in the cradle, the word "Shalom", the word "Peace". We teach it to ourselves every day of our lives. Why don't they ever fight fair? How do you fight an enemy who puts bombs on beaches, shells school buses, massacres pilgrims on their way to Jerusalem, the

Faithful City of Peace? We agonize ourselves and ask:

How could it happen when peace seemed to be so near?

How could it happen at the Olympics which bring men and women from all parts of the world, East and West, in a grand demonstration of sportsmanship and fairness?

How could it happen in that very country which had taken the torch and ignited the whole continent and burned the flesh of millions of our people?

How could it happen in that very Bavarian city where, 40 years ago, the ravings and rantings of a mad killer whose infamous deeds destroyed so, so many millions, were first heard?

We come to this House of God, we come to this Fortress of Faith, to this Place to which Jews have always assembled for solace and study, for prayer and renewal, we come in this hour, in this time of distress, we come to this House of God where we daily strengthen our better selves, we come here to this Sanctuary of the Spirit for morale, to continue to fortify our will to help mankind and our people on the road to peace. We come to this Synagogue, our most sublime expression of our religious life for morale. We come to relearn the basic lesson of morality. The temptation to become bestial is great. We will not become barbarians. The guilty, those who carried out this nefarious crime, and those who stood miles away in their capitals will be punished by God and by man, but we will not become beasts. Those who have spoken in this country so quickly and so glibly must be circumspect in their words and cautious in their deeds. We come for morale, we come for morality.

The tragedy of Munich is in the life of all who succumbed, Christian as well as Jew.

The tragedy of Munich is in the life of Moshe Weinberg, who left a widow, and a month-old babe who will never feel the warmth of his strong embrace. The tragedy of Munich is in a David Berger who left Cleveland, a Magna Cum Laude graduate of one of America's oldest universities, who came from the free world to Israel to build and to be rebuilt, to share in the thrilling drama of our people, reborn and our homeland set free, came to Israel to help people. The tragedy of Munich is in the life of Mark Slavin, 18 years old, who only three months ago went from Soviet slavery to the freedom of Israel.

They are gone now.

But to the heavens which are still torn by the tormented screams of their dying bodies, to those very heavens, we lift our eyes, we ask God: Grant us strength, make us strong, keep us morally firm to continue their heritage of human dignity and fairness.

They who perished in Munich will live forever in our hearts.

CIVIC SERVICE BY MILITARY RESERVES

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

Mr. HANSEN of Idaho. Mr. Speaker, I have taken this special order to inform my colleagues concerning civic service and domestic action activities in two of our military's Reserve components—the Air National Guard—ANG—and the Air Force Reserve—USAFR.

We all realize that the primary Federal mission of the citizen airmen of the Guard and Reserve is to train in their specialty in order to be prepared to assist with the defense of the United States in time of emergency. However, we do not often hear about the patriotic, unselfish, and important actions of these part-time military volunteers in behalf of our country's social and economic welfare.

During the first 6 months of 1972, widely separated sections of our Nation were adversely affected by natural and industrial disasters of significant importance. Quietly, in a true sense of caring for neighbors and fellow citizens, volunteer guardsmen and reservists responded to the call for assistance in every case.

In May, air guardsmen and air reservists flew tons of firefighting equipment and equipment operators into Arizona to assist the U.S. Forestry Service with their efforts to quench forest fires near Prescott.

June saw severe flooding hit parts of South Dakota, mid-Atlantic States, and Arizona. Again, guardsmen and reservists were there, helping with rescue and recovery efforts. Air Guardsmen from Minnesota and air reservists from Missouri and Utah airlifted relief supplies and equipment by the ton into the Rapid City area. Near Scottsdale, Ariz., Air Force reservists from a helicopter rescue unit were credited with saving 29 lives during flash flooding.

The most widespread disaster was, of course, Hurricane Agnes and her disastrous flooding along the east coast, particularly in Pennsylvania and New York. This most extensive disaster brought the most widespread response from the volunteers of the ANG and USAFR. During almost a week of relief operation, Air Guardsmen from units in New York, Pennsylvania, and North Carolina airlifted over 660,000 pounds of vitally needed equipment and supplies into flood-stricken areas. Reservists assigned to units in New York, Pennsylvania, Maryland, Michigan, and Utah responded by flying some 584,000 pounds of relief supplies into areas hard hit by the storm. Over 1,200,000 pounds were delivered by our volunteer airmen of the Guard and Reserve.

Recently in my own State, an industrial disaster at a silver mine near Kellogg took many lives. But, Air Force reservists from Wisconsin did what they could to help by flying in 11 tons of seismic listening gear and associated equipment in an effort to help us.

Because of the nature of ANG and USAFR flying training, disaster relief such as I have cited has always been a major effort in Guard and Reserve civic activities. Activities like these are often unrecognized day-to-day responses by Air Guardsmen and Air Force reservists when the need arises.

While the drama may lie with disaster relief efforts, our citizen airmen have been giving their time, talents, and efforts to improve the lot of our country and its citizens in many ways.

In Idaho, an Air National Guard unit at Boise hosted over 1,100 children, youth groups, and adults at educational tours and briefings of unit facilities, in April and May of this year alone. They have held classes in wilderness survival for some 400 youths and young adults. Airmen from the unit transported 99 patients from St. Albans Hospital to a new medical facility. The unit furnished facilities to support community needs, such as use of the rifle range by law-enforcement groups and use of barracks by Boy Scouts unable to find other housing.

In California, 400 Air Force Reservists refurbished a building for boys' club use and cleaned up a city park in Riverside. Reserve medical personnel in the same State performed school and precamp physicals for 196 young people. Other California reservists rehabilitated a paddle-wheel riverboat for a city, while others painted a juvenile home in Sacramento.

In Ohio, Air Guardsmen constructed a taxi strip at the Mansfield Lahm Airport. Air Force Reservists helped clear and construct a 5-acre community park in Sabina. Members of an Air Guard unit spent off-duty hours constructing a ball park for the youngsters of Blue Ash. In Columbus, air reservists are helping in many ways with the establishment and operation of a home for neglected preteen boys.

In New York, members of six ANG units annually devote a full day in June to escorting over 4,000 mentally and physically handicapped children to an amusement park. Guardsmen in Syracuse repaired the home of a 62-year-old lady to bring it up to building code standards so she would not be forced to move. A USAFR unit in New York City has made over 128 drug abuse presentations to civilian clubs and high schools, consisting of a film showing and discussion. At Niagara Falls, a youngsters' drum and bugle corps sponsored by the police department uses the gymnasium at the Reserve installation for weekly practice sessions.

In Alaska, Air Guardsmen conduct Operation Santa Claus each year, involving the airlift of food and clothing to remote Eskimo villages during the Christmas holidays.

In South Carolina, approximately 220 youths and adults at St. John's Episcopal Mission Center had a happier Christmas holiday because of the efforts of the Air Force reservists in donating new and used items of clothing and toys for their use.

In Puerto Rico, members of an ANG unit have adopted a rural school in Aguadilla. They have become fathers, counselors, benefactors, carpenters, painters, plumbers, and janitors for the children attending classes at "La Playuela" school.

In Arizona, where desert survival is of vital interest to local communities, pararescuemen from a USAFR unit conduct a continuing program of instruction for their civilian neighbors. During 1 month last year they taught survival techniques to 1,215 students.

On a daily basis, in every State in our Nation, concerned humanitarian actions such as those I have mentioned are being performed on a voluntary basis by the citizen airmen of our Air National Guard and Air Force Reserve. Then too, because of the community ties of these guardsmen and reservists, there are many small, perhaps individual efforts that are

just as meaningful, if not more so, than the larger programs.

