ORDERS FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND LAYING BEFORE THE SENATE THE UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks of the two leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, and that at the conclusion of the morning business the Chair lay before the Senate the unfinished business.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call today.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the Senate will convene tomorrow at 12 o'clock noon. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, S. 2574, a bill to establish a voter registration program.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and at 4:34 p.m. the Senate adjourned until tomorrow, Thursday, March 9, 1972, at 12 o'clock meridian.

CONFIRMATION

Executive nomination confirmed by the Senate March 8, 1972:

OFFICE OF ECONOMIC OPPORTUNITY

Bert A. Gallegos, of Colorado, to be an Assistant Director of the Office of Economic Opportunity.

HOUSE OF REPRESENTATIVES—*Wednesday, March 8, 1972*

The House met at 12 o'clock noon.

Father Joseph Inverardi, of the Consolata Society for Foreign Missions, Washington, D.C., offered the following prayer:

God, Father of Wisdom, of Life, of Justice, and of Peace, we bow before You in prayer. We seek Your light, that we may legislate according to what is good and well-pleasing in Your sight.

Keep us open, we pray, to the wishes, the needs, and the pleas of those who elected us. Help us to build for them a truly human community, rich in goodness and freedom, and safe from all dangers.

We ask for Your help, that, through the wisdom of our vision and of our laws we may always be a new people, a new beginning of hope and peace in this wide, uncertain world.

You are the future of men. Be our helper and our protector, both now and for all generations, and forever and ever. 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 agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1163. An act to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes; and

S. 2423. An act to amend the Federal Aviation Act of 1958 to provide for the suspension and rejection of rates and practices of carriers and foreign air carriers in foreign air transportation, and for other puposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1058. An act to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion.

The message also announced that the Vice President, pursuant to Public Law 85–474, appointed Mr. METCALF, Mr. BAYH, Mr. HOLLINGS, Mr. HUGHES, Mr. SCOTT, and Mr. SAXBE to be delegates on the part of the Senate to attend the Interparliamentary Union Meeting to be held in Yaounde, Cameroon, April 3 to 9, 1972.

WE SHOULD GRANT NO AMNESTY TO DRAFT DODGERS

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

Mr. MONTGOMERY. Mr. Speaker, I view with great distaste and moral indignation the proposals by some to grant amnesty, conditional or otherwise, to those American citizens who have fled the United States to avoid being drafted.

Many men who served in Vietnam differed with our Government's decision to send them there, but they went anyway. Thousands of them were wounded, a large number maimed for life; too many were killed. Some are being held as prisoners of war. In the face of these sacrifices how can we possibly consider amnesty for those who took the unlawful way out by evading the draft or deserting?

Lawlessness is one of the serious ills of our society. Strict enforcement of the law and just punishment of offenders are absolutely necessary and are demanded under our constitutional system of government. We should apply the same system of justice to those who break the law requiring military service as we apply it to those who break any other law.

BEST WISHES TO ARTHUR BRANDEL

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

Mr. HENDERSON. Mr. Speaker, I would like to direct the attention of my colleagues on the House Post Office and Civil Service Committee, as well as every Member of Congress, to the recent notice in the financial section of one of the Washington metropolitan daily newspapers, of the newly established Washington newsletter for mail users—Post Age.

Editing this weekly "inside" Washington newsletter for mail users is a veteran Washington correspondent, Arthur Brandel. "Art" has covered the House Post Office and Civil Service Committee, as well as Capitol Hill and the Federal agencies for a number of years.

I am certain the important mail users will welcome this new publication which will highlight information for mail users concerning developments at the U.S. Postal Service, the Postal Rate Commission, the House and Senate Post Office and Civil Service Committees, as well as the House and Senate Judiciary Committees.

I am sure all "Art" Brandel's friends extend to him their best wishes in his new endeavor.

ADMINISTRATION'S NEW ECONOMIC POLICY IS BEING EFFECTIVE

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

Mr. CONABLE. Mr. Speaker, last month our unemployment rate, as seasonally adjusted, dropped to the lowest level since October 1970. Since December 1971 the rate has dropped from 6 to 5.7 percent. This reduction reflects a strengthening economy.

The February reduction was broadly based. The decline was marked among adult women, whose overall rate dropped from 5.5 to 5 percent. Among industry groups, the largest movement took place in durable goods manufacturing, where the rate declined from 6.7 to 6.1 percent. The strong drop in this sector is especially encouraging because it is a good indication that our expansionary new economic policies are taking effect; increased activity in manufacturing is generally one of the first signs of an expanding economy. Among occupational groups, the rate for white-collar workers declined from 3.6 to 3.3 percent and the rate for professional and technical workers from 3.1 to 2.5 percent. The substantial drops in these sensitive areas indicate that business is acquiring more highly skilled employees in anticipation of strong growth during 1972.

The large drop in the unemployment rate for Vietnam veterans during February was also encouraging. The rate declined from 8.5 percent in January to 7.4 percent in February, which is the lowest rate in more than a year. The rate for veterans aged 20 to 24 years dropped to 9.7 percent in February from 12.3 percent in January. In the service-producing industries, employment rose by 150,000 during February. Since August 1971 service-producing employment has increased by almost 1 million jobs.

Mr. Speaker, in my opinion, this broad-based reduction in unemployment in the last 2 months, when viewed in conjunction with the recent good news regarding factory orders, durable goods, housing, and increasing business plans for investment in new plant and equipment, augurs well for very strong growth during 1972 and gives evidence that the administration's new economic policy is being effective.

CALL OF THE HOUSE

Mr. GERALD R. FORD. 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. 64]

Anderson, Tenn.	Blatnik	Dellums
Ashbrook	Clark	Diggs
Baring	Clausen, Don H.	Eckhardt
Belcher	Clay	Edwards, La.
Bingham	Collier	Gallifianakis
Gaydos	Miller, Calif.	J. William
Goldwater	Mollohan	Steiger, Wis.
Gray	Obey	Stubblefield
Hébert	Pelly	Teague, Calif.
Hull	Powell	Teague, Tex.
Johnson, Pa.	Pryor, Ark.	White
Jones, Ala.	Reid	Wright
Kyros	Riegle	
McCloskey	Sandman	
McKevitt	Scheuer	
Macdonald, Mass.	Shipley	
	Stanton,	

The SPEAKER. On this rollcall 386 Members have answered to their names, a quorum.

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

MOTION TO SEND TO CONFERENCE OMNIBUS EDUCATION AMENDMENTS OF 1972

Mr. PERKINS. Mr. Speaker, pursuant to the provisions of clause 1, rule XX, and by the direction of the Committee on Education and Labor, I move to take from the Speaker's table the bill, S. 659, with the Senate amendment to the House amendment thereto, disagree to the Senate amendment, and request a conference with the Senate.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Pursuant to the provisions of clause 1, rule XX, and by direction of the Committee on Education and Labor, Mr. PERKINS moves to take from the Speaker's table the bill S. 659, with the Senate amendment to the House amendment thereto, disagree to the Senate amendment, and request a conference with the Senate.

The SPEAKER. The gentleman from Kentucky (Mr. PERKINS) is recognized for 1 hour.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. RUTH) 5 minutes for purposes of debate only.

Mr. RUTH. Mr. Speaker, I intend to offer a motion to insist on the language of the Broomfield-Ashbrook-Green amendments which relate to busing.

The Broomfield amendment simply states—all court orders which require busing shall be postponed until appeals have been decided or the time for their appeals has expired.

The Ashbrook-Green amendment is twofold. The Ashbrook amendment states that Federal funds administered by the U.S. Commissioner of Education are not to be used for transportation of teachers or pupils or the purchase of transportation equipment to overcome racial imbalance or to carry out a plan of racial desegregation.

The amendment of Mrs. GREEN further strengthens the Ashbrook amendment by saying that Federal bureaucrats could not order or encourage State and local officials to use State and local funds for purposes—that is busing—for which Federal funds could not be used under the Ashbrook amendment.

Mr. Speaker, to this Member the instruction of conferees is not usually a desirable position. However, as conditions vary, procedures must follow suit so I would like to state four reasons for making this motion:

First. Today the busing situation is of great concern to the people of the Nation far beyond normal, but from a highly emotional state.

Second. While the decision has been made by the courts, the constituents of the Congressmen in this Chamber look to them and not the courts for help.

Third. As the legislative branch of Government, our only recourse is to limit funds or to limit the action of Federal agencies. On this issue the House has taken a stand and should do all possible to reaffirm it.

I point out that both of these amendments passed by over 100 votes in the House and also I vividly recall the amendment on desegregation which was added to this bill was soundly defeated when it contained no antibusing language and passed easily when this language was added.

Fourth. The Senate version of this bill has language in it which makes these amendments which are so important to this House meaningless.

Mr. Speaker, I thank the gentleman from Kentucky for yielding.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. FORD) for purposes of debate only.

Mr. GERALD R. FORD. Mr. Speaker, I thank the distinguished chairman of the House Committee on Education and Labor for yielding me time at this point to supplement the remarks made by the gentleman from North Carolina (Mr. RUTH).

First, I think it is wise and appropriate to explain what the procedure will be as we go down the road on the legislation this afternoon.

The chairman of the Committee on Education and Labor has moved to send to conference the higher education bill and the emergency school aid bill. We are now in the process of 1 hour of debate or as much time out of that 1 hour as the chairman of the committee allocates.

At the conclusion of debate on the motion, the gentleman from North Carolina (Mr. RUTH) will move to instruct the conferees to insist that the conferees uphold the House on the Broomfield amendment which prevailed by a vote of 235 to 125; to insist on the Ashbrook amendment which was approved in the House by a recorded teller vote of 233 to 124; and to insist that the House conferees uphold the House on the Green amendment which was approved by a vote of 231 to 126.

I am told that the chairman of the Committee on Education and Labor, after the gentleman from North Carolina (Mr. RUTH) has been recognized and has moved to instruct, will move to table the Ruth motion. There will be no debate on the motion to table.

We will have a rollcall vote in the House. Those who want to instruct the conferees should vote "no." Those who want to let the conferees go to the conference with the Senate unobstructed should vote "yea" on the motion to table.

At this point let me interject one suggestion——

Mr. LANDRUM. Mr. Speaker, will the distinguished gentleman yield to me at that point?

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

Mr. LANDRUM. Can the gentleman advise whether the motion of the gentleman from North Carolina (Mr. RUTH) to instruct the conferees will involve the three amendments which the gentleman has mentioned: The Broomfield amendment, the Ashbrook amendment, and the Green amendment?

Mr. GERALD R. FORD. That is correct.

Mr. LANDRUM. They will all be in one vote.

Mr. GERALD R. FORD. It will be a package, that the conferees in each instance and in relation to all of them should stand up for the House version.

Mr. LANDRUM. I thank the gentleman.

Mr. GERALD R. FORD. I merely quote statistics. I pass no judgment. But I think the facts are accurate. Of the 20 House conferees prospectively selected to represent the House on the higher education bill and the emergency school aid bill containing the antibusing amendments, only three of the House conferees out of the 20, or 15 percent, voted for the Green amendment. Their personal sentiments are obvious.

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

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

Mr. PERKINS. The conferees have not yet been appointed.

Mr. GERALD R. FORD. I understand that certain names have been selected, and if I am in error, I would like to have the gentleman correct me. But on the basis of information given to me, I think what I have said is accurate or reasonably accurate.

If we turn to the Ashbrook amendment, only four out of the 20 prospective House conferees voted for the Ashbrook amendment. What I am saying is that although the conferees have an obligation to uphold the House version, their own voting record in the House of Representatives on the three issues was one of less than enthusiasm for any one of the three amendments. Therefore, as much as I dislike instructing conferees—and I do—I think we must emphasize and reemphasize to our House conferees that the House believes in the Broomfield, the Ashbrook, and the Green amendments. I therefore urge that the House vote down the motion to table.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. PUCINSKI) for the purpose of debate only.

The SPEAKER. The gentleman from Illinois is recognized.

Mr. PUCINSKI. Mr. Speaker, I know there is going to be considerable discussion and debate on the amendment to instruct the House conferees on busing, and I am sure the House will work its will as it always has on other occasions. Regardless of what happens to the instructions being suggested by Mr. RUTH, the fact of the matter is that a careful study of the emergency school bill, with all of the programs that are incorporated in that bill, will indicate that we can live with the amendments adopted by the House barring expenditure of Federal funds for busing and still provide an enormous amount of emergency assistance to schools all over this country which are being integrated. It would be my hope that we do not get hung up on this busing issue to the extent that this entire bill fails to be enacted as quickly as possible. Hundreds of schools urgently need help in working out problems related to integration and I want to help them as quickly as possible.

The $1.5 billion of emergency aid is urgently needed, and I hope this debate over busing would not hold up final action on this important and historic legislation.

If we can act expeditiously, we can get this money into these schools even for the remainder of this school year, but surely we can have this money in time for these schools to do some intelligent planning by September 1, for their fall term.

Second, may I remind the House that the higher education bill, which has institutional and student loans, and aid to community colleges and vocational education, will expire midnight, June 30. There are now loan officers all over this country who are being asked by students: "What will be the program next September when we return to school?" The loan officers are unable to answer those questions and tens of thousands of student loan applications are being held up.

So it would be my hope that we can find some way of getting this legislation finally adopted and enacted, sent to the President, and get the money appropriated. There are enormous benefits in this bill. It would be my hope we do not obscure these benefits in a rough and tumble fight over busing.

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, initially let me discuss briefly the background relative to my motion. Last week there was an objection to my unanimous-consent request to go to conference with the Senate. Subsequently—yesterday, March 7—the Committee on Education and Labor met in open session with a quorum present and directed me to move that the House request a conference with the Senate on S. 659. The motion was approved on a rollcall vote with 24 affirmative votes and no negative votes. My motion then is pursuant to the provisions of clause 1 of rule 20 of the House and by direction of the Committee on Education and Labor.

Mr. Speaker, I sense that there will be no debate on my motion. The debate will occur rather on a second motion which will be made to instruct conferees. Let me state first that I personally feel that the conference committee should have as much flexibility as possible in attempting to resolve differences between the House and Senate versions of a bill. In connection with this bill, Mr. Speaker, I believe that maximum flexibility is essential.

As my colleagues well know, the legislative history surrounding the higher education bill has been both long and difficult. We have worked on this bill for more than 2 years. There have been many days of debate in the other body, both on the original bill and more recently on their amendment to the House amendment. Here in the House we debated and amended this legislation for 5 consecutive days.

It is a bill which is comprehensive in nature, one which will have an impact principally in higher education but also at every other level of education. There are thousands of institutions and millions of students who will be directly affected by its provisions.

There are innumerable and great issues which still must be resolved. It is not a one-issue bill, which the proponents of this motion would lead us to believe. It is a disservice to the American people to allow this one issue to overcome and dominate in the crucial and closing hours of this bill.

Our analysis shows that there are over 250 substantive differences between the House and the Senate. Authority for virtually all higher education programs expire in June. Our backs are against the wall. Adoption of the instruction motion here today will reduce our flexibility and work against rather than for early enactment.

Mr. Speaker, my greatest concern is that these instructions will further complicate and delay an already complicated situation which has gone far beyond our expectations with respect to time. It was November when this House of Representatives completed action on the higher education bill. It is now March. This should illustrate why we should be eliminating rather than stimulating controversy. In the conference, instructions on the part of the House will further delay and complicate the situation.

Our conference proceedings obviously will be more difficult—more tenuous—if the House conferees are bound on one or more issues. I believe that this House acted wisely in November when there were no instructions at the time conferences were appointed. Nothing has happened during the intervening time to necessitate the virtually unprecedented motion to instruct conferees even before the first conference session.

To the contrary, the fact that it is now March makes it even imperative that we move in regular order and expeditiously work to complete action.

It just does not stand to reason that on an important piece of legislation of this type we should be proceeding in such an unusual fashion. We must not let this one issue overshadow and perhaps destroy the greatest higher education bill which, to my way of thinking, has ever been written. As I have said, we have worked for over 2 years on this bill.

I have every confidence that we will work out a good bill and bring it back here by the week after the Easter recess, so that the Appropriations Committee can act within 3 or 4 weeks, if you will not tie our hands.

There are similar amendments in the two versions of the bill, and we must have some flexibility to work out what is in the best interest of the schoolchildren of this country.

That is what we have in mind, as

House conferees, if we are permitted to work our will, to work for the welfare of the schoolchildren of the country and the betterment and expansion of higher education opportunity.

Mr. Speaker, I urge that the motion to instruct be defeated.

The SPEAKER. Does the gentleman from Kentucky desire to yield further time?

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I, of course, will vote against instruction. That is not a new position for me to be in. It has been a consistent position for 40 years of legislative life. I have never voted to instruct the conferees between House and Senate conferences.

I would rather say to you all, and to the chairman of the committee, since I understand I am supposed to be named one of the conferees, if he so desires I would just as soon the chairman not name me to go to any conference where I am bound by any restriction from using whatever good judgment the Lord granted me.

This is a very serious situation. We are not talking about some of the things we ought to be talking about, a 5-year bill of $22 billion or a 4-year bill of $20 billion. We are not talking about how this money is to be allocated and whether there ought to be some serious thought given to it.

I can see, if this House is so minded—and it probably is—to instruct and bind the conferees on this issue, that the Senate might just take the same position, and then we will get to the very proper place we should have been a long time ago.

We drop the issue from this authorizing bill and put in the appropriation bill.

This amendment properly belongs in an appropriation bill. It does not have a darned thing to do with the Higher Education Act insofar as the determination of where to spend the money, which programs are to be agreed upon, which are to be stopped, which are to be added to or cut back.

We are saying, "you have no right to confer on one issue in this bill". The whole bill is in danger of having one of two things happen, either a stalemate in the conference or dropping both provisions of the House and the Senate.

I would say I prefer that kind of a situation. This ought to go into the money appropriations, where the money is allocated and where it is to be spent. There is no provision in this bill for busing. How then can we restrict the use of moneys for or against a provision not contained in the authorizing bill before us.

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

Mr. PERKINS. Mr. Speaker, I yield 2 additional minutes to the gentleman from Pennsylvania.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

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

Mr. THOMPSON of Georgia. If this is put in an appropriation bill, that is a temporary measure. Appropriation bills last for only 1 year. The gentleman well knows that if we are to have any legislation that is going to get at the heart of the matter it must be in a permanent legislation. This is permanent legislation. It was held to be germane by the Parliamentarian.

Mr. DENT. There is nothing permanent in the legislative field. Every new election brings in new legislators, and they can change all the acts on the books if they so desire.

If we do not have a yearly appropriation bill we do not need an authorization bill, because unless the money is provided by appropriations what good is the authorization? So that is not a strong argument.

I have no strong feelings one way or the other except about binding the hands of the conferees. I fought on this floor, in every instance since I have been a Member, against any binding of the powers and the rights of conferees.

What is a conference for? What is the idea behind it? To try to iron out differences between the two legislative branches. I think there must be over 200 differences in this legislation, but you are tying the success of the conferees and the welfare of the educational institutions of the United States to an issue that can never be argued calmly. It is one of those temperamental and emotional situations, where, no matter which side you are on, you are bound by what your district demands.

I think that the vote of this House when they expressed their position on it was perfectly all right. The majority voted for it, and it was perfectly all right. However, when you bind the hands of the conferees you can bind them on any one of the differences, no matter what they are. So I say, if you are going to do that, why do you not write in the legislation exactly the way you want it and dispense with having a conference and just pass the legislation as you would and as you are doing now for only one item of the differences between House and Senate.

What you are doing is legislating here. You are not talking about anything else but legislating to bind the hands of the conference.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Mississippi (Mr. WHITTEN) for the purposes of debate.

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

Mr. WHITTEN. Mr. Speaker, for many years I have worked hard to bring about the vote we have here today.

For more than 5 years I have pointed out that all education was being made secondary to the drive by the U.S. Department of Education and Federal judges to force the assignment of students based on race against the wishes of their parents, for the sole purpose of establishing a racial balance even though all public schools were open to students of all races, that is "desegregated" as that term is defined in the Civil Rights Act of 1964.

I have pleaded with the Department, have tried cases before hearing examiners, met with President Johnson and twice have written President Nixon urging each of them to stop the drive of the Federal courts and of the Department of Education to destroy quality education.

For the last 2 years amendments I wrote and offered on this floor have been a part of the law.

These provisions of law, sections 309 and 310 of Public Law 92–48, making appropriations for the Office of Education for the current fiscal year, are as follows:

SEC. 309. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 310. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Actof 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

The Washington Post had this to say about my amendments in an editorial which I present:

THE WHITTEN AMENDMENT

Yesterday the House reattached the fabled Whitten amendment to the compromise Labor-HEW appropriation bill. The Whitten amendment is the name given to one or more amendments (their form changes slightly from year to year) which Mississippi Congressman Jamie Whitten appends annually to Labor-HEW appropriations bills. There is a vast gulf between the Whitten amendment's noblesounding language and its actual intent. On its face, the Whitten amendment would merely prohibit the Department of HEW from using its funds in such a way as to force school children to attend schools which are against the choice of their parents or to be bused to schools not of their choice; and it also would prohibit HEW from using its funds to abolish particular schools. The busing part was put in as sort of come-on by Mr. Whitten who knows that "forced busing" is a specter which Northerners profoundly fear, and who also knows that school desegregation in the South often tends to require *less busing* than does the maintenance of the illegal dual school system.

So the busing proviso is there to gain Northern support—never mind that the federal government is already forbidden by statute to compel busing to overcome de facto segregation. The important part of the Whitten amendment is that which would prevent HEW from carrying out the provisions of the Civil Rights Act of 1964 or following the directives contained in several Supreme Court decisions in relation to the dismantling of the South's dual school system. It would give a reprieve to districts like those Mr. Whitten represents which have been flouting the law for 16 years and which are now complaining, via their representative in Congress, that the Supreme Court on Oct. 29 acted summarily and in indecent haste. Mr. Whitten's amendment, in short, is designed to maintain the validity of officially imposed school segregation in the South. This fact is one of the worst kept secrets on Capitol

Hill—or any place where school desegregation is the subject of even remotely serious discussion.

Mr. Nixon has been aware of the importance of the Whitten amendment for some time, and he has taken a very interesting position on it. In the autumn of 1968, when he was a candidate for President, and when the Whitten amendment was a hot item in the House, Mr. Nixon authorized Melvin Laird to tell House Republicans that he—Mr. Nixon—*opposed* the Whitten amendment and hoped they would vote against it. That got a nice splash in the press and—rather more important—provided the narrow margin that defeated the Whitten amendment.

In 1969, Mr. Whitten was to come back with his amendment on the new Labor-HEW appropriations bill. That summer, the Attorney General informed the relevant members of the House that the Nixon administration in fact did *not* oppose the Whitten amendment; so the Whitten amendment was passed by a narrow margin in the House.

Then at the end of summer, Secretary Finch told the Senate that the Nixon administration *did* oppose the Whitten amendment; things were a bit far gone by then, however, so it took a king-sized battle mounted by Secretary Finch and Minority Leader Scott to keep the thing off the Senate version of the appropriation bill. And Secretary Finch did some very intense lobbying to get the House to accept the Senate's language. As recently as Feb. 6, Mr. Nixon's commissioner of education, James E. Allen, Jr., informed a Senate subcommittee of the reasoning behind the administration's continuing opposition to the Whitten maneuver:

"The Department continues to oppose such proposals because they not only conflict with the decisions of the Supreme Court but further would seriously restrict the enforcement efforts under Title VI to eliminate discrimination."

A short while after the commissioner made his statement, Mr. Ziegler, the President's spokesman, let it be known that Commissioner Allen did not speak for the administration. Then, Monday, emerging from the White House, Minority Leader Ford disclosed that the President favored the "thrust" of the Whitten amendment. In thrust, perhaps, but not, as you might say, in drift. Or in substance, but not in form. Or—who knows?—In form but not in substance. By afternoon, Secretary Finch informed the House Rules committee that he *opposed* the Whitten amendment and believed himself to be speaking for the administration.

There—as of the moment of writing—you have the position on the Whitten amendment that Mr. Nixon has evolved. The good Lord kows it is subject to change before the ink is dry, but we think that, over all, it has certain interesting, permanent features. One is that it is highly mobile, and the other is that it is rarely if ever enunciated by Mr. Nixon himself—only by those who speak for him on all sides. It will be interesting to see whether Secretary Finch's word is the last word when the bill goes to the Senate.

Mr. Speaker, if Federal judges would abide by an act of Congress, the Civil Rights Act of 1964, Public Law 88-352, 78 Stat. 246, would have held the courts and the President in check and prevented present educational chaos—for that act provides:

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

DEFINITIONS

SEC. 401. As used in this title—

(a) "Commissioner" means the Commissioner of Education.

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance. . . .

These provisions are simply being ignored. I have called on President Nixon to support the action of the Congress. This I did in October and again in December—I received promises from his assistant but no action.

Congress has spoken many times on this issue. I quote here from the Congressional Quarterly of December 11, 1971, page 2559, which carried an article entitled "Busing Opponents: New Friends in the House." Under the title appear the following references:

REFERENCES

1971—Anti-busing amendments to higher education-desegregation aid bill, Weekly Report p. 2386, 2310, 2276; President Nixon on busing, p. 1830, 1829; Whitten amendments to education appropriations bill, p. 1468, 1304, 843, 842; Supreme Court decision on busing, p. 928; desegregation statistics, p. 199; vote 236(T), 239(T), p. 2332, 2333; vote 31(T), p. 875, 874.

1970—Whitten amendments to education appropriations bills, 1970 Almanac p. 266, 264, 262, 260; 144, 143, 142, 141, 133; vote 106, p. 40-H, 41-H; vote 20, p. 8-H, 9-H; CQ book, *Civil Rights: Progress Report* 1970, p. 49-52.

1969—Whitten amendments to education appropriations bill, 1969 Almanac p. 554, 553, 549, 548; vote 167, p. 78-H, 79-H.

1968—Whitten amendments to education appropriations bill, 1968 Almanac p. 603, 600, 598; vote 214, p. 92-H, 93-H.

BUSING OPPONENTS: NEW FRIENDS IN THE HOUSE

Long-time opponents of busing school children to desegregate public schools found themselves the core of a new majority in the House of Representatives in 1971.

As some southern members had predicted, many Representatives from outside the South—in 1971 for the first time feeling real pressure for school desegregation in their districts—ignored their past statements and voted to delay or bar the use of busing for desegregation.

A prime example of this shift was the position adopted by James G. O'Hara (D-Mich.), for years one of the leaders of the floor fights to cut anti-busing language out of appropriations bills.

Late in September, a federal judge ordered that a metropolitan-wide desegregation plan be developed for Detroit, where he found the schools deliberately segregated. Within weeks, O'Hara was assuring his constituents—chiefly working-class Detroit suburbanites—that he felt court-ordered busing exceeded constitutional requirements. He said he stood ready "to do whatever is necessary by way of further legislation or a constitutional amendment to prevent implementation of the (Detroit desegregation) decision by cross-district busing."

DESEGREGATION PRESSURE MOVES NORTH

Detroit was not the only non-southern city feeling pressure. The *de jure-de facto* distinction which had shielded the North from desegregation requirements was crumbling before the findings of federal courts. Judges were holding that school desegregation in non-southern cities was often just as much the result of official action (*de jure*) as that in the South and was thus within the reach of court orders.

When school opened in the fall of 1971, the South—where statistics showed desegregation progress had moved far ahead of the rest of the country—was relatively quiet compared to bus bombings in Pontiac, Mich., protesting a desegregation plan and the Chinese-American-led boycott of the San Francisco schools, which were desegregating through busing.

Even before the Detroit ruling, a federal judge had found the city schools of Indianapolis, Ind., deliberately segregated. He suggested that a metropolitan-areawide desegregation plan, almost inevitably requiring substantial busing, be developed.

The Department of Health, Education, and Welfare (HEW) had begun proceedings to terminate federal funds to several non-southern school districts charged with violating federal school desegregation requirements. The districts included Ferndale, Mich., Wichita, Kan., Prince Georges County, Maryland, and Boston, Mass.

And as these moves kindled adverse reaction to desegregation outside the South, anti-busing sentiment was given additional impetus in August when President Nixon reaffirmed his opposition to busing for racial balance in the schools. Chief Justice Warren E. Burger a few weeks later said that, although the Supreme Court had upheld the use of busing and racial ratios as interim means of eliminating segregation, it had not required that every school be racially balanced.

THE BUILDING OF A MAJORITY

The new anti-busing majority showed its muscle on several votes in 1971, most impressively in November when it succeeded in adding strong anti-busing language to a massive higher education-desegregation aid bill enacted by the House. These amendments:

Postponed—until all appeals had been settled or the time for them had expired—the effective date of any federal court order requiring busing.

Forbade the use of all federal education funds for busing to overcome racial imbalance and forbade federal pressure on local school agencies to spend state or local funds for busing.

A substantial majority of House members—235 and 233, respectively—approved these amendments. More than half of those votes were cast by Representatives from states outside the South. Fifty-six Democrats from northern and western states—considered the most liberal voting group in the House—voted for the first amendment, which five of their number sponsored; 50 voted for the second. Only half that number had ever supported anti-busing proposals before those votes.

Development of this anti-busing majority can be traced through the years 1968-1971 by comparison of seven key House votes on anti-busing provisions during those years.

1968. The federal government began to move its desegregation efforts north in 1968. The Justice Department filed its first non-southern desegregation suit in April against an Illinois district, followed by suits against Indianapolis, Tulsa, Okla., and East St. Louis, Mo. HEW announced revised school desegregation guidelines, for the first time they applied to northern as well as southern districts.

But on the key anti-busing vote in the House in October, only 71 non-southern members—12 of whom were Democrats—opposed a move to weaken anti-busing language. The House voted, 167-156, virtually to nullify a provision it had earlier approved as part of the Labor-HEW appropriations bill. The provision forbade HEW to withhold funds from districts in order to require them to move further, by busing or other methods, to desegregate their schools. This provision was called the Whitten amendment after its author, Jamie L. Whitten (D., Miss.).

Among the non-southern supporters of the Whitten amendment were nine California members, 11 from Pennsylvania, eight from Ohio, Edward J. Derwinski (R., Ill.)—in

whose district the first non-southern desegregation suit had been filed—and William G. Bray (R., Ind.)—whose district included part of Indianapolis.

1969. There was little significant change in members' positions on the busing issue in 1969, a fact not indirectly related to the ambiguity which surrounded the new Administration's school desegregation policy. Aside from issuing a warning to Chicago that it must speed up the desegregation of its public school faculties and filing suits against the schools of Waterbury, Conn., and Madison, Ill., the Administration took little action outside the South on the matter.

Once again the House version of the Labor-HEW appropriations bill contained the Whitten amendments, but the House in December adopted Senate-added language to nullify them. On the key vote, the House rejected, 181–216, a motion to kill the nullifying amendment. Only 75 non-southerners—17 of whom were Democrats—voted for the motion.

1970. The first key vote closely resembled the 1969 vote, coming during final House consideration of the second Labor-HEW appropriations bill for that year. (Mr. Nixon vetoed the first.)

The second bill also contained the Whitten amendments to which the Senate had added weakening language. Once again anti-busing forces were defeated when the House voted 164–222 to reject a motion to kill the proposal that the House accept the weakening language.

Only 61 non-southerners voted for the motion, but a significant number of them, 26 were Democrats.

Perhaps the most significant of the position changes registered by northern Democrats on this vote, in early March, was that of Roman C. Pucinski (D., Ill.), a high-ranking member of the House Education and Labor Committee and—until 1966—champion of every civil rights measure which came to the House floor.

The racial fears of his predominantly white constituency, reflected in a close re-election fight in 1966; brought about a shift in Pucinski's position. The federal warning to the school system of his hometown of Chicago may also have had its effect. In 1970 Pucinski cast his first record vote with anti-busing forces; in 1971 he was one of the leaders of the anti-busing majority.

In February, a desegregation order for Los Angeles was handed down, requiring substantial busing; in March, a similar plan was ordered for Pasadena, Calif.; in April, the HEW Department moved to cut off federal funds to Ferndale, Mich., schools, and the Detroit school board sparked vehement protest by changing school district boundaries in order to foster more desegregation.

In June, the House cast its second key vote on the busing issue. For the first time on a significant vote, the anti-busing forces prevailed. The House agreed, 191–157, to kill a motion which required House conferees on the education appropriations bill to agree to Senate action dropping the modified Whitten amendment. The provisions were retained, but the victory was chiefly symbolic: HEW officials said the language would have no effect.

Ninety-nine non-southern Representatives—only 18 of them Democrats—joined the anti-busing forces in this victory. Significant among these were H. Allen Smith (R Calif.) who represents part of Pasadena and William S. Broomfield (R Mich.) who represents Ferndale.

1971. Anti-busing forces won again in April when the House refused, 149–206, to cut the Whitten amendment fom the education appropriations bill for fiscal 1972. Among these voting with the opposition were 108 non-southern members, 23 of whom were Democrats.

By the time the House voted in November on the anti-busing amendments to the higher education-desegration aid bill, the uproar in San Francisco and Pontiac, Detroit, Indianapolis and other urban and suburban neighborhoods had been translated into constituent pressure. The impact was obvious:

Michigan Representatives voted 15–1 for the Broomfield amendment delaying the effect of court orders requiring busing. Six other Michigan Representatives, including O'Hara, sponsored the amendment.

Reflecting similar shifts, the delegations of Connecticut, Illinois, Indiana, New York, Ohio, Pennsylvania and Wisconsin voted lopsidely for the amendment.

Most long-time opponents of busing were delighted with the new majority position which they had attained with the votes of their northern allies. But some were disgruntled by the immediate success of the northern protest. The Alabama and South Carolina delegations split on the Broomfield amendment, 5–3 and 3–3; the Georgia delegation voted against it 1–6.

Jack Edwards of Alabama (R) cast one of the negative votes, explaining: "We are busing all over the 1st District of Alabama. . . . A lot of people say to me, 'How in the world are we ever going to stop this madness?' I say, 'It will stop the day it starts taking place across the country, in the North, in the East, in the West.'

"And so busing is ordered in Michigan and the first thing the members from Michigan do is come in with this amendment and ask us to delay it for them. But, my friends, we are not going to stop the busing as long as we let them off the hook the minute it hits them. Let it hurt them, and we will get their votes as we try to stop busing once and for all."

FURTHER REFERENCES

1968. Labor-HEW Appropriations Bill, fiscal 1969. Motion to adopt Senate language weakening Whitten amendment barring HEW from withholding federal funds to force busing or other actions to desegregate schools beyond freedom-of-choice plans. A vote against the motion was a vote for restrictions on busing. Adopted 167–156; R 67–77; D 100–79 (ND 96–12; SD 4–67), Oct. 3, 1968. (Vote 214, 1968 Almanac p. 92–H, 93–H)

1969. Labor-HEW Appropriations Bill, fiscal 1970. Motion to table (kill) motion instructing House conferees to agree to Senate action weakening Whitten amendments. A vote for the motion was a vote for restrictions on busing. Rejected 181–216: R 90–84; D 91–132 (ND 17–216; SD 74–6), Dec. 18, 1969. (Vote 167, 1969 Almanac p. 78–H, 79–H)

1970(1). Labor-HEW Appropriations Bill, fiscal 1970. Motion to table (kill) motion instructing House conferees to agree to Senate action weakening Whitten amendments. A vote for the motion was a vote for restrictions on busing. Rejected 164–222: R 63–107; D 101–115 (D 26–110; SD 75–5), March 3, 1970. (Vote 20, 1970 Almanac p. 8–H, 9–H)

1970(2). Office of Education Appropriations Bill, fiscal 1971. Motion to table (kill) motion instructing House conferees to accept Senate action deleting Whitten amendments. A vote for the motion was a vote for restrictions on busing. Adopted 191–157; R 107–35; D 84–122 (ND 18–117, SD 66–5), June 30, 1970. (Vote 106, 1970 Almanac p. 40–H, 41–H)

1971 (1). Office of Education Appropriations Bill, fiscal 1972. Amendment to delete Whitten amendment. A vote against the amendment was a vote for restrictions on busing. Rejected 149-206: R 35-117; D 114-89 (ND 108-23; D 6-66), April 7, 1971. (*Vote 31(T), Weekly Report p. 874–875*)

1971 (2). Higher Education Act of 1971. Amendment delaying the effective date of any court order requiring busing, until all appeals have been acted upon or the time for them has expired. A vote for the amendment was a vote for restrictions on busing. Adopted 235-125: R 129-17; D 106-108 (ND 56-90; SD 50-18), Nov. 4, 1971. (*Vote 236(T), Weekly Report p. 2332, 3323*)

1971. (3). Higher Education Act of 1971. Amendment barring the use of federal funds for busing or of federal pressure to require school boards to spend state or local funds for busing. A vote for the amendment was a vote for restrictions on busing. Adopted 233-124: R 125-20; D 108-104 (ND 50-94; SD 58-10), Nov. 4, 1971. (*Vote 239(T), Weekly Report p. 2332, 2333*)

Mr. Speaker, hundreds of schools have been closed. The education of thousands of students have been retarded, all because Federal judges and officials of the U.S. Department of Education have insisted they know what is better for a child than does the child's parents. Remember, all public schools are open to all.