The volunteer airmen of the Air National Guard and Air Force Reserve are making substantial contributions to the economic and social progress of the United States, and they should be commended for their demonstrated interest in the well-being of their fellow citizens.

I speak of these actions because I have found that not too many people know enough about the National Guard and the Military Reserve in terms other than their normal training. These residual actions produce for this Nation and its communities benefits far beyond those that could be produced by citizens just being citizens.

Through Guard and Reserve training we have groups of citizens working together, equipped to do the job expeditiously, and imbued with a "team spirit" that spurs them on.

THE WAR-POWERS BILL

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

Mr. CONABLE. Mr. Speaker, a House-Senate conference committee is now considering the first war-powers legislation in the Nation's history. If that conference adopts the House verision of the warpowers bill, twice passed as House Joint Resolution 1, the result will be effective, responsible, constitutional war-powers legislation as part of the record of the 92d Congress. If, on the other hand, the conference goes beyond the House bill the result may well be no war-powers legislation at all.

The House bill calls for closer consultation between Congress and the President in committing U.S. military forces abroad and would establish an innovative and highly useful reporting mechanism which would require the President to submit reports in writing to the House and the Senate whenever he deploys U.S. military forces abroad or commits them to armed conflict without prior authorization by the Congress. The witnesses who have testified on this concept have praised it as a highly useful step forward and have unanimously been of the opinion that it would be constitutional.

On the other hand, the Senate has passed a war-powers bill which attempts to rigidly codify the circumstances in which the President may authorize the use of the Armed Forces abroad without a declaration of war. The vice of this approach is that it attempts to freeze the circumstances in which the Armed Forces can be used on Presidential authority—a maginot line against the Presidency—and that it assumes total congressional primacy, judgments which the Framers wisely avoided. Not surprisingly, the constitutionality of this Senate bill has been widely challenged and the administration has opposed it.

The extensive hearings held in both the House and the Senate on the concept embodied in the Senate bill demonstrate that many constitutional scholars have grave doubts about any approach which would attempt a codification of Presidential authority or a time limit on the exercise of the President's emergency powers. Certainly without a more careful study of the constitutional issues, such as that now underway by the American Bar Association, it would be a great mistake to adopt this concept.

The relationship between Congress and the President with respect to the use of the armed forces abroad are among the most important issues in the structure of our Government. We should not sacrifice an opportunity for real progress in this area for a measure which has not had adequate study and which seems assured of administration opposition.

BARBARISM AT OLYMPIC GAMES

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

Mr. SANDMAN. Mr. Speaker, the games of the XX Olympic in Munich are now over, but the wounds inflicted on the hopes for peace and the minds of civilized people around the world because of the senseless terrorism will take years to heal.

The invasion of the Olympic compound and the seizure and cold-blooded murder of 11 members of the Israeli Olympic team by Arab terrorists was one of the most barbaric acts in history.

In an expression of national shock, sympathy for the families of those killed and in an initial effort to try to prevent such a dastardly crime from happening ever again, the U.S. Congress unanimously adopted a resolution the day after the killings that reads as follows:

Resolved, that all means be sought by which the civilized world may cut off from contact with civilized mankind any peoples or any nation giving sanctuary, support, **sympathy, aid or comfort to acts of murder and barbarism such as those just witnessed at Munich and that the Clerk of the House be directed to communicate these sentiments and expressions to the Secretary of State.**

I and 345 other Members of Congress voted for the resolution on September 6.

Our sympathy, while sincere, cannot bring back the lives of the Israeli athletes and the German personnel who died. Our expressions of disgust and anger will not, unfortunately, do anything to change the outlook or the tactics of the Palestinian guerrillas who somehow feel that their terrorist activities will avenge the United Nations decision nearly 25 years ago to permit formation of the State of Israel.

I am among those who feel strongly that politics should have absolutely no role in the conduct of the Olympic games. Along with most of the rest of the people of the world, I hope the International Olympic Committee does not allow the games to be intimidated by such political terrorism that was totally unrelated to sports.

I am urging my Government to take whatever steps may be necessary to pressure other nations into ending terrorist actions by their citizens and from or within their respective borders.

It is my hope that the resolution we passed in the Congress will generate that pressure and also underline this Nation's continued support of Israel's desire and right to be left alone and allowed to grow and prosper.

OLYMPIC GAMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. MATHIAS) is recognized for 30 minutes.

Mr. MATHIS of Georgia. Mr. Speaker, it is with a saddened heart that I rise on the floor of this House today to ask if the modern Olympic games, like those of old, is not in danger of losing these time-honored goals for the greatest of all international sporting competition. In an age when we are all filled with a deep yearning for peace and understanding among nations we cannot ignore the preponderance of evidence that our 20th century Neros are trying to use these noble games for their own political purposes. Cauliflowered ears on the boxers and the look of maturity on the faces of team members forces us to ask if the amateur standing of athletes from Communist-bloc nations where everyone is on the state payroll are the same as ours. Is it possible, Mr. Speaker, that judges or referees from countries devoid of any political freedom can impartially judge participants from free nations? The evidence from the 1972 Olympics would tend to point toward a negative conclusion in that regard.

Politics reared its head before the games had started when Rhodesia was barred from participation. Avery Brundage, president of the IOC, called a spade a spade when he labeled this action as "naked political blackmail." A North Korean gold medal winner in a rifle contest stated quite frankly:

My chief de Mission told me to keep my country's enemies in my sights.

These statements obviously shed some light on the meaning of the highly questionable decisions that often appeared to be the rule rather than the exception.

The article which I now introduce from the record from this mornings Washington Post clearly illustrates how the Communists are already using the results of the Olympic games as part of their political propaganda.

The headline reads:

GAMES SHOW RED IS BETTER, IZVESTIA SAYS

Moscow, September 11.—Triumphs at the Munich Olympics by the Soviet Union and her allies have demonstrated the great advantages of Communism, Izvestia said today.

The Government daily, reporting from Munich, said competitors from Communist countries provided the high-light of the games with their successful showing.

"Here they demonstrated honorably the great advantage of the new system, which creates all opportunities for the successful development of the personality, for taking part in physical culture and sports," Izvestia declared.

I would be less than honest if I did not say that I have deep misgivings

about the propriety of Congress becoming involved in the controversies surrounding the Olympic Games. However, this Government, committed to the cause of world peace certainly has a justifiable interest in preserving international events that promote peaceful competition and understanding between people from different nations. It appears to me that we would be derelict in our duties as elected representatives if we stand silent while nations who do not believe in freedom abuse America's young athletes to promote their own political goals in the world.

Yes, we must raise our voices when the honor of our country is at stake, but more important we cannot in good conscience stand idly by and allow America's finest young athletes to have their talents and efforts used as fodder for the Communist propaganda cannon. Many of these dedicated American athletes have trained for four or more long years as true amateurs without financial reward, giving up their free time and holidays to develop their skills, often putting off the start of a career only to see biased judges take away the individual recognition they have earned and so justly deserve.

Just to mention a few examples: Reginald Jones had so battered his Russian opponent that the crowd booed for some 15 minutes after the Soviet boxer was proclaimed the winner. Almost a dozen judges were fired for incompetence but the unfair decision stood. The superheavyweight American wrestler, Chris Taylor, lost an equally controversial decision to a wrestler from the Soviet Union. Victor Auer was told 2 hours after the event that the gold medal he had won was to go to a North Korean. An East German judge so consistently rated divers from Communist countries high and those from free countries low in consistent contrast to the other judges that he received almost as much TV time as the divers. The American pole vaulter was first told that he could use one of the poles with which he had practiced for years only to have the decision reversed at the last minute. Free world gymnists clearly did not receive impartial judging by the judges from the Communist countries. The Japanese frequently stood in disbelief as they saw Russians awarded judo decisions in which the Japanese had been clearly superior.

The straw that really broke the camel's back, in my opinion, and, I believe, for millions of American TV viewers, was the "official" outcome of the basketball game for the gold medal between the Americans and the Russians. As the German scorekeeper for the game, Hans Tenshert, said, "under FIBA rules the United States won." But, in spite of irrefutable evidence that there was no rule under which the Soviet Union could have been granted an additional 3 seconds after the game had ended, the FIBA board of appeals made up of three Comunist-bloc nations, Poland, Hungary, and Cuba in addition to Italy and Puerto Rico, voted 3 to 2 to declare the Russians the winners. Another Communist-bloc vote had deprived the young American athletes of the victory they had so clearly won by every rule of decency and fairplay.

Mr. R. William Jones, secretary of the International Amateur Basketball Association, said after the game that the Americans "have to learn how to lose." Let me tell Mr. Jones that although no American ever wants to lose, that he knows how to lose, when he loses fairly and squarely. I am proud of the American basketball team for voting as a team not to accept the silver medals since they had fairly won the gold medals.

Mr. Speaker, I also believe that we who live in glass houses should not throw stones. The U.S. Olympic Committee is also, in my opinion, fully deserving of a thorough investigation. As every American citizen who followed the Olympics on television knows, we had two of our finest young sprinters who were watching television in their rooms at the Olympic Village when their qualifying heats were scheduled. They reportedly had been given an erroneous time for their heats by their coach. We had a young swimmer from California who was stripped of his gold medal after he had clearly outdistanced the pack in his event, because he was using a prescribed medication for an asthmatic condition. We had runners who were gold medal possibilities who did not even show for their heats, and a young swimmer who was stripped of a gold medal because of the apparent error of a physician. We can dismiss these incidents as human error, and it would be very easy for us to do so. These type of things, I am sure, could happen to all of us. But they did not happen to me, Mr. Speaker, or to any Member of this House, but to dedicated young athletes who have spent unmeasured hours preparing themselves for these games, and the facts are that these unfortunate incidents could have been avoided. I believe that all of the facts should be brought to light, and that we should take every step possible to insure that this type disappointment never again comes to one of our athletes through an error that could have been avoided. We owe it to our athletes to make sure that they have maximum support from our own Olympic committee.

In a lengthy conversation this morning with one of America's best known sportscasters who was on the scene in Munich, my worst suspicions were confirmed that our athletes were treated most unfairly by judges from Communist countries. I was also assured that many of the leading figures in the sports world in America were looking for ways to prevent a recurrence of the same situation 4 years from now.

In view of all these considerations I am announcing today that I am in the process of drafting a House joint resolution to establish a commission to investigate the Olympic games of 1972. I will propose a 12-member commission to be appointed by the President of the United States, the President of the Senate, and the Speaker of the House of Representatives with eight of the members to be selected from the private sector. The purpose of the commission will be to study the nature and makeup of the International Olympic Committee and all its boards and committees, the Olympic committees of all the major nations involved as well as the selection of judges and referees. The U.S. Olympic Committee must certainly be called to account for its mistakes and required to adopt measures to prevent making the same costly and careless errors in the future. The commission should also determine the distinction between amateur and professional athletes and recommend guidelines that can be applied equally to all nations participating in the games. The commission will be given adequate staff and funding to conduct a full and thorough investigation and report back to the Congress and the American people in a reasonable length of time.

It is my conviction, that we as citizens of this great country, have the right to know the full facts surrounding the Olympics in order that we can provide adequate safeguards for future games. I for one do not believe that we can in good conscience ask our young athletes to devote so much of their life and efforts to the rigid training schedule necessary unless we can offer them honest assurances that they have the support of their country behind them and every reason to believe they will encounter fair and impartial competition.

EQUAL TREATMENT FOR FEDERAL RETIREES

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

Mr. PODELL. Mr. Speaker, with today's skyrocketing rate of inflation, Congress has recently seen fit to enact a 20 percent increase in social security annuities and railroad retirement benefits. However, in all the flurry, it seems that we have overlooked a very important group—those who have devoted years of service to the Federal Government. It seems strange that such a large and important group could be left out of the picture. But when we take a look at the record we find this to be the case. Civil service employees have been known to get the short end of the stick in a number of cases involving retirement benefits.

Under the present system, the civil service employee contributes 7 percent of his gross income toward his retirement plan. No deduction or exclusion is allowable on this contribution. This means that the Federal employee must pay taxes on deferred income—money which he will not receive for many years. Indeed, if he dies before attaining retirement age, he is paying taxes on money which he will never receive.

The 7 percent of gross income which the employee pays into the retirement plan is matched by his employer, the Federal Government. However, the contribution which is made by the Government is not subject to taxation until it is paid to the employee or his beneficiaries. Therefore the tax burden once again falls upon the employee.

The Federal employee first pays taxes on income which he may never receive, then when he reaches retirement age, he must pay taxes on any annuities over and above his own contribution.

If we compare the civil service retirement system with the social security or railroad retirement systems, we discover a terrible inequity. Under the railroad retirement, and social security systems,

the annuitants contribute to retirement funds much as one does under civil service. But here the similarity ends. Social security and railroad retirement benefits are totally exempt from Federal income taxation. When the retiree draws upon his annuity, at no time is he required to declare it as income for tax purposes. Nor does he pay taxes on this money when he originally contributes it to the retirement fund.

It is long past time that civil service employees be accorded equal tax treatment with social security and railroad retirement annuitants. In June I introduced H.R. 15756, the Civil Service Annuity Protection Act, a bill to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income for Federal income tax purposes. Today in a further attempt to correct the present situation, I am introducing the Civil Service Annuity Incentive Act of 1972. The purpose of this act is to amend the Internal Revenue Code of 1954 to provide that there shall be allowed as an income tax deduction those contributions on the part of civil service employees toward personal retirement annuities.

We can no longer continue to treat retired Federal employees as second class senior citizens. It is my sincere hope that my colleagues will join with me in protest of this inequity which has already existed too long.

Mr. Speaker, we must take action immediately in order to insure equal treatment for Federal employees.

HOW DANGEROUS CAN PRAYER SHAWLS AND PRAYER BOOKS BE?

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

Mr. KOCH. Mr. Speaker, constituents of Jewish faith asked me to ascertain how they could send to coreligionists in the Soviet Union religious material such as prayer shawls—tallisim—and prayer books. I am sad to report that the Soviet Union refuses to permit such material to be sent.

The correspondence follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 16, 1972.

HON. ANATOLY F. DOBRYNIN,
Ambassador Extraordinary and Plenipotentiary, Union of Soviet Socialist Republics, Washington, D.C.

DEAR MR. AMBASSADOR: Constituents have asked me to inquire of you whether it would be permissible for them to send to the Moscow Synogogue at 8 Ul. Arkhipova, prayer shawls (tallisim) and prayer books.

If there is a procedure for doing this, I would appreciate knowing what must be done in advance of the actual shipment.

Sincerely,

EDWARD I. KOCH.

EMBASSY OF THE UNION OF
SOVIET SOCIALIST REPUBLICS,
CONSULAR DIVISION,
August 28, 1972.

DEAR MR. KOCH: With reference to your letter dated August 16th, 1972, we would like to inform you that in accordance with the Soviet customs regulations it is not permissible to send to the USSR prayer shawls (tallisim) and prayer books, but as an exception a believer is allowed to bring through the Soviet Union border a copy of mentioned above items to meet only his personal needs.