Mr. Speaker, I hope the House here today will once again by an overwhelming majority tell the President, the Federal judges and the people that the people's branch, the Congress, is going to assert its right to protect the well-being of all Americans and the rights of their children to a quality education.

Mr. PERKINS. Mr. Speaker, I yield such time as he may use to the gentleman from California (Mr. EDWARDS) for the purposes of debate.

Mr. EDWARDS of California. Mr. Speaker, I rise in opposition to the motion to instruct the conferees.

Mr. Speaker, we have before us today an opportunity to make a renewed, firm commitment to the achievement of integrated education of high quality for our Nation's youth. As we consider the instructions to the House conferees concerning the Omnibus Education Amendments of 1972, we must keep certain facts clearly in mind despite the heated rhetoric over the busing issue which has raised emotion to a fever pitch at the expense of reason.

The primary fact is that quality education is the most important goal, and no matter what position we take in the current busing debate, we all agree on that.

The second fact is that quality education is not achievable for minority group children in American society in segregated schools. The Supreme Court in the Brown against Board of Education decision found in 1954 that segregated school systems which purported to offer education which was "separate but equal" in reality offered black children a second-class, inferior education. The Court declared unconstitutional the laws that established segregated school systems and ordered that desegreation be accomplished "with all deliberate speed."

The third fact is that the Brown decision was not sufficient to accomplish the desegregation for which it called. The 10 years which immediately followed Brown saw little progress toward the desegregation of de jure segregated school systems in the South. The years immediately after Brown were marked instead with defiance of Federal court authority, epithets hurled at little children, and stands in the schoolhouse door. It was not until the early 1960's and the flowering of the civil rights movement that blacks were able to move the conscience of the Nation and achieve legislation to implement the Brown decision. In 1964 the Congress passed the Civil Rights Act which in-

cluded authorization for the Attorney General to file suit against segregated school districts—title IV—and gave the Federal Government authority to terminate funding in those districts which refused to desegregate. Between the date of passage of the Civil Rights Act of 1964 and 1968, 10 times more desegregation was accomplished than in the 10 years between 1954 and 1964.

The fourth fact is that even though the efforts of the Federal Government were significant in achieving a national increase in integrated education, continual roadblocks placed in the way of desegregation by certain States and local communities forced the Supreme Court to act once again in affirmation of the principles laid down in the landmark Brown decision. The Supreme Court held, in the case of Swann against Charlotte-Mecklenburg, 1971, that the busing of schoolchildren to achieve racial integration is an acceptable remedy for de jure segregation. It also held, and this is a fact which has been ignored in the current heated debate on the issue, that busing will only be required when it is reasonable and does not place undue burdens on schoolchildren. Busing, as a means of achieving desegregation was resorted to by the court, it must be remembered, after years of refusal by local communities to accept other means of integration which did not involve busing such as school pairing, redrawing of attendance lines, location of new facilities in central or integrated areas, educational parks, consolidation, and regional planning.

The fifth fact is that the so-called busing problem arises directly from the problem of housing segregation in this country. The Civil Rights Oversight Subcommittee of the Committee on the Judiciary, of which I am chairman, has just completed a series of hearings on quality of opportunity in housing. The testimony my subcommittee received shows conclusively that the forced ghettoization of minorities has produced the segregated communities which today make necessary in some cases the use of buses to bring together white, black, and brown children in the same school classroom. If we had open communities, if every person was free to live where he chose to live, we would have integrated education in our neighborhood schools and there would be no need to bus to achieve racial integration.

The sixth fact is that opposition to busing is seen by minorities as a further indication of hostility in the majority society to their legitimate aspirations. Just as the phrase "law and order" in the 1970 elections was seen as a code word denoting a negative disposition toward minorities, the antibusing position is being interpreted as opposition to integrated education. This feeling by the minority community is certainly not irrational, given the long and sordid history of the busing of black children past white schools to maintain a system of segregated education and the lack of opposition in any segment of American society to either this busing or the busing of white children for any purpose until integrated education was placed at the end of the bus ride. This fact is compounded by the frustration which has been eloquently expressed by witnesses who have appeared before my Civil Rights Oversight Subcommittee over the new sophistication of those who oppose equality of opportunity.

Some racists no longer openly oppose integrated housing or greater employment opportunities for minorities or integrated education. Instead they purport willingly to agree with each of these high-minded goals, opposing only any reasonable means of achieving them. So they are not against integrated housing, but they do oppose "forced integration of the suburbs"; they are not in favor of employment discrimination, but they do oppose "preferential hiring," quotas, and what they term "discrimination in reverse"; they are not against integrated education, but they do oppose "forced busing." Although the arguments and rationale are different, the message to the minority community is the same.

The seventh fact is that busing does work to achieve integrated education. Busing is just one of several ways in which integrated education can be achieved. It is not always the best way to achieve this important goal, but in some cases it may be the only way.

The Civil Rights Commission has recently completed a study of five cities in which busing has been used extensively for the desegregation of schools. These cities included Tampa-Hillsborough, Fla.; Pasadena, Calif.; Pontiac, Mich.; and Winston-Salem and Charlotte-Mecklenburg, N.C. The Civil Rights Commission study showed that behind the headlines and the parental unrest in these cities busing was operating effectively to desegregate the school systems and that there was a wider degree of acceptance among the children than that shown by their parents. Civil Rights Commission figures further show that busing, both voluntary and court ordered, has produced important progress toward desegregation. In the 1970–71 school year, nationwide, the number of black students in majority white schools was 33 percent, an increase of 10 percent from the preceding year. In the same year, the number of black students in 100-percent minority schools decreased to 14 from 40 percent only 2 years earlier. Significantly, only 12.5 percent of all public school students were isolated in all white or all minority schools in the fall of 1970, as compared to 19 percent in 1968. Thus the last 3 years of significant busing activity has produced a significant increase in the desegregation of our Nation's public schools. There is no equivalent evidence that the busing which has achieved this remarkable record has resulted in any negative effects on the education of the children involved.

Given this record of Supreme Court decisions permitting only busing that is reasonable and not likely to harm the education of the child; given the record of achievement toward desegregation of the busing which has been accomplished both voluntarily and under court order in many communities of this Nation; and given the need to affirm the protection offered minority citizens by a Constitution which provides full equality of opportunity, I suggest most emphatically that we vote against any amendments to instruct the conferees.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the gentlewoman from Oregon (Mrs. GREEN) for the purposes of debate.

Mrs. GREEN of Oregon. Mr. Speaker, I had really not intended to speak today, and I am sure my colleagues understand the very difficult position I am in as chairman of the Subcommittee on Higher Education and the second member on the full committee. I have tremendous respect and admiration for my chairman.

Ordinarily I must say that I am not enthusiastic about instructions to conferees, but I think I agree with my colleague from North Carolina that in certain situations we perhaps have to consider the situation at that time and then vote on that basis.

I have looked at the list of people who will be or have been, as I understand it, recommended to the Speaker to be appointed as conferees. Out of the 20, if my information is correct on it, there are only three of those 20 conferees who voted for the Ashbrook-Green amendment as it was finally adopted in the House.

Not only 17 of the ones being recommended for conferees voted against the amendment, but Mr. Speaker, of even deeper concern to me and something which I think the whole House should consider in revising its rules is this: Some of the conferees who are to be appointed have already made public statements that they will not defend the position of the House. This occurs before we've even sat down for the first conference session. Senate conferees may thus be led to believe that the House is a pushover for this version of busing amendments.

I am aware that the rules of the House require every House conferee to support the position of the House whether or not he agrees with the position of the House, because each one goes over there as a representative of the House position, and not to represent his or her own personal views. I am also keenly aware this rule does not always prevail.

When we have a situation where the amendments which are so sensitive and so important to this country, when those amendments were adopted by almost a 2-to-1 vote in the House—and the Ashbrook-Green amendment, as I recall it, was adopted by a vote of 233 to 124—when the vote for the amendments was almost a 2-to-1 vote and then in the conference committee the conferees voting against the amendments number almost 7 to 1, then I suggest that instructions may well be in order.

If representative government and if democracy means anything, perhaps we ought to look on this particular step in the legislative process. The conference committee is many times the most important step in the legislative process. It is behind closed doors; no record of the proceedings is kept. Yet this also is pub-

lic business and the public has as much right to know who voted in what way—as the public has a right to know who voted in which way on a recorded teller vote in the House. In fact, very often, votes in the conference committee are far more critical than are House teller votes.

We talk about congressional reform—why has the conference committee—this step in the legislative process—escaped all scrutiny by those who would reform? Many other items pale into insignificance compared to this crucial part in drafting legislation and making laws for 200 million people.

Mr. LANDRUM. Mr. Speaker, will the distinguished gentlewoman yield?

Mrs. GREEN of Oregon. Yes; I am glad to yield to the gentleman from Georgia.

Mr. LANDRUM. With respect to the gentlewoman's statement on the margin of the vote in the House on the amendment in question here, would the gentlewoman also tell the House what the margin in the Senate on the same amendment was? Was it not one vote only?

Mrs. GREEN of Oregon. It was a one-vote margin—48 to 47—on one of the most critical votes on busing.

Mr. LANDRUM. If the gentlewoman will yield further, is that the subject embodied in these amendments?

Mrs. GREEN of Oregon. That is correct.

Mr. LANDRUM. If the gentlewoman will yield further, the majority of those suggested by the chairman as conferees voted against the amendment. When this bill was before the House and that makes it all the more important and even imperative in my judgment that the conferees in this case be instructed?

Mrs. GREEN of Oregon. Let me express even a deeper concern.

The gentleman from Illinois referred to the higher education bill and the importance of it, and I share that view. But let me tell you what I fear; I fear that the Senate conferees have already been led to believe—because some of the House conferees have made statements that the House conferees will be willing to recede—that its provisions will prevail and I think this would be sad, because if I can read figures—and I think I can—the vote on the busing was passed by almost 2 to 1 and if we come back to the House with a conference report on which we have worked probably for many weeks, and if there is not a meaningful provision in regard to busing, I would have great fear that all the efforts involved in those many weeks of conferences will go down the drain and the House will not accept the conference report. This would mean the defeat of the entire higher education bill.

Therefore, reluctantly today, I am opposing the motion to table.

The SPEAKER. The time of the gentlewoman from Oregon has again expired.

Mr. PERKINS. Mr. Speaker, I yield the gentlewoman 1 additional minute.

Mrs. GREEN of Oregon. I am going to vote against the motion to table and I am going to support the motion to be made by my good friend and colleague on the House Education and Labor Committee (Mr. RUTH), because I think we will have a better chance to come back from the conference with a better conference report because the Senate conferees will know how strongly the Members of the House feel and we will not come back with a conference report strong in rhetoric and weak in substance and one that the House will reject.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Speaker and my colleagues of the House, we can argue the pros and cons of whether or not we will or should instruct the conferees until doomsday. But, that is not the issue at the moment. The issue at the moment is whether or not you have got your stomach full of what the courts and Federal agencies are doing to force busing in this country and ignore the needs of education.

Now, if you are sick and tired of having the courts and the Federal agencies coerce or order busing—to gain participation in Federal programs, you have one choice under the circumstances which will be presented to us today. When the motion is made to table, the motion to be offered by the gentleman from North Carolina (Mr. RUTH) to instruct the conferees, you should vote "no." You cannot interpret a vote of "yes" which is a vote not to instruct except to say to your constituents and the people of this country, "I like busing; I am for it."

Mr. Speaker, this is one vote that the people of this country are going to look at, and our constituents are going to look at. So, if you vote "no" on the motion to table you have taken a position against forced busing. You are voting for a sound educational practice.

If you vote "yes" then you have said, "I like it, I want some more."

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ERLENBORN).

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

Mr. ERLENBORN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I am unalterably opposed, and always will be, to busing schoolchildren many miles each day, solely to achieve specified integrated ratios.

The people of Alabama, and of our second district, are good, law-abiding citizens. They have made, and are making, every effort to comply with what they believe is the law of the land—the Civil Rights Act of 1964.

Forced busing in many cases takes children out of their friendly neighborhood schools, many within walking distance, and places them in a totally alien environment many miles away from home.

Forced busing not only has a detrimental effect on children who are taken from their familiar environment where they have established good friends, but it is most expensive to maintain a massive busing system.

Education costs are rising fast enough, so why should we accelerate those costs by instituting and maintaining massive forced busing systems that the parents and children do not want in the first place?

As parents, we are concerned about our children's education. We want the best education available for them, but, at the same time, we want our right under the Constitution—freedom of choice—the law of the land.

Under the forced busing system, if a child chooses to go to a school two blocks from his home, he may be denied that right and be bused 20 miles to another school.

We must secure for all the citizens of the United States their inalienable right—freedom of choice.

Forced busing is not the answer.

I believe the following article by David Lawrence, an eminent columnist, is of particular interest in this regard:

BUSING BECOMES A NATIONAL ISSUE

(By David Lawrence)

WASHINGTON.—Voter sentiment on the question of the forced busing of students to public schools far from home in order to correct "racial imbalance" has been reflected in the efforts of Congress these last few days to work out some kind of solution to the "busing problem," particularly as it relates to the appropriation of federal funds for education.

The issue has more to it than merely satisfying the grievances of parents who want their children to go to neighborhood schools. It has to do also with the fact that most suburban areas have been built up with homes that many of the people living in the cities cannot afford. Hence, they are unable to move to places where they might send their children to better schools.

The dispute has been growing more and more widespread as citizens have learned about the possibility that school districts might be suddenly combined, with city and adjacent suburbs regarded as a single unit in which extensive busing of students is required. Members of both the House and the Senate are feeling the pressure from the voters to clear up this situation. There are various bills designed to simplify the question, but thus far it doesn't look as if any of the measures proposed is going to end the controversy.

It will be recalled that Congress in 1964, when it enacted the Civil Rights Act, stipulated that desegregation "shall not mean the assignment of students to schools in order to overcome racial imbalance." Appropriation bills have provided heretofore that federal funds could not be used to force the busing of pupils for this purpose. But these efforts on the part of Congress have not had the desired effect or stopped the courts from ordering such busing.

The problem arises not merely in the South but in all parts of the country, especially where there are cities with a heavy population of Negroes next to suburbs which are virtually all white. The argument is being made that every child has a right to get the best kind of education and to be transported, if necessary, to the schools where this can be obtained. It would require busing between the city schools, which generally are regarded as inferior, and the suburban schools. What this would mean, of course, is that "racial imbalance" would be corrected and integration would be enforced. The idea that such a process of cross-busing between districts would ensue is not yet clearly established. But some federal court rulings have encouraged the belief that this will be the trend in the next two years or more unless the Supreme Court reverses the decisions of

the lower courts which have aroused so much opposition.

Up until recently, desegregation orders have been confined mostly within school districts where state laws had brought about a racial discrimination in the first place. In other areas, especially in the north, where "racial imbalance" has emerged due to natural causes and the evolution of neighborhoods in various states with a large Negro population in the cities and predominantly white populations in the suburbs, there has been no accusation that the segregation was deliberate.

What Congress faces now, however, in the row over busing is the existence of a feeling in many parts of the country that buses will be used to transport students from the cities to the suburbs so that "racial imbalance" can be corrected. If the lower courts order such action to be taken and are upheld by the Supreme Court, the only remedy will be an amendment, but this concept has not been supported by a two-thirds majority partly because of a belief that the Supreme Court will probably not sustain the lower courts.

So the real answer probably will not come until the Supreme Court rules on some of the pending cases dealing with busing. When that occurs and if its decision affirms large-scale busing between cities and suburbs, Congress will be under pressure to take action at once. This happens to be one of the most widely discussed domestic questions in the country today in relation to the presidential campaign.

Mr. ERLENBORN. Mr. Speaker, first of all let me make it clear that I intend to oppose the motion to instruct the conferees. I did support the Broomfield amendment. I think the Ashbrook amendment is consonant with what the House has done in the past. I think the Green amendment goes too far. I may be one of the conferees, and I would rather go to the conference uninstructed. But let me also state that I do understand the frustration of those who speak about the conferees from the Committee on Education and Labor not standing up for the position of the House. And I would think maybe the chairman of the committee, the gentleman from Kentucky, and the gentleman from Pennsylvania, the chairman of our Subcommittee on Labor, might be a little embarrassed telling the House that they should not be instructed when one of the other items of business today is the EEOC conference report, where there were 21 items in difference, and 18 were resolved in favor of the Senate and no fight having been put up to sustain the position of the House, and this is not at all unusual for the Committee on Education and Labor.

Now, it happens that I will support the EEOC conference report, because fortunately we won the major issues in the House, and one or two improvements were made in the conference. But I can understand the frustration that the Members of the House must feel when they see conferees from the Committee on Education and Labor being appointed to go to conference, and nine times out of 10 they go there already committed to sell out the position of the House.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. QUIE).

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

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

Mr. HOGAN. Mr. Speaker, I urge my colleagues to vote to instruct the conferees to stand firm in support of the House position on busing. The so-called Scott-Mansfield amendment in the Senate version of this Higher Education bill is a sham. It is meaningless. The gentlewoman from Oregon (Mrs. GREEN) very eloquently stated the case for this position.

In all the discussion and debate on this subject, I hear little or no comment on HEW-ordered busing which is the very heart of the problem and the controversy. The matter of court-ordered busing seems to have overshadowed what, to me, is a more serious problem. We cannot overlook the actions of an arbitrary Federal bureaucracy, both now and in the future in ordering busing for racial balance. These bureaucrats consider themselves immune to policies enunciated by President Nixon and what is clearly the position of Congress.

There is a very excellent publication, "Understanding School Desegregation," published by the U.S. Commission on Civil Rights which was recently made available. In the opening paragraph in order "to understand fully where we are now and to form a sound basis for determining courses of action for the future," this pamphlet explains the basis for the Supreme Court's action in the famous Brown case this way:

In the South, this doctrine typically had resulted in the enactment of laws requiring or officially sanctioning racially separate, or "dual" school systems. Thus, regardless of factors such as the proximity of the school to a child's home, children were assigned to school on the basis of their race. Busing frequently was required and black and white children alike were bused as far as 50 miles or more each day to assure *perfect racial segregation.*

Today, what is Prince Georges County in my district being asked to do? Exactly what was found to be unconstitutional in the Brown case in order to assure perfect desegregation.

HEW has taken this paragraph from the U.S. Commission on Civil Rights and substituted only one word, "desegregation," for "segregation." HEW is now doing what was criticized so vehemently and properly in the pre-Brown era. HEW now has "regardless of factors such as the proximity of a school to a child's home—assigned—children—to schools on the basis of their race"—busing frequently is required directly or indirectly and black and white children alike are bused as far as 50 miles or more each day to assure perfect racial desegregation.

I have studied the words of the Scott-Mansfield amendment. I have talked to my colleagues. I am fully convinced that the Scott-Mansfield amendment does nothing to restrict or restrain HEW in its arrogant interpretation of the law. I am convinced that HEW can and will take actions similar to that taken against Prince Georges County in my district last year and this. If we accept the Scott-Mansfield words, we have accomplished nothing in restraining the arbitrary actions of HEW which are directed at the court-ordered busing. That is not the major part of the problem.

In my district, HEW's position is that the school board "since 1954–55 tended to reinforce, perpetuate and expand a (dual) system." The first of two actions brought by HEW was rejected by a hearing examiner. But HEW has appealed to the courts so the Prince Georges County School Board is now faced with the expense of fighting the full legal weight of the Federal Government. The second action comes up for hearing later this month. What the result will be I cannot predict, but already these HEW actions, not yet proved, have had their vibrations among the Federal agencies. Not only is HEW cutting off $14 million in Federal aid to our schools but HUD had approved a Model Cities program using the school facilities for adult education which included remedial education and cultural enrichment programs for blacks. Because of HEW's unproved allegations, roughly a million dollars for this purpose has been cut off. The Department of the Interior and the General Services Administration are involved in other retaliatory actions against Prince Georges County schools. Most asinine of all, the Atomic Energy Commission, I am told, has withdrawn three films from use in Prince Georges County schools because of HEW's citation. In addition, GSA has refused to sell surplus electric fans to Prince Georges PTA's.

The Prince Georges County School Board is in a difficult position. It operates the 10th largest school system in the country. Its area is eight times the size of Washington. Its distance from one end to the other is greater than the distance from the far end of Washington to the far end of Baltimore. It serves an area where the population is exploding. Its white enrollment expanded 300 percent and its black enrollment increased 600 percent since 1955. In spite of this massive explosion, there is only one all-black school and four all-white schools in the county even though the blacks and whites are somewhat concentrated. It is ridiculous to say, as HEW does, that the board has "perpetuated a dual system." Some of our schools are in racial imbalance because the neighborhoods they serve are in racial imbalance.

There is no school district in the Metropolitan Washington area which has had the problems of integration as Prince Georges County. This was probably the reason it was picked by HEW. You cannot integrate the Washington, D.C., school system, which is over 90-percent black. You cannot integrate the Montgomery County school system, which is over 90-percent white. Only Prince Georges County offered the great space and the race diversity needed for HEW's social experimentation. Only Prince Georges County is unique in the Washington metropolitan area where blacks have a real opportunity for house ownership. The number of homes owned by blacks exceeds that of all surrounding counties combined. It is this unique condition which has compounded for Prince

Georges County the problem of racial balance since the Brown case.

HEW imposes, according to its bill of particulars, the following rules for Prince Georges County which could not otherwise be imposed in the Metropolitan Washington area:

First. Every school should have a one black to four white teacher ratio.

Second. No school should be over 90-percent white.

Third. No school should be over 30-percent black with the black student ratio increasing.

Implicit in any attempt to meet HEW demands is a massive busing program which would disrupt the school system, waste millions in taxpayers' money and make meaningless the concept of the neighborhood school and not contribute toward integration of our society. Also implicit in HEW demands is the necessity for flexible attendance zones which might have to be changed yearly to accommodate shifting racial patterns. In other words, children might change schools every year.

One black mother complained to me that she has seven children in five different schools. She has three children attending three different junior high schools. The entire family life is disrupted by schoolbus schedules.

I see HEW's actions as direct bureaucratic efforts to impose arbitrary busing yardsticks on a particularly vulnerable area with no reasonable consideration of the physical or educational facts. Using the lever of $14 million in Federal impact funds, it has seized upon one of the largest, most progressive systems in the country in an effort to compel it to adopt a 1-to-4 yardstick, disregarding the facts that Prince Georges County already spends $5 million annually for busing, is No. 1 in Maryland in school construction, is No. 1 in teachers' salaries for bachelor's degrees, is close to the top in per pupil expenditures and serves what seems to be the only fair housing area for blacks in the Metropolitan Washington area.

As I read section (a) of the Scott-Mansfield amendment, Federal funds for busing to maintain racial balance would not be used without the express request of local officials. This does not mean, however, that HEW could not withhold Federal funds if it found as in section (b) it was "constitutionally required." In the Prince Georges proceedings, HEW is attempting now to establish arbitrary yardsticks as "constitutional requirements." This same approach could be taken under the Scott-Mansfield provision. If these yardsticks are valid now, they would be unchanged under the proposed legislation. And, it looks as if a schoolboard must be prepared to go through the courts even if it wins at the local level.

The exception that funds be not made available for transportation when the time or distance to travel is so great as to risk the health of the children means little. Certainly, in the Prince Georges case, HEW has given absolutely no consideration to distance. It will be the courts which will decide this issue, not HEW. But, does it not seem unusual that it has become necessary for Congress to legislate a health requirement to impose upon our Federal bureaucracy, particularly the Department of Health, Education, and Welfare?

Scott-Mansfield provides a stay of action until appeals are exhausted but these are for cases between local agencies or consolidation of agencies. Prince Georges County's case is within a single agency. Thus, it would not keep HUD from redistributing moneys under its model cities program when HEW issues an order to a single system. It did not keep the Atomic Energy Commission from withdrawing films from an indicted school system.

The HEW-Prince Georges County School Board action is obviously headed through the courts, regardless of who wins the initial actions. It does seem strange, however, that this type of action would be treated differently than a case involving different local agencies or a consolidation of agencies.

On the basis of very concrete experience of HEW's action in the Prince Georges School Board case. I must urge my colleagues in the strongest language possible to support the motion to instruct the House conferees to stand firm in support of the House-passed Broomfield, Ashbrook, and Green amendments in an effort to prevent the arbitrary and arrogant abuse of power on the part of HEW officials, as I have found them in my district.

Mr. QUIE. Mr. Speaker, a person who expects to go to conference, as I do as the ranking minority member, usually would not want to be instructed, and I will vote against the motion to instruct and for the motion to table.

It is my intention to go to the conference and support the position of the House on the amendments in question, because there was a clear decision on the part of the House on those amendments. The Broomfield and Ashbrook amendments are amendments that most people understood when they voted last year. I cannot say this of the Green amendment, that most people understood it, but on the Ashbrook amendment and the Broomfield amendment there was a clear understanding. Naturally we have to work out the differences between the House and the Senate so there has to be some give on the part of the managers of the House.

We cannot come back here with just our own language. I think I understand the mood of the House. The mood of the House is that they would not accept the Senate language whether we were instructed or not. I wish we could have had the conference papers come back to the House first, so that we could then have had a motion to recommit here, if necessary. That is not possible because of the actions of the other body. They did not request a conference evidently since in doing so the House would have considered the conference report first and the Senate would have been left with the only choice of voting the conference report up or down. So I can understand those who would like to instruct the conferees. As a person who did not vote for the Ashbrook-Green amendment, but as a person who wants to do the best possible for the House, I certainly could not vote to be instructed to make no change in that undesirable amendment.

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

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

Mr. GERALD R. FORD. Mr. Speaker, I think the gentleman from Minnesota (Mr. QUIE) brings up a very important point. If the House and Senate conferees agree to a version so the House is sold out, and the papers go to the other body first, and then come back over here, the House has one choice, and that is to either vote up or down the whole package. There will be no motion to recommit, and the House will never have an opportunity to identify itself with the disagreement on the busing issue.

So I very strongly say that we ought to defeat the motion to table, and instruct the conferees.

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

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

Mr. DINGELL. Mr. Speaker, I have listened with some attention to the debate here, and I do have a question that does not relate to the matter before us that I would like to direct to the distinguished chairman of the committee.

Mr. QUIE. I would suggest the gentleman secure his own time for that purpose, because I do not have sufficient time.

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

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank my good friend, the chairman of the committee.

I would ask the gentleman if he would explain to me why the House is going to have 20 conferees and what the advantage to this body is to send a group that large to confer with the Senate.

Mr. PERKINS. Let me say to my distinguished colleague, the Higher Education Subcommittee has 12 members. It has been customary that all members of the subcommittees be conferees, although there is no rule to that effect. In this instance, we take the entire Higher Education Subcommittee. I have suggested these names to the Speaker.

This legislation is a comprehensive measure and includes bills from other subcommittees. Therefore, in addition, I have suggested the names of the gentlemen from California (Mr. HAWKINS), from Washington (Mr. MEEDS), and from Kentucky (Mr. MAZZOLI).

Mr. DINGELL. I do not have any quarrel to raise with my friend, the gentleman from Kentucky. But I have been here a while and I have never heard of a panel of conferees this large. It seems to me, it is almost as if it were being set up so that there could not be a resolution of the conflict between these two bodies; that is that such a panel of conferees has to be almost unworkable.

Mr. PERKINS. As I have indicated, this is a comprehensive and far-reaching piece of legislation. In addition to the higher education aspects of the bill, there are provisions affecting elementary and secondary education, Indian

education, and youth camp safety, to name just a few. It is obviously essential that the Higher Education Subcommittee members be conferees, but it is also important and necessary that other members of the Committee on Education and Labor who have worked hard and long on these other areas serve on the conference. Having the expertise of the committee fully represented in the conference committee will in my judgment insure expeditious handling of the conference, so long as our hands are not tied by instructions.

Mr. DINGELL. I thank the gentleman, but I think it is extraordinary.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Speaker, I rise to respond to my colleague and good friend on the Committee on Ways and Means, the gentleman from Louisiana (Mr. WAGGONNER).

He told the House there was only one issue: If you vote "for tabling" or "against instructing the conferees" you are voting for more busing. I suggest that is an oversimplification. As I listened to the minority leader discuss why he was voting for "instructing," I assumed it was because he had grave misgivings about the integrity of the conferees.

Other Members, both today and on similar occasions in the past have indicated that as a matter of policy they would never vote to instruct conferees. There are probably a variety of reasons why one may vote for or against instructing these conferees in this instance, but I would like to make my own position clear. I am going to vote against instructing the conferees because I support busing as a reasonable and necessary tool for school districts to desegregate our public schools throughout this land, including my own congressional district. I support busing students as vigorously as did those local school officials in the State of Louisiana who in 1953 bused 49 percent of their children to racially segregated schools.

If we had never had slavery in this country, we would never have had segregation. If we had never had segregation, we would not now be agonizing over how to desegregate.

How can we look at our present racially segregated schools, so destructive of human dignity, so wasteful of human resources, and say that we lack the wisdom, the compassion, the political courage to replace such a system with equal educational opportunities for all our children in racially integrated schools.

More than the present is at stake. Unless our public schools are desegregated, we shall never reach the full potential of this Nation.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BADILLO).

Mr. BADILLO. Mr. Speaker, I rise in opposition to the motion to instruct.

There is a very important issue that is involved here—but it is not the technicality of whether the will of the House or that of the Senate shall prevail. It is, more importantly, whether the Members of the House and the Senate are going to abide by their oath of office and uphold the Constitution of the United States.

The U.S. Supreme Court has said that it is unconstitutional to have segregated schools, and that busing is one of the means by which such segregation may be ended. If you believe in upholding the Constitution of this country, you will vote for upholding the decisions of the Supreme Court.

It is important that this debate be held, and it is important that we have a record vote because we should know whether the Members of the House and of the Senate believe in upholding the Constitution.

The issue is not a question of the majority. It is not a question of whether it is the will of the House by two-thirds vote or three-fifths or 99 percent. The issue is that the purpose of the Constitution is to protect the rights of the minority.

There are some basic issues where you do not go by a majority vote. You do not go by a majority in the House or in the Senate by a majority vote on the Constitution. That is why we have a written Constitution. Because we say in some areas, the rights of the minority must be protected.

If we vote to defy the U.S. Supreme Court—if we vote not to uphold the Constitution of the United States—then what we are saying is that we no longer believe in the written Constitution and we are voting against much more than busing—we would be voting against the traditions of this country since it was begun.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Speaker, it certainly is not my desire to participate in a discussion of the question of busing. Whether or not busing is desirable I believe is pretty much a local matter and should be left to local school officials where not in conflict with the Constitution. But it seems to me that it is a sad commentary on this House when a bill which contains more than $20 billion of assistance for the children of this country, a bill in which many very wonderful concepts are included, such as student assistance, the type and manner in which we are going to assist educational institutions, many things upon which I agree and disagree with the gentlewoman from Oregon—that we would be spending this time talking about busing, which is incidental, and not talking about the manner in which we are going to spend that $20 billion.

It seems to me we have seized upon the least important element in this bill in order to try to instruct the conferees.

I also feel that the motion is repugnant in that if a conference committee is going to be conceived in such a way that nobody is going to change his position, there is no reason to have a conference committee. We may as well discontinue the concept of the conference committee.

I would hope that we will discontinue this idle gesture of trying always to relate to the problems in education the very controversial and emotional subject of busing, and that we will certainly get on to the problem of trying to find what is wrong with American education and how we can maintain supremacy as a nation in the field of education, leaving aside at least momentarily the emotional issue of busing.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Speaker, I thank the chairman for yielding. On this difficult question we have heard from many spokesmen, from the majority and the minority. We have heard from the chairman of the committee. We have heard from the minority leader. We have heard many views expressed. But we have not heard what might be a very important view, and it is a legitimate question: Where does the President of the United States stand on this vote? We have been told that the President is concerned, that he has held meetings, and that he is having discussions. While he is meeting and having discussions and thinking about it, we are going to vote today. I understand that the President has said that he will have his views made public sometime following the Florida primary.

Mr. Speaker, I feel that if we instruct the conferees and if we bind them to a narrow view, then we will not be able to consider the views of the President. I believe we will be saying that we do not care what the President of the United States feels. So I think in deference to the President we should give the conferees enough leeway so that they may consider the President's views, and we can only do that by tabling the motion which is before us now.

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

Mr. HOWARD. I am happy to yield to the gentleman from Louisiana.

Mr. WAGGONNER. The gentleman raises the question about where the President of the United States stands. I think the minority leader of the U.S. House of Representatives speaks today for the President here in this House Chamber, and he has very definitely said that he is going to vote against the motion to table.

Mr. HOWARD. Then I take it we should follow the views of the minority leader in saying we should not consider the views of the President when he makes those views known.

Mr. WAGGONNER. Mr. Speaker, if the gentleman will yield further, I think the gentleman should follow the dictates of his own conscience and constituents and not be dictated to by the President or anybody here.

Mr. HOWARD. I certainly will, and I will vote to table the motion.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Speaker, I call upon my colleagues to vote according to the dictates of their consciences at this time, recognizing that we are really voting on the preservation of the democratic procedures in this body. We are not going to vote on the personalities of the conferees. They are not properly called conferees. They are the managers on the part of the House at the conference, being appointed by the Speaker. I would respect the ability, the probity, and the integrity of every

Member appointed as a conferee to do his or her job on behalf of the House or I would not want to be seated next to him.

If the Scott-Mansfield amendment were offered in the House, it would get the same vote as did the Broomfield amendment, the Green amendment, or whatever other amendment you are worried about here. There is, therefore, little substance to this issue, save what demagoguery may make of it.

I suggest that an issue is being concocted more with a view to the vote in the Florida primary than concern for the children of the United States.

We should send the managers on the part of the House to the conference, expecting them to do a fair job for the House position, to negotiate and to mediate with the minds of our children uppermost in every vote they cast in the conference.

I have gone to conference for 7 years as a former member of the House Education and Labor Committee. We used to take the Senate to the cleaners regularly and uphold the House position. This happens not just with this committee. Look at the Appropriations Committee and the Ways and Means Committee—and the Foreign Affairs Committee most recently. The House managers regularly do their homework and bring back conference reports we can vote on with due respect for the position adopted in our bodys.

I do not agree that with a conference report we do not have a remedy. We have a remedy. We can vote any conference report down, and appoint new conferees, and reject the conference report. That is the democratic way. Let us not judge the work of the managers of the conference before we send them over to meet with the Senate. Let us stand together in the House by upholding the conferees appointed by the Speaker, and urge them do a fair job for the people of the United States.

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

Mr. CAREY of New York. I yield to the minority leader.

Mr. GERALD R. FORD. Does the gentleman not think it is much better for us to have a motion to instruct, to protect the House position? If we do not like what the conferees do, where the Senate takes the papers and acts first, we will not have that opportunity except a vote to uphold or defeat the conference report.

Mr. CAREY of New York. Correct; and we can defeat an inadequate effort.

Mr. GERALD R. FORD. We have the option only to accept the whole conference report then or reject it. That is not comparable to a motion to send the conferees back to conference with instructions. If we really want to identify with an issue, we had better vote now to table the motion to instruct.