Sincerely yours,

Y. GALISHNIKOV,
Chief of the Consular Division of the USSR Embassy.

LOOPHOLES: THE RICH GETS RICHER AND RICHER AND——

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

Mr. WALDIE. Mr. Speaker, I would like to draw your attention to several items from the Sacramento Bee concerning the issue of tax reform. Every political election year we hear promises by electioneering officials to reform the tax laws. This recent editorial documents the overwhelming need for a reform of our tax system—a system that is more responsive to the interests of big companies such as International Telephone & Telegraph than the anguish of the American people:

FAILURE OF RICHEST CORPORATIONS TO PAY INCOME TAXES SHOWS NEED FOR TAX REFORM

The disclosure that five huge corporations with 1972 profits totalling $382 million paid no federal corporate income taxes last year shows why this nation needs a drastic overhaul of its tax structure.

The situation is preposterous. It is so bad as to be almost incomprehensible the general public should put up with it.

Rep. Charles A. Vanik, D-Ohio, presented to the Joint Economic Committee of Congress a report which reveals that although the corporate tax rate is supposed to be a flat 48 per cent on profits over $25,000, none of the 100 largest corporations in the country pay at that rate. Instead, six firms with profits totalling $2.3 billion paid taxes at a rate of less than 10 per cent and five paid none at all.

The largest corporations paid at the rate of 26 per cent. Smaller companies paid at the rate of 44 per cent.

International Telephone & Telegraph Corp. paid taxes at the rate of 14 per cent in 1969 when it had a profit of about $369 million but two years later, when its profits rose to $410 million, its tax rate fell to 5 per cent.

The corporate tax disclosures come on top of recent revelations that 107 individuals who received more than $200,000 in annual income each last year paid no federal income taxes.

These are the things tax reformers mean when they want to close loopholes. These are the outrages which U.S. Sen. George McGovern of South Dakota, the Democratic nominee for president, is talking about when he says the present tax system penalizes hard work; when he says tax laws should be devised so that those who get the highest benefits will pay their full share rather than being allowed to slip through loopholes at the expense of the rest of the population.

These are the things which give the lie to the rosy picture painted by former Treasury Secretary John N. Connally Jr., who somehow likens failure to pay taxes with doing something good for the country.

These are the things which should be causing the middle- and lower-income taxpayers—many of whom put up 10 to 20 or more per cent of their net incomes for taxes—to revolt and demand executive leadership and congressional action toward reform.

These are the things which solidly document the need for tax laws which would prevent any individual or corporation from escaping a fair share of the burden of financing democracy.

This year, we are again hearing about tax reform, but this time in the form of credible and workable suggestions. On the other hand, it seems that all some elected officials can do is condone the "living by loopholes" which allows the well-to-do to pay less taxes than the citizen who works hard to make ends meet. As the Sacramento Bee recently reported:

REINECKE: MCGOVERN IS OVEROBSESSED ON TAXES

Lt. Gov. Ed Reinecke said yesterday that Democratic presidential hopeful Sen. George McGovern "seems overobsessed with doing away with tax loopholes."

"We're going to have to let a lot of people know we live by loopholes—they allow people to live within their own means," Reinecke said.

The Republican lieutenant governor devoted most of his speech on "Economic Development in California" to criticism of the Democratic presidential candidate. He was addressing a luncheon of the Sons in Retirement, a senior citizens organization.

"Sen. McGovern has a long fight ahead of him to convince the American people that he's not more than a pied piper with a single tune," Reinecke said. "The American people do not relish the idea of their president begging on his hands and knees for a cup of kindness from Hanoi.

"Neither do they condone total amnesty for draft dodgers who flew the scene while others were bleeding and dying," he continued.

Reinecke said that "loop-hole" would be the "buzz word" of the campaign. He maintained that such loop-holes as the oil depletion allowance benefit the average citizen.

The American people realize that "any increase in tax on business is an increase in their own taxes," he said.

REINECKE DISPLAYS LACK OF CONCERN

In a speech last week before the Sons in Retirement club in Sacramento, Lt. Gov. Ed Reinecke made one of the wierdest observations yet heard about the need for reform of the tax laws of the nation.

He said:

"We're going to have to let a lot of people know we live by loopholes—they allow people to live within their own means."

This must be the first time the taxpayer who is struggling to keep up with the rising cost of living while at the same time coughing up increasing amounts of his pay for government has been told the tax laws were written to allow him to live within his means.

It may be the loopholes which permit more than 100 of the richest people in the nation to escape paying any federal income tax at all last year helped them to live within their means.

It could be the loopholes which make it possible for the wealthiest corporations to pay less of a percentage of their income taxes than do wage-earners allowed them to live within their means.

But the loopholes, if indeed they are such, which are available to fixed-income retirees, the lower-income families and the middle-income worker dependent upon only a paycheck certainly do not help these taxpayers live within their means.

Maybe some people live by loopholes but they are a favored few of the millions of income earners of the nation.

Reinecke, a Republican, made his curious remark in the context of a political attack on U.S. Sen. George McGovern of South Da-

kota, the Democratic nominee for president, so it probably should be dismissed as such.

His contention that McGovern is "overobsessed" with doing away with tax loopholes actually could be applauded. McGovern wants only what hundreds of other government leaders, economists and citizens have campaigned for years. Fair distribution of the tax burdens so that advantage is not rewarded and hard work is not penalized.

More people should be so overobsessed.

I submit to you this evidence that the "single tune" sung for so long by the hard-working American people is one which must be resolved soon so that the burden is shared by all income brackets, and not almost fully supported by just one. I find it highly distasteful that loopholes, a major concern of the people of California and the Nation, could be so carelessly shrugged off by an elected official of the State as "merely allow[ing] people to live within their means." Loopholes allow the privileged to live within and above their means, not the working Americans.

DAY CARE AND EARLY CHILDHOOD EDUCATION

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

Mr. REID. Mr. Speaker, today I am introducing legislation to deal with what has been described by many experts as the most important remaining gap in our educational system in America.

The bill that I am introducing will establish a Federal program of support for the creation of facilities to provide quality day care and early childhood education for the millions of American children, principally preschool children, in middle- and lower-income families where the mothers work. If enacted this measure will more than double the licensed facilities in the Nation and will extend the children it serves badly needed health, education, and nutrition services.

I want to stress that this is much more than just the sponsorship of legislation. This is a reaffirmation of a commitment to win enactment of what I believe to be the most important social legislation of this decade. It is the beginning of the formation of a new coalition dedicated to meeting the urgent needs of more than 4.5 million American children and their families.

As you know, the Congress of the United States last year enacted such a measure only to see the President veto it. With this veto the President ignored more than 3 years of painstaking work by Congress. He rebuffed the broadest coalition ever formed behind social legislation. He rejected the counsel of experts in every related discipline, including members of his own administration. He may have dealt a fatal blow to his much-touted welfare reform program. Most serious of all, he dealt a cruel blow to the Nation's working mothers and their children.

We are determined that narrow partisan considerations will not be allowed to block this logical and indispensable extension of our public education system or to deny American women and children this program which is their right.

I am pleased to be able to announce that we are already well-advanced in the effort to rebuild the day care coalition that proved so successful in the past.

The measure that I am sponsoring today has already won the support of the AFL–CIO, the United Auto Workers, the Child Welfare League of America, the Washington research project and the Day Care Council of Westchester, the cornerstones of the original coalition. I ask unanimous consent to enter copies of the letters and telegrams of support in the RECORD immediately following my remarks.

As the Senate has already acted on a not too dissimilar measure, we are seeking the broadest bipartisan support in the hope that a measure may be brought to conference before adjournment.

The quality day care and early childhood development program has been the subject of one of the most virulent and scurrilous attacks in my experience, not unlike the attacks that were launched against such social programs as social security and medicare. Without going into too much detail, let me take this opportunity to set the record straight on what the program does and does not propose to do.

First, it has been charged that day care facilities are sort of an un-American plot to undermine family relationships and wean children from their parents. Nothing could be further from the truth.

The program is an effort to strengthen family bonds and parental authority. It does this not only by relieving a source of grave anxiety for working parents as to the care their children are receiving during the day, but also by requiring that parents be intimately involved in day care and education programs at every level from policy to implementation.

Second, it has been charged that the program is unnecessary and will encourage mothers to take jobs outside the home, when, in the opinion of the opponents, the woman's place is in the kitchen. This is both untrue and a grave disservice to American women.

The growing number of women who want to, and need to, work, either to support their families or satisfy the need for greater self-fulfillment, has made it imperative that we create quality day care facilities. The only alternative for millions of middle- and lower-income families who cannot afford existing facilities is either not to work, and thus suffer poverty or join welfare rolls, or to leave children in informal care or alone with no care at all.

Let me briefly list some of the major things this legislation will do.

It will create facilities to provide quality day care and early childhood education for more than 1 million children of middle- and lower-income families.

It will provide for extensive parent involvement at all levels.

It establishes modest fee schedules according to the family's ability to pay.

It provides a wide variety of family-strengthening programs and services such as in-home care that will enable parents to choose the services that meet their own and their children's needs.

Finally, it authorizes expenditures of $150 million for the first year to set up the program and a total of $2 billion thereafter to run it.

I have prepared the following list of the highlights of my bill for the information of my colleagues:

HIGHLIGHTS OF THE COMPREHENSIVE CHILD DEVELOPMENT ACT OF 1972

(1) A comprehensive program of family-oriented early childhood development and preschool education including educational, medical, nutritional and social services, available for the children of lower and middle income working mothers.

(2) Extensive parental involvement at all levels including parental responsibility for the day-to-day administration of the programs, and responsibility for determining policy.

(3) Explicit statutory language on the voluntary nature of the program.

(4) A wide variety of family-strengthening programs and services including in-home care to enable parents to choose services to meet their own and their children's specific needs.

(5) Improved programs to train professional and paraprofessional personnel to staff day care and child development programs.

(6) A fee schedule similar to the vetoed bill as worked out with the Administration with the added provision that prime sponsors can apply to have the schedule waived to meet special local circumstances and reflect actual living costs.

(7) A delivery system designed to insure workability by limiting the number of localities that can run their own programs to those with populations of 25,000 or more.

(8) Strong assurances that on-going Head-start programs will be continued as long as they have community support.

(9) The assurance of a broad socio-economic mix.

(10) The establishment of explicit operating and staff standards to insure quality developmental programs.

(11) Establishment by statute of a separate Office of Child Development.

(12) Programs to insure the involvement of existing education agencies through a 5% set-aside of funds for special innovative programs run by educational agencies.

(13) Authorizations of $150 million in Fiscal Year 1973 for planning and $2 billion for Fiscal Year 1974.

SEPTEMBER 11, 1972.

Hon. OGDEN R. REID,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: The AFL–CIO fully endorses your decision to introduce a new comprehensive child development bill, similar to concept to legislation that we have supported during both sessions of the 92nd Congress.

As you know, the AFL–CIO worked for passage of the 1971 bill and had hoped for enactment. The unfortunate veto by the President postponed badly needed federal aid—and support—in this critical domestic area.

The children of working mothers, as well as the children of those who seek work to lift them out of poverty, desperately require the type of programs and services spelled out in last year's legislation.

Since the Senate already has passed its version of a bill tailored to meet the Administration's objections, the AFL–CIO would hope that the House could pass a bipartisan measure containing the basic principles of the 1971 bill.

Your decision to introduce such a bill is a strong step in the right direction.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

SEPTEMBER 8, 1972.

Hon. OGDEN R. REID,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN REID: As you know, the UAW is among numerous organizations which enthusiastically supported enactment of the comprehensive child development legislation callously vetoed by the President last year. That veto represented one of the sorriest moments in an Administration which has unfortunately been characterized by a consistent disregard of the social needs of the American people—particularly the young people.

The vetoed child development legislation contained provisions reflecting principles which we believed then—and still believe—are essential for the effective operation of a family-oriented, locally-controlled program to provide the kind of comprehensive services needed by America's children.

We are indeed pleased to learn that you plan to introduce a bill reflecting those same essential principles. Your leadership in the continuing effort to enact an effective child development program is appreciated. You can depend upon us to continue our interest in this legislative objective so vital to the interests of our nation's children.

Sincerely,

JACK BEIDLER,
Legislative Director.

SEPTEMBER 11, 1972.

Hon. OGDEN R. REID,
House Office Building,
Washington, D.C.

DEAR MR. REID: The Child Welfare League of America is pleased to learn that you are planning to introduce an improved version of the child development bill that passed the Senate, S. 3617. We are particularly appreciative that your bill makes two changes recommended by our Board—parent participation is improved and the discretion given to the Secretary of the Department of Health, Education, and Welfare is limited.

There are certain basic principles which the League believes should be incorporated in any child care legislation what its primary purpose may be—whether to improve opportunities for disadvantaged children, to serve as an adjunct to work and training programs for public assistance recipients, to help provide safe care for children whose parents are unable to do so, or to provide developmental services for children whose parents need or want them.

These principles include the following:

1. The welfare of the child should be the prime consideration in child care programs.

2. Child care should be available to all children in need of such care regardless of the socio-economic circumstances or employment status of the family.

(a) Initially, there should be priorities in providing services for the economically disadvantaged.

(b) Cost for care to a family should range from free to full payment, depending on the family's financial resources.

(c) Programs should provide for continuity of care for children irrespective of changes in economic or employment status of parents.

(d) Programs should be available to children on a part-time or full-time basis to the needs of the child and his family.

(e) The same programs should be available to all socio-economic groups. Children should not be separated into different programs on the basis of the socio-economic or employment status of the family. The establishment of a two-class child care system should be avoided.

3. Child care programs should be of a comprehensive nature—that is, in addition to providing care and protection, they should make available a variety of services, such as nutritional, health, psychological, social work and educational services, etc. Programs should not be limited solely to physical safekeeping or so-called "custodial care."

4. Standards to insure a sound quality of child care should be established with particular reference to the ratio of staff to children, and to the quality and training of staff. There should be provision and adequate funding for enforcement of standards. Government funds should not be permitted to finance, directly or indirectly, child care which does not meet proper standards.

5. There should be provision for parental involvement in all child care programs.

6. There should be flexibility of administration to permit adaptation of programs to meet local needs.

7. Funding should be adequate to support the needed quantity and quality of child care.

To the extent that the introduction of your bill will help stimulate debate leading to the enactment of legislation which incorporates these principles, we are supportive of this continued action on behalf of children.

Sincerely,

JOSEPH H. REID.

WASHINGTON RESEARCH PROJECT,
Washington, D.C., September 8, 1972.

Hon. OGDEN R. REID,
U.S. House of Representatives,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN REID: I understand that you are planning to introduce this week a comprehensive child development bill.