Mr. CAREY of New York. I see it clearly. The minority leader would rather identify with the issue of busing in terms of the Senate language versus House language and not identify with the issue of improvement of education of the children of America.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, it is obvious that the bill before us does not represent the action or attitude of the House, particularly on the antibusing amendments. By a vote of nearly 2 to 1, the House very clearly stated its position for strong antibusing provisions. Yet the House conferees apparently abandoned the House version of the Higher Education Act after only token support. At the very least the House conferees should have brought the measure back in disagreement. Instead, their action today asks the House to reverse the will of two-thirds of its membership. I feel that we have no choice, but to vote for the motion to instruct the conferees to adhere to the House passed antibusing amendments.

The attitude of the American people on the subject of massive busing should no longer be in question. Congress can and should take action. The courts have lost touch with reality on this question as they have on so many others.

This problem should be taken out of their hands. Judicial interpretations of our laws and the Constitution have resulted in chaos in our educational system. We are faced with ever more frequent court decisions requiring ever more extensive busing when we should be extending every effort to attain and increase quality in our educational system.

As the numbers of busing plans and orders expand and proliferate, so does the resentment and rejection of busing. Black or white, rich or poor, northerner or southerner, no one likes to be pushed around, no one wants their children arbitrarily moved about like pawns on a chess board. Parents are losing interest and confidence in their public schools. They are no longer supporting the schools as in the past and more and more bond issues for school needs are being voted down. This loss of support, together with the higher costs of education today, has produced a financial crisis in our school system. Add to this the violence which busing has produced—bombings and burning of buses, picket lines, and fires and disturbances in the schools and, understandably, parents fear for their children's safety. Where possible they move their children to a more peaceful and desirable situation. Where impossible there is tension and growth of hatred instead of any promised equality of opportunity. This busing is accomplishing nothing more than the destruction of our system of education and the polarization of our peoples.

Congress has the responsibility and the opportunity to resolve this problem forthwith. It is time for action. The hour is now.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Speaker, the people of America are crying out for action from the Congress and from their elected leaders. Those of us who have been very aggressive in insisting on a constitutional amendment recognize that there may well be a legislative solution to the busing dilemma and are willing to give it a try. This vote may well be the only time this year that we are going to have an opportunity to vote on a legislative solution to the busing problem in America. We must insist on the House position.

I was distressed when I saw a list of the conferees who were to uphold the House position, and I found that of the 20 conferees named, only three voted in favor of the Green amendment, which is the basic amendment in this area. Yet this House voted 2 to 1, almost 2 to 1, in favor of the Green amendment, but our conferees are 6 to 1 against the House position.

It is very evident that if we are to have a legislative solution, we must try this. If this works, we will not need the constitutional amendment. If it does not work, then we will have to proceed with a constitutional amendment, because the people of this Nation are crying out to have their voices heard. Abraham Lincoln in February of 1865 made this statement or one substantially close to it. He said that the people are the rightful masters of both the Congress and the courts, not to subvert the Constitution, but to throw out those who had attempted to do so themselves.

Let us let the people's voice be heard through the vote of their elected representatives today and bring a stop to busing.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, for 18 years now the courts in this land have attempted to effect some reasonable desegregation of the public school systems in America. Now as a Member of this body, I am witnessing the spectacle of the U.S. Senate attempting to restrict these judicial decisions and the House of Representatives attempting to further outdo the Senate in the restrictions.

It puts me in a very difficult dilemma. I think it is a very shameful day in the history of public education, and the attempts in America to desegregate the racial polarization that has been with this country since its inception, that I would hear so many of my colleagues, friends of the civil rights movement, telling me they have to vote in a way they do not believe in, that they are going to vote to indicate their opposition to busing when they know they do not believe it, that they will sign discharge petitions that they do not support.

So far as I am concerned, I suppose I would rather see us have a straight up-and-down vote on what we are going to do to the Constitution, than to have the two bodies of the Congress vying to show which one is more opposed to one of the judicial solutions than the other.

I deplore what is going on here today, and I urge those Members of conscience to take their stand. Let us make the indication to at least some of the Americans that we are willing to have a day come in America when the Congress will lead the way to racial integration in the schools and hopefully in every other walk of life.

"You can run, but you cannot hide," Joe Louis once said. Now the courts in case after case are saying to this Nation—"you can run but you cannot hide"—you might delay and you might

fulminate but equality will come. No matter what the women with antibusing slogans emblazoned on their T-shirts may tell us equality is inevitable and undeniable, and if a racial balance in our schools is necessary to achieve that equality, it must come.

For the Congress to deny the legitimate use of busing to achieve racial balance in the schools and to pass the amendments to the 1971 omnibus education bill, is to compromise the work of the courts, the constitutional principles of equality and justice, and to set back the modest progress of the 1964 Civil Rights Act. You can run, but you cannot hide legislation which graces bigotry and discrimination with the sanction of law. By such action, the House would harness the discretionary power of the courts to its own will—separate and unequal school systems. And, in so doing, it would ratify the perpetuation of separate and unequal societies, despite compelling constitutional and moral arguments against their continued existence. For, to make busing the issue of the hour, and to make the black and the poor students the sacrificial lambs, the Congress turns its back on the inescapable problems of unemployment, low-paying jobs, and racially segregated patterns of housing, of which busing is only a symptom.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Massachusetts (Mrs. HICKS).

Mrs. HICKS of Massachusetts. Mr. Speaker, I rise in support of the motion to instruct the conferees not to deviate from the House-passed antibusing amendments.

It is not my policy to interfere with the negotiating power of the conferees but the selection of the House conferees alarms me. From the 20 conferees selected to represent the House on the higher education bill which contains three antibusing amendments only three of the conferees voted in favor of Congresswoman GREEN's amendment and only four voted in favor of Congressman ASHBROOK's amendment.

Thus, the overwhelming majority of the House conferees oppose the position of the House on the antibusing and neighborhood school amendments.

I am fearful that in the conference the Scott amendment which will not prevent forcible busing will prevail.

The decision to forcibly bus or not to forcibly bus for the purpose of racially balancing the schools should not be determined by an appointive school board or by any Federal bureaucracy but rather by the people themselves or as a substitute by the elected officials expressing the will of the people.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, in the matter of human equality, our society has survived—very narrowly—the devastating injuries inflicted by the malignant slogans of the past. We have survived phrases like "no colored need apply," "separate but equal," and "freedom of choice."

Today we are confronted with a new slogan, a new excuse for inaction in the area of equal opportunity—the word "busing." The Chairman of the U.S. Commission on Civil Rights, Father Theodore M. Hesburgh, stated last week in his testimony before the House Judiciary Committee in opposition to House Joint Resolution 620, the so-called antibusing amendment:

> First, it is an anti-school desegregation amendment. But even this is an understatement of the effect of House Joint Resolution 620. It is also fundamentally an anti-black amendment. Its effects greatly transcend the wall of the classroom. We are really asking whether we are going to give minority citizens an opportunity to learn, to earn, and to live at the same level as the rest of society, or whether we are going to forget about the future of generation of minority children. Where you go to school—the quality of the education you receive and the attitude which you acquire towards learning—has a determinative effect upon your life. A slum school can have, as our courts have recognized, an effect upon children which could probably never been undone.

It has been reported that the President desires to preside over the 200th anniversary of the founding of the United States. However, the President has displayed no particular interest in presiding over the 20th anniversary of the seminal 1954 decision of the U.S. Supreme Court, Brown against Board of Education.

That decision, as elaborated and refined by such subsequent Supreme Court decisions as Green against School Board of New Kent County, Alexander against Holmes County Board of Education, and, most recently, Swann against Charlotte-Mecklenburg Board of Education, constitutes the fundamental law of the United States on the question of school integration. That law in most respects is unequivocal.

Brown in 1954 held that "separate but equal" public educational facilities are unconstitutional under the 14th amendment. A 1955 ruling of the Supreme Court required that school desegregation efforts be made "with all deliberate speed." In 1968, the Court in Green stated with perfect clarity that the concept of the dual school system did not meet the constitutional test, and that "freedom of choice" plans were unconstitutional. In the 1969 Alexander case, the Court stated that—

> The obligation of every school district is to terminate dual school systems at once, and to operate now and hereafter only unitary schools.

Finally, in June 1971, the Court in Swann stated that the constitutional requirement of unitary school systems required in some circumstances that school attendance zones be redrawn in order to eliminate segregation.

The Justices in the *Swann* case also noted that "bus transportation has been an integral part of the public school system for years" and stated that the ordering of busing is a proper remedy to achieve integration. However, the Court clearly did not hold that any use of busing under any circumstances is permissible:

> An objection to transportation of students may have validity when the time or distance of travel is so great as to either risk the health of the children or significantly impinge on the educational process.

Our Nation has been very slow to comply with the law. During the 10 years between 1954, when the Brown decision was announced, and 1964 only 3 percent desegregation of public schools took place. In the 5 years following passage of the landmark 1964 Civil Rights Act, 30 to 40 percent desegregation took place.

The U.S. Commission on Civil Rights has scrutinized in several reports the Federal effort to assure integration of public schools. The Commission concluded its massive, 1,100 page 1970 study, "The Federal Civil Rights Enforcement Effort," by stating:

> The basic conclusion of this report is that the great promise of the civil rights laws, executive orders, and judicial decisions of the 1950's and 1960's has not been realized. The Federal Government has not yet fully geared itself to carry out these legal mandates of equal opportunity.

A November 1971 follow-up study by the Civil Rights Commission, "The Federal Civil Rights Enforcement Effort: One Year Later," commented in these terms on Federal efforts to assure equal public educational opportunity:

> In sum, the performance of HEW in carrying out its school desegregation responsibilities has not matched the strength of the compliance mechanisms available to it. There has been an overall decline in the standards by which [the HEW Office for Civil Rights] determines Title VI compliance and a growing reluctance to make full use of the compliance mechanisms it has developed.

There is substantial evidence that voluntary and court-ordered integration efforts have been dramatically, albeit partially, successful. In the 1970–71 school year, nationwide, the incidence of black students in majority white schools was 33 percent, an increase of 10 percent from the preceding year. The number of black students in all-black schools has declined from 2.5 million in 1968–69 to 914,000 in 1970–71.

At the same time, the failures to achieve anything remotely resembling integration on a national basis are pervasive and shameful. As Father Hesburgh recently testified, 86 percent of the black students in Atlanta's public schools in the fall of 1971 attended schools that were 80 to 100 percent black. In Detroit, the percentage of black students attending schools that were 80 to 100 percent black was 79 percent; in Boston it was 63 percent; in Houston in was 86 percent; and in Milwaukee it was 79 percent. To quote the Chairman of our Civil Rights Commission once again:

> These figures are illustrative; they tell a story of racial separation that is dramatized every day in schools throughout the country.

Thus, we do not approach the issue of busing in a vacuum of social policy; rather, we approach it in the context of the fulfillment of a national goal shared by nearly every American of good will. That goal was described as follows by President Nixon in his March 24, 1970, statement on school desegregation. The President stated:

It is clear that racial isolation ordinarily has an adverse effect on education. We also know that desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve a broad-based human understanding that increasingly is essential in today's world.

When we speak of the use of busing as a means to accomplish that goal, we do not suggest that busing is the only such means, nor that it is the best means under all circumstances. Many other techniques have been and are used to desegregate schools. Schools have been integrated by changing the grade structure of the system, by redrawing attendance zones, by multischool pairing, and by the construction of new facilities. Indeed, as we approach a society in which equal opportunity is afforded in the fields of housing and employment as well as education, it is highly likely that such alternate techniques will predominate even more than they do today. Moreover, limitations on the use of busing are specifically sanctioned by the Supreme Court, which, in Swann, stated in plain language that—

Busing will not be allowed to significantly impinge on the educational process.

It is also imperative to note that when we urge the use of busing to achieve integration in some circumstances, we are not advocating the introduction of a new, dangerous or untested activity. To the contrary, as Mrs. Lucy Wilson Benson, the president of the League of Women Voters of the United States, Dr. William T. Coleman, Jr., president of the NAACP Legal Defense and Educational Fund, Inc., and others have testified, busing and public education have traditionally been inseparable in our country. In fact, historically, busing "was an important strategic device in maintaining racial discrimination and segregation in the public school," according to Dr. Coleman. A 1967 pamphlet prepared for HEW, "Race and Place; A Legal History of the Neighborhood School," details the pervasive use of busing to promote segregation.

Between 1954 and 1969, our national fleet of school buses grew from 150,000 to 238,000 for reasons wholly unrelated to desegregation. Setting forth statistics supplied by the Departments of Health, Education, and Welfare, and Transportation, Mrs. Benson has shown that in the 1960–61 school year, when there was virtually no busing employed to facilitate integration, 13,106,779 public school children out of a total public school population of 36,281,000 rode a total of 1.5 billion miles on buses. That year, 186,000 schoolbuses were used at a total public expense of $505,754,515. In the 1970–71 school year, 40 percent of our public school children—65 percent when you include those using public transportation—rode to school each day for reasons that have nothing to do with school desegregation. Thus, in the 1970–71 school year, 19,617,600 public school children out of a total public school population of 45,905,000 rode a total of 2.2 billion miles on buses. About 256,000 vehicles were used at a total public expense of $990,000,000.

Other statistics demonstrate that 18 million students were bused to school, at public expense, and for reasons unrelated to desegregation, in 1969–70, and that "accidents were proportionately and considerably fewer than those associated with any other form of home-to-school transportation, including walking," according to the testimony of Dr. Coleman before the House Judiciary Committee last week.

As the editors of The Nation have so aptly pointed out:

"Anti-busing," not busing, is the issue. Busing is a familiar, long-tested technique; there is nothing inherently unfair or arbitrary about it. . . . It is absurd to say that "compulsory busing has failed" when it has so seldom been fairly tested.

The conventional wisdom would have it that the support by elected officials of the use of busing under any circumstances is tantamount to political suicide. I believe that the people of our country are a great deal more perceptive than some suggest. Emotional and strident attacks which employ the word "busing" to stir up public clamor insult the intelligence of millions of Americans who believe in quality education and human equality.

The people and their secular and spiritual leaders are beginning to object in a concerted way to the use of "antibusing" as a slogan for slowing the progress toward desegregation. I have received, for example, the following letter from the Massachusetts Board of Rabbis, representing all of the branches of the Jewish community in my State, which sets forth precisely and eloquently their views on this matter. I fully endorse this statement, and bring it to the attention of my colleagues:

MASSACHUSETTS BOARD OF RABBIS,
Boston, Mass., March 3, 1972.

Hon. ROBERT F. DRINAN,
Cannon Building,
Washington, D.C.

DEAR CONGRESSMAN DRINAN: The Massachusetts Board of Rabbis representing rabbis of all branches of the Jewish Community in our Commonwealth, opposes efforts in our Congress that would set back all progress over the last two decades toward integration in education and expanded opportunity for all Americans. These regressive efforts are being done under the guise of "anti-busing amendments." These efforts are damaging in the extreme to the cause of desegregation in American public schools. We believe that these "anti-busing" efforts are really anti-civil rights amendments. We urge you, therefore, to do whatever you can to defeat these efforts, many of which are themselves of dubious constitutionality, and all of which would contribute to a poisoning of the educational, racial and social atmosphere in the United States at this very crucial time.

Sincerely yours,

Rabbi EPHRAIM BENNETT,
President.

Rabbi JUDEA B. MILLER,
Social Action Chairman.

Mr. Speaker, the black and white and rich and poor children of the United States, upon whose minds and spirits the burden of the future of our society will fall, will never be children again. In the next few years, the educational imprint on which our civilization depends will be cast. Today we vote on a proposal which would commit this House to conditioning the granting of all Federal aid to education upon busing prohibitions which will almost certainly be unacceptable to the Senate. Those prohibitions, if imposed, may result in the total collapse of Federal educational programs. Such a step would be more than drastic; it would be catastrophic. In the name of "antibusing" we would be compromising the future prospects of our children and our country. I do not urge the universal use of busing. I am, however, unequivocally committed to the belief that we can far more easily tolerate the discomfort of reasonable busing plans to effect desegregation than we can tolerate the alternative. I seriously doubt that our Nation can survive another generation of segregation, unequal opportunity, and access by minorities only to education which is inferior.

We owe to our children much more than an emotional outburst on this issue, the resolution of which will cast an indelible mark on each of their lives.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

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

Mr. BROWN of Michigan. I thank the gentleman for yielding. The gentleman in his remarks referred to these amendments as antiblack amendments. I must disagree with his statement. I do not know what the situation is in Massachusetts, but a survey of the black community in the city of Detroit has indicated with a high degree of reliability that blacks as well as whites—maybe not in exactly the same degree, but a majority in each instance—oppose the busing of students for the purpose of accomplishing racial balance. I, therefore, feel it is both unfair and inaccurate to term this effort by the gentleman from North Carolina and these amendments as antiblack.

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

Mr. PERKINS. Mr. Speaker, I yield 1 additional minute to the gentleman from Massachusetts.

Mr. DRINAN. I do not think that the wishes or the apparent wishes of either black or white parents in this particular regard should be controlling. I said that we should not have unreasonable busing, but I think that we are all committed to the proposition that we want integrated and racially balanced schools, and in many circumstances in Detroit and in Boston I do not believe we can bring that about without reasonable busing plans.

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

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

Mr. PUCINSKI. Is not the other side of the coin that the gentleman just expounded the fact that in the Senate amendment what they really say is it is all right to bus a black child, but not bus a white child? Is that not what the Senate is really saying? Does not it make more sense to treat all children alike; if you are to bar busing why not treat all

youngsters equally and bar busing completely?

Mr. DRINAN. I defer to your interpretation of it.

Mr. PUCINSKI. That is what they are saying.

Mr. DRINAN. Thank you very much.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, we have heard a lot here today that if we are interested in preserving the democratic process we will not instruct the conferees. To some of us that is not much of an argument. For my part I shall support the motion to instruct conferees and vote against the motion to table.

It is interesting to note that most of those who have spoken against instructing the conferees today were not too long ago—maybe 2, 3, or 4 years in favor of instructing the conferees in a certain education bill. The very same ones who are today complaining against tying the hands of the conferees a little while back wanted very badly to tie the hands of the conferees. They know what I am talking about. That was the case of the Joelson amendment, a few years ago.

Nearly all of us are interested in increasing the authorization for higher education. If we are really interested in higher education I think we should remember the admonition of the gentlewoman from Oregon that if we do not instruct the conferees and if they take conference report will not be adopted the Senate provisions on busing, the and the higher education bill be defeated. This is the most important vote so far this year and even in this entire Congress.

It is really going to be a vote, when all is said and done, as to whether we will get the chance to vote for the conference report on the higher education bill. Yes, if you please, this vote will determine the fate of the emergency school aid bill of $1.5 billion which will go down the drain if we have a weak busing conference report return from the other body.

If we fail to instruct the conferees and they yield to the other body—then as suggested by the minority leader, Mr. FORD, we will have only one vote, up or down on the conference report and if it is weak on busing, the conference report will be defeated.

So this business about instructing conferees is really most important. True, busing is an emotional issue but there have been some others in the past. If we cut through all of the red tape and subterfuge—and quit the talk about the democratic process, then we will vote down the motion to table, proceed to instruct the conferee to take the House or so-called tough stand against busing. Only by such a course can a good higher education bill survive the very emotional controversy of busing of children.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Speaker, I rise in opposition to the motion to table and in support of the motion to instruct.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Speaker, the Higher Education Act, as reported to the House (H.R. 7248), contained numerous provisions authorizing employment of personnel without regard to the civil service and classification laws, and provided for numerous additional positions in grades GS–16 through GS–18, the supergrades.

You will recall that during consideration by the House of H.R. 7248, the gentleman from Iowa (Mr. GROSS) and I raised numerous points of order against those provisions. The points of order were sustained and the bill finally adopted by the House did not contain authority for the appointment of personnel without regard to the civil service laws or provisions authorizing additional supergrades.

The susbstitute amendment passed by the Senate goes far beyond the provisions originally contained in the House-reported bill in violating the jurisdiction of the Post Office and Civil Service Committee.

Mr. Speaker, we have not been able to obtain an engrossed copy of the Senate-passed bill, and have had to reply on the CONGRESSIONAL RECORD in attempting to ascertain just what provisions the Senate has included in its substitute amendment.

A cursory examination of the CONGRESSIONAL RECORD shows that the Senate amendment contains provisions which actually classify at least 39 positions in grades GS–16, GS–17, and GS–18. For example, section 142 of the Senate amendment establishes a Teachers Corps and provides that the Director shall be in GS–18, and the Deputy Director shall be in GS–17. As another illustration, section 301(b)(5) establishes a Bureau of Elementary and Secondary Education, and provides that the Associate Commissioner shall be in GS–18, four Division Directors shall be in GS–17, and four additional positions shall be in GS–16.

Mr. Speaker, these are merely examples of the provisions that are contained in this legislation. They violate all standards which are prescribed by Congress for the classification of positions and the placing of positions in the supergrades. They do not provide for any control by the Civil Service Commission, and, in fact, do not even permit the Civil Service Commission to determine whether or not the duties of these positions justify the occupants receiving the rate of pay attached to a supergrade position. I wonder how many more Division Directors or Commissioners there are in the Department of Health, Education, and Welfare who will be clarmoring for similar treatment in subsequent legislation.

Mr. Speaker, I would like to inquire of the gentleman from Kentucky whether or not he will insist that the conferees on the part of the House maintain the House position in this matter, and insist that the conference substitute include no provision that specifically classifies a position in one of the supergrades.

Mr. Speaker, I would like to invite the attention of the conferees to another matter that is included in the Senate amendment, and here again, it is in direct violation of the jurisdiction of the House Post Office and Civil Service Committee. Title VIII of the bill establishes a Foreign Service scholarship program. Section 1207 of the amendments to the Higher Education Act of 1965 under title VIII establishes an entirely new program for Government employees to pursue education, training, or research, or a course of study under this program.

I would like to point out to the conferees that existing provisions of law, as contained in chapter 41 of title 5, United States Code, already establish a very elaborate training program for Federal employees, and now we have a new proposal that obviously will conflict in many respects with the existing training program. Obviously our committee has not had an opportunity to evaluate this matter and determine whether or not changes to the existing law should be made.

I believe it to be totally irresponsible that another program be established without thorough evaluation being given by our committee of how these two programs may conflict.

I sincerely urge that the conferees eliminate this feature from the conference substitute.

Mr. Speaker, I want to point out again that the Post Office and Civil Service Committee has the primary jurisdiction on all matters relating to the civil service. We are currently holding hearings and conducting extensive studies on a new program that has been recommended by the administration to replace the existing supergrade structure by a new Federal Executive Service. The existing program should not be proliferated piece by piece as is proposed by the Senate provisions.

One again, I urge the conferees to eliminate all of the provisions relating to the supergrades and the provisions which would include Federal employees under the Foreign Service scholarship program.

I include the following:

TOP LEVEL POSITIONS PROPOSED IN THE SENATE AMENDMENT TO THE HIGHER EDUCATION ACT OF 1971 (S. 659)

Section 142, page S2345:

The Teacher Corps: Director, GS–18; Deputy Director, GS–17; total 2.

Section 183, page S2353:

The Community College Unit: Director, GS–17; total 1.

Section 202, page S2355:

Bureau of Occupational and Adult Education: Associate Commissioner, GS–18; 3 positions, GS–17; 7 positions, GS–16; total 11.

Section 301, page S2355:

Education Division of HEW: Commissioner, Level IV; Deputy Commissioner, Level V; 6 positions, GS–18; total 6.

Section 301, page S2355:

The National Foundation for Post Secondary Education: Director, Level V; Deputy Director, GS–18; 3 additional positions, GS–18; total 4.

The Director is given authority to appoint for terms not to exceed 3 years and without

regard to civil service of classification laws, technical and professional employees not to exceed one-fifth of the number of full time regular technical or professional employees of the Foundation.

Section 301, page S2357:

The National Institute of Education: Director, Level V; Deputy Director, GS–18; 3 positions, GS–18; total 4.

Section 301(b)(5) as amended by the Cranston Amendment, page S2709:

Bureau of Elementary and Secondary Education: Associate Commissioner, GS–18; 4 Division Directors, GS–17; 4 positions, GS–16; total 9.

Section 441, page S2360:

Office of Indian Education: Deputy Commissioner, GS–18; total 1.

Section 505, page S2362:

Bureau of Consumers' Education: Director, GS–17; total 1.

Grand total, 39.

Mr. PERKINS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the debate thus far fails in my judgment to recognize the most important issue involved here today. Here it is March and we do not have authorizations for the higher education programs for next year. Authorizations for student aid programs have already expired. I do not think that any of us intentionally would want to complicate an issue of such grave importance to the extent that we may bring about a delay or get no bill at all this year.

I want to say to you frankly that we cannot afford any further delays. We cannot afford to narrow the areas of flexibility that we need with the Senate in working out these many issues and differences.

I will do my very best, if instructed, to bring back a bill within a reasonable time, but I say to you quite frankly, if you do not instruct us and let us have the flexibility, notwithstanding the issues, we will bring back an acceptable higher education bill the week after the Easter recess.

Mr. Speaker, we have a crisis in higher education today. This House has said overwhelmingly that we will do something about that crisis. The way to do something about it is provide us with this flexibility that is always accorded conferees. With that flexibility we will have at an early date, a good conference report and the greatest higher education bill ever enacted.

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

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

The previous question was ordered.

The motion was agreed to.

MOTION OFFERED BY MR. RUTH

Mr. RUTH. Mr. Speaker, I offer a motion.

The Clerk read as follows:

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

MOTION OFFERED BY MR. PERKINS TO TABLE MOTION OFFERED BY MR. RUTH

Mr. PERKINS. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) to lay on the table the motion offered by the gentleman from North Carolina (Mr. RUTH).

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

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 270, not voting 22, as follows:

[Roll No. 65]

YEAS—139

Abourezk	Frenzel	Moss
Abzug	Gallagher	Murphy, N.Y.
Adams	Gonzalez	Nix
Addabbo	Green, Pa.	Obey
Anderson, Ill.	Gude	O'Neill
Ashley	Hamilton	Patten
Badillo	Hanley	Pepper
Barrett	Hanna	Perkins
Begich	Hansen, Idaho	Pike
Bergland	Hansen, Wash.	Podell
Boggs	Harrington	Preyer, N.C.
Boland	Hathaway	Price, Ill.
Bolling	Hawkins	Quie
Brademas	Hechler, W. Va.	Railsback
Brasco	Heckler, Mass.	Rangel
Brown, Ohio	Helstoski	Rees
Burke, Mass.	Hicks, Wash.	Reid
Burton	Holifield	Reuss
Byrne, Pa.	Howard	Robison, N.Y.
Carey, N.Y.	Jacobs	Rodino
Carney	Jonas	Roncalio
Celler	Karth	Rooney, N.Y.
Chisholm	Kastenmeier	Rosenthal
Clay	Keith	Rostenkowski
Collins, Ill.	Koch	Roush
Conte	Leggett	Roybal
Conyers	Link	Ruppe
Corman	McCormack	Ryan
Culver	McFall	Saylor
Daniels, N.J.	McKay	Scheuer
Dellenback	Madden	Seiberling
Dent	Mailliard	Sisk
Diggs	Mallary	Smith, Iowa
Donohue	Matsunaga	Steiger, Wis.
Dorn	Mayne	Stokes
Dow	Mazzoli	Symington
Drinan	Meeds	Thompson, N.J.
Dwyer	Melcher	Udall
Eckhardt	Metcalfe	Ullman
Edwards, Calif.	Mikva	Van Deerlin
Erlenborn	Minish	Vanik
Evans, Colo.	Mink	Waldie
Fascell	Mitchell	Whalen
Findley	Moorhead	Yates
Flood	Morgan	Zwach
Foley	Morse	
Fraser	Mosher	

NAYS—270

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

NOT VOTING—22

Anderson, Tenn.	Edwards, La.	Pryor, Ark.
Baring	Gaydos	Riegle
Bell	Hull	Shipley
Bingham	McCloskey	Stanton, J. William
Blatnik	Macdonald, Mass.	Stubblefield
Clark	Mathias, Calif.	White
Collier	Miller, Calif.	
Dellums	Powell	

So the motion to table was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Dellums for, with Mr. Baring against.

Mr. Blatnik for, with Mr. Stubblefield against.

Mr. Bingham for, with Mr. Shipley against.

Mr. Miller of California for, with Mr. Collier against.

Mr. Macdonald of Massachusetts for, with Mr. Mathias of California against.

Until further notice:

Mr. Clark with Mr. Bell.

Mr. Hull with Mr. McCloskey.

Mr. Anderson of Tennessee with Mr. Powell.

Mr. White with Mr. Riegle.

Mr. Gaydos with Mr. J. William Stanton.

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

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from North Carolina (Mr. RUTH) is recognized for 1 hour on his motion.

Mr. RUTH. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. BROOMFIELD) for the purposes of debate only.

Mr. BROOMFIELD. Mr. Speaker, I rise to stress the importance of retaining the House language of the amendment to stay busing orders until all appeals have been exhausted.

The effect of our amendment would be to stay the order of any U.S. district court requiring the transfer or transportation of students to achieve a balance among students with respect to race, sex, religion, or socioeconomic status, until all such appeals in connection with such order have been exhausted or until the time for taking an appeal has expired without one having been taken.

This is a matter of simple equity and fairness. I am proud to say that I introduced this measure originally with the bipartisan support of six other Members from the State of Michigan: Mr. DINGELL, Mrs. GRIFFITHS, Mr. WILLIAM FORD, Mr. MCDONALD, Mr. NEDZI, and Mr. O'HARA.

Let me say first of all, and I think I am restating the feelings of the other Members who sponsored this amendment, that we were motivated by a sense of fairplay for the defendant school district to a busing decision. Our amendment merely allows the defendant the opportunity to plead his case at the forum of his last resort before busing takes effect.

The House recognized the basic equity of this approach last November when it was overwhelmingly approved on a teller vote with clerks by a vote of 235 to 125. The record will show that it received the bipartisan support of members from all over the Nation.

On the other hand, the Senate, in the so-called Mansfield-Scott amendment, has adopted a version of our amendment which is both inadequate in scope and grossly inequitable in application. The crucial difference is that the House amendment applies to orders requiring the transfer or transportation of any student or students "from any school attendance area prescribed by competent State or local authority"; while the Senate language would apply to transfers or transportation of students "from one local educational agency to another."

Accordingly, it applies only to those limited situations in which a court might order transfers across school district lines. Thus far, there have been very few instances of such orders. The overwhelming majority of court orders require busing within a school district, between various attendance zones. The House language is constructed to cover both situations, since any transfer from one school district to another would include and would constitute a transfer "from a school attendance area prescribed by competent State or local authority."

The Senate version is not only far more restricted in its coverage but would be absolutely unfair in application. The organization of school districts varies from State to State, all the way from a single district comprising the entire State of Hawaii to 1,665 within the single State of Nebraska. Between those extremes there is enormous variation. Maryland, for example, has only 24 school districts, one in each county and in the city of Baltimore, while Michigan has 628 school districts.

Obviously, these districts vary in geographic size, number of pupils and in all sorts of other ways with no established pattern. A small, rural district might have hundreds of attendance zones. In one metropolitan area there might be a single district which covers many attendance zones, while in a similar area in another State there might be numerous local school districts. Clearly, the only fair way to treat the problem of court-ordered busing is by attendance zones, rather than school districts. That is the House approach. The Senate approach would introduce a host of inequities because there is no uniform method of school district organization.

Mr. Speaker, the other body would have us discriminate against some busing orders. Some orders would be stayed pending appeal and other would not. We should write the law so that it applies uniformly to all cases which involve busing, otherwise, this law will be by definition, unfair. The Mansfield-Scott amendment is in effect telling some school boards that you will have a chance to appeal before lower court orders go forward, while it is telling the vast remainder that they will not have that same opportunity.

The Senate amendment does introduce an additional situation in which the orders of U.S. district courts would be stayed pending appeal—that is where the order, as in Richmond, Va., is for the merger of two or more school districts into a single new district in order to achieve racial balance. Although such an order undoubtedly includes the transfer of pupils from one attendance zone to another, and thus would be covered by our amendment—otherwise there would be no point to the order—the House conferees should have no objection to adding this feature to the language of the House version so long as the rest of the House amendment is preserved intact.

Mr. Speaker, the Senate has taken the language of our amendment and they have twisted it just enough to undercut its true intent. They have tried to render it meaningless. They are attempting to evade the clear intent and purpose of the overwhelming majority of this House. But, most important, the Mansfield-Scott version of section 1701 is attempting to evade the views and feelings of millions of Americans, both black and white, who oppose forced busing.

It is for all these reasons but, most especially, so that this House will continue to truly represent the American people that I respectfully suggest that we retain the original language of the amendment to stay court ordered busing.

So, Mr. Speaker, I would urge everyone to support the instructions to insist on this amendment when the House and Senate meet in conference.

Mr. GERALD R. FORD. Mr. Speaker would the gentleman from Michigan yield.

Mr. BROOMFIELD. Yes; I would be delighted to yield to the distinguished minority leader.

Mr. GERALD R. FORD. I would like to ask the gentleman several questions. First, is the Broomfield amendment retroactive?

Mr. BROOMFIELD. Yes; it is.

Mr. GERALD R. FORD. It is retroactive in its entirety?

Mr. BROOMFIELD. In its entirety.

Mr. GERALD R. FORD. The second question is this: Your amendment states that the effectiveness of "any order" to achieve a racial balance of students "shall be postponed."

Now, does that mean that it would affect orders which have already been put into effect or put into partial effect? In other words, all would be suspended pending final appeal?

Mr. BROOMFIELD. That is correct.

Mr. GERALD R. FORD. Let me ask one other question.

The SPEAKER pro tempore (Mr. BOGGS). The time of the gentleman from Michigan has expired.

Mr. RUTH. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman will yield further, is it the intent of the author of the amendment that this stay during an appeal of any order shall be equally applicable not only to orders involving forced busing but to desegregation cases generally?

Mr. BROOMFIELD. Yes; it would be, in both cases.

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

Mr. RUTH. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BROWN) for purposes of debate only.

Mr. BROWN of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I find myself in a bit of a dilemma with respect to this question, a dilemma that is occasioned because I feel very strongly about the so-called Broomfield amendment. I think it is entirely appropriate. As a lawyer I think it is essential. But, I have doubts about the other amendments which are incorporated in the motion to instruct.

I have already seen many cases where an opportunity for any kind of a hearing on the merits has been denied with respect to implementation of racial balance plans that have been affirmatively ordered by lower courts and where the appellate courts have never looked beyond the findings of the lower court, the district court, even all the way to the U.S. Supreme Court. This means that an erroneous determination made at the local level, at the district court level, is perpetuated and a school district is required to abide by it irrespective of the ultimate merit of that determination pending such time as a final decision is made.

I therefore think that the so-called Broomfield amendment is absolutely essential. I am much distressed, however, about the so-called Ashbrook and Green amendments. I think that the Ashbrook amendment in particular goes further than is necessary to accomplish what would be the will of this House if the will of this House could be expressed with

greater clarity than it is expressed in the Ashbrook amendment.

It was my intent to consider seeking your support to vote down the previous question on the Ruth motion in order that I might amend the amendments that the motion to instruct would incorporate. I would have, had I been able to, but I find that from a parliamentary standpoint it is impossible, I would have amended the motion of the gentleman from North Carolina (Mr. RUTH) to provide that the House insist that the House managers insist in the conference on section 1701 of the House bill, and that section 1703(b) would be complied with by the House managers as I would amend it. That amendment, or those amendments on 1703(b) would read as follows, had I had that opportunity to offer them, and I quote:

No funds appropriated for the purpose of carrying out any applicable program may be used for the transportation of students (or for the purchase of equipment for such transportation) in order to effect racial balance in any school or school system.

That would be all that I would incorporate so far as the Ashbrook amendment is concerned. In the Green amendment the only change I would make is to change the words "urge, pursuade, induce," to the word "coerce," so that it would read——

The SPEAKER pro tempore (Mr. BOGGS). The time of the gentleman from Michigan has expired.

Mr. RUTH. Mr. Speaker, I yield 1 additional minute to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. It would read:

No officer or employee of the Department of Health, Education, and Welfare (including the Office of Education) or of any other Federal agency shall, by rule, regulation, order, guideline, or otherwise (1) coerce or require any local education agency, or any private nonprofit agency, institution, or organization, to use any funds derived from any State or local sources for any purpose for which Federal funds appropriated to carry out any applicable program may not be used—

And ensuing language.

But let me say, Mr. Speaker, before my time expires, I think the adoption of the Broomfield amendment is so essential with regard to this legislation that despite my disagreement with the Ashbrook and Green amendments as worded, that I intend to support the motion to instruct. I think every Member of the House should do likewise.

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

Mr. BROWN of Michigan. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, when we instruct conferees we certainly want them to uphold the spirit as well as the wording of the House position. On the other hand, I think we can get interpretations that will clarify and will be helpful when the law is finally written.

For example, I do not recall which amendment it is now, but it says that no officer of the Federal Government——

The SPEAKER pro tempore. The time of the gentleman from Michigan (Mr. BROWN) has again expired.

Mr. RUTH. Mr. Speaker, I yield 2 additional minutes to the gentleman from Michigan (Mr. BROWN).

Mr. GERALD R. FORD. Mr. Speaker, I believe the amendment says that no officer of the Federal Government can take certain actions. I am sure that means no officer of the Department of HEW can take that action.

On the other hand, I think it would be reasonable to say that the Attorney General under his oath of office to uphold the law of the United States can go into court to carry out the law of the land as it has been determined.

What I am saying is that you can differentiate between HEW which has no specific obligation to carry out the law of the land in the courts on the one hand, and the Department of Justice where the Attorney General has taken an oath of office to carry out the law of the land.

An officer of the Department of Justice of the Federal Government can enter into proceedings in court, where I do not think HEW representatives can take action to undermine the intent of the Congress in Administrative action.

I am talking about the amendment offered by the gentlewoman from Oregon. I believe that my interpretation would be correct in this instance, and if it is not, I would appreciate the gentlewoman's comments on that.

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

Mr. BROWN of Michigan. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, I think the gentleman has explained it correctly. I think the important thing here is that the spirit and the intent of the House be upheld.

I interpret that by instructions by working with the Senate, if the spirit and intent can be upheld. You could refine it to carry out that spirit and intent. Then I would assume that would be what the House would want.

Mr. BROWN of Michigan. I am very pleased to hear the gentlewoman from Oregon express her view in that regard because I think another area of it covered by the Ashbrook amendment where it refers to even the transportation of teachers is inappropriate.

Inasmuch as I believe most of us would agree that the assignment of faculty to accomplish an integrated faculty is not something that the House wants to absolutely prohibit, but nevertheless under the Ashbrook amendment it would be prohibited.

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

Mr. RUTH. Mr. Speaker, I yield 5 minutes for purposes of debate only to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, next Tuesday the voters in Florida will engage in a presidential primary. At the same time they will have the opportunity to vote on several questions, one being—Do you support an amendment to the Constitution of the United States to prohibit forced busing? Or, in other words, to preserve neighborhood schools.

Yesterday, March 7, more than 10,000 students at 28 schools and colleges throughout Florida—students 18 years of age and over—voted in a preliminary ballot on the same candidates and questions.

I would like to give you some of the figures. I think you will find them very interesting when you see that in the Democratic primary, the results were as follows:

McGovern got 1,784.
Chisholm was second with 1,373.
Muskie was next with 1,096.
Lindsey was next with 1,085.
Humphrey got 643.
McCarthy got 160.
Wallace got 986.
Jackson got 749.
Mills got 24.
Hartke got 24.
Yorty got 16.

I point out these figures to our colleagues so they can see without a doubt that the philosophical trend established by this vote was very definitely liberal in that they voted strongly, better than 60 percent, for acknowledged liberal candidates.

Despite the very liberal vote for the candidates—the students voted strongly for the amendment to prohibit busing, more than 60 percent, or 6,119 of these students voted "yes"—they would support an amendment to the Constitution to prohibit busing; and only 4,334 voted "no."

In that philosophical atmosphere I think that is an overwhelming vote for neighborhood schools.

Let me add another item of interest. Those same people voted 6,315 for an amendment to the Constitution to allow voluntary prayer in schools, while only 2,882 voted against. So if by any chance the House is wavering in its determination to preserve neighborhood schools and to oppose forced busing, I believe this information just recited should go a long way toward strengthening that determination. Incidentally, in the Republican side of that primary vote, President Nixon received an overwhelming 90 percent of those voting as Republicans.

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

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. ROUSSELOT. Mr. Speaker, I rise in support of the motion to instruct the conferees to support the House position which included the Broomfield, Ashbrook, and Green amendments to the original legislation voted out by the House of Representatives. The gentleman from North Carolina (Mr. RUTH) has been absolutely correct in his statements that the position that the House of Representatives took on November 4, 1971, on these three amendments clearly and overwhelmingly supports the American people in their belief that massive busing does not contribute to excellence in education and, therefore, Federal funds should in no way be used to advance the purpose of massive busing.

Mr. Speaker, I rise in support of the motion to instruct the conferees for the following reasons:

First. The Ashbrook amendment, which passed by a very substantial vote on November 4, 1971—231 ayes to 126 noes—established a clear prohibition as part of the General Education Provisions Act that—

No funds appropriated for the purpose of carrying out any applicable education program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system.

Mr. ASHBROOK, who is a distinguished member of the Labor and Education Committee, was merely responding to an overwhelming number of school administrators who have found it impossible and totally impractical to try to establish a so-called racial balance by any program of massive busing. More important, most educators that I have talked to in my own district have made it clear that massive busing does not contribute to the improvement of education and, therefore, should not be mandated by anybody.

Second. The Green amendment, which was also passed by a substantial majority in the House of Representatives on November 4, amends the Federal education laws by stating that—

No officer or employee of the Department of Health, Education, and Welfare (including the Office of Education) or of any other Federal agency shall, by rule, regulation, order, guideline, or otherwise, (1) urge, persuade, induce, or require any local education agency, or any private nonprofit agency, institution, or organization, to use any funds derived from any State or local sources for any purpose for which Federal funds appropriated to carry out any applicable program may not be used, as provided in this section, or (2) condition the receipt of Federal funds under any Federal program upon any action by any State or local public officer or employee which would be prohibited by clause (1) on the part of a Federal officer or employee.

Mrs. GREEN has been a long-time member of the Labor and Education Committee and could never be accused in any way of being opposed to the advancement of education. Mrs. GREEN's amendment, which could be upheld here today, obviously prevents Federal employees from trying to encourage local school boards or State government boards of education from believing that they can receive Federal funds directly or indirectly for massive busing because she does not believe, and I think she is correct, that it will contribute to better education. Mrs. GREEN stated:

I think the evidence is overwhelming that busing is not the answer to the very complex school problems of today.

This is a good summary of the reasons why we should support the House position. Mrs. GREEN further stated on November 4:

The schools are deteriorating before our eyes. They are decaying. We have many social problems. We cannot find enough money for our classrooms.

And then she properly concludes that diverting Federal funds from massive busing are not proper conditions under which to improve education for the children.

Third. The Broomfield amendment, which was passed by a substantial majority on November 4—235 ayes to 125 noes—is an important addition to the general education codes and should be supported by the House once again. The basic point of the Broomfield amendment was, and still is, that no U.S. district court and/or Federal court shall require the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving so-called racial balance until all appeals have been taken and/or until the time for such appeals has expired. In other words, those who disagree with such busing programs have a full opportunity under the Constitution and through the courts to appeal such mandates or orders. That is an appropriate and just position which we should reaffirm here today.

Mr. Speaker, I again urge the full support of the motion to instruct by the gentleman from North Carolina (Mr. RUTH).

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

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. STEPHENS. Mr. Speaker, I appreciate the gentleman from Florida yielding to me. I rise in support of the motion of Mr. RUTH of North Carolina and urge that we vote to instruct our conferees on this legislation to stand firm on the House position against the use of Federal funds for busing students. I am also glad to join again my Georgia colleagues all of whom have voted for and supported every move to stop the busing of students.

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

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. MIZELL. Mr. Speaker, I rise in support of the motion of my colleague, the gentleman from North Carolina (Mr. RUTH).

Mr. Speaker, I want to take just a moment to express my strong support for the motion introduced by my distinguished colleague from North Carolina (Mr. RUTH) to instruct the House members of the conference committee on this higher education bill to insist on keeping the antibusing amendments we have passed by overwhelming margins.

As the Federal Government body closest to the people, we have accurately reflected the people's will in passing a series of strong measures aimed at reducing or eliminating the massive busing of schoolchildren simply for racial balance.

Recent Gallup polls have shown that while a great majority of the American people favor integration, an almost equal majority opposes the use of massive busing to achieve court-ordered racial balances.

I believe it is safe to say that the amendments we have passed on this subject are far more appreciated by the American people, and far more effective in solving the busing problem, than the much weaker measures passed by the Senate.

The point, Mr. Speaker, is to solve the problem, not to run away from it or simply delay its entrance into other areas of the country. I have said that on the basis of past experience, it will probably take a constitutional amendment to really solve the problem. But if these amendments we passed last November, which have now become important issues for the conference committee, can solve the problem sooner, then I say so much the better.

Thus, I believe it is imperative that we instruct our conferees to hold fast to the Green, Ashbrook, and Broomfield amendments, and I urge my colleagues on both sides of the aisle to join me in so voting.

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

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. LENT. Mr. Speaker, I rise in support of the motion to instruct the conferees.

Mr. Speaker, although I have some misgivings about the eventual effectiveness of these amendments should they be retained in the reported bill, I believe strongly that the amendments, which we adopted so convincingly last fall, truly reflect the will of the American people, and every effort should be made to have them included.

While I suspect that these provisions may meet the same fate at the hands of the courts as many of our previous legislative efforts in this direction, the consensus seems to be that we ought to afford another opportunity for judicial interpretation. Further, it certainly appears unlikely at this juncture that the other body is prepared to adopt one of the proposed constitutional amendments to remedy the forced busing dilemma, so I would certainly be amenable to permitting one more examination of our very clear legislative intent in this matter.

I would be remiss, however, if I did not point out the fact that many of my constituents, along with thousands of people across the country who have written me on this matter, are not convinced that these milder legislative remedies are going to be truly effective in curbing some of the more exotic forced busing schemes which have been ordered.

In vigorously supporting this motion, I only hope that we will not be forced to return here 6 or 8 months hence with collective "egg on our faces" with hundreds of constituents saying "I told you so."

Mr. Speaker, I hope my many colleagues who feel as I do about this matter will lend their support to this motion in order that we may present the strongest position possible in the deliberations with the other body.

Mr. RUTH. Mr. Speaker, I yield myself such time as I may use.

The SPEAKER. The gentleman from North Carolina is recognized.

Mr. RUTH. Mr. Speaker, as we approach the vote, one of our primary concerns seems to be instructing conferees. We seem to have a sacred cow here. I am going to try to explain to you that this is really not a sacred cow. Congressmen feel they must be flexible, and as conditions change, procedures must vary. Indeed, we are flexible, because several Members today have gotten up and spoken on how horrible it is to instruct conferees, and those same Members thought it would be a marvelous idea to instruct the con-

ferees when we were discussing the Mansfield amendment. The inconsistency connected with this committee is appalling.

Busing is a very serious situation, and this also puts it in a different light. To me, it is an opportunity to express for myself and my colleagues once again my strong feeling about busing. I am pleased to be able to take this stand to instruct the conferees.

Once again, with regard to the Education Committee, the situation is normal. The will of the House and the will of the Education Committee are entirely different. This certainly sheds some light on some of the reasons why we cannot be too concerned with this sacred cow.

We have another old Education Committee practice. We have all this necessary legislation on our right hand, which absolutely must be passed, but on our left hand we have a little bit of undesirable legislation which we must digest in order to get the goodies over on the right. Goodness knows, I am fed up with this type of situation.

So I say to you, ladies and gentlemen, the handwriting is on the wall. We fail to meet our responsibilities as Congressmen if we fail to instruct the conferees in this instance, or another way of saying it, if we fail to instruct the conferees, we will be throwing a House rabbit into a Senate briar patch.

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

Mr. RUTH. I yield to the gentleman from Florida.

Mr. FREY. I would like to compliment the gentleman on his remarks and associate myself with his statement. Furthermore I would like to compliment him on his leadership in this field. We sorely need it. I am delighted that the gentleman is providing it.

Mr. RUTH. I appreciate the remarks of the gentleman from Florida.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

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

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the motion which has been offered by the distinguished gentleman from North Carolina (Mr. RUTH) to instruct House conferees. It is ordinarily my policy to vote against such motions on the grounds that it is not wise to limit the prerogatives of conferees chosen by the House to attempt to fashion a compromise on legislation which has passed the other body in a different form. However, I feel impelled to state additional reasons why I think this particular motion to instruct is unwise.

Last evening I had the opportunity of attending the annual dinner of the Veterans of Foreign Wars. One of the program events was the recitation of the prize-winning oration in the Voice of Democracy Contest by a young American from Hawaii, Evan M. Spangler. He stated the proposition that to be born free is an accident, and that he was a free American by the accident of birth. However, to remain free and to earn that birthright of freedom for ourselves and generations yet to come, we must look upon our freedoms—so gratuitously conferred—as a challenge to translate to reality the ideals of freedom, democracy, and equal rights which are such an important part of the American system. We are currently facing a challenge to freedom in the very tempestuous and troubled area of our Nation's schools. Although 18 years have passed since the decision of the U.S. Supreme Court in Brown against Board of Education of Topeka, we have still not attained the goal of an educational system which provides quality education to all of our children regardless of race, color, or creed. However, we have made some very measurable progress toward that goal. The question which confronts us now is whether or not we shall continue the long march thus begun or whether we shall, acting on the impetuosity of the moment and under the stress of considerable emotion, yield to the impulse to find a temporary palliative for the situation which confronts us.

I would be the first to agree that in many respects the Congress has been derelict in expressing itself on matters of educational policy, particularly as they reach this problem of racial isolation in the schools. We have for too long a time cast almost the entire burden upon the courts of our land to define both the pace and the means whereby the fundamental right of receiving a quality education shall be attained. The vice of the motion to instruct is that it would identify the House with a position on this subject which is essentially negative in character. We would interfere with the judicial process in desegregation cases until such time as the Supreme Court has finally acted or until the period for appeals had run; we would totally prohibit the use of Federal funds to purchase transportation for students or teachers in an effort to desegregate our schools.

This position, commonly known as the Ashbrook amendment, is particularly objectionable in that it would literally make it impossible in many places even to dissolve a dual system and would permit the continuation of the most egregious examples of racial discrimination in the classroom simply because no other alternative to busing was immediately available. This clearly would turn the clock back almost a score of years, and continue the kind of total racial isolation which can only lead to an increasingly polarized, divided, and hostile society.

In short, Mr. Speaker, the amendments which would be embraced within the motion to instruct do not in any sense of the word constitute a constructive solution to this most nettlesome question of how we should go about eliminating the remaining redoubts of segregation which exist in our land. The suggestion was made earlier during the debate that a vote against the motion to instruct is a vote for busing, and, indeed, an indication of complete approbation of busing as a tool to achieve an end to segregation in every instance. This represents a wholly unwarranted conclusion.

I for one certainly agree with what the U.S. Supreme Court said in the Swann case that such factors as the health of the child and the effect on busing on the integrity of the educational process are factors to be considered. The framers of the Mansfield-Scott amendment wisely imported this language into the amendment which the Senate adopted to the higher education bill, and which they chose in preference to an outright ban on busing in any conceivable circumstance.

There certainly can be situations where massive busing by violating these precepts could be wholly counterproductive, and I would vigorously oppose them. On the other hand to adopt the blunderbuss approach of the Ashbrook amendment and discard entirely the use of the school transportation system as an option in ending illegal and unconstitutional segregation in the classroom is equally fallacious.

I have had the opportunity recently to examine the provisions of the National Educational Opportunities Act introduced in the Congress by the distinguished gentleman from North Carolina (Mr. PREYER) and the distinguished gentleman from Arizona (Mr. UDALL). It seeks to set out a national legislative policy to improve and equalize educational opportunities, and also to provide incentives for the elimination of the vestiges of segregation which still hold us. I doubt that even the authors claim that it is the last word that can be written on this difficult subject.

However, it does provide a thoughtful rationale for those of us who believe that rather than adopting the wholly negative approach of the Ashbrook amendment we should be seeking to find positive ways to implement quality education on a nonsegregated basis. Some of the options mentioned in the bill are: Community school systems, magnet schools, educational parks, the right of a student to transfer from a school in which his race is in a minority to a school in which his race is in a majority, a requirement of an "equalization of resources" and the elimination of such disparities as overcrowding, higher pupil-teacher ratios, and inadequate plant facilities.

It would accomplish its goal of quality education by requiring each State to draw up a State plan for the elimination of segregation and the achievement of equal educational opportunity as a condition for the receipt of funds under titles I and III of the Elementary and Secondary Education Act as well as other educational benefits provided by the Federal Government. The great virtue of this approach is that it represents a positive effort to move us in a reasonable way toward the yet distant goal of equality in education.

It provides incentives, and it also by the same token would contain some penalties for those who do not aspire to that goal. It does not rely simply on busing as a means of eliminating racial isolation, but it provides a wide range of options which can accomplish the same purpose.

In conclusion, Mr. Speaker, I repeat that I believe the time has long passed when we in the Congress should continue

to passively acquiesce in court ordered solutions. The courts were never designed to run our education system. In many cases they have been thrust into the arena of the present complication simply because of a lack of leadership on our part in defining the objectives of education in our country, and the means whereby that can be carried out. I hope that we can defeat the motion to instruct, and thus get on with the far more important task of playing this positive and constructive role.

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

Mr. RUTH. I yield to my colleague from North Carolina.

(Mr. FOUNTAIN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. FOUNTAIN. Mr. Speaker, I rise in support of the motion to instruct the House conferees to stand by the House-enacted provision relating to one of the most serious domestic issues of our time, the forced busing of schoolchildren—especially over long distances—to achieve racial balance.

The Nation desperately needs the kind of legislation which will serve to keep substantially intact our neighborhood school system and preserve quality education in our public schools.

America's public school system is now under attack from many quarters. This is true North, South, East, and West.

Consequently, our task is clear, the Congress must act responsibly to restore a sense of sanity to the school situation and enable our educators to get back to the job of providing a quality education to each and every child in America. The time for action has come.

If recent polls are to be believed, perhaps four-fifths of the American people—Americans of every race, creed, color, and national origin—share my strong distaste for the forced busing of students over crowded highways in order to achieve the highly elusive, judicially imposed racial balance.

Bear in mind that, though the courts may learnedly discourse upon the distinctions between de jure and de facto in our country, the line has been drawn so fine that most Americans conclude that the distinction really lies in the eye of the beholder.

No section of our Nation can take a detached view of the problems of busing. It is no longer a sectional matter. The Mason-Dixon line is no longer an iron curtain. This is a national issue.

In any event, the dual school system in the South has long since been done away with. That is not the question of 1972. Desegregation or integration in our schools is an established fact. The question today is whether or not American public education is to be built up or torn down. The question is whether or not we are willing to put the welfare of the children first—all children—or whether we want to leave them at the mercy of Federal judges and Federal bureaucrats whose main interests seem to be in the arithmetic of racial balance.

A brief review of the deviant course of judicial construction upon the Constitution amply serves to demonstrate the imperative need for expeditious congressional enactment of appropriate measures.

The U.S. Supreme Court in both Brown against Board of Education cases—Brown I and Brown II—declared that State-imposed racial segregation in public education was contrary to the equal-protection clause of the 14th amendment.

The mandate laid down in the Brown decisions was that the Constitution requires that States must not, on the basis of a child's race, or color, designate where he is to attend school.

It was not until 12 years after the decision in Brown I that the circuit court in United States against Jefferson County Board of Education, in a surprising stretch of judicial imagination, first divined that Brown I did more than prohibit segregation; yea, that it commanded integration.

The approach conceived of in Jefferson said school boards have an "affirmative duty" to eliminate the "last vestiges of the dual system" and establish a "unitary system." This decision left the courts in confusion and gave rise to a proliferation of judicial decisions irreconcilable in their results.

This confusion is understandable when one realizes, that the decisions are such, for example, that a school district in Cincinnati, Ohio, was told that the existence of all-black schools was of no constitutional consequence, while, in one short sentence, all of the schools of the fifth circuit were "put on notice" that the all-black schools of the South must be integrated or abandoned in 3 weeks.

Now, 17 years after enunciation of the principle of racial neutrality by the Brown court, the pronouncement of the High Court in the Swann decision brings us full circle to the pre-Brown days. Our Constitution, according to the Swann court, not only permits the assignment of students to public schools on the basis of their race, but, in fact, demands it.

Accordingly, the court in Swann affirmed the lower court order imposing a racial balance requirement of 71 percent white and 29 percent black on all of the schools of the Charlotte, N.C. system, this being the racial composition of the entire school system.

It would be absurd to contend that this result was contemplated by the Court in 1954 and 1955 when the Brown decisions were announced.

But, more importantly, what does all of this mean in human terms. A good hard look at the history and current situation in busing is all it takes to realize that programs of forced busing have had the effect of destroying the long established neighborhood school concept. This has been a tragic mistake.

Busing is based on an educational fallacy, as well as false constitutional logic, and not only wastes taxpayers' money, but is disruptive to the child, the school, family and neighborhood.

The nationwide lack of success with busing programs could easily have been predicted, since busing a child many miles to school is by no stretch of the imagination the same as providing him with a favorable educational environment. Many educators feel that busing in reality creates new tensions and anxieties at a time when a child is already beset with the many problems which go along with adolescence and growing up.

Busing removes a child from one of his most powerful sources of security—his neighborhood or community. It may place him in an atmosphere to which he can only react with anxiety. Whether a community or a neighborhood is rich or poor, well kept or run down, there is no place like home.

Just the fact that a child, black or white, is being bused into a different neighborhood has a negative effect, for it forces upon the black child society's judgment that there must be something inferior with his own neighborhood. This prompts fear and resentment, and rightly so.

Beside children and families, neighborhoods and communities also suffer when busing programs are instituted on a wholesale basis. The entire community is disrupted and thrown into upheaval. We have all read about what is happening as the result of the Richmond, Va., decision.

It is regrettable but true that busing has often been closely related to bitter community conflict. It has caused violence. In Denver, where a busing program to speed up integration had been started in the fall of 1969, someone bombed and burned 23 schoolbuses. Ironically, some of the buses were only used to take handicapped children to special education classes.

I am told that when busing was introduced into the public schools of Brooklyn Heights, N.Y., 6 years ago, the school became the center of a terrible controversy, which has intensified through the years rather than abated.

Community groups in that area—some for and some against—have, I understand, fought with such intensity during the entire 6 years that parents with schoolage children have moved out of the area, neighbors once friendly have stopped speaking to each other, and the school itself has become a place where proper education is almost impossible.

Even the pattern of disruption to individual lives and community organization might conceivably be justifiable upon some basis of demonstrable improvement in the educational product of the public schools. But this has not been the case. There is no demonstrable improvement. Busing is a 100 percent, unadulterated failure.

Forced busing for unreasonable distances through heavy traffic from one well established neighborhood to another for the sole purpose of bringing together an arbitrary percentage of children of different races is unwise, unnecessary, and injurious to the health, education, and general well-being of our children.

Mr. Speaker, the present crisis demands that the Congress do everything in its power to examine the busing issue and to resolve it sensibly.

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

Mr. RUTH. I yield to my colleague from Florida.

(Mr. BENNETT asked and was given permission to extend his remarks at this point in the RECORD).

Mr. BENNETT. Mr. Speaker, I believe that the conferees should be instructed to follow the House position. The House has spoken eloquently with a heavy vote. The Senate has spoken weakly, with a very marginal vote.

Mr. Speaker, I think the best solution to the problems of busing lies in a constitutional amendment.

House Joint Resolution 30, introduced by me on January 22, 1971, is the earliest introduced constitutional amendment before the Congress. Shortly after I submitted it, I asked that hearings be held on this subject.

But at that early time in 1971, there was apparently in the Judiciary Committee a feeling that hearings would not be held at any time in the near future and I was so advised by letter. So as time went on, I introduced the first discharge petition in the 92d Congress on this subject; and as months passed, a great interest has now mounted into what is apparent to me to be a strong majority opinion in the country and in the House of Representatives in favor of an amendment of this type.

The original constitutional amendment which I introduced on January 22, 1971, was not as perfectly drafted as could have been wished, although it was the best that I could come up with at that time. I have now introduced House Joint Resolution 1073, as a substitute for House Joint Resolution 30. The purpose is identical but the wording is improved in House Joint Resolution 1073. Therefore, I am supporting House Joint Resolution 1073. It is a very brief amendment and reads as follows:

Section 1. No student shall be compelled to attend a public school other than the one nearest his residence.

Section 2. The Congress shall have the power to enforce by appropriate legislation the provisions of his article; and to ensure equal educational opportunities for all students wherever located.

The vast majority of the people of this country, of all races and economic positions, favor strongly the idea that no student should be compelled to attend a public school other than the one nearest his residence. There are many thousands of black people as well as of white people in the district which I represent; and many in both groups have strongly urged me to actively work for a constitutional provision such as above recited and none have voiced opposition to this point of view. I am, of course, most familiar with the problem of busing in my own district, Jacksonville, Fla. Currently about 43,000 students there are bused for racial ratios and by the end of this year the court orders make the figure 63,000 to be bused for racial ratios. The current costs in Jacksonville for court-ordered busing are $825,000 and 100 extra buses, and by the end of this year the figures are $1,175,000 and 150 extra buses for this purpose.

My congressional district is 30 miles wide and the school district is as wide and covers over 800 square miles. People are bused in this tremendous district through the downtown traffic all the way acrosss town—black people and white people—and they are furious about it.

To bus students long distances across cities, large and small, and thus to deprive them of their time for study and their time for recreation and their time for being with their parents in character-molding activities, is a penalty that neither this generation nor any other generation should have to pay. Children go to school to learn. Busing neither adds to their learning in the usual educational processes nor in any other.

People in low-income brackets experience the greatest difficulties because of the current busing situation. Every minute that they can have their children with them is important to them since they are not financially fixed so that they can buy some things and services that those in the wealthier groups can buy. Also, when busing becomes particularly intolerable to them, they do not have a chance to place their children in private schools. Neither do they have the chance to have these children perform household duties that are important in low-income bracket families to hold the family together.

Most important, however, is the denying to these people of the opportunity to be with their children in character-molding activities which are now difficult because of the long periods of time that these children must be away from their home influences.

I want to emphasize that the amendment that I propose would not deprive anybody of anything. It is not a return to the old dual school system. It would not prevent a student being assigned to a school more distant than his neighborhood school if he or his parents preferred the other school for some reason. It just prevents this being forced upon him.

Further, it attempts by the last sentence of the amendment to insure that equal educational opportunities for all students, wherever located, will be attained; and it puts the responsibility on Congress to do this. Various suggestions were made to me as to how to place this responsibility on Congress. Some suggested that the right to equal educational opportunity should be asserted as a constitutional right in the ordinary formula for the establishment of rights. I would have no objection to that result, but I did not put it in the wording which I introduced because I did not know how that sort of wording could be enforced by the courts since the local governments have the basic responsibility to run schools and I see no reason to change that. The way I have worded it in my constitutional amendment is workable because, while leaving schools' management in the grassroots, the responsibility is put on Congress to equalize educational opportunities throughout the United States in a way which would not give rise to individual lawsuits but instead give rise to legislation of a guideline and fund-producing type. This, I take it, is what is most needed.

I believe the constitutional amendment which I have introduced is a workable, clean provision, behind which all Americans can rally for the improvement of the education for the youth of our country. I believe that such an amendment would have so much support that if the House Judiciary Committee brings it out for our consideration it can become the law of the land within less than a year. Other amendments, less popular on other subjects, have been enacted in less time.

Mr. RUTH. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. PUCINSKI) for the purposes of debate only.

The SPEAKER pro tempore (Mr. BOGGS). The gentleman from Illinois is recognized.

Mr. PUCINSKI. Mr. Speaker, I thank my colleague for yielding. As I said earlier in the debate today, it would be my hope that we can put this busing issue to rest as quickly as possible and move on with this bill. It should be perfectly clear by the vote just taken that the feeling in this House reflects to a great extent the feeling of the American people on this question of busing.

The motion to table was defeated 2 to 1. A nationwide survey shows 77 percent of the American people are opposed to busing. So it is obvious to me that unless we take the action proposed by our colleague, the gentleman from North Carolina, we are going to go to conference and be unable to reach agreement and have to come back to the House for more rancor.

Meanwhile, the clock will continue to run, and the emergency school bill, which offers so much hope to deal effectively with the problem of integrating America's schools, will be delayed further. This bill has had a rough time for the last year and a half. There were those who predicted it would never come to fruition. We are now at a point where we have an opportunity to effectively help school districts deal with this problem in a very effective manner.

For this reason, I would hope we would accept the amendment offered by the gentleman from North Carolina so we can put to rest this needless debate in busing which has divided the Nation.

Let us try to get this legislation approved and sent to the President's desk and get appropriations for it.

The bill adopted by the House has an amendment which I hope will be retained in conference, although it is not a subject of the instruction resolution. It is a neighborhood school amendment which provides that—

Nothing in this title shall be construed as requiring any local educational agency which assigns students to schools on the basis of geographic attendance areas drawn on a racially nondiscriminatory basis to adopt any other method of student assignment.

Mr. Speaker, the key words are: "racially nondiscriminatory." I believe this is an important provision of the bill.

This is the first time that the legislative branch of Government has attempted to define a neighborhood school.

As I said earlier, the amendments passed by the Senate are not good faith amendments. They say, among other things, that it is all right to bus black children as they have been bused for the last 100 years. It is OK to have the black children get up at 6 o'clock in the morning and be bused all over the place, but do not try to bus their white counterparts. I submit this kind of discrimina-

tion will never stand up in judicial review.

I tell the Members the amendments we have adopted in the House when this bill was before us can be worked out. If anybody will take the time to read the whole school bill, he will find a constellation of exciting projects being made available to public schools all across this country to deal with this problem. It seems to me the issue is to finally move this bill, because there are thousands of school districts around the country that need this money.

I submit the debate over busing will prove nothing one way or the other. It is a battle that will be determined by the Court. It would seem to me the wise thing for us today is to adopt the resolution offered by the gentleman from North Carolina and see if we cannot get this money to the school districts of America.

Mr. DERWINSKI. Mr. Speaker, as a matter of principle and as a Member of Congress properly concerned over the quality of education, I am opposed to busing of schoolchildren merely for the sake of racial balance. Widespread busing to meet racial quotas is proving disruptive to our school system, making it difficult for parents to have access to schools and teachers. Money is being spent on busing that should be spent on education. Those who equate racial balance with quality education completely misstate the situation. It was and is wrong to bus children on a mandatory basis for any reason except to provide sound education.

Withholding of Federal funds as a club over local schools to compel racial quotas is wrong.

The obligation of our institutions of learning to provide the finest possible education for the students under their jurisdiction. To give integration priority over sound educational administration creates more problems than it solves and works to the detriment of the student, the teacher, and the taxpayer.

I do not believe the Justice Department, HEW, nor the courts have respected nor properly interpreted the intent of Congress in this area. Therefore, I have introduced a bill to preserve the rights of elementary and secondary students to attend their neighborhood schools. It was and is wrong in the South to bus children to obtain racial segregation; it is just as wrong to bus children on a mandatory basis for any reason except to provide sound education.

Therefore, Mr. Speaker, since I am fearful that the committees that have legislative jurisdiction will not produce legislation that is needed to control court-ordered excessive busing plans, I am supporting the motion this afternoon to instruct the House conferees to insist on language previously adopted when the higher education bill was passed last November in this body.

Mr. ANDERSON of California. Mr. Speaker, I am opposed to the forced busing of schoolchildren, not because I am opposed to integration, but rather, because I so strongly support the neighborhood school concept.

For centuries, we have placed a special emphasis on the family unit, and we have felt that it is the parents' right to educate their children until the child reaches the age of school attendance.

Some countries do not agree with this principle. They take the children away from the parents and the child is raised by the State. The parents are allowed to periodically visit the children.

We have rejected this philosophy, and rightly so.

If we agree that the home and the security it provides is best for a child's development, then we must agree that the front yard, the block, and the familiar surroundings of the neighborhood are equally conducive to a child's development.

The point we should be debating today is quality education. How do we elevate all schools to such a standard that all children—rich or poor—receive a superior education? How do we provide a child with the tools he or she needs to compete in today's society?

The point, Mr. Speaker, is that every diploma should have an equal value, whether earned in a disadvantaged area, or in a wealthy area.

I firmly believe that we have an obligation to improve all of our schools so as to provide a quality education for all of our children.

I know that some of our schools in the disadvantaged areas are not equal. I know that graduates from some of our schools are not qualified to compete with graduates from other schools.

But, rather than force the busing of children to an alien environment, we must expend more of our energy and more of our resources to elevate the quality of those schools to a superior level.

The education a child receives should not depend on the location of the school; neither should a child's education depend on the resources of the community. Instead, we must provide an equal education to every student, and that education can best take place at a superior school located close to the family, and close to the familiar surroundings of the neighborhood.

Mr. FLYNT. Mr. Speaker, I support the motion to instruct the House conferees to insist on the House position on the antibusing amendments to S. 659. Overwhelming opposition has arisen all over the United States to mass busing required by court orders, and we have the opportunity today to correct past mistakes. At the same time the Congress must bridle and rein the sincere but misguided zealots who have distorted the Civil Rights Act of 1964 by ordering mass busing of public school students as an experiment for social change to the detriment of quality public school education in the United States.

Busing schoolchildren long distances, past schools in their neighborhoods equipped to teach them, in the name of improving educational opportunities for any segment, large or small, is the height of experimental folly which has proven nothing more than the fact that our Government is capable of dangerous, expensive, and nonproductive experimentation with the lives, futures, and general welfare of our children.

Mr. Speaker, the time has come, indeed it has passed, when our efforts should be directed toward the improvement of education in all our public schools wherever they are located, thereby strengthening community interest, confidence, and pride in all public schools and the educational process.

Mr. Speaker, the House today has an opportunity to remove an experimental failure from the public educational structure in our country and to transform our public school systems into educational institutions rather than laboratories for social change. Our children are not guinea pigs but human beings.

Mr. Speaker, I support the motion to instruct the House conferees to insist on the House amendments to S. 659.

Mr. STOKES. Mr. Speaker, I rise to express my opposition to all efforts to instruct House conferees to insist on any of the antibusing amendments adopted during the proceedings on S. 659.

The emotional furor over busing has obliterated the substantive issue of the need for excellence in education for all students. The phrase "quality education" has been so abused that it may become a euphemism for segregated schools. It is in danger of becoming, to blacks, a code phrase like "law and order." The heat which has been generated has cost us the support of some formerly ardent white spokesmen for civil rights. The busing furor is a symptom, like pain, of the effort which has been made to carry out the mandate of Brown against Board of Education and title VI of the Civil Rights Act. Busing has been used successfully in many communities. The courts have required it because it works.

If my antibusing colleagues who profess commitment to excellence in education for all students are sincere, they will support open housing efforts, broadly based school financing, and some busing where it is required by local court decrees. Let us stop arguing about the pain and get to work on the disease: Our dual school system, one for the affluent and the white and one for the poor and the minorities.

The conferees will have an exceedingly difficult task in reconciling the basic provisions on higher education. The busing issue never belonged in this bill. I hope the House will not bind the conferees to these ill-conceived antibusing amendments adopted in a heated marathon session.

Mrs. ABZUG. Mr. Speaker, the debate on this motion to instruct disgraces us all. For those of us who were actively engaged in the struggle for civil rights in the 1950's, it is hard to believe that today, in 1972, we are debating actions which would retain the remnants of racial segregation in our public schools. We have reached this sorry state because this administration and its allies on both sides of the aisle have encouraged and aided the resurgence of this narrow-minded view.