As you know, we have worked over the past two years, with many other national and community organizations, for the enactment of legislation to make available to families who need them comprehensive developmental child care programs which would be locally controlled, with parents in decision-making roles. Contrary to the false fears raised by the President in his heartless veto of the child care bill Congress passed last year, child development programs are urgently needed to strengthen and support American families. Millions of mothers are working, not to escape their families but to help support them, and they are properly demanding quality developmental programs for their children for the time they must be out of the home. Moreover, there are several million children in this country whose families are in poverty and thus cannot on their own adequately provide for all of their intellectual, physical, nutritional and social needs during the crucial early developmental years.

It is a shocking truth that this country has refused a commitment to its children. Today, early childhood programs are available only for some of the very wealthy who can afford to pay the high costs of private nursery schools, or for some of the very poor, a great number of whom are being shuffled off into custodial if not damaging day care. Little if anything is available for the vast majority of children who fall in between.

We commend you for your continued efforts on this vital legislation and want to assure you of our vigorous support for enactment of the type of comprehensive child development bill which will fulfill our national responsibility to our children.

Sincerely,

MARIAN WRIGHT EDELMAN,
Director.

SEPTEMBER 12, 1972.

Congressman OGDEN R. REID,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN REID: As the foremost child care advocates in Westchester County we applaud your initiative in proposing new child development legislation. We are in agreement with the principles of a comprehensive child development bill.

Your continued leadership and interests in the cause of high quality day care for this Nation's children is needed to make day care the priority it should be.

Mrs. JOHN F. MALONEY,
President, Day Care Council of Westchester.

ANNIVERSARY OF INVASION OF CZECHOSLOVAKIA

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

Mr. STRATTON. Mr. Speaker, while Congress was in its recent August recess, a sad anniversary was observed by the Czechoslovakian people and our fellow Americans of Czech and Slovak descent. It was on August 21, 1968, that Soviet troops rolled across the borders into Czechoslovakia in flagrant violation of the United Nations Charter.

The Soviet occupation of Czechoslovakia demonstrated to the world that communism and freedom cannot live side by side, even if it is the limited freedom that was allowed by the Dubcek regime. Truth and free speech are poison to the Communist plan of total domination of every aspect of every human being.

This anniversary, Mr. Speaker, was not just a commemoration of a tragic event that occurred 4 years ago, but was a reminder of a condition that has existed in that country for the past 4 years. Soviet troops continue their occupation and reign of terror to this day.

Just within the past month, some 38 former supporters of Alexander Dubcek have been sentenced to jail for "subversion" by puppet courts in Prague with the strings pulled from Moscow. These men were guilty of simply helping a popular leader bring about some liberal reforms in his country and allow his countrymen a taste of freedom.

In recent weeks we have read in the newspaper reports of an attempted dismantling of the Catholic Church by the Soviet-installed Czechoslovakian Government. Monasteries have been closed, nuns banished, and priests suspended. The official press tells its readers that the church is an ally of France and that religion is dangerous. Religion, of course, is dangerous to dictatorial communism because it teaches the dignity of the individual.

Since that day in 1968, some 50,000 Czechoslovakians have escaped from behind the Iron Curtain, finding themselves unable to live in the intolerable conditions imposed upon their nation. Some of them have come to America to join others who came from Czechoslovakia, or whose ancestors came from that country to help make our Nation great. We welcome them to the United States, but still despair over the conditions that forced them to leave and under which their friends and relatives are forced to continue to live.

So as we enter the fifth year of Soviet occupation of Czechoslovakia, let us join with all freedom-loving people in expressing our outrage that this occupation of repression is allowed to continue and in bringing world opinion to bear upon the Russians to abandon their illegal activities.

THE 50TH ANNIVERSARY OF U.S. RECOGNITION OF THE BALTIC REPUBLICS

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

Mr. STRATTON. Mr. Speaker, the year 1972 marks a very special anniversary in the history of relations between the United States and our friends in the Baltic nations of Eastern Europe. It was 50 years ago that the United States followed the lead of the major European powers in extending de jure recognition to the free and independent governments of Lithuania, Latvia, and Estonia.

The nationalism and individual cultures of these three nations had survived centuries of domination and occupation by various European tribes, Russians and Germans, and they proclaimed their independence in 1918. Four years later, Secretary of State Charles Evans Hughes, in announcing that the United States was extending diplomatic recognition to the Baltic States, noted that the independent governments had existed for a significant period of time and had successfully maintained political and economic stability within their borders.

This was a day of great joy for both Americans and those in the Baltic nations as well for it meant that at last the governments of these nations could enter into treaties with each other and work together for the goals that had been common to the heritage of all four of these countries—sovereignty of nations and liberty for all people.

While U.S. recognition of those nations continues today, our relations are with exiled governments, for just 18 years after American recognition the Soviets broke treaties and agreements and invaded the Baltic Republics, beginning a reign of terror that continues to this day. The Communists have executed or deported to Siberia hundreds of thousands in an effort to break the spirit and nationalistic fervor of these freedom-loving people. In spite of the fact that these crimes against humanity have continued for more than 30 years, the Russian dictators have failed to squelch the desire for freedom in those nations.

Just last May, for example, reports of anti-Soviet rioting in Lithuania leaked to the Western press. In all three Baltic nations, bold libertarians have been working underground publishing nationalistic anti-Soviet literature.

I should add, of course, that many who fled their homeland to escape the Soviet persecutors came to this Nation and have made tremendous contributions to our society as American citizens and continue to do so while working and praying for the eventual liberation of their homelands.

On this occasion it is appropriate that all Americans join them in their prayers and rededicate ourselves to working for the day that the true governments of the people of the Baltic States, recognized by the United States for 50 years, will be able to return to their homelands and once again allow the liberty-loving people of the Baltic States to govern themselves.

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. DU PONT) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. HOSMER, for 5 minutes, today.

Mr. HANSEN of Idaho, for 15 minutes, today.

Mr. CONABLE, for 5 minutes, today.

Mr. SANDMAN, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. MATHIS of Georgia, for 30 minutes, today.

Mr. PODELL, for 10 minutes, today.

Mr. FOUNTAIN, for 15 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mr. KOCH, for 5 minutes, today.

Mr. WALDIE, for 5 minutes, today.

Mr. WOLFF, for 60 minutes, on September 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN.

Mr. HOLIFIELD and to include extraneous matter.

Mr. RODINO and to include extraneous matter with his remarks on H.R. 16188.

(The following Members (at the request of Mr. DU PONT) and to include extraneous matter:)

Mr. DUNCAN.

Mr. SCHERLE in 10 instances.

Mr. DERWINSKI in two instances.

Mr. GOODLING.

Mr. WYMAN in two instances.

Mr. ANDERSON of Illinois.

Mr. BYRNES of Wisconsin.

Mr. KEITH in two instances.

Mr. SAYLOR.

Mr. MCCLURE.

Mr. MIZELL.

Mr. PRICE of Texas in two instances.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. MCKAY in two instances.

Mr. CORMAN in five instances.

Mr. HARRINGTON in two instances.

Mrs. GRIFFITHS in two instances.

Mr. JACOBS in two instances.

Mr. SIKES in five instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. PATTEN.

Mr. PUCINSKI in five instances.

Mr. DOW in two instances.

Mr. ALEXANDER in six instances.

Mr. HAMILTON in 10 instances.

Mr. RODINO.

Mr. SEIBERLING in 10 instances.

Mr. REID.

Mr. LONG of Maryland.

Mr. NIX.

Mr. LENNON.

Mr. ROE in two instances.

Mr. PURCELL.

Mr. ROGERS in two instances.

Mr. WALDIE in three instances.

Mr. VANIK in three instances.

Mr. DANIEL of Virginia.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 909. An act for the relief of John C. Rogers, to the Committee on the Judiciary.

S. 995. An act for the relief of Ronald K. Downie; to the Committee on the Judiciary.

S. 2714. An act for the relief of M. Sgt. William C. Harpold, U.S. Marine Corps (retired); to the Committee on the Judiciary.

S. 3257. An act for the relief of Gary Wentworth, of Staples, Minn.; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee has examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1860. An act for the relief of David Capps, formerly a corporal in the U.S. Marine Corps;

H.R. 5299. An act for the relief of Maj. Henry C. Mitchell, retired;

H.R. 5315. An act for the relief of Gary R. Uttech; and

H.R. 10635. An act for the relief of William E. Baker.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on September 11, 1972 present to the President, for his approval, a bill of the House of the following title:

H.R. 2. An act to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 13, 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:

2324. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage; to the Committee on Foreign Affairs.

2325. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the proposed use of certain research and development funds appropriated to NASA for modifications to existing Government-owned contractor-operated facilities at Santa Susana and Canoga Park, Calif., to support the space shuttle main engine research and development program, pursuant to 85 Stat. 159; to the Committee on Science and Astronautics.

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. POAGE: Committee on Agriculture. S. 1316. An act to amend section 301 of the Federal Meat Inspection Act, as amended, and section 5 of the Poultry Products Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat or poultry inspection program carried out by any State under such sections; with amendments (Rept. No. 92–1390). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 16444. A bill to establish the Golden Gate National Urban Recreation Area in San Francisco and Marin Counties, Calif. (Rept. No. 92–1391). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 1121. A bill to provide for the establishment of the Gateway National Seashore in the States of New York and New Jersey, and for other purposes; with an amendment (Rept. No. 92–1392). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 11035. A bill to amend title 10 of the United States Code to designate the Medal of Honor awarded for military heroism as the "Congressional Medal of Honor." With an amendment (Rept. No. 92–1393). Referred to the House Calendar.

Mr. KASTENMEIER: Committee on the Judiciary. House Joint Resolution 733. Joint resolution granting the consent of Congress to certain boundary agreements between the States of Maryland and Virginia; with amendments (Rept. No. 92–1394). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. House Joint Resolution 912. Joint resolution granting the consent of Congress to an agreement between the States of North Carolina and Virginia establishing their lateral seaward boundary; with amendments (Rept. No. 92–1395). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 1114. Resolution waiving points of order against H.R. 16593. A bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes (Rept. 92–1396). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1115. Resolution waiving points of order against the conference report on H.R. 15495. A bill authorizing appropriations for fiscal year 1973 for military procurement, research, and development, and for antiballistic missile construction and prescribing active duty and reserve strengths (Rept. No. 92–1397). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Tennessee:

H.R. 16594. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions, to lower certain age limits from 21 years to 18, and to eliminate certain recordkeeping provisions with respect to ammunition; to the Committee on the Judiciary.

By Mr. BURLESON of Texas (for himself and Mr. BETTS):

H.R. 16595. A bill to amend the Internal Revenue Code of 1954 to avoid duplication of tax imposed under the Federal Insurance Contributions Act and the Federal Unemployment Tax Act in the case of an affiliated group of corporations; to the Committee on Ways and Means.

By Mr. BURLISON of Missouri:

H.R. 16596. A bill to authorize cooperative operation, maintenance, and repair of the Chester Bridge, Mo., and Ill., and for other purposes; to the Commitee on Public Works.

By Mr. DOW:

H.R. 16597. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. FLOOD:

H.R. 16598. A bill to amend the Disaster Relief Act of 1970 to provide that community disaster grants be based upon loss of budgeted revenue; to the Committee on Public Works.

By Mr. FLYNT:

H.R. 16599. A bill to extend through December 31, 1974, the suspension of duty on electrodes for use in producing aluminum; to the Committee on Ways and Means.

By Mr. BYRNES of Wisconsin:

H.R. 16600. A bill to amend the Tariff Act of 1930 to provide an exemption from the restrictions of the trademark laws, and for other purposes; to the Committee on Ways and Means.

H.R. 16601. A bill to modernize the procedures for licensing and disciplining customs brokers, and for other purposes; to the Committee on Ways and Means.

H.R. 16602. A bill to amend the Tariff Act of 1930 to grant additional arrest authority to officers of the Customs Service; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 16603. A bill to amend title 38 of the United States Code to provide that any social security benefit increases provided for by Public Law 92–336 be disregarded in determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

H.R. 16604. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increases in such benefits, either by disregarding it in determining their need for asother purposes; to the Committee on Ways and Means.

By Mrs. GRASSO:

H.R. 16605. A bill to amend the Emergency Employment Act of 1971 to provide programs for unemployed scientists and engineers to assist State and local governments; to the Committee on Education and Labor.

H.R. 16606. A bill to authorize the Commissioner of Education to award fellowships to persons preparing for environmental careers; to the Committee on Education and Labor.

By Mr. GUDE (for himself, Mr. STOKES, and Mr. SYMINGTON):

H.R. 16607. A bill to amend the Small Business Act, to provide financial assistance for handicapped individuals establishing or operating small business concerns, and for other purposes; to the Committee on Banking and Currency.

By Mr. HÉBERT (for himself and Mr. ARENDS) (by request):

H.R. 16608. A bill to amend title 37, United States Code, to provide special pay to certain nuclear-trained and qualified enlisted members of the naval service who agree to reenlist, and for other purposes; to the Committee on Armed Services.

By Mr. KOCH (for himself, Mrs. ABZUG, Mr. BELL, Mr. DELLUMS, Mr. KASTENMEIER, Mr. NIX, and Mr. REES):

H.R. 16609. A bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. BURKE of Massachusetts, Mrs. CHISHOLM, Mr. CLARK, Mr. COLLINS of Illinois, Mr. FAUNTROY, Mr. FISH, Mr. FORSYTHE, Mr. FRASER, Mr. GALLAGHER, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Mr. HOSMER, Mr. MITCHELL, Mr. PODELL, Mr. RANGEL, Mr. REUSS, Mr. ROSENTHAL, Mr. RYAN, and Mr. STOKES):

H.R. 16610. A bill to amend title XVIII of the Social Security Act to require that Public Health Service hospitals, Veterans' Administration hospitals, and hospitals receiving assistance under the medicare program, and Hill-Burton Act make available to persons entitled to benefits under the cost, prescription drugs not covered under that program, eyeglasses, and hearing aids; to the Committee on Ways and Means.

By Mr. LANDGREBE:

H.R. 16611. A bill to authorize and direct the establishment of the Hoosier Prairie National Nature Preserve; to the Committee on Interior and Insular Affairs.