The Nixon administration has failed in its obligation to the people of this Nation. It has failed to extricate us from the enervating, soul-sapping war in Southeast Asia. It has failed in its management of the economy. It has failed in the undertaking of the desperately

needed review and revitalization of our basic institutions. But most culpably and most tragically, it has failed to provide the moral leadership to permit this Nation to continue the commitment to desegregated education which was begun under the Eisenhower administration almost 20 years ago.

The antibusing amendments which the House affixed to the Higher Education Act were no more and no less than another attempt to turn back the clock to a time when racial segregation of schools was the accepted state of affairs of education in this country. Nearly 20 years ago, the Supreme Court ruled that separate educational facilities were inherently unequal; from that historic decision is derived our present effort to assure quality integrated educational opportunity for all Americans. Busing is not the only means for achieving this end, but it is an acceptable means, and we cannot ignore the fact that the attacks upon busing as a means are really disguised attacks upon the end—quality integrated education. Those who claim that busing has nothing to do with racial segregation are either fooling themselves or trying to fool others. Forced busing has become a code word for racism as surely as Jim Crow represented that same concept 25 years ago.

Today we are debating whether to instruct the House conferees on the Higher Education bill to insist upon the antibusing amendments with which we hysterically adorned that legislation. We must reject the motion to instruct the conferees, as we should have rejected the amendments in the first instance, because unequal educational opportunity, for which antibusing provisions are a code phrase, is contrary to every fundamental principle upon which this country is built.

Mr. DORN. Mr. Speaker, again to deny Federal aid to those school districts already busing is grossly unfair. In my congressional district school districts have now been busing for many years. Some of the busing was a result of HEW decrees and Federal court orders. Much of it has been voluntary.

The dual school system is a thing of the past in my area of South Carolina. There is no way to return to a segregated school system. Most of my people would oppose a dual school system even if it were possible to reincarnate this relic of the past.

The unitary school systems now in operation throughout my district is made largely possible by the busing of pupils. There is no way my schools can continue to operate and function properly without busing.

In the schoolyard of my hometown high school at this moment there are 88 buses. To deny Federal aid to continue this busing operation is to hamper and hamstring quality education.

The result will be increased property taxes on the citizens of my district, taxpayers who are already saddled with excessively high taxes, local communities which are desperately seeking means to raise revenue. It would be incredible to tax them further to bus schoolchildren and deny them urgently needed Federal funds.

Mr. Speaker, I will oppose the motion to instruct the House conferees to stand by the amendment which would prohibit Federal aid for school busing. I will not support an amendment which will foster hardship on my people, while permitting other areas of the country to abandon school busing. This to me is grossly unfair and smacks of dual justice.

Mr. Speaker, if we have to bus, and we do, then my plea is to aid school districts which are busing, so more money will be available for superior education.

To deny the 2,000 or more school districts that are busing under Federal court orders the $1.5 billion in the original bill smells of political trickery and a cruel hoax perpetrated on law-abiding people who entered into busing agreements in good faith.

Mr. Speaker, this is a good bill, urgently needed for higher education in this country. We need this extra money to aid those districts already busing, so that our schoolchildren will be better equipped for higher education in the future.

GENERAL LEAVE

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

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

There was no objection.

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

The previous question was ordered.

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

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

Mr. QUIE. 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 272, nays 140, not voting 19, as follows:

[Roll No. 66]

YEAS—272

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

NAYS—140

Abourezk	Dow	McClory
Abzug	Drinan	McCloskey
Adams	Dwyer	McCormack
Addabbo	Eckhardt	McCulloch
Anderson, Ill.	Edwards, Calif.	McFall
Ashley	Erlenborn	Madden
Aspin	Evans, Colo.	Mailliard
Badillo	Fascell	Mallary
Barrett	Findley	Matsunaga
Begich	Flood	Mayne
Bergland	Foley	Mazzoli
Bingham	Fraser	Meeds
Boggs	Frenzel	Melcher
Boland	Gallagher	Metcalfe
Bolling	Gonzalez	Mikva
Brademas	Green, Pa.	Minish
Brasco	Gude	Mink
Brown, Ohio	Hanley	Mitchell
Burke, Mass.	Hansen, Idaho	Moorhead
Burton	Hansen, Wash.	Morgan
Byrne, Pa.	Harrington	Morse
Carey, N.Y.	Hathaway	Mosher
Carney	Hawkins	Moss
Celler	Hechler, W. Va.	Murphy, N.Y.
Chisholm	Heckler, Mass.	Nix
Clay	Helstoski	Obey
Collins, Ill.	Hicks, Wash.	O'Neill
Conte	Holifield	Patten
Conyers	Howard	Pepper
Corman	Jonas	Perkins
Culver	Karth	Pike
Daniels, N.J.	Kastenmeier	Podell
Dellenback	Keith	Preyer, N.C.
Dent	Koch	Price, Ill.
Diggs	Kyros	Quie
Donohue	Leggett	Railsback
Dorn	Link	Rangel

Rees	Ryan	Udall
Reid	Saylor	Ullman
Reuss	Scheuer	Van Deerlin
Robison, N.Y.	Seiberling	Vanik
Rodino	Sisk	Waldie
Roncalio	Smith, Iowa	Whalen
Rooney, N.Y.	Steiger, Wis.	Wolff
Rosenthal	Stokes	Yates
Roybal	Symington	Zwach
Ruppe	Thompson, N.J.	

NOT VOTING—19

Anderson, Tenn.	Edwards, La.	Riegle
Baring	Gaydos	Shipley
Bell	Hull	Stanton, J. William
Blatnik	Macdonald, Mass.	Stubblefield
Clark	Miller, Calif.	White
Collier	Powell	
Dellums	Pryor, Ark.	

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

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

Mr. Stubblefield for, with Mr. Blatnik against.

Mr. Shipley for, with Mr. Miller of California against.

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

Until further notice:

Mr. White with Mr. Bell.

Mr. Gaydos with Mr. J. William Stanton.

Mr. Clark with Mr. Powell.

Mr. Hull with Mr. Collier.

Mr. Pryor of Arkansas with Mr. Riegle.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Mr. PERKINS, Mrs. GREEN of Oregon, Messrs. THOMPSON of New Jersey, DENT, PUCINSKI, DANIELS of New Jersey, BRADEMAS, HAWKINS, SCHEUER, MEEDS, BURTON, MAZZOLI, QUIE, BELL, REID, ERLENBORN, DELLENBACK, ESCH, STEIGER of Wisconsin, and HANSEN of Idaho.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12910. An act to provide for a temporary increase in the public debt limit.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 12910) entitled "An act to provide for a temporary increase in the public debt limit," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTIS to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 12910, TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12910) to provide for a temporary increase in the public debt limit, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and appoints the following conferees: Messrs. MILLS of Arkansas, ULLMAN, BURKE of Massachusetts, Mrs. GRIFFITHS, Messrs. BYRNES of Wisconsin, BETTS, and SCHNEEBELI.

CONFERENCE REPORT ON H.R. 1746, EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (H.R. 1746) to further promote equal employment opportunities for American workers, 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 Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of March 2, 1972.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

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

There was no objection.

The SPEAKER. The gentleman from Kentucky is recognized.

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I need not tell the Members of this body of the importance of the conference report on H.R. 1746, the Equal Employment Opportunity Act of 1972. This measure was debated vigorously and at substantial length in both Houses of the Congress.

Each body of the Congress expressed a preference for judicial enforcement as an alternative to administrative "cease and desist authority" as a means of enforcing title VII of the Civil Rights Act. The conferees, therefore, did not have to deal with that issue which had so divided Members of both Houses.

The conference itself was not lengthy, in part because the differences were not great. Each difference was carefully considered, however.

The conference report which I present to the House today is one of which we can all be proud. In evidence of that belief I would point to the fact that all the conferees signed their names to the conference report.

Among the conferees there were some very deeply felt differences. The resolution of those differences, however, as so often happens, has produced a legislative product which is substantially better than either of the bills which the conferees considered.

The conference resulted in legislation that will provide fair and effective enforcement of the equal employment provisions of the Civil Rights Act. The conference report provides a mechanism and a procedure that will, I am certain, prove to be both fair and effective, one which will protect the rights of both the employer and employees.

The conferees spent considerable time dealing with the detailed provisions covering the procedure for filing and processing charges of discrimination brought by individuals who feel they have been unfairly treated because of their race or their sex. An effort was made to insure a speedy and an equitable resolution of such charges which is in the interest of both the employee and the respondent employer or labor union.

The conferees contemplate that the Commission will continue to make every effort to conciliate as is required by existing law. Only if conciliation proves to be impossible do we expect the Commission to bring action in Federal district court to seek enforcement.

There will be some expansion of coverage of title VII. Beginning 1 year after enactment all employers employing 15 or more full-time employees and all labor organizations with 15 or more members will be covered. The present law calls for coverage of employers and labor unions of 25 or more employees or members.

Coverage has been expanded also to include the employees of State and local governments, governmental agencies, political subdivisions of States and the District of Columbia departments and agencies. In expanding coverage to State and local government employees the conference exempted elected officials and persons chosen by such officials to work on their personal staffs, as well as appointees to policymaking positions at the highest level of the department or agency of the State or local government. It was our intention to exclude cabinet members of Governors and persons with comparable responsibility at the local level. Where a State or local government agency is involved, and conciliation has proven impossible, it is the Attorney General rather than the Commission who is authorized to bring action in the case.

Another provision which I am sure may be of interest to the House is the transfer of the Attorney General's "pattern or practice" jurisdiction which is transferred to the Commission 2 years after the enactment of this law. During the interim period there will be concurrent jurisdiction. This transfer will be subject to change, however, in accordance with any Presidential reorganization plan that would contemplate a different result if that reorganization plan is not vetoed by the Congress under the usual procedure.

I will not go on at great length discussing the final resolution of the many matters of procedure which are spelled out in the conference report. The provisions of the conference report are, however, dealt with in more detail in a section-by-section analysis which I include in the RECORD following my remarks.

I do, however, urge all my colleagues to support the conference report. The section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS OF H.R. 1746, THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972

This analysis explains the major provisions of H.R. 1746, the Equal Employment Opportunity Act of 1972, as agreed to by the Con-

ference Committee of the House and Senate on February 29, 1972. The explanation reflects the enforcement provisions of Title VII, as amended by the procedural and jurisdictional provisions of H.R. 1746, recommended by the Conference Committee.

In any area where the new law does not address itself, or in any areas where a specific contrary intention is not indicated, it was assumed that the present case law as developed by the courts would continue to govern the applicability and construction of Title VII.

SECTION 2

This section amends certain definitions contained in section 701 of the Civil Rights Act of 1964.

Section 701(a)—This subsection defines "person" as used in Title VII. Under the provisions of H.R. 1746, the term is now expanded to include State and local governments, governmental agencies, and political subdivisions.

Section 701(b)—This subsection defines the term "employer" as used in Title VII. This subsection would now include, within the meaning of the term "employer," all State and local governments, governmental agencies, and political subdivisions, and the District of Columbia departments or agencies (except those subject by statute to the procedures of the Federal competitive service as defined in 5 U.S.C. § 2102, who along with all other Federal employees would now be covered by section 717 of the Act.)

This subsection would extend coverage of the term "employer," one year after enactment, to those employers with 15 or more employees. The present standard for determining the number of employees of an employer, i.e., "employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year," presently applicable to all employers of 25 or more employees would apply to the expanded coverage of employers of 15 or more employees.

Section 701(c)—This subsection eliminates the present language that provides a partial exemption for agencies of the United States, States or the political subdivisions of States from the definition of "employment agency" to reflect the provisions of section 701(a) and (b) above. States agencies, previously covered by reference to the United States Employment Service, continue to be covered as employment agencies under this section.

Section 701(e)—This subsection is revised to include labor organizations with 15 or more members within the coverage of Title VII, one year atfer enactment.

Section 701(f)—This subsection is intended to exclude from the definition of "Employee" as used in Title VII those persons elected to public office in any State or political subdivision. The exemption extends to persons chosen by such officials to be on their personal staffs, appointees of such officials to be on their personal staff, appointees of such officials on the highest policymaking levels such as cabinet members or other immediate advisors of such elected officials with respect to the exercise of the Constitutional or legal powers of the office held by such elected officer. The exemption does not include civil service employees. This exemption is intended to be construed very narrowly and is in no way intended to establish an overall narrowing of the expanded coverage of State and local governmental employees as set forth in section 701(a) and (b) above.

Section 701(j)—This subsection, which is new, defines "religion" to include all aspects of religious observance, practice and belief, so as to require employers to make reasonable accommodations for employees whose "religion" may include observances, practices and beliefs such as sabbath observance, which differ from the employer's or potential employer's requirements regarding standards, schedules, or other business-related employment conditions.

Failure to make such accommodation would be unlawful unless an employer can demonstrate that he cannot reasonably accommodate such beliefs, practices, or observances without undue hardship on the conduct of his business.

The purpose of this subsection is to provide the statutory basis for EEOC to formulate guidelines on discrimination because of religion such as those challenged in *Dewey* v. *Reynolds Metals Company*, 429 F2d 325 (6th Cir. 1970). *Affirmed by an equally divided court*, 402 U.S. 689 (1971).

SECTION 3

This section amends the exemptions allowed in section 702 of the Civil Rights Act of 1964.

Section 702—This section is amended to eliminate the exemption for employees of educational institutions. Under the provisions of this section, all private and public educational institutions would be covered under the provisions of Title VII. The special provision relating to religious educational institutions in Section 703(e)(2) is not disturbed.

The limited exemption from coverage in this section for religious corporations, associations, educational institutions or societies has been broadened to allow such entites to employ individuals of a particular religion in all their activities instead of the present limitation to religious activities. Such organizations remain subject to the provisions of Title VII with regard to race, color, sex or national origin.

SECTION 4

This section establishes the enforcement powers and functions of the EEOC and the Attorney General to aid in the prevention of unlawful employment practices proscribed by Title VII of the Civil Rights Act of 1964.

H.R. 1746 retains the general scheme of the present law which enables the EEOC to process a charge of employment discrimination through the investigation and conciliation stages. In addition, H.R. 1746 now authorizes the EEOC, in cases where the respondent is not a government, governmental agency of political subdivision to file a civil action against the respondent in an appropriate Federal District Court, if it has been unable to eliminate an alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. The Attorney General is authorized to file civil actions against respondents that are governments, governmental agencies or political subdivisions if the EEOC is unable to achieve a successful conciliation.

Accordingly, section 4 of H.R. 1746, amends section 706(a) through (g) of the present act to accomplish the stated national purposes of achieving equal employment opportunity as follows:

Section 706(a)—This subsection empowers the Commission to prevent persons from engaging in unlawful employment practices under sections 703 and 704 of Title VII of the Civil Rights Act of 1964. The unlawful employment practices encompassed by sections 703 and 704, which were enumerated in 1964 in the original Act, and as defined and expanded by the courts remain in effect.

Section 706(b)—This subsection sets out the procedures to be followed when a charge of an unlawful employment practice is filed with the Commission.

Under present law, a charge may be filed by a person aggrieved under oath or by a member of the Commission. As amended, this subsection now also permits a charge to be filed by or on behalf of a person aggrieved or by a member of the Commission. Among other things, this provision would enable aggrieved persons to have charges processed under circumstances where they are unwilling to come forward publicly for fear of economic or physical reprisals.

Charges (whether by or on behalf of an aggrieved person or a member of the Commission) must be in writing and under oath or affirmation and in such form as the Commission requires.

The Commission is to serve a notice of the charge on the respondent within ten days. It is not intended, however, that failure to give notice of the charge to the respondent within ten days would prejudice the rights of the aggrieved party. The Commission would be expected to investigate the charge as quickly as possible and to make its determination on whether there is reasonable cause to believe that the charge is true. If it finds that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and notify the complainant and the respondent of its decision.

If the Commission finds reasonable cause, it will attempt to conciliate the case. Nothing said or done during the Commission's informal endeavors may be made public or used as evidence in a subsequent proceeding without the written consent of the parties covered.

The Commission would be required to make its determination on reasonable cause as promptly as possible and, "so far as practicable," within 120 days from the filing of the charge or from the date upon which the Commission is authorized to act on the charge under section 706(c) or (d). The Commission, where appropriate, would be required in making its determination of reasonable cause to accord substantial weight to final findings and orders made by State or local authorities under State and local laws.

This subsection and section 9(a)–(d) of the bill clarifies existing law to carry out the intent of the present statute to provide full coverage for joint labor-management committees controlling apprenticeship or other training or retraining, including on-the-job training programs as reflected in *Rios* v. *Enterprise Assn., Steamfitters Local No. 638*, 326 F. Supp. 193 (S.D.N.Y. 1971).

Sections 706(c) and (d)—These subsections, dealing with deferral to appropriate State and local equal employment opportunity agencies, are identical to sections 706 (b) and (c) of the Civil Rights Act of 1964. No change in these provisions was deemed necessary in view of the recent Supreme Court decision of *Love* v. *Pullman Co.*,——— U.S.———, 92 S. Ct. 616 (1972) which approved the present EEOC deferral procedures as fully in compliance with the intent of the Act. That case held that the EEOC may receive and defer a charge to a State agency on behalf of a complainant and begin to process the charge in the EEOC upon lapse of the 60-day deferral period, even though the language provides that no charge can be filed under section 706(a) by the person aggrieved before the expiration of sixty days after proceedings have been commenced under the State or local law. Similarly, the recent circuit court decision in *Vigil* v. *AT&T*, ———F. 2d———, 4 FEP cases 345 (10th Cir. 1972), which provided that in order to protect the aggrieved person's right to file with the EEOC within the time periods specified in section 706(c) and (d), a charge filed with a State or local agency may also be filed with the EEOC during the 60-day deferral period, is within the intent of this Act.

Section 706(e)—This subsection sets forth the time limitations for filing charges with the Commission.

Under the present law, charges must be filed within 90 days after an alleged unlawful employment practice has occurred. In cases where the Commission defers to a State or local agency under the provisions of section 706(c) or (d), the charge must be filed within 30 days after the person aggrieved receives notice that the State or local agency

has terminated its proceedings, or within 210 days after the alleged unlawful employment practice occurred, whichever is earlier.

This subsection as amended provides that charges be filed within 180 days of the alleged unlawful employment practice. Court decisions under the present law have shown an inclination to interpret this time limitation so as to give the aggrieved person the maximum benefit of the law; it is not intended that such court decisions should be in any way circumscribed by the extension of the time limitations in this subsection. Existing case law which was determined that certain types of violations are continuing in nature, thereby measuring the running of the required time period from the last occurrence of the discrimination and not from the first occurrence is continued, and other interpretations of the courts maximizing the coverage of the law are not affected. It is intended by expanding the time period for filing charges in this subsection that aggrieved individuals, who frequently are untrained laymen and who are not always aware of the discrimination which is practiced against them, should be given a greater opportunity to prepare their charges and file their complaints and that existent but undiscovered acts of discrimination should not escape the effect of the law through a procedural oversight. Moreover, wide latitude should be given individuals in such cases to avoid any prejudice to their rights as a result of government inadvertence, delay or error.

The time period for filing a charge where deferral is required to a State or local anti-discrimination agency has been extended to 300 days after the alleged unlawful employment practice occurred or to 30 days after the State or local agency has terminated proceedings under the State or local law, whichever is earlier. This subsection also restates the provision of Section 706(b) requiring a notice of the charges to the respondent within ten days after its having been filed.

Section 706(f)—This subsection, which is new, sets forth the enforcement procedures which may be followed in those cases where the Commission has been unable to achieve voluntary compliance with the provisions of the Act.

Section 706(f)(1)—Under this subsection, if the respondent is not a government, governmental agency, or political subdivision and if the Commission is unable to secure a conciliation agreement that is acceptable to the Commission within 30 days from the filing of the charge or within 30 days after expiration of any period of reference under subsection (c) or (d) it may thereafter bring a civil action against the respondent in an appropriate district court. In cases involving a government, governmental agency, or political subdivision, the Commission will not bring the case before a Federal District Court. After the Commission has had an opportunity to complete its investigation, and to attempt conciliation, the Commission shall then refer the case to the Attorney General who may bring the case to court. The aggrieved party is permitted to intervene in any case brought by the Commission or the Attorney General under this subsection.

With respect to cases arising under this subsection, if the Commission: (a) has dismissed the charge, or (b) 180 days have elapsed from the filing of the charge without the Commission, or the Attorney General, as the case may be, having filed a complaint under section 706(f), or without the Commission having entered into a conciliation agreement to which the person aggrieved is a party (i.e. a signatory) the person aggrieved may bring an action in an appropriate district court within 90 days after receiving notification. The retention of the private right of action, as amended, is intended to make clear that an individual aggrieved by a violation of Title VII should not be forced to abandon the claim merely because of a decision by the Commission or the Attorney General as the case may be, that there are insufficient grounds for the Government to file a complaint. Moreover, it is designed to make sure that the person aggrieved does not have to endure lengthy delays if the Commission or Attorney General does not act with due diligence and speed. Accordingly, the provisions described above allow the person aggrieved to elect to pursue his or her own remedy under this title in the courts where there is agency inaction, dalliance or dismissal of the charge, or unsatisfactory resolution.

It is hoped that recourse to the private lawsuit will be the exception and not the rule, and that the vast majority of complaints will be handled through the offices of the EEOC or the Attorney General, as appropriate. However, as the individual's rights to redress are paramount under the provisions of Title VII it is necessary that all avenues be left open for quick and effective relief.

In any civil action brought by an aggrieved person, or in the case of a charge filed by a member of the Commission, by any person whom the charge alleges was aggrieved, the court may upon timely application of the complainant, appoint an attorney and authorize the commencement of the action without the payment of fees, costs, or security in such circumstances as it deems just. The Commission, or the Attorney General in case involving a governmental entity, upon timely application and subject to the court's discretion, may intervene in such a private action if it is certified that the private action is of general public importance. In addition, the court is given discretion to stay proceedings for not more than 60 days pending the termination of State or local proceedings or efforts by the Commission to obtain voluntary compliance.

In establishing the enforcement provisions under this subsection and subsection 706(f) generally, it is not intended that any of the provisions contained therein shall affect the present use of class action lawsuits under Title VII in conjunction with Rule 23 of the Federal Rules of Civil Procedure. The courts have been particularly cognizant of the fact that claims under Title VII involve the vindication of a major public interest, and that any action under the Act involves considerations beyond those raised by the individual claimant. As a consequence, the leading cases in this area to date have recognized that many Title VII claims are necessarily class action complaints and that, accordingly, it is not necessary that each individual entitled to relief be named in the original charge or in the claim for relief. A provision limiting class actions was contained in the House bill and specifically rejected by the Conference Committee.

Section 706(f)(2)—This subsection authorizes the Commission or the Attorney General, in a case involving a government, a governmental agency or political subdivision, based upon a preliminary investigation of a charge filed, to bring an action for appropriate temporary or preliminary relief, pending the final disposition of the charge. Such actions are to be assigned for hearing at the earliest possible date and expedited in every way. The provisions of Rule 65 of the Federal Rules of Civil Procedures shall apply to actions brought under this subsection.

The importance of preliminary relief in actions involving violations of Title VII is central to ensuring that persons aggrieved under this title are adequately protected and that the provisions of this Act are being followed. Where violations become apparent and prompt judicial action is necessary to insure these provisions, the Commission or the Attorney General, as the case may be, should not hesitate to invoke the provisions of this subsection.

Section 706(f)(3)—This subsection, which is similar to the present section 706(f) of the Act, grants the district courts jurisdiction over actions brought by the EEOC, the Attorney General or aggrieved persons under this title and provides the venue requirements. Such jurisdiction includes the power to grant such temporary or preliminary relief as the court deems just and proper.

Section 706(f) (4) and (5)—Under these paragraphs, the chief judge is required to designate a district judge to hear the case. If no judge is available, then the chief judge of the circuit assigns the judge. Cases are to be heard at the earliest practicable date and expedited in every way. If the judge has not scheduled the case for trial within 120 days after issue has been joined he may appoint a master to hear the case under Rule 53 of the Federal Rules of Civil Procedure. The purpose of this provision is to relax the very strongest requirements of Rule 53 which preclude appointment of a master except in extremely unusual cases.

Section 706(g)—This subsection is similar to the present section 706(g) of the Act. It authorizes the court, upon a finding that the respondent has engaged in or is engaging in an unlawful employment practice, to enjoin the respondent from such unlawful conduct and order such affirmative relief as may be appropriate including, but not limited to, reinstatement or hiring, with or without back pay, as will effectuate the policies of the Act. Backpay is limited to that which accrues from a date not more than two years prior to the filing of a charge with the Commission. Interim earnings or amounts earnable with reasonable diligence by the aggrieved person(s) would operate to reduce the backpay otherwise allowable.

The provisions of this subsection are intended to give the courts wide discretion exercising their equitable powers to fashion the most complete relief possible. In dealing with the present section 706(g) the courts have stressed that the scope of relief under that section of the Act is intended to make the victims of unlawful discrimination whole, and that the attainment of this objective rests not only upon the elimination of the particular unlawful employment practice complained of, but also requires that persons aggrieved by the consequences and effects of the unlawful employment practice be, so far as possible, restored to a position where they would have been were it not for the unlawful discrimination.

SECTION 5

This section amends section 707, concerning the Attorney General's "pattern or practice" authority to provide for a transfer of the "pattern or practice" jurisdiction to the Commission two years after the enactment of the bill. The bill further provides the Commission with concurrent jurisdiction in this area from the date of enactment until the transfer is complete. The transfer is subject to change in accordance with a Presidential reorganization plan if not vetoed by Congress. The section would provide that currently pending proceedings would continue without abatement, that all court orders and decrees remain in effect, and that upon the transfer the Commission would be substituted as a party for the United States of America or the Attorney General as appropriate.

Under the provisions of this section, the Commission's present powers to investigate charges of discrimination remain. In addition, it now has jurisdiction to initiate court action to correct any pattern or practice violations.

SECTION 6

This section amends section 709 of the Civil Rights Act of 1964, entitled "Investigations, Inspections, Records, State Agencies."

Section 709(a)—This subsection, which gives the Commission the right to examine and copy documents in connection with its

investigation of a charge, would remain unchanged.

Section 709(b)—This subsection would authorize the Commission to cooperate with State and local fair employment practice agencies in order to carry out the purposes of the title, and to enter into agreements with such agencies under which the Commission would refrain from processing certain types of charges or relieve persons from the record keeping requirements. This subsection would make two changes in the present statute. Under this subsection, the Commission could, within the limitations of funds appropriated for the purpose, also engaged in and contribute to the cost of research and other projects undertaken by these State and local agencies and pay these agencies in advance for services rendered to the Commission. The subsection also deletes the reference to private civil actions under section 706(e) of the present statute.

Section 709(c)—This subsection, like the present statute, would require employers, employment agencies, labor organizations, and joint labor-management apprenticeship committee subject to the title to make and keep certain records and to make reports to the Commission. Under the present statute, a party required to keep records could seek an exemption from these requirements on the ground of undue hardship either by applying to the Commission or bringing a civil action in the district court. This subsection would require the party seeking the exemption first to make an application to the Commission and only if the Commission denies the request could the party bring an action in the district court. This subsection would also authorize the Commission to apply for a court order compelling compliance with the record keeping and reporting obligations set forth in the subsection.

Section 706(d)—This subsection would eliminate the present exemption from record keeping requirements for those employers in States and political subdivisions with equal employment opportunity laws or for employers subject to Federal executive order or agency record keeping requirements. Under this subsection, the Commission would consult with interested State and other Federal agencies in order to coordinate the Federal record keeping requirement under section 709(c) with those adopted by such agencies. The subsection further provides that the Commission furnish to such agencies information pertaining to State and local fair employment agencies, on condition that the information would not be made public prior to the institution of State or local proceedings.

SECTION 7

This section amends section 710 of the Civil Rights Act of 1964 by deleting the present section 710 and substituting therefor and to the extent appropriate the provisions of section 11 of the National Labor Relations Act (29 U.S.C. § 161). By making this substitution, the Commission's present demand power with respect to witnesses and evidence is repealed, and the power to subpoena witnesses and evidence, and to allow any of its designated agents, agencies or members to issue such subpoenas, as necessary for the conduct of any investigation, and to take testimony under oath is substituted.

SECTIONS 8 (a) AND (b)

These subsections would amend sections 703(a) and 703(c)(2) of the present statute to make it clear that discrimination against applicants for employment and applicants for membership in labor organizations is an unlawful employment practice. This subsection is merely declaratory of present laws as contained in the decisions in *Phillips* v. *Martin-Marietta Corp.*, 400 U.S. 542 (1971); *U.S.* v. *Sheet Metal Workers International Assn., Local 36*, 416 F. 2d 123 (8th Cir. 1969); *Asbestos Workers, Local 53* v. *Vogler*, 407 F. 2d 1047 (5th Cir. 1969).

SECTIONS 8(C) (1) AND (2)

These subsections would amend section 704(a) and (b) of the present statute to make clear that joint labor-management apprenticeship committees are covered by those provisions which relate to discriminatory advertising and retaliation against individuals participating in Commission proceedings.

SECTION 8(d)

This subsection would amend section 705(a) of the present statute to permit a member of the Commission to serve until his successor is appointed but not for more than 60 days when Congress is in session unless the successor has been nominated and the nomination submitted to the Senate, or after the adjournment sine die of the session of the Senate in which such nomination was submitted.

The rest of the subsection provides that the Chairman of the Commission on behalf of the Commission, would be responsible, except as provided in section 705(b), for the administrative operations of the Commission and for the appointment of such officers, agents, attorneys, hearing examiners, and other employees of the Commission, in accordance with Federal law, as he deems necessary.

SECTION 8(e)

This subsection would provide a new section 705(b) of the Act which establishes a General Counsel appointed by the President, with the advice and consent of the Senate, for a four (4) year term. The responsibilities of the General Counsel would include, in addition to those the Commission may prescribe and as provided by law, the conduct of all litigation as provided in sections 706 and 707 of the Act. The concurrence of the General Counsel with the Chairman is required, on the reapportionment and supervision of regional attorneys.

This subsection would also continue the General Counsel on the effective date of the Act in that position until a successor has been appointed and qualified.

The Commission's attorneys may at the Commission's direction appear for and represent the Commission in any case in court, except that the Attorney General shall conduct all litigation to which the Commission is a party to in the Supreme Court pursuant to this title.

SECTION 8(f)

This subsection would eliminate the provision in present section 705(g) authorizing the Commission to request the Attorney General to intervene in private civil actions. Instead, this subsection permits the Commission itself to intervene in such civil actions as provided in section 706. Where the respondent is a government, governmental agency or political subdivision, the Attorney General should be authorized to seek intervention.

SECTION 8(g)

This section amends sections 714 of Title VII of the Civil Rights Act of 1964 by making the provisions of sections 111 and 1114 of Title 18, United States Code, applicable to officers, agents and employees of the Commission in performance of their official duties. This section also specifically prohibits the imposition of the death penalty on any person who might be convicted of killing an officer, agent or employee of the Commission while on his official duties.

SECTION 9 (a), (b), (c), AND (d)

These subsections would raise the executive level of the Chairman of the Commission (from Level 4 to level 3) and the members of the Commission (from Level 5 to Level 4) and include the General Counsel (Level 5) in the executive pay scale, so as to place them in a position of parity with officials in comparable positions in agencies having substantially equivalent powers such as the National Labor Relations Board, the Federal Trade Commission and the Federal Power Commission.

SECTION 10

Section 715—This section, which is new, establishes an Equal Employment Opportunity Coordinating Council composed of the Secretary of Labor, the Chairman of the Equal Employment Opportunity Commission, the Attorney General, the Chairman of the United States Civil Service Commission and the Chairman of the United States Civil Rights Commission or their respective designees. The Council will have the responsibility to coordinate the activities of all the various branches of government with responsibility for equal employment opportunity. The Council will submit an annual report to the President and Congress including a summary of its activities and recommendations as to legislative or administrative changes which it considers desirable.

SECTION 11

Section 717(a)—This subsection provides that all personnel actions of the U.S. Government affecting employees or applicants for employment shall be free from discrimination based on race, color, religion, sex or national origin. Included within this coverage are executive agencies, the United States Postal Service, the Postal Rate Commission, certain departments of the District of Columbia Government, the General Accounting Office, Government Printing Office and the Library of Congress.

Section 717(b)—Under this subsection, the Civil Service Commission is given the authority to enforce the provisions of subsection (a), except with respect to Library of Congress employees. The Civil Service Commission would be authorized to grant appropriate remedies which may include, but are not limited to, back pay for aggrieved applicants or employees. Any remedy needed to fully recompense the employee for his loss, both financial and professional, is considered appropriate under this subsection. The Civil Service Commission is also granted authority to issue rules and regulations necessary to carry out its responsibilities under this section. The Civil Service Commission shall also annually review national and regional equal employment opportunity plans and be responsible for review and evaluation of all agency equal employment opportunity programs. Agency and executive department heads and officers of the District of Columbia shall comply with such rules and regulations, submit an annual equal employment opportunity plan and notify any employee or applicant of any final action taken on any complaint of discrimination filed.

Section 717(c) and (d)—The provisions of sections 706(f) through (k), concerning private civil actions by aggrieved persons, are made applicable to aggrieved Federal employees or applicants for employment. Such persons would be permitted to file a civil action within 30 days of notice of final action by an agency or by the Civil Service Commission or an appeal from the agency's decision, or after 180 days from the filing of an initial charge with the agency, or the Civil Service Commission.

Section 717(e)—This subsection provides that nothing in this Act relieves any Government agency or official of his or its existing equal employment opportunity obligations under the Constitution, other statutes, or under any Executive Order relating to equal employment opportunity in the Federal Government.

SECTION 12

This section allows the Chairman of the Commission to establish ten additional positions at the GS–16, GS–17 and GS–18 levels, as needed to carry out the purposes of this Act.

SECTION 13

A new Section 718 is added which provides that no government contract, or portion thereof, can be denied, withheld, termi-

nated, or superseded by a government agency under Executive Order 11246 or any other order or law without according the respective employer a full hearing and adjudication pursuant to 5 U.S.C. § 554 et. seq where such employer has an affirmative action program for the same facility which had been accepted by the Government within the previous twelve months. Such plan shall be deemed to be accepted by the Government if the appropriate compliance agency has accepted such plan and the Office of Federal Contract Compliance has not disapproved of such plan within 45 days. However, an employer who substantially deviates from any such previously accepted plan is excluded from the protection afforded by this section.

SECTION 14

This section provides that the amended provisions of Section 706 would apply to charges filed with the Commission prior to the effective date of this Act.

Mr. QUIE. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, I take the floor today to support the conference report on H.R. 1746.

As I mentioned earlier today, I am not entirely happy with the results of the conference. Out of some 21 major differences between the House and the Senate, the House conferees or a majority of them, though not all, gave in to the Senate 18 times while the House maintained its position three times. It is not as good a record, I must say, in all honesty, as I would like to have come back to the House with.

I guess I should also say that we must be quite thankful we won our point on the floor of the House and the Senate on the major issue, or that, of course, would have also been lost in conference; but we have won that point. I refer to the question of whether the EEOC should have cease-and-desist authority or authority to go into court to enforce a complaint that title 7 of the Civil Rights Act has been violated. Since that was won in both the House and Senate on the floor and the conference report therefore includes court enforcement provision, which was the key provision, I do support the conference report.

There are a few things I would like to discuss concerning the conference report, but first I will be happy to yield to my colleague from Indiana.

Mr. DENNIS. I thank the gentleman for yielding.

I would like to simply say that one of the things which I am afraid you did yield on which concerns me and gives me real reservations about this conference report is the matter of applying this law down to the small employer who only has 15 people or less working for him.

Now, a law of this kind, whatever its beneficial objective, is a great trouble and harassment, as the gentleman knows, to people in business. Large corporations can probably live with it, but it is a great imposition on the small businessmen on Main Street that you and I represent to have to be hailed into court and pay lawyers like myself, as well as accountants, and so forth.

It is a great regret to me that the House receded down to that point where we are going to bother every little fellow on the street with five or six employees.

Mr. ERLENBORN. I thank the gentleman for his contribution.

All I can say is that it could have been worse. The original bill reported by our committee—which was rejected on the floor when the substitute was adopted—would have reduced the coverage down to eight.

The bill as passed by the Senate reduces coverage to 15 employees. This is contrasted to 25 employees as is presently in the law.

In the conference we did recede to the Senate and adopted the figure of 15. I think it might have been reasonable at that point to compromise at 20 employees or even try to hold it to 25, but the majority of the conferees of the House did recede to the Senate on the figure of 15.

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

Mr. ERLENBORN. Yes; I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding.

I simply want to acknowledge the leadership that has been exhibited by the gentleman in the well, the gentleman from Illinois (Mr. ERLENBORN). I signed the conference report. I must admit that I am not happy about all of the concessions that were made. However, I think on balance it does provide a needed strengthening of the EEOC. For that reason I urge the support of the House of the conference report.

On balance, however, I must say in all honesty, if it had not been for the kind of work that was done both here in the House and in the other body, my fear would be that we would not have been able to come out with as good a product as this one represents.

I do want to pay tribute to the gentleman from Illinois for what he has done for so long in working with this bill and in helping strengthen the work of the EEOC.

Mr. ERLENBORN. I thank the gentleman for his kind words and also acknowledge the help which he has given to me and other members of the committee all along on this bill.

Mr. Speaker, one of the other areas where additional coverage would be included as a result of the conference report is the extension of the authority of the Federal EEOC to State and local governmental employees. There was an amendment adopted in the conference committee, an amendment to the bill as it came out of the other body, and I think it was a good amendment and I am happy that the conference did adopt it.

In extending coverage to State and local employees the House bill, as reported, and the bill in the other body just made a blanket extension to small State and local employees without any exception. It was pointed out on the floor of the other body that this would even cover elected officials at the State and local level. In other words, it would have been conceivable when the mayor won his race as mayor of the city that the losing candidate——

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

Mr. QUIE. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. ERLENBORN. As I was saying, the losing candidate could conceivably go to the Commission and charge that he lost the race because there was discrimination against him because of race, sex, or national origin and if the Commission had cease-and-desist powers, they could vitiate the election. I think that would probably not be the case but it would have been possible and they could have seated the defeated candidate.

In the other body, an exemption was made for elected officials and immediate legal advisers. In the conference, an additional qualification was added, exempting those people appointed by officials at the State and local level in policy-making positions.

I think this represents another good provision that the conference added in the report.

In the extension of this authority to State and local employees, it was also made clear that the Attorney General would have the authority to bring the action in court rather than the attorneys for the Commission. This was made explicit in the bill as it was passed in the other body. Besides this, there is a transfer of jurisdiction for pattern of practice matters from the Attorney General to the Commission in a phase program over the next 2 years.

I think we should make it clear that at least this conferee believes it was the intention of the conference that in the case where a pattern or practice action is brought against State or local officials that suit should be brought by the Attorney General rather than by the Commission. There seems to be a conflict here, a conflict of jurisdiction going to the Commission by the suits against local units of government, that the authority to bring them rests in the Attorney General. I believe the latter should take precedence in the pattern or practice actions against a unit of local or State government, it should be brought by the Attorney General. I believe that was the intention of the conference.

Educational institutions will now be covered as a result of receding to the Senate bill. Religious institutions will be covered, but with a broad exemption for anyone employed by the religious institution rather than only those people who might be utilized in religious work per se. So that I think it was clearly the thought of the conference that if a religious institution is engaged in a profitmaking venture they still are not covered by the provisions of this act.

I did agree with one of the places where we receded to the Senate in extending coverage to joint labor-management committees. These are committees that often operate the programs of apprenticeships, particularly in the building trades, and up until the present time they have not been covered in the definition. I think they should be. If there is any place where discrimination is prac-

ticed, I think clearly it has been practiced in the apprenticeship programs.

So, extending the authority to the EEOC into this area is I think a good thing.

I will not take the time to go through all of the rest of the differences between the House and the Senate.

Let me reiterate that some three provisions of the House prevailed over the Senate where some 18 Senate provisions prevailed over the House. It is hardly even-handed, and it hardly is the sort of record to give confidence on the part of the Members of the House generally in the conferees appointed by the Committee on Education and Labor.

I hope that that committee will have a better record some time in the future. I think the lack of confidence that is generated by conferences such as this lead to actions such as were taken earlier today on the floor of the House in instructing conferees from the Committee on Education and Labor concerning the higher education bill.

I do not like the practice; but if I want to accomplish legislatively what I think this House wants, I may find myself in the position of having to file a motion to instruct conferees from the Committee on Education and Labor based on the kind of record that they have established in this conference, and in the past.

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

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

Mr. CORMAN. Mr. Speaker, I would like to inquire of the gentleman from Illinois whether he thinks that the Attorney General would be more vigorous or less vigorous than the Commission in the bringing of suits.

Mr. ERLENBORN. I do not know how you would define "vigorous." I can tell you this: the Attorney General in the pattern or practice suits under title VII of the Civil Rights Act of 1964, since its passage, has not lost one suit. The number of cases is not exceptionally great, but the number of people affected has been, because pattern or practice can cover many people in one case. The Attorney General has had an excellent record in this area, under both administrations. This is not in any way a partisan comment.

Mr. CORMAN. If the gentleman will yield further, the gentleman raised a point as to where we are putting the jurisdiction, and I just wondered whether we got better enforcement from the Attorney General.

Mr. ERLENBORN. Let me allay the gentleman's fears as to whether that was the reason for it. The rationale behind giving the Attorney General the authority to bring suit in the cases affecting State and local governments is that there could be a constitutional conflict as to whether a Commission would have authority——

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

Mr. QUIE. Mr. Speaker, I yield 1 additional minute to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. It is because there could be a constitutional conflict as to whether an administrative agency of the Federal Government could exercise authority against State and local elected officials.

It did seem clear that the Attorney General could bring suit in the Federal court in those cases. That is my jurisdiction was extended to the Attorney General to bring suit where State and local units of government are involved.

The point I am trying to make is the apparent conflict between this and the transfer of the pattern or practice jurisdiction that the Attorney General now exercises. It is my feeling that the conferees intended that the Attorney General have the pattern or practice jurisdiction as it affects the State and local units of government.

Mr. CORMAN. I am still not quite certain as to whether the gentleman felt there ought to be a transfer because of the vigorous enforcement of the Attorney General or whether the gentleman thought the Commission was too vigorous in the first place.

Mr. ERLENBORN. I think the Attorney General's record has been good.

The judgment was made to take the pattern or practice jurisdiction from him, but I think the decision has also been made that where the State and local units are concerned, the Attorney General should bring suit.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker and Members, I am here today, first, to thank the members of the conference committee on both sides for taking a very broadminded view of the problem that we faced.

I think this is one of the finest conferences I have served on in many years. We tried to thrash out and solve the problems on the basis of give and take and understanding. There were quite a few differences between the provisions in the House passed bill and the Senate passed bill.

However, the conferees, in what I think was a very unselfish and statesmanlike approach, developed for the House and the Senate a piece of legislation that all the conferees of both the House and Senate were able to sign willingly.

There were some major differences in some of the provisions dealing with enforcement. We did not see quite eye to eye on them, but we ended up with a much better provision than the provision contained in the old act.

We hope that the thousands of cases that are piling up will now be taken up and that the backlog of cases and new cases that come before the Commission can be handled expeditiously.

The bill, H.R. 1746, as reported by the conference committee represents 5 years of legislative activity during which time several attempts were made to adopt some form of enforcement procedures which the EEOC could effectively use to enforce title VII of the Civil Rights Act of 1964.

This conference report represents the result of a very active bipartisan effort to achieve meaningful employment opportunities for all citizens in this Nation. As such, I honestly believe it reflects the efforts of both the House and Senate toward this end.

Mr. Speaker, I want to pause just a moment to give my regards and respect to the gentleman from California (Mr. HAWKINS) who has been working night and day for the passage of this legislation for the better part of 5 years, taking upon himself the chores that I, as chairman, could not take on because of the press of other committee business.

If anybody is to be considered the prime mover in getting this legislation to this point today so that we can vote for it and be assured that we are doing something toward enforcing equal employment opportunities in our country, it is Mr. HAWKINS.

Mr. PERKINS. Mr. Speaker, will the distinguished gentleman from Pennsylvania yield?

Mr. DENT. I am happy to yield to the chairman.

Mr. PERKINS. First, let me state that the untiring work and the determined efforts of the distinguished gentleman from Pennsylvania brought about, more than anything else, the important legislation that we have on the floor today. He succeeded because of his great effort and those of the gentleman from California (Mr. HAWKINS). They have lived with this legislation over a period of years, and I certainly do not want to detract one particle from the good work of the minority in connection with this legislation. But above everyone else, the distinguished gentleman from Pennsylvania (Mr. DENT) stayed on top of this legislation. He stayed with it and never gave in even when that appeared to be the wisest and practical thing to do.

This legislation is a great tribute to the distinguished chairman of the subcommittee (Mr. DENT). He has devoted great effort and long service trying to get the legislation enacted. I certainly want to pay my compliments to the distinguished gentleman from Pennsylvania and to his entire subcommittee for a job well done.

Mr. DENT. Thank you very kindly, Mr. Chairman, and I am sure that all members of the committee recognize your ever-present help at any time we needed it during consideration of the measure.

I also want to pay my respects to the ranking minority member, who probably is the best "devil's advocate" in the whole Congress of the United States, because if there are any faults in any legislation of ours, JOHN ERLENBORN will find them. I sometimes find fault with my colleague from Illinois because I sometimes think he finds fault when there is no fault to be found. But in the final analysis he does do his homework. In every instance where we have had a knotty problem to iron out, he has been of great help.

The bill provides for the much-needed expansion of coverage of title VII to include employees of educational institutions. State and local governments, and employers, and labor organizations with 15 or more employees or members. The special position of State and local governmental employers has been recognized, however, by a specific exemption for certain State and local government

employees, as well as a requirement that State and local agencies may only be sued by the Attorney General. Changes have also been introduced in the prohibition against religious discrimination which represent improvements over the present law.

Certain needed changes in the provisions for the filing of charges with the Commission have also been introduced. These would allow a charge to be filed on behalf of an aggrieved individual and provide for a longer period of time during which the charge may be filed. The positions of both the House and Senate bills regarding the ability of the individual to sue when the Commission's action is unsatisfactory and the ability of the courts to grant preliminary relief, where appropriate, have been retained.

The key to the whole legislation is the enforcement powers granted to the Commission, the ability to go into the Federal district courts to enforce compliance with the act. This enforcement proposal, which was essentially the same in both House and Senate versions of the bill, is that which this Congress has agreed to as best for the EEOC. While originally I, and many of my colleagues on this floor, favored the administrative cease-and-desist enforcement approach over that of court enforcement, I am now satisfied that, along with the other provisions contained in the legislation, the EEOC would be given sufficient tools to enforce the provisions of title VII.

The conference bill contains additional provisions which I consider vital to the effective enforcement of title VII. It would, 2 years after enactment, transfer the Justice Department's "pattern or practice" jurisdiction to the EEOC. This provision would eliminate the overlapping enforcement powers which would otherwise be inevitable if both the EEOC and Justice Department could bring suits to enforce violations of title VII. The jurisdiction to sue State or local governments would, however, remain solely with the Justice Department so that no overlap would occur in this area.

The conference report also retains certain important provisions with respect to recordkeeping and Federal-State relations regarding equal employment opportunities enforcement. The compromise also provides certain added protections for employees of the agencies responsible for enforcing title VII.

This legislation would impose requirements of due process on the Federal contract compliance program for the first time.

While I am not completely happy with the way the bill has turned out, the majority of the Congress has spoken. The conferees have spoken. So I compliment them for at least getting to that point where we have made some advancement in enforcement.

We have come out with a piece of work that I think will stand a long time. We may now very well be on the road to a more peaceful existence in the field of employment in this country as a result of this bill.

Most people just want to work. That is all. They want an opportunity to work. We are trying to see that all of us, no matter of what race, sex, or religious or ethnic background, will have equal opportunity in employment.

This bill has been a long time coming. I hope the House will accept this legislation and the work of the conferees.

Again I thank both the minority and the majority members of the conference for their great support of the legislation.

Mr. Speaker, I include the following:

PROCEDURE WHERE NO STATE EQUAL EMPLOYMENT OPPORTUNITY LAW EXISTS

(1) A charge must be filed within 180 days after the occurrence of an alleged unlawful employment practice.

(2) After a charge is filed, the Commission must serve a notice of the charge on the respondent within ten days.

(3) The Commission must then investigate the charge, after which it must make a determination whether there is reasonable cause to believe that the charge is true. The Commission shall make its determination of reasonable cause as promptly as possible and, so far as practicable, within 120 days.

(4) If it finds no reasonable cause, the Commission must dismiss the charge: if it finds reasonable cause, it will attempt to conciliate the case.

(5) If the Commission is unable to secure a conciliation agreement, that is acceptable to the Commission, it may bring a civil action against any respondent in an appropriate federal district court. In the case of a respondent which is a government, governmental agency or political subdivision, the Commission shall take no further action and notify the Attorney General who may bring a civil action.

(6) If the court finds that a respondent is engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in the unlawful employment practice and grant such affirmative relief as it may deem appropriate including, but not limited to, reinstatement, with or without backpay. Backpay liability is limited, however, to no more than that accrued during the two years prior to the filing of a charge with the Commission.

(7) In the event that the Commission dismisses a charge or if within 180 days from the filing of the charge the Commission or the Attorney General has not filed a civil action or entered into a conciliation agreement to which the aggrieved person is a party, the Commission or the Attorney General will notify the aggrieved party. Within ninety days after the receipt of such notice the person aggrieved may bring a civil action against the respondent. Should such a private action be brought, the Commission or the Attorney General (where a government or political subdivision was involved) may seek to intervene in the action.

PROCEDURES WHERE STATE EQUAL EMPLOYMENT OPPORTUNITY LAW EXISTS

(1) A charge must be filed within 180 days after the occurrence of an alleged unlawful employment practice.

If a charge is initially filed with a state or local agency, such charge must be filed with the Commission within 300 days after the alleged unlawful practice has occurred or within 30 days after receipt of notice that the state or local agency has terminated its proceedings.

(2) Where a state or local equal employment statute exists, the EEOC must wait 60 days after state or local proceedings have been commenced, unless those proceedings have been terminated sooner, before it can act on a charge. The deferral period is extended to 120 days during the first year after enactment of a state or local law.

(3) Once the deferred is concluded, the Commission must serve a notice of the charge on the respondent within ten days (presumably, this is duplicative of the state or local proceedings).

(4) The Commission must then investigate the charge, after which it must make a determination whether there is reasonable cause to believe that the charge is true. The Commission shall make its determination of reasonable cause as promptly as possible and, so far as practicable within 120 days.

(5) If it finds no reasonable cause, the Commission must dismiss the charge; if it finds reasonable cause, it will attempt to conciliate the case.

(6) If the Commission is unable to secure a conciliation agreement, that is acceptable to the Commission, it may bring a civil action against any respondent in an appropriate Federal district court. In the case of a respondent which is a government, governmental agency or political subdivision, the Commission shall take no further action and notify the Attorney General who may bring a civil action.

(7) If the court finds that a respondent is engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in the unlawful employment practice and grant such affirmative relief as it may deem appropriate including, but not limited to, reinstatement, with or without backpay. Backpay liability is limited, however, to no more than that accrued during the two years prior to the filing of a charge with the Commission.

(8) In the event that the Commission dismisses a charge or if within 180 days from the filing of the charge the Commission or the Attorney General has not filed a civil action or entered into a conciliation agreement to which the aggrieved person is a party, the Commission or the Attorney General will notify the aggrieved party. Within ninety days after the receipt of such notice the person aggrieved may bring a civil action against the respondent. Should such a private action be brought, the Commission or the Attorney General (where a government or political subdivision was involved) may seek to intervene in the action.

Mr. QUIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we can see by reading the signatures on this report, the majority and the minority are together in supporting this conference report. The greatest amount of credit for putting the bill into a shape which I can support has to go to the gentleman from Illinois (Mr. ERLENBORN), not only for his work in this House, but also for his work with the Members of the other body in straightening out the matter. I say that as one who once introduced a bill giving cease and desist enforcement powers to the EEOC, but I believe the action taken in this legislation is right, and, therefore, I am supporting it. The gentleman from Illinois has been most convincing.

There are some provisions of the Senate which, I think, are advantageous which the House accepted and which I strongly support. I would say two that come to mind are the ones affecting religion. One is the definition of religion and the other is the provision exempting employees of religious organizations. I think that was a good move on our part.

There are some parts I do not like. If we had the chance to bring the bill back with a motion to recommit, I think I would have stood here and asked Members to recommit the bill back to the conference with instructions. I hope this body will take a look at the rules we op-

erate under, so that both Houses will have a chance on the conference report to recommit back to the conference if Members do not like some part of the bill.

The part I feel especially is bad is the feature on the statute of limitations in this bill, which is not 2 years prior to enactment of this bill, but rather 2 years prior to the charge being brought by anyone. Some of those may have been pending for 2 or 3 years already, so we are talking now of probably 5 years in which back pay can be requested.

I just do not think that was a wise decision. I think the House would have stood by the position of those of us who felt that this was unwise, and that the 2-year statute of limitations in this bill should have been 2 years prior to the enactment of the act. I think that would have been advisable.

But we have to look at this report in total. The question is now whether we want to vote down the conference report because there are some parts we disagree with. I do not think we should do that.

I think there is improvement for the EEOC in this bill, and we have to give credit to those who have been working on this. One of those who should be given great credit is the gentleman from California (Mr. HAWKINS) who really has taken the lead to give more strength to EEOC to eliminate discrimination. I think despite the fact that this is not everything he wanted, this is a substantial stride forward, and one in which he can also take pride as a result of the action of the committee.

I urge support for the conference report.

With that, Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I thank the gentleman from Minnesota for yielding to me.

Mr. Speaker, on page 21 of the report, I note this language:

> The Senate amendment provided the Commission with authorization for an additional 10 positions at GS–16, GS–17, and GS–18 level. The House bill had no such provision. The House receded.

Of course, "receded" means the House surrendered to the Senate.

I wonder if there was any recognition on the part of the House Committee on Education and Labor that there is a committee of the Congress which is supposed to deal with supergrades, which is supposed to deal with pay increases and that sort of thing. I wonder if the gentleman from Kentucky could give me some reason why the House rolled over and played dead on this issue.

Mr. PERKINS. Let me say to my distinguished colleague——

Mr. GROSS. I cannot hear the gentleman. He is usually a little more vocal, at least a few decibels higher.

Mr. PERKINS. Let me say to my distinguished colleague from Iowa that after the Senate put this provision in the bill——

Mr. GROSS. I am aware of that. I just read the fact that they did.

Mr. PERKINS. Let me make the explanation. I wrote to the chairman of the Post Office and Civil Service Committee of the House, Congressman DULSKI, and invited him to look the situation over, as to whether he felt the Commission needed these additional people.

Be that as it may, the conferees felt, in view of the broadening of the coverage in the bill, that the number selected by the Senate was a reasonable number. It was the will of the conference that we give them some additional personnel that we felt they needed. I do not consider it any surrender by any means.

Mr. GROSS. If the Post Office and Civil Service Committee, which is the proper committee, should come along and take some of the employees away, or bring out legislation to take some of the employees away from this equal employment opportunity setup, I can see the gentleman raising a little unshirted hell around here over the fact that the jurisdiction of his committee was being invaded. And that is precisely what you did here.

Let me call your attention to something else as we go along.

Mr. PERKINS. I would much prefer——

Mr. GROSS. Just a minute. I will yield to the gentleman later.

The House just sent the Higher Education Act to conference. When that bill originally came to the House it contained numerous provisions authorizing employment of personnel without regard to the civil service and classification laws, and it provided for numerous additional positions in grades 16 through 18, which of course are the supergrades. The gentleman from North Carolina (Mr. HENDERSON) and the gentleman from Iowa, presently addressing the House, made points of order against that bill and knocked those provisions out. Now you are going to conference with the other body, and I have no doubt that when you come back from that conference there will be many more supergrades. You will have fattened that bill along with this one, and will have done so without any regard for the jurisdiction of the proper committee of the Congress.

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

Mr. GROSS. Yes, I yield, if the gentleman has any reasonable explanation for invading the jurisdiction of the committee.

Mr. DENT. The gentleman will have to be the judge of whether it is reasonable or not, but it is not a precedent-setting action here.

Mr. GROSS. I did not say anything about a precedent. I said it was overstepping the committee.

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

Mr. GROSS. Mr. Speaker, will the gentleman yield me 3 additional minutes?

Mr. QUIE. Mr. Speaker, I yield 3 additional minutes to the gentleman from Iowa.

Mr. DENT. May I be permitted to answer?

Mr. GROSS. Yes, certainly.

Mr. DENT. This House without question or any discussion, when it created the Commission on Aging, created the grade jobs that were required to perform the duties we prescribed under the Commissioner on Aging. This is another Commission. If the jobs are not created in the legislation we bring forth we would not have anybody to administer the act and the provisions we put into the bill.

This has gone on ever since I have been a Member of Congress, where we create new duties and create jobs to go with them. We did not overstep our jurisdiction. The Senate put it in, very frankly.

Mr. GROSS. You accepted it, did you not? Your responsibility is equal to theirs, in the conference.

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

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

(Mr. DULSKI, on request of Mr. HENDERSON, was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DULSKI. Mr. Speaker, I am very disappointed to learn that the conferees have retained the Senate provision authorizing additional supergrade positions.

Section 12 of the conference substitute authorizes the Chairman of the Equal Employment Opportunities Commission to place an additional 10 positions in grades 16, 17, and 18 of the General Schedule.

Mr. Speaker, I realize that the exchange of correspondence on the inclusion of the 10 additional supergrades which I had with the gentleman from Kentucky, Chairman PERKINS, came too late, since the conferees already had reached agreement. I appreciate the suggestion made by the gentleman from Kentucky in his letter of March 1, 1972, that our committee hold the necessary hearings and consider the justification for the 10 positions authorized. I will include copies of these letters as a part of my statement.

Mr. Speaker, this is yet another example of legislation that is reaching the House floor with provisions that violate the statutory standards and controls relating to Federal employment.

The Committee on Post Office and Civil Service has primary jurisdiction over all matters relating to the civil service, including matters relating to the compensation, classification, and retirement of Federal employees. The standards, controls, and limitations relating to these matters are spelled out very specifically in title 5 of the United States Code.

Our committee feels that any exceptions to such statutory standards and controls should be granted only in the most unusual circumstances and only when fully justified before our committee.

In the present case we have had no request and no opportunity to consider whether there is any justification for authorizing 10 additional supergrades for the Equal Employment Opportunities Commission.

I realize, of course, that little can be done at this point to eliminate the supergrade authority from the conference report. However, I would strongly advise the Equal Employment Opportunities Commission to forego the use of such authority until the Post Office and Civil Service Committee has had the opportunity to consider the overall needs of the Government for additional supergrade positions.

In that regard I wish to point out that on March 28, the Subcommittee on Manpower and Civil Service of the Post Office and Civil Service Committee will begin hearings on the administration's proposal to establish a Federal Executive Service.

During the course of those hearings, I am going to ask the members of the subcommittee to give serious consideration to repealing all recently enacted provisions of law, such as the one we are now considering, which authorize additional supergrade positions, unless such supergrade authority was considered and approved by our subcommittee.

In lieu of the separate supergrade authorities which I will seek to have repealed, I will propose an increase in the aggregate number of supergrade positions under section 5108(a) of title 5, United States Code, to take care of any additional supergrades that are proven to be needed pending completion of the study for the new Federal Executive Service.

The letters follow:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., February 29, 1972.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In reviewing the provisions of the Senate amendment to H.R. 1746, the Equal Employment Opportunities Enforcement Act of 1972, I note that section 13 authorizes the Chairman of the Equal Employment Opportunities Commission to place an additional 10 positions in GS–16, GS–17, and GS–18.

As I have indicated to you several times recently, this is the type of authorization which I am firmly convinced should be considered by our Committee before being approved by the House. We have had no request and no opportunity to consider whether or not there is any justification for authorizing 10 additional supergrades for the Equal Employment Opportunities Commission.

Mr. Henderson, Chairman of our Subcommittee on Manpower and Civil Service, has scheduled hearings to begin in March on the overall question of replacing the so-called supergrade positions with a new Federal Executive Service. At that time, a review will be made as to whether or not any additional supergrades are needed pending completion of the study for the new Federal Executive Service.

Since we have received no request on behalf of the Equal Employment Opportunities Commission, and in view of the pending study, I strongly recommend that you and the conference of the House urge that the Conference Report not include authority for additional supergrades for the Equal Employment Opportunities Commission.

With kindest regards,
Sincerely yours,

THADDEUS J. DULSKI,
Chairman.

HOUSE OF REPRESENTATIVES,
March 1, 1972.

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

DEAR MR. CHAIRMAN: I am sorry you and I did not have an opportunity to discuss earlier the provisions of the Senate amendment to H.R. 1746, the Equal Employment Opportunities Enforcement Act of 1972.

The Conferees on that matter completed their deliberations last night. The Conference Report is, I understand, in page proof already and Chairman Williams of the Senate Committee on Labor and Public Welfare is most anxious to file the Conference Report today and have the Senate take up the measure tomorrow. I can understand your concern about the authorization of additional supergrades for the Equal Employment Opportunities Commission. The possibility of your concern was, in fact, discussed by the Conferees on our side. Since the provision was in the Senate bill, however, and since the Parliamentarian's office assured us that the provision being in the Senate bill made it a conferencable item, we felt in the situation that existed yesterday evening when the matter was considered that it was imperative that we take the Senate language.

As I indicated before, if I had received your communication of concern earlier than this morning we might have come to a different conclusion but under the circumstances it appears to be too late now to resolve the matter as you desire. I would suggest, however, that Mr. Henderson, Chairman of your Subcommittee on Manpower and Civil Service, continue with his hearings on the replacement of the super-grade positions with the new Federal Executive Service, including his review of the need for additional supergrades pending completion of the study for the new Federal Executive Service. Specifically, I would recommend that he review the situation of the Equal Employment Opportunities Commission and I assure you that I will do everything I can to cooperate with him and with you in that connection.

Obviously, if your Committee after reviewing the matter feels that the Conference has authorized an excessive number of supergrades or has authorized an insufficient number I would expect to give the same serious consideration to the recommendations of your Committee that I always give the recommendations of any other Chairman of any other Committee.

With best wishes,
Sincerely,

CARL D. PERKINS,
Chairman.

Mr. HENDERSON. I thank the gentleman for yielding, and I want to say that I, too, agree with him that the jurisdiction of the Civil Service Committee of the House has not been abided by here. The legislative committees, of course, have the authority to grant the positions that may be needed, but here what they have done is set the salaries for those persons they determined to be required and have exempted them from the Civil Service Act without any testimony saying why they should be exempted. As the gentleman from New York will convey to the Members of the House in his extension of remarks, he puts us on notice that our committee intends to do something about this.

Mr. GROSS. They might at least have gone to the Civil Service Commission pool for supergrades rather than to establish them by this process.

Mr. HENDERSON. I thank the gentleman for yielding.

Mr. GROSS. Mr. Speaker, I also note on page 9 of the report this language:

SEC. 714. The provisions of sections 111 and 1114, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties. Notwithstanding the provisions of sections 111 and 1114 of title 18, United States Code, whoever in violation of the provisions of section 1114 of such title kills a person while engaged in or on account of the performance of his official functions under this Act shall be punished by imprisonment for any term of years or for life.

Not even the language that is to be found in all statutes of this kind—not even the inclusion of "upon conviction." No one bothered to write into this provision that an individual must first be tried and convicted before being sentenced to prison for life.

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

Mr. DENT. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, in answer to the criticism about the job situation and supergrades, we did not say or do anything that has not been done before time and time again. What we said—or, rather, what the Senate insisted on—is that the Chairman of the Economic Opportunity Commission, subject to standards and procedures prescribed by this chapter, may place—may place—an additional 10 positions in the Economic Opportunity Commission in GS–16, GS–17, and GS–18 for the purposes of carrying out title 7 of the Civil Rights Act of 1964. It says he may if it is needed.

We heard absolutely nothing from any committee of the House until the day after the conference was over, when we received a note from Mr. DULSKI, the chairman of the Committee on Post Office and Civil Service, and an answer was given to him by the chairman of our full committee, and all of the oversight on this particular matter was taken into account.

These jobs are still within the jurisdiction of the Post Office and Civil Service Committee. We did not do anything but provide the jobs when needed to fulfill the duties of the Commission.

Mr. GROSS. Will the gentleman yield?

Mr. DENT. I am happy to.

Mr. GROSS. And you probably did not have one word of evidence as to whether the 10 additional supergrades were needed. Did you? You took the word of the people across the way, and they probably held no hearings and had no justification as to whether a single supergrade was necessary.

Mr. DENT. In answer to the gentleman, I might say that if you go into a conference, and you do not have any regard for the other body's position, then you should never go into conference. You have to accept the view that they made the study. We did not make the study, I assure you.

Mr. QUIE. Mr. Speaker, I yield the gentleman from Illinois 3 minutes.

Mr. ERLENBORN. If the gentleman from Pennsylvania would respond to a question, I would appreciate it.

Did I understand the gentleman correctly a minute ago to say you did not

hear from Chairman DULSKI until after the conference was completed?

Mr. DENT. That is exactly what the chairman told me. I never heard from them at all.

Mr. ERLENBORN. I thank the gentleman for that answer. It does surprise me, and maybe we should ask the chairman of the committee (Mr. PERKINS), because I raised this question in the conference.

Mr. DENT. That is right.

Mr. ERLENBORN. And I was told that, "yes, they did have a letter from Chairman DULSKI," but that, "you know, he always writes letters like that to show that he is trying to protect the jurisdiction of the committee, but we do not take it very seriously."

I also recall it was agreed that, if Chairman DULSKI were really serious about this, he would back down and remove these provisions from the conference report.

Mr. DENT. I know that the gentleman from Illinois does not want to give the wrong impression; but, in order to stop it right at this point and get at what we believe to be the truth, with reference to this matter and with reference to the interchange between the chairman of the Committee on Post Office and Civil Service and the chairman of the Committee on Education and Labor, you know it has been said that a lie will get halfway around the world before the truth is known. The letter was not in the hands——

Mr. ERLENBORN. Mr. Speaker, I ask for regular order.

I would like to ask the gentleman from Kentucky (Mr. PERKINS): Is it not true that you advised us in the conference that you had received the letter from Chairman DULSKI?

I would be happy to yield to the gentleman, the chairman of the committee, to respond to that question.

Mr. PERKINS. The chief clerk of the committee informs me that we had a letter from Mr. DULSKI on another subject matter along the same lines, but on other legislation, not on this legislation, before we went to conference, but that the letter on this particular subject and on the conference report did not arrive until the day after we completed the conference.

My recollection is refreshed by the clerk of the committee who answers the mail.

Mr. ERLENBORN. I thank the gentleman for that answer. It was my understanding from what the gentleman said in the conference that he knew Chairman DULSKI felt that this invaded the jurisdiction of his committee. I understood the gentleman in the conference to say he received a letter from the chairman and, if the chairman was serious about it, it would be understood that this matter would be taken out of the bill. I just want the record to be straight.

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

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

Mr. QUIE. As I recall the situation, the Senate conferees agreed that if a point of order could be raised against this section, or if a separate vote could be held on the section, then they would recede. Since that was not the parliamentary situation they went ahead.

So, there was full realization in the conference that this was a serious matter and we were concerned about the Post Office and Civil Service Committee's jurisdiction.

Mr. DENT. Mr. Speaker, I yield myself 1 minute.

The letter in question was the letter to the chairman daling with the provisions of the Fair Labor Standards Act, and covers civil employees under civil service. That was the letter that was talked about, but the chairman said he had a letter and it had nothing to do with this legislation.

I am informed by the Clerk that we did not receive any remonstrance against this particular feature and had not received one single remonstrance having to do with three other instances contained in bills which were passed by this House.

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Speaker, I want to conclude the thoughts which I started earlier in my exchange with the gentleman from Illinois (Mr. ERLENBORN). Specifically I wondered whether the conferees favored giving enforcement to the Attorney General rather than to the Commission, because they thought he would be more vigorous or less vigorous in protecting the rights of blacks against job discrimination. I must say that having watched the former Attorney General, Mr. Mitchell, for 3½ years, if I were a black man I would not be as comfortable with him representing me as I would be with the Commission representing me. The gentleman from Illinois (Mr. ERLENBORN) pointed out that the former Attorney General has never lost a case in this field. I am reminded that when I went to law school we were told that if you never lose a lawsuit it may be because you are not trying enough of them.

Mr. RARICK. Mr. Speaker, I had voted against this legislation when it was first considered and, if anything, it is worse now.

Supposedly it seeks to eliminate all discrimination in hiring and employment practices but in reality and by actual experience the thrust of the legislation is to give special advantage to certain applicants and unqualified jobseekers. The real discrimination under this bill is against the employers, the investors, and the management people who know what jobs they have and the qualifications they seek but can be forced to accept the least qualified because the more qualified may be of the majority.

The equal opportunity employment legislation would make discrimination illegal and a crime. Yet, let us be honest about it, discrimination is an act of freedom and I dare suggest that discrimination can never be removed from this country as long freedom remains in our land. I can never vote for a bill that gives special consideration to one group at the cost of denying freedom to another. Compensatory rights are nothing but special interest privileges, and to make this the law of our land is a mockery of morality even though it is camouflaged under the name of social justice.

To those who sincerely feel that this legislation is necessary to help the unskilled and untrained, I can only say that in Sunday's Washington paper the "Help Wanted" section was 29 pages in length and many of the positions offered were for unskilled people.

An example of the extreme provisions of this conference report is that section on page 9 captioned "Forcibly Resisting the Commission or Its Representatives." Section 714 reads in part:

> Notwithstanding the provisions of sections 111 and 1114 of title 18, United States Code, whoever in violation of the provisions of section 1114 of such title kills a person while engaged in or on account of the performance of his official functions under this Act shall be punished by imprisonment for any term of years or for life.

Nothing is said about arrest, trial, or conviction. The word "kill" is not even qualified with the usual criminal expression "maliciously" or "willfully." This section of the law may be a good demonstration of the justice intended by the equal opportunity employment legislation.

The seriousness of such a poorly drawn bit of legislation is that the unqualified word "kill" without any indication of intent could even extend to an EEOC employee killed in an automobile accident. If any EEOC people are killed, is the involved party to be imprisoned without even the equal opportunity for a hearing or trial?

I intend to cast my people's vote against this police state type legislation.

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

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

Mr. SCHMITZ. 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 303, nays 110, not voting 18, as follows:

[Roll No. 67]

YEAS—303

Abourezk	Andrews	Begich
Abzug	Annunzio	Belcher
Adams	Arends	Bell
Addabbo	Ashley	Bergland
Alexander	Aspin	Biaggi
Anderson, Calif.	Aspinall	Biester
Anderson, Ill.	Badillo	Bingham
	Barrett	Blanton

Blatnik	Hamilton	Pepper
Boggs	Hanley	Perkins
Boland	Hanna	Pettis
Bolling	Hansen, Idaho	Peyser
Brademas	Hansen, Wash.	Pickle
Brasco	Harrington	Pike
Brooks	Harsha	Pirnie
Broomfield	Harvey	Poage
Brotzman	Hastings	Podell
Brown, Mich.	Hathaway	Preyer, N.C.
Brown, Ohio	Hawkins	Price, Ill.
Buchanan	Hays	Pucinski
Burke, Mass.	Hechler, W. Va.	Purcell
Burlison, Mo.	Heckler, Mass.	Quie
Burton	Heinz	Railsback
Byrne, Pa.	Helstoski	Rangel
Byrnes, Wis.	Hicks, Mass.	Rees
Caffery	Hicks, Wash.	Reid
Carey, N.Y.	Hillis	Reuss
Carney	Hogan	Rhodes
Carter	Holifield	Robison, N.Y.
Cederberg	Horton	Rodino
Celler	Hosmer	Roe
Chamberlain	Howard	Roncalio
Chisholm	Hungate	Rooney, N.Y.
Clark	Hunt	Rooney, Pa.
Clausen, Don H.	Jacobs	Rosenthal
Clay	Johnson, Calif.	Rostenkowski
Cleveland	Johnson, Pa.	Roush
Collins, Ill.	Jones, Ala.	Roy
Conable	Karth	Roybal
Conte	Kastenmeier	Ruppe
Conyers	Kazen	Ryan
Corman	Keating	St Germain
Cotter	Kee	Sandman
Coughlin	Keith	Sarbanes
Culver	Kemp	Saylor
Daniels, N.J.	Kluczynski	Scheuer
Danielson	Koch	Schneebeli
Davis, S.C.	Kyl	Schwengel
de la Garza	Kyros	Sebelius
Delaney	Latta	Seiberling
Dellenback	Leggett	Shriver
Dellums	Lent	Sisk
Denholm	Link	Skubitz
Dent	Lloyd	Slack
Diggs	Long, Md.	Smith, Iowa
Dingell	Lujan	Smith, N.Y.
Donohue	McClory	Springer
Dow	McCloskey	Staggers
Drinan	McClure	Stanton, James V.
Dulski	McCormack	Steed
du Pont	McCulloch	Steele
Dwyer	McDade	Steiger, Wis.
Eckhardt	McDonald, Mich.	Stokes
Edmondson	McEwen	Stratton
Edwards, Calif.	McFall	Sullivan
Eilberg	McKay	Symington
Erlenborn	McKevitt	Talcott
Esch	McKinney	Teague, Calif.
Eshleman	Madden	Terry
Evans, Colo.	Mailliard	Thompson, N.J.
Evins, Tenn.	Mallary	Thomson, Wis.
Fascell	Martin	Thone
Findley	Mathias, Calif.	Tiernan
Fish	Matsunaga	Udall
Flood	Mazzoli	Ullman
Foley	Meeds	Van Deerlin
Ford, Gerald R.	Melcher	Vander Jagt
Ford, William D.	Metcalfe	Vanik
Forsythe	Miller, Ohio	Veysey
Fraser	Mills, Ark.	Vigorito
Frelinghuysen	Minish	Waldie
Frenzel	Mink	Ware
Fulton	Minshall	Whalen
Fuqua	Mitchell	Whalley
Galifianakis	Mollohan	Widnall
Gallagher	Monagan	Wiggins
Garmatz	Moorhead	Williams
Giaimo	Morgan	Wilson, Charles H.
Gibbons	Morse	Winn
Goldwater	Mosher	Wolff
Gonzalez	Moss	Wright
Goodling	Myers	Wyatt
Grasso	Natcher	Wydler
Gray	Nedzi	Wylie
Green, Oreg.	Nelsen	Wyman
Green, Pa.	Nix	Yates
Griffiths	Obey	Yatron
Grover	O'Hara	Young, Tex.
Gubser	O'Konski	Zablocki
Gude	O'Neill	Zion
Halpern	Patten	Zwach
	Pelly	

NAYS—110

Abbitt	Betts	Broyhill, N.C.
Abernethy	Bevill	Broyhill, Va.
Archer	Blackburn	Burke, Fla.
Ashbrook	Bow	Burleson, Tex.
Baker	Bray	Byron
Bennett	Brinkley	Cabell
Camp	Hall	Price, Tex.
Casey, Tex.	Hammer-schmidt	Quillen
Chappell	Hébert	Randall
Clancy	Henderson	Rarick
Clawson, Del	Hutchinson	Roberts
Collins, Tex.	Ichord	Robinson, Va.
Colmer	Jarman	Rogers
Crane	Jonas	Rousselot
Curlin	Jones, N.C.	Runnels
Daniel, Va.	Jones, Tenn.	Ruth
Davis, Ga.	King	Satterfield
Davis, Wis.	Kuykendall	Scherle
Dennis	Landgrebe	Schmitz
Derwinski	Landrum	Scott
Devine	Lennon	Shoup
Dickinson	Long, La.	Sikes
Dorn	McCollister	Smith, Calif.
Dowdy	McMillan	Snyder
Downing	Mahon	Spence
Duncan	Mann	Steiger, Ariz.
Edwards, Ala.	Mathis, Ga.	Stephens
Fisher	Mayne	Stuckey
Flowers	Michel	Taylor
Flynt	Mills, Md.	Teague, Tex.
Fountain	Mizell	Thompson, Ga.
Frey	Montgomery	Waggonner
Gettys	Nichols	Wampler
Griffin	Passman	Whitehurst
Gross	Patman	Whitten
Hagan	Poff	Wilson, Bob
Haley		Young, Fla.

NOT VOTING—18

Anderson, Tenn.	Macdonald, Mass.	Pryor, Ark.
Baring	Mikva	Riegle
Collier	Miller, Calif.	Shipley
Edwards, La.	Murphy, Ill.	Stanton, J. William
Gaydos	Murphy, N.Y.	Stubblefield
Hull	Powell	White

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Mikva with Mr. Collier.

Mr. Anderson of Tennessee with Mr. Powell.

Mr. Shipley with Mr. Riegle.

Mr. Stubblefield with Mr. J. William Stanton.

Mr. White with Mr. Baring.

Mr. Macdonald of Massachusetts with Mr. Hull.

Mr. Murphy of New York with Mr. Miller of California.

Mr. Murphy of Illinois with Mr. Gaydos.

Messrs. BRAY and TEAGUE of Texas changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK OF THE HOUSE TO MAKE CORRECTION IN THE ENROLLMENT OF H.R. 1746, EQUAL EMPLOYMENT OPPORTUNITIES ACT

Mr. PERKINS. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 554) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 554

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 1746) to further promote equal employment opportunities for American workers, is authorized and directed to make the following change: In paragraph (a) of Section 4, strike out "Sec. 705." and insert in lieu thereof "Sec. 706."

Mr. GROSS. Mr. Speaker, reserving the right to object, just what is proposed to be accomplished by this resolution?

Mr. PERKINS. If the gentleman will yield, there was a technical error in numbering a section of the act. It was made by the staff, and was not detected in the report until after the report had been printed.

Mr. GROSS. It is then purely a technical amendment to the bill?

Mr. PERKINS. That is correct.

Mr. GROSS. It does not change the substantive language of the bill?

Mr. PERKINS. That is correct. It is just a renumbering.

Mr. GROSS. Simply a renumbering of the sections?

Mr. PERKINS. That is correct.

Mr. GROSS. 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.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

TRANSPO 72 AUTHORIZATION

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 879 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 879

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. 11624) to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition. 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 Armed Services, 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. After the passage of H.R. 11624, it shall be in order to take from the Speaker's table the bill S. 3244 and to consider the said Senate bill in the House.

The SPEAKER. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 879 provides an open rule with 1 hour of general debate for consideration of H.R. 11624 authorizing additional funds for Transpo 72. After passage of the bill, it shall be in order to take S. 3244 from the Speaker's table and consider the same in the House.

The purpose of H.R. 11624 is to authorize an additional $2 million for the conduct of an international transportation exposition, Transpo 72.

In the 1971 Military Construction Authorization Act $3 million was authorized for the purpose of Transpo 72 based on preliminary cost estimates. Since then costs have increased for site preparation, utilities installation, sanitary, restaurant, and communications facilities, and vehicle parking and control. Need for the additional $2 million is based on recent engineering studies.

The exposition is planned to take place at Dulles Airport in May of this year, Mr. Speaker, and I urge the adoption of the rule in order to expedite passage of the legislation.

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

Mr. PEPPER. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Is not this the same bill which was defeated in the House under suspension of the rules last December?

Mr. PEPPER. I am advised that the bill was not authorized under suspension of the rules recently, and, therefore, the matter came to the Committee on Rules. I understand that there was a vote on the floor.

Mr. GROSS. Yes; that was last December 6.

Mr. PEPPER. I believe it was.

Mr. GROSS. Let me ask the gentleman, why not let nature take its course, instead of providing that the Senate bill can be substituted to just let nature take its course and see what happens?

Why should the Committee on Rules be called upon to mandate the Senate bill to be substituted for this little monstrosity—or for this big monstrosity?

Mr. PEPPER. The gentleman will allow me to yield to the able chairman of the Committee on Armed Services, the distinguished gentleman from Louisiana (Mr. HÉBERT) to answer this question.

Mr. HÉBERT. Mr. Speaker, I will be very happy to answer that question. It was a case of expediting the bill. The Senate was so informed, if they passed the bill, we would take action on this side. It was a preferential procedure—instead of us passing the bill on this side and to let it rest on the Senate side and where we may have run into a delay, that we did not want to run into. This is purely a matter of judicious operation such as the gentleman from Iowa would be proud to be a part of.

Mr. GROSS. Mr. Speaker, will the gentleman from Florida yield?

Mr. PEPPER. I yield to the gentleman.

Mr. GROSS. This confirms what I thought was a little evasive action to prevent nature from taking its course. In other words, to prevent the normal legislative procedure to take place, and to get this rolled through because time is running out on this bobtailed thing that you propose to put on now at Dulles, I guess.

Mr. PEPPER. Mr. Speaker, I yield further to the gentleman from Louisiana.

Mr. HÉBERT. The gentleman from Louisiana, having had the experience of many years observing the gentleman from Iowa in his wisdom and his resourcefulness, decided to follow that course, and I hope I have set a good example and that the pupil will at least equal the master in this respect.

Mr. GROSS. I wish the gentleman had directed those compliments to the taxpayers of this country who have to put up the money for this kind of a deal—but I accept them on behalf of the taxpayers.

Mr. HÉBERT. Through the gentleman from Iowa who is known as the taxpayers' defender, I extend it to the taxpayers as well.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the statement made by the gentleman from Florida (Mr. PEPPER) in explanation of the rule.

May I simply add that I know of no objection from the Department or the Office of Management and Budget or from the executive branch. I believe this amount of money has already been appropriated in an appropriation bill so we are just going to catch up with this authorization so that we can now spend it.

Mr. Speaker, I urge the adoption of the resolution, House Resolution 879.

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

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.

IN THE COMMITTEE OF THE WHOLE

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11624) to amend the Military Construction Authorization Act of 1970, to authorize additional funds for the conduct of an international aeronautical exposition.

The motion was agreed to.

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. 11624, with Mr. ABBITT 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 Louisiana (Mr. HÉBERT) will be recognized for 30 minutes, and the gentleman from California (Mr. GUBSER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. HÉBERT).

Mr. HÉBERT. Mr. Chairman, the legislation before the House, H.R. 11624, which amends the Military Construction Authorization Act of 1970, is for the purpose of authorizing additional funds for the conduct of an international aeronautical exposition.

The exposition, now referred to as Transpo 72, is scheduled to be conducted at Dulles International Airport beginning next May 27. The President assigned responsibility for the conduct of the exposition to the Secretary of Transportation who determined that the exposition will include all forms of transportation and not be strictly an aeronautical exposition. However, aeronautics will play a dominant role in the exposition, and this includes military aviation.

The planners of the exposition, under Secretary Volpe, anticipate that the exposition will make a considerable contribution to the domestic economy through stimulating the sale of new transportation concepts and systems within our own economy as well as abroad. Also, they are hopeful that the exposition will help make governments at various levels, industry, and the public aware of a number of solutions offered by technology to our many transportation problems. Therefore, our committee believes that the additional funds to be expended pursuant to the additional authorization contained in this bill would be a most productive investment.

Our committee brought this legislation to the floor on December 6, 1971 under suspension of the rules. The vote was 33 votes short of having a two-thirds majority. I am convinced that the vote was due to a misunderstanding in connection with the $2 million increase in authorization requested by the Department of Transportation. A number of Members have advised me they understood from remarks on the floor during the debate on this bill, under suspension of the rules, that the increase in authorization was due to a cost overrun. This is where the misunderstanding originated.

The current authorization level of $3 million was based on preliminary cost estimates made by the Department of Transportation last year. Based upon final engineering studies, they have arrived at a more precise cost estimate and are recommending that the present authorization be increased to a total of $5 million.

The primary reasons for the increase are: The inability to accurately estimate costs until the master plan and engineering design were completed, and inflation, which has accelerated at a rate in excess of that anticipated in the published cost estimating handbooks used in developing the original cost estimates for Transpo 72.

The Appropriations Committee, in Public Law 92–184, has already appropriated the $2 million subject to authorizing legislation. The Senate, on March 1, 1972, passed S. 3244, a bill identical to H.R. 11624, the bill before you.

So, therefore, it is the recommendation of the Committee on Armed Services that the House pass H.R. 11624, at which time, in accordance with the rule, we will

ask that the language in the Senate bill, which as I have said is identical to H.R. 11624, be substituted, thereby making it possible to immediately send the bill to the White House for Presidential signature. In that way the funds already appropriated can immediately be put to work, and our Nation can go forward with production of Transpo 72.

(Mr. ARENDS (at the request of Mr. GUBSER) was granted permission to extend his remarks at this point in the RECORD.)

Mr. ARENDS. Mr. Chairman, I rise in support of H.R. 11624.

The purpose of this bill is to increase from $3 million to $5 million the funds authorized for appropriation under the fiscal year 1970 Military Construction Authorization Act, as amended, for the conduct of an international aeronautical exposition. The exposition, referred to as Transpo 72, is scheduled to be conducted at Dulles International Airport on May 27, 1972, through June 4, 1972. The responsibility for the conduct of the exposition has been delegated to the Department of Transportation.

An exposition of this magnitude does not happen overnight. The original concept—that of an air show—came into being in the mid-1960's when Federal Aviation Administration personnel began studies of the feasibility of conducting an international aeronautical exposition in the United States.

The late chairman of our committee, L. Mendel Rivers, took an interest in the idea and promoted the concept in Congress. With the backing of the executive branch and through the efforts of Chairman Rivers, Congress authorized the initial exposition.

As planning for the exposition began, it became evident that a simple air show was too limited a concept to accurately reflect the stature of the United States as an innovative and responsible world leader in technology and products. The exposition format was broadened to include all modes of transportation and the name was changed to the United States International Transportation Exposition.

Secretary of Transportation John A. Volpe, to whom President Nixon had entrusted the responsibility for production and management of the exposition, coined the acronym "Transpo 72" to embrace the exposition's dedication to the total transportation spectrum. Committees of distinguished representatives of industry and government were formed to assist the Secretary in creating an exposition truly reflective of the myriad aspects of the transportation industry.

The Department of Transportation advises that they anticipate that the exposition will make a considerable contribution to the domestic economy through stimulating the sale of new transportation concepts and systems within our own economy as well as internationally.

I believe this is meritorious legislation and it should receive the support of every Member of this body.

Mr. GUBSER. Mr. Chairman, speaking for the minority, we wholeheartedly endorse this bill. As we all know, one of the bright spots in our continuing balance-of-payments problem is the American airframe industry; and certainly, if we wish to continue marketing our airframe products around the world, it behooves us to do what France and England have been doing for many, many years—that is, having such an event as is authorized by this bill. This transportation show is nothing more than good business.

Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 11624 which would increase to $5 million the funds authorized to conduct Transpo 72, the International Transportation Exposition which will be held from May 27 to June 4 of this year at Dulles Airport.

Transpo 72 is being run under the able direction of the Department of Transportation and I am privileged to serve on the Secretary's Committee for the exposition. As such, I can readily attest to the need of the additional $2 million that passage of this bill will make possible. The money will be used to meet the increased costs of site preparation, utilities, installation, sanitary, restaurant, and communications facilities, as well as vehicle parking and control.

We are all well aware of the many problems that plague our transportation systems today: The poor condition of rail passenger service, the paralysis of rush hour traffic that afflicts the commuter, inadequate airport facilities, breakdown in the shipping of goods across the country, and so on. The exposition will focus on these crises and the actions that can be taken to overcome them.

Great progress has been made on the 300-acre site where 250 exhibitors, including those from industry, our States, and foreign governments, will be represented. Much of the transportation exhibits will be in actual operation. As an example, four types of people movers will be available for sample rides. There will also be daily demonstrations of land, water, and air vehicles. Precision flying demonstrations by American and foreign military, civilian, and acrobatic teams will highlight the last 2 days of the exposition.

Mr. Chairman, I am convinced that this exposition will generate much goodwill for this Nation. And, as a practical matter, it will make a considerable contribution to the domestic economy by encouraging the sale of new transportation concepts and systems.

I urge my colleagues to endorse passage of this legislation.

Thank you.

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

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

Mr. McFALL. I join my colleague from Massachusetts in support of the legislation. We have looked at it in our subcommittee, and we both agree that it will be a fine exposition. They are out of money. They must have this money which has been appropriated already, but for which authorization is needed. The Department is in the middle of providing facilities. If they do not get the authorization, the air show will not be able to go forward.

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

Mr. GUBSER. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I have always been puzzled as to why this bill came out of the House Armed Services Committee. It seems to me it properly belonged in the Interstate and Foreign Commerce Committee because from what I have been able to read about this thing, it is not an airshow. Reading a a Republican newsletter the other day, I noticed a picture of some kind of Ford vehicle with large wheels under it. I do not know what it is supposed to be, but if it is an airplane somebody forgot to put wings and a tail on it. The picture shows it being unloaded out at Dulles Airport. What is proposed is not an airshow, and I do not think the committee ought to try to sell it to anyone as such. I have a copy of a letter indicating the Airline Pilots & Owners Association do not want anything to do with this deal because they say it is not an aviation show.

However, it is apparently going to cost the taxpayers $5 million. Will somebody confirm or deny that this thing is going to cost $5 million?

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

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

Mr. CONTE. We held hearings in the Appropriation Committee, and it will cost $5 million. A lot of the project will consist of permanent improvements to Dulles Airport.

Mr. GROSS. Permanent improvements for the "white elephant" known as Dulles Airport?

Mr. CONTE. The gentleman from Iowa has a right to his own opinion, but I think Dulles Airport is one of the finest airports in the world, and when easier access to the airport is provided, it will be one of the busiest airports in the world.

Mr. GROSS. It has been a loser to the tune of $5 to $7 million a year since they landed the first plane out there several years ago, and the gentleman knows it.

Mr. CONTE. Will the gentleman yield further?

Mr. GROSS. I yield.

Mr. CONTE. The gentleman is absolutely correct, but if you look at the record you will see that its revenues have increased steadily over the years. In 1970, total revenues exceeded $4.2 million. In 1971, this figure grew to over $5 million. And the estimates for 1972 and 1973 are $5.5 million and $5.9 million, respectively.

Moreover, during our transportation appropriations hearings last year, testimony indicated that in 1972 for the first time, before the application of interest and depreciation charges, the airport is expected to return an operating profit of $210,000.

Dulles Airport, I dare say, will be in the black in 5 years. And FAA officials bear me out on this prediction.

Mr. GROSS. The one thing some people do so well around here is to use the taxpayers' money to subsidize white ele-

phants such as stadiums, cultural palaces, and airports, and you are about to subsidize another flop. This thing was beaten under a suspension of the rules last December 6. I had hoped that would be the end of it, but apparently it is impossible to kill off a snake just by chopping off a piece of the tail end. The snake of spending keeps right on growing.

I would like to know from someone whether the public is going to be charged admission to this show, of whatever nature it is. Can anybody tell me whether they are going to charge admission, after plunking $5 million of the taxpayers' money into it?

Mr. CONTE. If the gentleman will yield further, of course, the people are going to be charged admission. As I said, this is not just an air show. All forms of transportation will be represented. And there will be a definite effort to stimulate sales. I am confident that the exhibits will be a boon to the domestic transportation industry and that it will help our balance of payments. There will be rapid transit exhibits, people mover exhibits—all modes of land, sea, and air transportation will be on display.

Mr. GROSS. This will take care of the deficit in the balance of payments, will it?

Mr. CONTE. As I said, and I repeat it, I believe Dulles will be in the black in 4 or 5 years.

Mr. GROSS. Are you also going to charge the public for parking their automobiles out there?

Mr. CONTE. Yes.

Mr. GROSS. Plus admission fees?

Mr. CONTE. I am fairly sure about the admission fees.

Mr. GROSS. That is what I am trying to find out.

Mr. CONTE. They will also be charged to park their cars.

Mr. GROSS. I am just trying to find out whether the promoters and exhibitors will get all the gravy, and what will be left for the public who pay the bills.

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

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

Mr. GUBSER. I cannot profess to say whether any admission charge will be made, or a charge for parking. I suppose there will be. However, I do not think the admission charge or the parking fee constitute the entire story. I think at the last Paris Air Show it was estimated the American industry took more than $27 million in orders from customers because of their displays at the Paris Air Show. Some of that is going to be profit, and 52 percent of that is going to flow into the U.S. Treasury in the form of corporation taxes, so there is an indirect flow back into the Treasury, plus the fact that we will be maintaining a strong airframe industry, which is about the only bright spot in the balance-of-payments picture that I have been able to find.

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

Mr. GUBSER. Mr. Chairman, I yield the gentleman from Iowa 5 additional minutes.

Mr. GROSS. Will the gentleman please go ahead. I have not heard the payoff yet.

Mr. GUBSER. I have finished

Mr. GROSS. Are you going to exhibit our military aircraft out there and try to sell those, too?

Mr. GUBSER. I think there can be further explanation as to why this emanated from the Armed Services Committee. This for a very long time was a very fond dream of the late Mendel Rivers, chairman of our committee. He very definitely tried to promote an American counterpart to the English Farnborough Show and the Paris Air Show.

Mr. GROSS. Where was that first show? I did not get that.

Mr. GUBSER. Farnborough.

Mr. GROSS. Where and what is that?

Mr. GUBSER. It is an air show sponsored by the English Government

Mr. GROSS. Along with Paris, is that an equally good place for the Members of Congress to junket to?

Mr. GUBSER. At any rate, Chairman Rivers started this, and at first it was to be an air show. Then the Department of Transportation decided it was a great opportunity to make it into a transportation show, and the idea grew and expanded, but it did originate in the House Armed Services Committee, and I presume that is why we now handle it.

Mr. GROSS. And the committee just continued it because it was fashionable; is that it?

Mr. GUBSER. And economical. It makes good business sense. Just as the gentleman's State has the greatest State show, the Iowa State Fair to display agricultural products, so American industry must display its products.

It is comparable to the Iowa State Fair, only it is the aircraft and transportation industry instead of corn and hogs.

Mr. GROSS. I was talking about the continued jurisdiction in the Armed Services Committee. I note in this Republican newsletter it says that Secretary of Transportation John A. Volpe said the show is aimed at focusing attention on administration efforts to upgrade transportation.

I do not know whether there is any political connotation to this or not. Perhaps someone can explain that.

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

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

Mr. CORMAN. I thank the gentleman for yielding.

I do not serve on either committee, but I do remember that this Congress agonized for a long time about building a supersonic airplane. As it turned out, the Armed Services Committee brought us a program under which we were going to spend some $25 billion during this decade for a supersonic airplane to carry bombs, and the poor Interstate and Foreign Commerce Committee brought out a bill providing for $2 billion for a supersonic airplane to carry people, and we decided against that. If I were pushing this program I would be mighty pleased if I found a way to have it come out of the Armed Services Committee.

Mr. GROSS. I have been told that it is proposed to charge admissions of $3 a head for adults and $1 each for children to take a look at this deal. I do not know whether there is any truth to that or not. I wish somebody would tell me if they are going to charge admission out there, and, if so, how much?

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

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

Mr. HÉBERT. If the gentleman would like to have my response, it is my understanding a fee will be charged. I do not know. I am not managing the affair.

Mr. GROSS. So you started out by asking for $750,000 for this deal, did you not? The $750,000 was the camel's nose under the tent.

Mr. HÉBERT. The $750,000 was asked for originally for strictly an air show, as the gentleman from California has explained already. The Department of Transportation was designated by the President to be the party to put the show on at Dulles and, taking charge of it, decided to expand it into a transportation exhibition. That is why the amount of money requested grew.

Mr. GROSS. Now it has ballooned into $5 million. The $750,000 has ballooned into $5 million.

Mr. HÉBERT. I would not call it a balloon, but perhaps a little popsicle. But it is well worth the taste, for the size of the popsicle, because we are going to get our money back.

Mr. GROSS. That $750,000 was the all-day sucker that was handed to Congress?

Mr. HÉBERT. I knew it was too small for the gentleman from Iowa to swallow, so we have to have a little bit more.

Mr. GROSS. I can only say, "Don't you believe it." Where I come from $750,000 is still a pretty fair wad of money.

I know what the House is going to do with this thing. The House is going to approve it with the greatest of ease.

But I would like to find out what this word "penultimate" means as it is used in the bill. It is spelled p-e-n-u-l-t-i-m-a-t-e.

Mr. HÉBERT. What is the word?

Mr. GROSS. Penultimate.

Mr. HÉBERT. I am not from the Ivy League intellectuals, So I cannot tell the gentleman.

Mr. GROSS. Can any of the experts who drew up this bill do so? What is a "penultimate sentence"?

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

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

Mr. HALL. I will tell my colleague from Iowa that means "next to the last."

Mr. GROSS. The next to the last sentence. Is there some reason why it could not have stated it in good, plain English?

Mr. HÉBERT. That was a very fine diagnosis.

Mr. GROSS. Mr. Chairman, the diagnosis of the condition of the American taxpayer is not good these days and I am not going to be a party to saddling him

with a $5 million expenditure for some kind of a show that will last for 1 week at a white elephant airport.

I am opposed to this boondoggle.

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

Mr. BROYHILL of Virginia. I rise in support of H.R. 11624, to amend the Military Construction Authorization Act of 1970 to authorize additional funds for the conduct of an international transportation exposition at Dulles International Airport in my congressional district.

Northern Virginians are looking forward with enthusiasm to the exciting opening of Transpo 72 on May 27, when we will be welcoming more than a million visitors from across the Nation and around the world to our community, there to view demonstrations of every means of transportation now operating or on the drawing board.

Entertainment by the Air Force Thunderbirds, the Navy's Blue Angels, the Army's Golden Knights parachute team, international flying teams, and acrobating performers will provide much excitement for our visitors. But of far more importance to most, I am sure, will be this opportunity to study and learn from visual demonstrations of the four new rapid transit systems on display, and the huge exhibit halls where exhibits from 45 nations will be housed. As a part of the Metropolitan Washington area, northern Virginia is already facing a transportation crisis, as my colleagues know. Similar crises already exist or are just around the corner in most of our Nation's cities and in many foreign countries. I believe Transpo 72 and the ideas it will bring to those charged with solving transportation problems will prove a major step away from transportation chaos in the years to come.

Mr. Chairman, I urge adoption of H.R. 11624.

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

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

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 709 of the Military Construction Authorization Act, 1970, as amended (83 Stat. 317, 84 Stat. 1224), is further amended by deleting from the penultimate sentence thereof "$3,000,000" and inserting in its place, "$5,000,000".

The CHAIRMAN. Are there any amendments to be proposed?

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

Mr. Chairman, I will not take the time of the Members of the House but merely wish to say, having operated an airport for 7 years and presently owning a helicopter and being interested in the aviation business, I think this is a very meritorious bill.

With 53 countries displaying their wares, the money recouped and the profits from the sale of the aircraft will far more than compensate for this small amount of money being put up.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ABBITT, 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. 11624) to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition, pursuant to House Resolution 879, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 278, nays 109, not voting 44, as follows:

[Roll No. 68]

YEAS—278

Abbitt	Cotter	Griffin
Abernethy	Coughlin	Griffiths
Abourezk	Culver	Grover
Adams	Curlin	Gubser
Addabbo	Daniel, Va.	Gude
Alexander	Daniels, N.J.	Hagan
Annunzio	Danielson	Haley
Arends	Davis, Ga.	Hall
Ashley	Davis, S.C.	Halpern
Aspinall	Delaney	Hammer-
Baker	Dellenback	schmidt
Begich	Dellums	Hanley
Belcher	Denholm	Hanna
Bennett	Dent	Hansen, Idaho
Bergland	Dickinson	Hansen, Wash.
Betts	Donohue	Harrington
Blackburn	Dorn	Harsha
Boggs	Dowdy	Harvey
Bolling	Downing	Hastings
Bray	Dulski	Hathaway
Brinkley	Duncan	Hébert
Brooks	du Pont	Heinz
Broomfield	Dwyer	Helstoski
Brotzman	Edmondson	Henderson
Brown, Mich.	Edwards, Ala.	Hicks, Mass.
Brown, Ohio	Erlenborn	Hicks, Wash.
Broyhill, N.C.	Esch	Hillis
Broyhill, Va.	Evans, Colo.	Hogan
Buchanan	Evins, Tenn.	Holifield
Burke, Fla.	Fascell	Horton
Burke, Mass.	Fisher	Hosmer
Burleson, Tex.	Flood	Howard
Burton	Flowers	Hunt
Byrne, Pa.	Foley	Ichord
Byrnes, Wis.	Ford, Gerald R.	Jarman
Cabell	Ford,	Johnson, Calif.
Caffery	William D.	Johnson, Pa.
Carey, N.Y.	Forsythe	Jones, Ala.
Carney	Fountain	Jones, N.C.
Carter	Frelinghuysen	Karth
Casey, Tex.	Frenzel	Kazen
Cederberg	Frey	Keating
Chamberlain	Galifianakis	Kee
Chappell	Gallagher	Keith
Clancy	Gettys	Kemp
Clark	Giaimo	King
Clausen,	Goldwater	Kluczynski
Don H.	Gonzalez	Kuykendall
Colmer	Grasso	Kyros
Conte	Gray	Landrum
Corman	Green, Oreg.	Leggett
Lennon	Passman	Smith, Calif.
Link	Patten	Smith, Iowa
Lloyd	Pelly	Smith, N.Y.
Long, La.	Pepper	Spence
McCloskey	Perkins	Springer
McClure	Pettis	Staggers
McCormack	Peyser	Steed
McDade	Pickle	Steele
McDonald,	Pike	Stephens
Mich.	Pirnie	Stratton
McFall	Poage	Sullivan
McKay	Podell	Symington
McKevitt	Poff	Talcott
McKinney	Preyer, N.C.	Teague, Calif.
McMillan	Price, Ill.	Teague, Tex.
Madden	Purcell	Thompson, Ga.
Mahon	Quie	Tiernan
Mailliard	Quillen	Udall
Mallary	Randall	Ullman
Mann	Rees	Vander Jagt
Matsunaga	Reid	Waggonner
Meeds	Rhodes	Wampler
Melcher	Roberts	Ware
Metcalfe	Robinson, Va.	Whalen
Mills, Ark.	Robison, N.Y.	Whalley
Mills, Md.	Rodino	Whitehurst
Minish	Roe	Whitten
Mink	Rogers	Widnall
Minshall	Roncalio	Wiggins
Mizell	Rooney, Pa.	Williams
Mollohan	Rostenkowski	Wilson, Bob
Monagan	Rousselot	Wilson,
Montgomery	Roybal	Charles H.
Moorhead	St Germain	Winn
Morgan	Sandman	Wolff
Morse	Sarbanes	Wright
Mosher	Satterfield	Wyatt
Myers	Saylor	Wyman
Natcher	Scott	Young, Tex.
Nedzi	Sebelius	Zablocki
Nelsen	Seiberling	Zion
Nichols	Shriver	Zwach
Nix	Sikes	
O'Neill	Sisk	

NAYS—109

Abzug	Flynt	Rarick
Anderson,	Gibbons	Reuss
Calif.	Goodling	Rooney, N.Y.
Andrews	Green, Pa.	Rosenthal
Archer	Gross	Roush
Aspin	Hamilton	Roy
Badillo	Hechler, W. Va.	Runnels
Bell	Heckler, Mass.	Ruppe
Bevill	Hungate	Ruth
Biaggi	Hutchinson	Ryan
Biester	Jacobs	Scherle
Bingham	Jonas	Scheuer
Blanton	Kastenmeier	Schmitz
Brademas	Koch	Schneebeli
Burlison, Mo.	Kyl	Schwengel
Byron	Landgrebe	Shoup
Camp	Latta	Skubitz
Chisholm	Lent	Slack
Clawson, Del	Long, Md.	Snyder
Cleveland	Lujan	Stanton,
Collins, Ill.	McClory	James V.
Collins, Tex.	McCollister	Steiger, Ariz.
Conable	McEwen	Stuckey
Conyers	Martin	Taylor
Crane	Mathias, Calif.	Terry
Davis, Wis.	Mathis, Ga.	Thomson, Wis.
de la Garza	Mayne	Thone
Dennis	Mazzoli	Van Deerlin
Derwinski	Michel	Vanik
Devine	Miller, Ohio	Veysey
Dow	Mitchell	Vigorito
Drinan	Moss	Waldie
Eckhardt	Obey	Wydler
Edwards, Calif.	O'Konski	Wylie
Eilberg	Price, Tex.	Yates
Eshleman	Railsback	Yatron
Findley	Rangel	Young, Fla.

NOT VOTING—44

Anderson, Ill.	Fish	Murphy, N.Y.
Anderson,	Fraser	O'Hara
Tenn.	Fulton	Patman
Ashbrook	Fuqua	Powell
Baring	Garmatz	Pryor, Ark.
Barrett	Gaydos	Pucinski
Blatnik	Hawkins	Riegle
Boland	Hays	Shipley
Bow	Hull	Stanton,
Brasco	Jones, Tenn.	J. William
Celler	McCulloch	Steiger, Wis.
Clay	Macdonald,	Stokes
Collier	Mass.	Stubblefield
Diggs	Mikva	Thompson, N.J.
Dingell	Miller, Calif.	White
Edwards, La.	Murphy, Ill.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey, with Mr. Anderson of Illinois.
Mr. Blatnik with Mr. Fish.
Mr. Hays with Mr. Bow.
Mr. Dingel with Mr. McCulloch.
Mr. Mikva with Mr. Hawkins.
Mr. Shipley with Mr. Collier.
Mr. Macdonald of Massachusetts with Mr. Powell.
Mr. Stubblefield with Mr. Ashbrook.
Mr. Jones of Tennessee with Mr. Riegle.
Mr. Brasco with Mr. Clay.
Mr. Miller of California with Mr. Smith of California.
Mr. Pucinski with Mr. Diggs.
Mr. Fulton of Tennessee with Mr. J. William Stanton.
Mr. Anderson of Tennessee with Mr. Steiger of Wisconsin.
Mr. Garmatz with Mr. Pryor of Arkansas.
Mr. Gaydos with Mr. Patman.
Mr. Murphy of New York with Mr. Baring.
Mr. Fraser with Mr. Stokes.
Mr. Barrett with Mr. White.
Mr. Fuqua with Mr. Smith of Iowa.
Mr. Murphy of Illinois with Mr. Boland.

Messrs. KOCH, OBEY, and CONABLE changed their votes from "yea" to "nay."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. HÉBERT. Mr. Speaker, pursuant to House Resolution 879, I call up from the Speaker's table for immediate consideration the bill S. 3244.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill as follows:

S. 3244

An act to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 709 of the Military Construction Authorization Act, 1970, as amended (83 Stat. 317, 84 Stat. 1224), is further amended by deleting from the penultimate sentence thereof "$3,000,000" and inserting in its place "$5,000,000".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 11624) was laid on the table.

GENERAL LEAVE

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

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CITIZENS OBJECT TO FOUL LANGUAGE USED OVER WNET IN "A WINTER SOLDIER"

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

Mr. HOWARD. Mr. Speaker, outraged citizens of the Third District of New Jersey have been deluging my home and office with telephone calls this morning, protesting the television program "A Winter Soldier," which was aired last evening over WNET, channel 13, an educational channel with a viewing area encompassing 17 million men, women, and children in the New York, New Jersey, and Connecticut areas.

"A Winter Soldier" is a discussion program which has Vietnam veterans describing their activities in Southeast Asia. The objections, Mr. Speaker, were not because their views were pro- or anti-war, or concerning our involvement in Southeast Asia. My people do, however, object strongly to the use of public airways for the use of foul and filthy language, which was available to the listening audience.

As an educational channel, Mr. Speaker, schoolteachers in my district urge children to watch this station, assuming they will be informed and educated. They were certainly informed and educated last night. Not only were the viewers of channel 13 rudely insulted by the language last evening, but WNET plans to give them another dose by rebroadcasting this program at 10:30 tonight.

I have sent telegrams to Chairman Dean Burch of the Federal Communications Commission, and to Mr. James Day, president of WNET, to urge cancellation of this rebroadcast.

I have further requested Mr. Burch to himself view and listen to a tape of this program, and take appropriate action.

FARM SUBSIDY PROGRAM COSTS THE TAXPAYER, BUT FOR NO BENEFIT

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

Mr. ANDERSON of California. Mr. Speaker, according to studies, the American taxpayer works from January 1 until May 1, of each year simply to pay his taxes to the Federal, State, and local governments. In other words, a taxpayer works for 4 months out of the year to pay for the services he receives from government.

One of these government services involves a program of Federal payments to agribusinesses for not growing crops.

In fact, last year the Federal Government paid more than $3.1 billion in farm subsidies.

What does this mean to the average worker in our country?

It means that each and every worker in America labored approximately 1½ days in order to pay his share of the cost of the farm subsidy program.

Where does this day-and-a-half pay go?

A major portion of it goes to sugar barons. The Hawaiian Commercial and Sugar Co. received Federal payments totaling $1,277,725, and the U.S. Sugar Corp. received $1,267,041 from the Federal Government.

In fact, in 1971, 1,105 agrigiants received Federal payments totaling over $55.2 million.

What does the taxpayer get for his day-and-a-half pay?

For his efforts, the taxpayer is rewarded with the privilege of paying higher prices for sugar. Because of the sugar subsidy program, each worker in America pays over $6 a year more for his yearly supply of sugar. While the American consumer pays 13 cents a pound for sugar, the Norwegian consumer—who does not have the benefit of the sugar industry program—pays only 7 cents a pound. The English consumer pays only 8 cents a pound, and the Mexican consumer pays only 5 cents for a pound of sugar.

EVEN THE ADMINISTRATOR COLLECTS FUNDS

A particularly sad commentary on the farm subsidy program is that even the man hired by the administration to supervise the program is collecting a Federal subsidy. While he runs the program and collects a fat Government salary with one hand, he collects a Government subsidy of $39,111 for not growing crops on his own farm. In addition, the Administrator's brother is collecting $55,000 in Government handouts not to grow crops on his farm.

SAVE TAXPAYER $3.1 BILLION BY ELIMINATING PROGRAM

Mr. Speaker, the answer to this waste of the taxpayer's money lies in severe restriction on the amount any conglomerate may receive in the form of a farm subsidy.

Presently, there is no limit on the amount a sugar baron may receive from the Government.

However, under the cotton, wheat and feed grain program, no farm may receive more than $55,000 in payment for each crop.

Mr. Speaker, I am opposed to this program and I feel that no one should benefit simply by agreeing not to grow a certain crop.

In order to save the taxpayer $3.1 billion and to let the worker keep his day-and-a-half wages, I urge the abolition of the farm subsidy program.

At this point, I insert in the RECORD an article which appeared in the March 8 Washington Post:

$1 MILLION SUBSIDIES WENT TO TWO FIRMS IN 1971

(By Don Kendall)

The government says only two firms, both in the sugar business, got million-dollar farm subsidies last year, compared with nine in 1970.

According to an Agriculture Department list just made public, the biggest recipients last year were the Hawaiian Commercial and Sugar Co., Puunene, Hawaii, $1,277,725; and the U.S. Sugar Corp., Clewiston, Fla., $1,267,401.

The list did not show a subsidy payment in 1971 for the J. G. Boswell Co., Corcoran, Calif., which led the 1970 list with $4.4 million in federal payments.

A department spokesman said he understood the Boswell firm sold or leased out all or most of its 1971 cotton allotments, a practice permitted by law.

The Agricultural Act of 1970 put a lid of $55,000 per crop in payments an individual farmer may receive in the government's cotton, wheat and feed grains programs.

Sugar payments are regulated by another law and are not covered by the $55,000 limitation. Also exempted are farms operated by states and other government bodies or on Indian reservations.

Other subsidy leaders of the past and their payments for 1971 compared with 1970 included:

Giffin, Inc., Huron, Calif., $160,912 in 1971 and $4,095,114 in 1970; South Lake Farms, Fresno, Calif., $24,111 and $1,875,454; Salyer Land Co., Corcoran, Calif., $66,492 and $1,547,174; and Vista del Llano Farms, Firebaugh, Calif., $273,518 and $1,105,762.

The California list showed a 1971 payment of $55,000 to Howard Frick, Bakersfield, whose brother Kenneth E. Frick, administers farm programs as head of the Agricultural Stabilization and Conservation Service in USDA.

Kenneth Frick has a share of the family farm operation but it is being held in trust, he has said. The record showed a payment of $39,111 to K. Frick, Bank of America Trust, Bakersfield, Calif.

In all last year, more than $3.1 billion in government farm payments went to 2,396,094 recipients. That compared with more than $3.6 billion to 2,424,687 farms in 1970.

The lower subsidy total last year, however, has been attributed to reduced benefits for some crops, not to the $55,000 limit.

A breakdown of 1971 payments showed there were 1,105 payments of $50,000 to $55,000 in 1971 compared with only 452 in 1970.

In all, counting exempted types of farms, sugar payments and combinations for several crops, the department showed 1,192 payments last year of more than $55,000 each.

A TRIBUTE TO THE SOUTH BEND TRIBUNE AND FRANKLIN D. SCHURZ, JR.

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

Mr. BRADEMAS. Mr. Speaker, today, March 9, 1972, is an historic date in South Bend, Ind. It marks the 100th year of service to South Bend and the surrounding areas of northern Indiana and southern Michigan of the South Bend Tribune.

This same date also marks the retirement of Franklin D. Schurz as editor and publisher of the Tribune, thus ending a distinguished newspaper career spanning almost 50 years.

Under the leadership of Mr. Schurz, Mr. Speaker, the South Bend Tribune has achieved international reknown for pioneering in typographical and mechanical innovations in the newspaper industry. This achievement was acknowledged in 1969 when Mr. Schurz received a citation from the American Newspaper Publishers Association which read:

With the highest esteem and gratitude; for outstanding services to newspapers as first president of the ANPA Research Institute and for dedicated and constant support of newspaper research and new technology.

But Mr. Speaker, Franklin D. Schurz and the South Bend Tribune stand for much more than technological pioneering. In these 100 years, a span of time which has seen the demise of thousands of newspapers all over the country, the South Bend Tribune has never missed a single day of publication.

More important, Mr. Speaker, this newspaper has both held firm to the highest standards of newspaper tradition and has shown dedication to the betterment, growth, and advancement of the whole Michigan area.

And Franklin Schurz has set a personal example of this concern for civic welfare by his willingness to give of himself in positions of high-community leadership. In these past 35 years, hardly any activity involving civic and community affairs has been carried on without his encouragement, interest, and active participation.

On a personal note, Mr. Speaker, I well remember the occasions after the closing of the Studebaker plant in South Bend in 1963 when Mr. Schurz, accompanied by another great South Bend civic leader, Paul D. Gilbert, came to Washington to join me in many meetings with Federal officials to help our community overcome this crucial economic crisis.

Second only to his love of South Bend and the Tribune, has been Franklin Schurz' dedication to the whole field of newspapers. It is significant, Mr. Speaker, that, at the Tribune's centennial banquet in South Bend on Monday, March 6, at the head table were Wes Gallagher, general manager of the Associated Press; Mims Thomason, president and general manager of United Press International; laws degree on Mr. Schurz at this year's American Newspaper Publishers Association.

Also at the head table was Rev. Theodore M. Hesburgh, CSC, president of the University of Notre Dame and Chairman of the U.S. Civil Rights Commission, who took the occasion to announce that Notre Dame will confer an honorary doctor of laws degree on Mr. Schurz at this year's commencement exercises.

It also is significant that one of Mr. Schurz' last acts as editor and publisher of the Tribune was to announce the setting up of 30 annual scholarships for Tribune carriers planning to attend college.

Mr. Speaker, I consider it a privilege and honor to add my voice to the chorus of congratulations on the South Bend Tribune's 100th birthday and to wish Franklin D. Schurz, Sr., health and happiness in his well-earned years of retirement and to express to him my warm, personal regards.

WEST VIRGINIA'S TRAGEDY A LESSON ON COMPLACENCY

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

Mr. SEIBERLING. Mr. Speaker, the whole Nation has been shocked by the tragedy, now known as the Lorado disaster, that occurred in West Virginia a few short days ago. I think the whole matter was accurately summed up by a recent editorial in the Akron Beacon Journal: "West Virginia's Tragedy a Lesson on Complacency." That editorial, commenting on the attitude of some officials and some of the companies involved, states:

It is an offense to all for one of those responsible to call it piously "an act of God."

God did not make the slag piles. They were made by men. The potential danger was known long before this tragedy occurred and could have been avoided if men had acted in time.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Speaker, I am pleased that the gentleman from Ohio called attention to this disaster which as of this morning has taken 113 lives, with 60 still missing. I hope that this will change the attitude of public officials toward the protection of people in their homes rather than handling those industries which create these disasters with kid gloves.

I appreciate the fact that the gentleman from Ohio called attention to the need for vigorous action in order to protect the people of the Nation.

Mr. SEIBERLING. I thank the gentleman from West Virginia, who for so many years has fought to protect the people of West Virginia, and, in fact, coal miners throughout the Nation, from being subjected to unconscionable hazards to their health and safety. As I recall, the gentleman from West Virginia (Mr. HECHLER) himself was one of the first to warn publicly of the danger caused by these slag piles. This tragedy is a direct result of the practice of mining corporations, and increasingly nowadays the strip mining corporations, of passing a great part of the real costs of their operations on to society as a whole. The people who perished in this disaster and those who were made homeless have paid a terrible price for this practice.

The price will not have been paid in vain only if we in Congress recognize that this is a national problem, requiring a nationwide policy to protect the land and the people from further destruction at the hands of the mining companies.

The text of the Akron Beacon Journal editorial follows:

WEST VIRGINIA'S TRAGEDY A LESSON ON COMPLACENCY

Mickey Porter is right. When a man-made time bomb goes off and the resulting deaths are counted in scores, it is an offense to all for one of those responsible to call it, piously, "an act of God."

And yet it is too easy to belabor the villians in a tragedy like the West Virginia flood that brought death to a known 71 and perhaps many more last weekend.

It should not have happened. It is a frightfulness that it did, and when the full story is known, if ever, many may be held accountable.

There was plenty of warning. Five years before that haphazard dam of coal mine tailings at Lorado let go and loosed a lethal torrent down Buffalo Creek Hollow, a federal geologist warned that this could happen.

Gov. Arch Moore, who was then in Congress and was sent a letter on the geologist's report at the time, by implication now blames the coal company and his predecessors in the state house.

Rep. Ken Hechler (D-W. Va.) blames the Bureau of Mines in the U.S. Department of the Interior.

One spokesman for the company blames

the state—for arguing down corrective action proposed by the company.

And some by implication blame the victims—for staying on in a known danger area, and failing to take heed when warned just before the flood came.

In any case, nothing effective was done. And now there are all those dead, and a representative of the Pittston Co., which owned the mine involved, can have the insensitivity to tell reporters, anonymously:

"The dam was incapable of holding the water which God poured into the lake."

And yet . . .

From the little revealed in the press reports, the disaster looks more like the outcome of a tragic combination of habit, carelessness, complacency and maybe stupidity than the result of villainy.

Yes, there was warning. But consider the form.

A mudslide of mine waste in Wales in 1966 killed 121 and brought a great stirring of search for like danger points in the U.S. One outcome was a 1967 U.S. Geological Survey report that 30 coal mine waste dams in West Virginia were either unstable or could be washed out by overflow of high water. Lorado's was listed as stable but vulnerable to washout.

Letters calling attention to the report went to all officials with any power to influence corrective action. But even if each official so notified had then checked the report, buried down in the long list, he'd have found only this to ring the alarm on Lorado:

"Large deep lake at rear of bank. Dike at northeast edge . . . could be overtopped and breached. Flood and debris would damage church and two or three houses downstream, cover road and wash out railroad . . ."

This doesn't sound much like the 71 or more dead and "through the 16-mile hollow, not a habitable dwelling" we know about after the disaster. To visualize this horror would have called for an engineer's knowledge of the exact circumstances at the site, plus a more vivid imagination than most of us have.

It was like another sign saying "Danger: Deer Crossing" or "Look out for falling rocks." A thing only half-noticed as you pass it repeatedly on the highway.

There was no sense of urgency.

Well, now we know it was urgent—too late to save whole families or to comfort new orphans and widows and widowers and parents whose children died.

For the Buffalo Creek disaster, everything will be sifted, and if there was actionable guilt should be assigned.

But there were 29 other similar danger points cited in West Virginia in that 1967 report.

Will the companies, and the States, and the Bureau of Mines, and the people who live in the danger areas all be as sleepy and slow and complacent about the ones still there waiting for an extra-heavy rain?

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's pioneers of progress and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

Albert Taylor and Leo Young of the United States created the first known radar system in 1922.

SCHOOLBUS SAFETY BILL GAINS SUPPORT

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, today I am reintroducing the School Bus Safety Act with an additional 26 cosponsors, 16 Democrats and 10 Republicans. This brings the total number of cosponsors of this legislation to 79. Wisconsin Senators GAYLORD NELSON and WILLIAM PROXMIRE have introduced the bill in the Senate.

The School Bus Safety Act, which was originally introduced last year, would establish for the first time Federal safety design standards for all schoolbuses. It would also require the Transportation Department to investigate all schoolbus accidents resulting in a death, require schoolbus manufacturers and dealers to inspect and test drive each schoolbus before it is sold, and require DOT to build a prototype schoolbus.

I am extremely pleased with the number of concerned organizations that have endorsed this legislation. They include the National Education Association, Physicians for Automotive Safety, the American Association of School Administrators and Citizens for a Safer School Bus. In addition, I am also very pleased that one of the House cosponsors is our distinguished colleague from California (JOHN MOSS) who is the chairman of the Commerce and Finance subcommittee which has jurisdiction over the schoolbus safety bill.

Since we have no powerful lobbies behind the bill, it will be an uphill battle all the way. But I am very encouraged by the dramatically growing support for the School Bus Safety Act in the House and by the number of citizen groups who have endorsed it. I am particularly pleased and very thankful for the support I have received from my own constituents and from citizens across the country.

Clearly, widespread citizen support is essential if we are to successfully buck the self-interest of most of the schoolbus manufacturers. The School Bus Safety Act may be an idea whose time has come, but a great deal more work will be required to get it through the House in the near future.

REPRESENTATIVE ALEXANDER REINTRODUCES SMALL COMMUNITIES PLANNING, DEVELOPMENT AND TRAINING ACT OF 1972

The SPEAKER. Under a previous order of the House the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 10 minutes.

Mr. ALEXANDER. Mr. Speaker, today it gives me pleasure to re-introduce the Small Communities Planning, Development and Training Act of 1972 with 31 cosponsors. I originally introduced this bill, now numbered H.R. 13273 on February 22. A title-by-title analysis of it was a part of my introductory speech and appears in the CONGRESSIONAL RECORD of February 22 on pages 5050–5054.

Joining me today in sponsoring this bill are: JAMES ABOUREZK of South Dakota, WILLIAM R. ANDERSON of Tennessee, NICK BEGICH of Alaska, RAY BLANTON of Tennessee, BILL BURLISON of Missouri, PHILLIP BURTON of California, PATRICK T. CAFFERY of Louisiana, GEORGE E. DANIELSON of California, MENDEL J. DAVIS of South Carolina, FRANK E. DENHOLM of South Dakota, JOHN G. DOW of New York, JOHN J. DUNCAN of Tennessee, WALTER FLOWERS of Alabama, DON FUQUA of Florida, LEE H. HAMILTON of Indiana, WILLIAM D. HATHAWAY of Maine, HENRY HELSTOSKI of New Jersey, DAVID HENDERSON of North Carolina, WILLIAM L. HUNGATE of Missouri, RICHARD H. ICHORD of Missouri, SPARK M. MATSUNAGA of Hawaii, ROMANO L. MAZZOLI of Kentucky, JOHN MELCHER of Montana, F. BRADFORD MORSE of Massachusetts, DAVID R. OBEY of Wisconsin, JERRY L. PETTIS of California, HAROLD RUNNELS of New Mexico, JAMES W. SYMINGTON of Missouri, CHARLES THONE of Nebraska, MORRIS K. UDALL of Arizona, and JIM WRIGHT of Texas.

The listing of home States of the colleagues who have joined me in the sponsorship of this bill demonstrates, I believe, that the critical situation facing small communities and nonmetropolitan areas is a national one. There are Representatives sponsoring this bill from Maine to Florida, New Jersey to Hawaii, Alaska to Arizona.

In introducing this bill and working for its enactment, we are asking that greater emphasis and attention be paid to the needs of nonmetropolitan America. The problems of these areas are very similar to those of metropolitan areas. The principal differences are related to population concentration. High health care readily available to local residents is required in Harrisburg, Ark., just as it is in Memphis, Tenn.

This same comparison can be made for housing, education, transportation, recreation, job opportunities, water distribution systems, and waste treatment. Titles I, II, and III of the Small Communities Planning, Development and Training Act of 1972 are designed to help local, county, and State governments to achieve their goals of a better life for their citizens.

Titles IV and V are equally important. The National Community Affairs Institute established under title IV would provide research and technical assistance in the movement toward resolution of the problems besetting nonmetropolitan America. And, title V calls for the establishment of a fellowship program which would encourage and assist talented students who wish to concentrate on solutions to problems involved in total community development efforts.

AREAS OF HIGH UNEMPLOYMENT DESPITE PRESS REPORTS THAT NATION'S UNEMPLOYMENT RATE DROPPED BY 0.2 PERCENT DURING FEBRUARY

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

Mr. BURKE of Massachusetts. Mr. Speaker, before too many more Members take to the Well of this House to wax eloquent over press reports of the fact that the Nation's unemployment rate dropped by .2 percent during February of this year to a record high low level of 5.7 percent, I want to divert the Members' attention, if I may, to at least one

notable exception to this trend—if you can call it that. I will leave it to Representatives of other high unemployment areas to bring their own firsthand reports to Congress in the days ahead. Speaking for Massachusetts, however, I am unhappy to report that once again Massachusetts, under this administration, seems to be excluded from any favorable economic developments which might be occurring in other sections of the country. The fact is, the day before the administration announced the national unemployment figure of 5.7 percent, officials in the Commonwealth of Massachusetts had the distinctly unpleasant task of announcing that the unemployment rate in that State reached the highest level it has since 1959, or a level of 7.5 percent. Even this statistic does not tell the whole story of the genuine economic problems confronting many of the citizens of the Commonwealth. In my own city of Brockton, the unemployment rate is back up once again to the staggering level of 8.3 percent.

In other words, Mr. Speaker, I hope that my colleagues will sympathize with me if I refrain from displaying too much enthusiasm over the national unemployment rate. As long as there continue to be such obvious pockets of unemployment, well above the national average, prevailing in certain sections of this country, then I find it difficult to take too much comfort from national averages. I would like to go even further and warn my colleagues that when pressure begins to build up in a few more weeks for a further extension in unemployment benefits and they learn that the welfare rolls in Massachusetts are among the highest in the Nation once again this year, I hope that what I say here today will be remembered. Things are far from well in my State and unless something is done and done well before the November election, then we will have to cease referring to the problem in Massachusetts as cyclical but one which is symptomatic of a continuing economic decline. All my constituents know is that one firm after another seems to be closing its doors, layoffs are widespread, and the predicted upturn just has not occurred. I hope, therefore, that we will be excused from joining in any national celebration in the .2 percent decline in the unemployment rate today. Thank you very much for bearing with me in my latest tale of woe and pain as we busy ourselves with the Nation's business.

Some other statistics the Members might be interested in, indicating clearly that Brockton is not alone in all the major cities in Massachusetts in its problems:

Lowell stands at 11.7 percent.

New Bedford stands at 11.7 percent.

Fall River stands at 9.9 percent.

Lowell-Haverhill area stands at 9.9 percent.

Springfield, Chicopee-Holyoke area stands at 7 percent.

In other words, all well above the national average.

AID FOR EMIGRATING SOVIET JEWS

The SPEAKER. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, for many months, the distinguished Members of both this body and the Congress' other Chamber have spoken most eloquently of problems confronting Soviet Jews, particularly those seeking emigration to a new homeland—Israel.

For many months, we have heard testimony and reports concerning Soviet persecutions and arrests of Jewish citizens, and the need for American diplomatic action to help make a new Exodus for them reality.

Finally, we see in newspaper accounts that Soviet restrictions on emigration to Israel have, to a degree, been eased. This does not, however, assure these people a bright new day. Israel is a nation already bearing the strains of heavy burdens. For survival, its budget must be developed tilting precariously in favor of defense expenditures. Surely, a sudden influx of immigrants would cause Israel's military or domestic problems—or both—to suffer. Clearly, our time for talk of Israel immigrant aid should now be superseded by action.

Therefore, I am today introducing legislation which would provide $85 million in Federal funds to the State of Israel, for use in assisting resettlement of Soviet Jews. The money, to be made available to Israel through the Secretary of State, would help supply needed housing, clothes, food, medical care, education, and training to persons deserving a better way of life.

This will be a fine means of proving what we have been saying for months in support of "Man's Humanity to Man."

WV—SPIRG

The SPEAKER. Under a previous order of the House the gentleman from West Virginia (Mr. STAGGERS) is recognized for 10 minutes.

Mr. STAGGERS. Mr. Speaker, if the average reader is mystified by a new set of initials appearing in the public press with increasing frequency, there is no cause for alarm. It is only modern shorthand for the name of an organization of serious and determined college students. They propose to do something about an unsatisfactory environment, and preliminary indications are that they are organizing for action in a way that would meet the approval of the most sophisticated business enterprise. In my opinion, these young people should be encouraged—and also assisted, so far as they need assistance.

I just noticed an item in a magazine which seems to fit the situation exactly. It reads:

> Progress involves remodeling the house we call civilization. It's like remodeling your home while still living in it.
>
> Any home needs constant remodeling.

A remodeled civilization is the home in which these college students are about to take up their residence, whether they like it or not. Nobody is in better position to do the remodeling that will best suit their purposes. I congratulate them on starting the remodeling before they move in, so to speak.

They are fortunate also, I think, in starting research on the subject of ecology while the resources of our colleges are still readily available. They will have the assistance of the other social sciences which will necessarily be involved in any changes in our way of living. Our whole system of production and distribution may be involved. It is a big problem, a complicated one.

Also of interest to these young people will be the recent attention given to demography as a factor affecting ecological changes.

I have abiding faith in the youth of today. I feel that they are better informed, more mature, and more responsible, considered as a group, than any preceding generation. Recent legislation recognizing their political and social maturity received my unhesitating support. They know that they will have to live with what they build, and that fact assures us that their mistakes will be few and far between.

U.S. PUBLIC HEALTH SERVICE HOSPITAL AND OUTPATIENT CLINIC OPERATIONS

The SPEAKER. Under a previous order of the House the gentleman from Louisiana (Mr. BOGGS) is recognized for 5 minutes.

Mr. BOGGS. Mr. Speaker, as you know, the U.S. Public Health Service presently operates eight general hospitals and 30 outpatient clinics in various parts of our country. These hospitals bear the primary responsibility for the health care of our merchant seamen, members of the uniformed services, and their dependents.

Each of these facilities, moreover, represents an integral component of a community health system. They are hospitals upon which communities have come to rely and around which plans have been made and programs implemented.

In several cities, for example, the U.S. Public Health Service hospitals are a source of valuable clinical experience for students at nearby medical schools. The USPHS hospital in Staten Island started the Nation's first program to train physician's assistants. Its sister hospital in Baltimore is a leading center for the treatment of brain tumors. The Seattle hospital possesses one of the most advanced cancer treatment units on the west coast. In my city, New Orleans, the USPHS hospital is making similar contributions, and plans are being made to expand its role in our community's growing health complex, as we struggle to meet the growing health crisis which our country now faces.

In view of this, it is somewhat astonishing that the Department of Health, Education, and Welfare would under-

take to uproot and shut down eight hospitals and 30 outpatient clinics with a proven record of efficient health care.

It is altogether incredible that HEW would seek to circumvent the express will of the Congress that these hospitals remain open by permitting them to languish and die by default.

The price of HEW's policies was accurately assessed in a recent column by Judith Randal in the Evening Star. I am inserting that column in the RECORD and calling it to the attention of my colleagues:

EIGHT HOSPITALS ARE NOT EXPENDABLE

(By Judith Randal)

If you look at the organizational chart of the Department of Health, Education and Welfare you see that, as surgeon general Dr. Jessee L. Steinfeld is at least the nominal head of the United States Public Health Service. Had you called his office last week, however, and asked to talk to him about the service's 8 general hospitals and 30 outpatient clinics, you would have been told by a secretary that "this is a subject Dr. Steinfeld does not discuss."

It is not a subject that anyone else in authority at HEW or, for that matter, at the White House is eager to discuss either, as myriad numbers of Americans, including senators and congressmen, have discovered in the last two months. Tens of thousands of letters and telegrams of protest have poured in since it became known that the administration is thinking of closing the facilities that stretch from the Virgin Islands to Alaska, with almost nary a reply.

Furthermore, when HEW belatedly sent inspection teams to the hospitals in mid-January and requested meetings with community and patient representatives, among others, local health planning and public health service officials were specifically instructed to exclude certain Democratic congressmen and the press. Meanwhile, with the decision still pending, staff resignations are coming thick and fast and medical students and interns who must decide by March 1 where they want to continue their training in July are hesitant to apply for PHS posts.

This nation has some 7,300 hospitals. Eight fewer which serve only about a million patients annually would seem expendable, particularly if it would save taxpayers $15 million to $21 million a year. However, there is more to the situation than meets the eye and the future of the health care system in this country as a whole is one of the issues at stake.

The money question alone is of dubious validity as the closing of the hospitals and clinics would not absolve Washington of financial responsibility for the health care of the merchant seamen, Coast Guard personnel and other federal beneficiaries who have traditionally been the core of the PHS clientele.

HEW originally suggested that the Veterans Administration take over, but its hospitals already have more business than they can handle and also face budget cuts. Buying care on a contract basis from the private sector, another possibility, is no bargain either. The average per diem in a PHS hospital is less than $70—physician services, drugs, x-rays, diagnostic tests and all. In a "civilian" institution, room-and-board alone typically comes to $90 to $115 a day.

Even more serious, however, are the philosophical inconsistencies which closing the PHS facilities would entail. Administration officialdom talks a good deal these days about solving the health care crisis by stepping up the production of doctors and new categories of health personnel, stressing areawide health planning and instigating innovative arrangements to provide better care for the poor and the middle class. Someone should remind them that PHS already is heavily committed to these goals.

For example, whereas most hospitals consist of rival departments that share a central heating system, the PHS units have pioneered in relating their components to one another in a logical way. The idea is that if the space effort can be coordinated, the health care effort can be too.

And then there is the PHS hospital on Staten Island, which started the nation's first program to train physicians' assistants and now is helping other centers to train more. And the PHS hospital in Baltimore—incidentally a leading center for the study and treatment of brain tumors—which has geared itself to provide care for 25,000 people in a ghetto area where there is only one doctor and no dentists or pharmacies. Other hospitals cannot do the job, and the local medical society, the health facilities planning council and the City of Baltimore have embraced the plan.

As for the physician shortage, medical schools in Boston, Galveston, New Orleans and Seattle depend heavily on their PHS hospitals to provide experience for their students. The dean of the University of Washington School of Medicine has said that, if the Seattle hospital goes, their plans to expand enrollment will likely go too. Nor does he know what would become of the hospital's cancer treatment and research unit, finished about a year ago at a cost of almost $1 million, which is the most advanced on the West Coast.

Two laws are on the books—the Partnership for Health Act and the Emergency Health Personnel Act—which would permit the PHS to maintain and further its community involvement. What, then, is the administration's objection?

Money is cited as the reason. Admittedly, the hospitals, most of which were built in the 1930s, are not as modern as they could be. However, they compare favorably to most of the nation's private hospitals, many of which date from the same period. If it takes $180 million over a five-year period to update them to optimum standards, as HEW estimates, there is good reason to believe it would be money well spent. And they could continue to operate and provide quality care for considerably less than that.

Meanwhile, the hospitals are dying by default.

DRUG TRAFFIC IN THAILAND

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

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

Mr. WOLFF. Mr. Speaker, it was with some surprise that I noted the comments of our colleague from Florida in yesterday's RECORD on the subject of U.S. efforts to stem drug traffic in Thailand.

Oddly enough, his comments were based on the fact that more heroin was seized in fiscal year 1972 than 1971.

The fiscal years to which our colleague referred actually amounts, according to his statement, to some 97 pounds of heroin and 645 pounds of opium.

Our Bureau of Narcotics and others told me during my recent study mission to the Far East that some 50 tons of raw opium and an unknown amount of morphine derivative is being shipped out of the port of Bangkok in 11 trawlers which are known to us. This traffic then finds its way to the United States via Hong Kong.

After I read this statement, a newspaper report came in from Bangkok, an AP report from Bangkok, which stated as follows:

A top Thai official has labeled as "unfounded slander" a request from a U.S. congressman that President Nixon cut off economic and military aid to Thailand because it had failed to halt the flow of narcotics to the United States.

Rep. Lester Wolff, D-N.Y., said Thursday in Washington that ranking Thai Government leaders were involved in drug traffic to the U.S. and urged the Government to cut off aid.

Gen. Prapass Charusathiara, Deputy Chairman of the ruling National Executive Council and Commander in Chief of the Army, said Wolff's charges were unfounded. Prapass said Thailand had been fighting opium production for over a year and "we can almost boast there is no poppy cultivation in Thailand."

I read a note from today's news ticker from the AP, Bangkok:

The Thai Government burned 26 tons of opium Tuesday night—

I do not know how long it takes poppies to be cultivated, but it seems that they were able to grow 26 tons in about 1 week.

Continuing with the quote:

The Thai Government burned 26 tons of opium Tuesday night and officials said it was a rebuttal to a New York Congressman's charge that Thailand isn't doing enough to stop illegal drug traffic.

I commend them for burning the 26 tons.

The opium was worth nearly $1 million in Thailand and about $47 million on the U.S. street market.

I might say at this point that it is estimated that approximately 30 tons of raw opium produced in Turkey comprises about 60 percent of the United States consumption of heroin and again I note that the Thai Government burned 26 tons in one night:

It was soaked with gasoline, set afire on OP pyres in the northern city of Chiang Mai and burned for five hours. Then a bulldozer buried the ashes.

Authorities said the drug was collected this time from tribesmen in the mountains of two northern provinces bordering regions of Burma and Laos where opium is cultivated. The tribesmen got land, cattle and seed in return.

It goes on to say that:

Thai officials were stung last week when Rep. Lester L. Wolff demanded that Washington cut off all aid to Thailand. He charged that Thai officials are winking at the drug traffic.

It surely seems hardly a matter of coincidence that on the same day that I revealed my information about the Thailand drug traffic that the Director of the Bureau of Narcotics and Dangerous Drugs announced a new program of coordinated efforts between local Thai enforcement people and our BNDD agents. I feel that Mr. Ingersoll's press conference may well have been scheduled in order to counterbalance my findings which were in part first pointed up in Jack Anderson's syndicated column which appeared around the country on Sunday, February 26.

Antidrug efforts in the Far East have represented the most dangerous kind of tokenism—tokenism in the deployment of less than 20 BNDD agents in the entire area who are used, actually, in an effort to cut off this major flow of the drug traffic.

We are jeopardizing the lives of our young people here at home by not forcing an end to the drug traffic that exists in that area of the world.

The fact that more than 75 of our colleagues from both parties and from all regions of the Nation have already joined in supporting our efforts to apply greater pressure on the Thai Government by cutting off all economic and military aid is, I think, indicative of the seriousness with which the Congress views the continued drug trafficking in the Far East.

I hope that the Committee on Foreign Affairs will hold hearings on this.

I do say that the efforts of the Thai Government at this time in burning these 26 tons of opium are to be recognized and applauded.

NATIONAL CIVIL SERVICE LEAGUE HONORS MR. CLARKE H. HARPER

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 15 minutes.

Mr. McFALL. Mr. Speaker, the National Civil Service League has recently announced its annual career service awards for 10 outstanding civil servants—including one employee of the Congress. The National Civil Service League is a group of outstanding citizens dedicated to the continued excellence of the career civil service. The annual awards are given to 10 people who have personified the high standards of job performance, which best defines the league's goals. Two of the awards are for specific acts of outstanding merit, and eight for sustained superior performance over many years. It is one of these eight that I wish to recognize today—Mr. Clarke Harper of the Federal Aviation Administration in the Department of Transportation. Mr. Harper's citation will be somewhat as follows:

Mr. Harper, the Associate Administrator for Administration for the Federal Aviation Administration has achieved a record of dedication to the public service and to economy and efficiency in Government that demonstrates the finest example of a civil servant and fully characterizes the purpose of the National Civil Service League Award. He started from a clerical position in the Home Owners Loan Corporation, and by dedication, hard work and a high degree of native intelligence has risen to a position warranting an executive pay level. He has pioneered the development of advanced financial management techniques as well as techniques for evaluation and appraisal of agency programs. His recognition by a succession of agency Administrators and Congressional Committees is ample testimony to his continuing excellence in the Federal Civil Service.

Clarke Harper began his Government career in 1934 in the payroll office of the Home Owner Loan Corporation where he worked until 1942. From that time except for 2 years in the Air Force in World War II, he has held successively more important jobs in the supply and budget offices of the Civil Aeronautics Administration and later in the Federal Aviation Administration where he is now the Associate Administrator for Administration. By any criterion his career epitomizes the best of the career civil service. He has served—and served well—under a dozen Administrators of both parties. I am sure that any of them will attest to his dedication to furthering their policies and their goals with all his energy and talents. That is the mark of this man. I have become acquainted with him through his appearances before the Appropriations Committee. I have seen a forthright and knowledgeable witness who enjoys a reputation with the committee for his integrity and the excellence of his work in the furtherance of his agency's budget proposals.

Gentlemen, the National Civil Service League was wise in its decision to honor Mr. Clarke H. Harper—I wish there were more like him.

TO END DISCRIMINATION — WE NEED COMPLETELY AFFIRMATIVE ACTION

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

Mr. PODELL. Mr. Speaker, as a member of a minority group, I am well aware of this Nation's legacy of discrimination against several minorities. To redress that discrimination, various Federal officials have begun widespread implementation of an affirmative action program, proposed by Presidential Executive order. The program requires federally assisted institutions and Federal contractors to take positive steps to end discrimination. I have and will continue to support this goal, as well as the active recruitment and training programs necessary to make it a reality.

Unfortunately, anything but affirmative results are likely to be produced from the way the affirmative action program has been initially implemented. The current procedures for implementation of affirmative action goals are bound to cause more discrimination and to instill more rifts in our society.

These problems arise because Federal guidelines on affirmative action are just not very well thought out. In particular, the two weakest parts of the program are its definition of a discriminated minority and its implicit use of discriminatory quota systems in employment.

The first problem occurs because nowhere in the Federal documents establishing the affirmative action program is there a definition of what constitutes discrimination or who has been discriminated against. In practice, however, most Federal contractors have only considered plans to end discrimination against black and Spanish-surnamed males—and sometimes women. Such a practice fails to recognize the existence of discrimination in employment against many other people. Discrimination comes in many forms—for example, religious discrimination—against Jews—and discrimination on the basis of national origin—discrimination against Italo-Americans.

As a result of my deep concern with the discrimination that many of us face in this country, I have asked the Nixon administration to broaden their concern so as to include religious and national origin discrimination. John Wilks, the Federal coordinator of affirmative action programs, has told me that the administration is considering an extension of the program to more than racial discrimination—and it is taking this action in response to my request.

An outline of a first effort to deal with national origin and religious discrimination was published in the Federal Register a short time ago. A first effort is not enough—we need affirmative action to end religious and national origin discrimination, not merely affirmative plans.

I have been trying to get action in Congress too. In this past session of Congress, I successfully introduced amendments to the Economic Opportunity Act of 1971, which had the effect of expanding the definition of disadvantaged groups to include religious and national origin groups. The amendments passed by a unanimous voice vote. But what has happened since? Not much. We impatiently wait for the administration to act.

The second major difficulty with the program is the way the local enforcement officers seem to measure progress. The chief standard used so far is the percentage of employees who are minority group members—as specified above. This standard is used in almost all the