By Mr. MEEDS (for himself, Mr. DANIELS of New Jersey, Mr. ESCH, Mr. PERKINS, Mr. QUIE, Mrs. GREEN of Oregon, Mr. STEIGER of Wisconsin, Mr. THOMPSON of New Jersey, Mr. FORSYTHE, Mr. DENT, Mr. VEYSEY, Mr. PUCINSKI, Mr. PEYSER, Mr. BRADEMAS, Mr. BELL, Mr. HAWKINS, Mr. DELLENBACK, Mr. WILLIAM D. FORD, Mr. HANSEN of Idaho, Mrs. MINK, Mr. KEMP, Mr. SCHEUER, Mr. CARLSON, Mr. BURTON, and Mr. GAYDOS):

H.R. 16612. A bill to expand the Youth Conservation Corps pilot program, to authorize assistance for similar State programs, and for other purposes; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mr. DANIELS of New Jersey, Mr. ESCH, Mr. CLAY, Mrs. CHISHOLM, Mr. BIAGGI, Mrs. GRASSO, Mrs. HICKS of Massachusetts, Mr. MAZZOLI, Mr. BADILLO, Mr. PIKE, Mr. REES, Mr. ROY, Mr. FULTON, Mr. PEPPER, Mr. EILBERG, Mr. HAMMERSCHMIDT, Mr. CLEVELAND, Mr. DINGELL, Mr. RIEGLE, Mr. MATSUNAGA, Mr. MOSS, Mr. NIX, Mr. O'NEILL, and Mr. NEDZI):

H.R. 16613. A bill to expand the Youth Conservation Corps pilot program, to authorize assistance for similar State programs, and for other purposes; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mr. DANIELS of New Jersey, Mr. ESCH, Mr. RODINO, Mr. RUPPE, Mr. SCHWEN-

GEL, Mr. BEGICH, Mr. BINGHAM, Mr. WYATT, Mr. HALPERN, Mr. HANLEY, Mr. HARRINGTON, Mr. HICKS of Washington, Mr. ROUSH, Mr. COUGHLIN, Mr. KASTENMEIER, Mr. MCDADE, Mr MCKAY, and Mr. OBEY):

H.R. 16614. A bill to expand the Youth Conservation Corps pilot program, to authorize assistance for similar State programs, and for other purposes; to the Committee on Education and Labor.

By Mr. MIZELL:

H.R. 16615. A bill to aid the conservation of natural water resources and protect the scenic New River by prohibiting the Federal licensing of the construction of certain types of projects on or directly affecting a certain portion of the New River in North Carolina and Virginia; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 16616. A bill to authorize the Midland and local protection project, Kentucky; to the Committee on Public Works.

By Mr. PEYSER (for himself and Mr. ANDERSON of Illinois, Mr. BADILLO, Mr. BELL, Mr. CLAY, Mr. COLLINS of Illinois, Mr. FORSYTHE, Mr. HEINZ, Mr. KEMP, Mr. LANDGREBE, Mr. LENT, Mr. MCCLORY, Mr. MAZZOLI, Mr. MICHEL, Mr. MURPHY of New York, Mr. ROBISON of New York, and Mr. WAGGONNER):

H.R. 16617. A bill to prevent the use of heroin for any drug maintenance program; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 16618. A bill to amend the Internal Revenue Code of 1954 to provide that there shall be allowed as an increase tax deduction those contributions on the part of civil service employees toward personal retirement annuities; to the Committee on Ways and Means.

By Mr. PURCELL (for himself and Mr. PICKLE):

H.R. 16619. A bill to authorize the Secretary of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses of vaccinations incurred for protection against Venezuelan equine encephalomyelitis; to the Committee on Agriculture.

By Mr. REID:

H.R. 16620. A bill to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. SCHNEEBELI:

H.R. 16621. A bill to amend the Internal Revenue Code of 1954 to preserve an estate tax charitable deduction when there is a failure to take against the will by the surviving spouse; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 16622. A bill to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself, Mrs. ABZUG, Mr. BADILLO, Mr. BELL, Mrs. CHISHOLM, Mr. FRASER, Mr. FRENZEL, Mr. GOLDWATER, Mr. GUDE, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. HEINZ, Mr. HELSTOSKI, and Mr. HORTON):

H.R. 16623. A bill to amend the Clean Air Act to prohibit tampering with any device or element of design installed in or on a motor vehicle or motor vehicle engine in compliance with regulations under section 202 of the Clean Air Act; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself, Mr. KEMP, Mr. MAILLIARD, Mr. PEPPER, Mr. PODELL, Mr. MANN, Mr. RANGEL, Mr. RIEGLE, Mr. REES, Mr. ROBINSON of Virginia, Mr. RODINO, Mr. SCHEUER, Mr. SCHWENGEL, and Mr. WARE):

H.R. 16624. A bill to amend the Clean Air Act to prohibit tampering with any device or element of design installed in or on a motor vehicle or motor vehicle engine in compliance with regulations under section 202 of the Clean Air Act; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 16625. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for periodic flu shots; to the Committee on Ways and Means.

By Mr. PERKINS:

H.J. Res. 1298. Joint resolution to authorize the President to designate the period March 4, 1973, through March 10, 1973, as "National Nutrition Week"; to the Committee on the Judiciary.

By Mr. SHIPLEY:

H.J. Res. 1299. Joint resolution proposing an amendment to the Constitution to permit the imposition and carrying out of the death penalty in certain cases; to the Committee on the Judiciary.

By Mr. DERWINSKI (for himself, Mr. CRANE, and Mr. COLLIER):

H. Con. Res. 699. Concurrent resolution expressing the sense of the Congress that the Soviet Union should be condemned for its policy of demanding payment from educated and skilled Jews who desire to emigrate to Israel: to the Committee on Foreign Affairs.

By Mr. GREEN of Pennsylvania:

H. Con. Res. 700. Concurrent resolution expressing the sense of the Congress that all American aid, loans, commerce, and air service to the host countries of guerrilla groups responsible for acts of international terrorism and to the countries offering sanctuary to and refusing to extradite or prosecute such groups should be terminated; to the Committee on Foreign Affairs.

By Mr. MOSS (for himself, Mr. JOHNSON of California, and Mr. LEGGETT):

H. Con. Res. 701. Concurrent resolution commending the 1972 U.S. Olympic team for their athletic performance and Mark Andrew Spitz, in particular, for his unparalleled achievement in the 1972 Olympic games in Munich, Germany; to the Committee on the Judiciary.

By Mr. NIX:

H. Con. Res. 702. Concurrent resolution expressing the sense of Congress that the United Nations should impose sanctions against countries harboring terrorists; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MCFALL:

H.R. 16626. A bill to provide for the payment of death benefits in lieu of servicemen's group life insurance benefits to the eligible survivors of certain individuals killed while participating in the Air Force Reserve Officers' Training Corps flight instruction program; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 16627. A bill to provide for the payment of death benefits in lieu of servicemen's group life insurance benefits to the eligible survivors of certain individuals killed while participating in the Air Force Reserve Officers' Training Corps flight instruction program; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 16628. A bill to provide for the payment of death benefits in lieu of servicemen's group life insurance benefits to the eligible survivors of certain individuals killed while participating in the Air Force Reserve Officers' Training Corps flight instruction program; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.R. 16629. A bill to provide for the payment of death benefits in lieu of servicemen's group life insurance benefits to the eligible survivors of certain individuals killed while participating in the Air Force Reserve Officers' Training Corps flight instruction program; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 16630. A bill to provide for the payment of death benefits in lieu of servicemen's group life insurance benefits to the eligible survivors of certain individuals killed while participating in the Air Force Reserve Officers' Training Corps flight instruction program; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 16631. A bill for the relief of William M. Kornman; to the Committee on the Judiciary.

SENATE—*Monday September 12, 1972*

The Senate met at 9 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, giver of every good and every perfect gift, Thou hast blessed the Nation with great natural and human resources and through toil of hand and brain has made us stewards of great wealth. Guide us now, that in sharing the wealth of a common treasury we may also share the wealth of our spiritual heritage.

We beseech Thee, O Lord, so to dispose our hearts that we may distribute the revenue of the mind and heart, the lofty idealism of the Founding Fathers, a new sense of national purpose, and a common dedication to truth, to justice, and to brotherhood.

Show us that we must first be our brother's brother before we can become our brother's keeper. Replace all covetousness and jealousy with trust and love. Draw all citizens together in the comradeship of patriots, in the fellowship of the Spirit, and in the bonds of peace.

In the Redeemer's name, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a comunication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter: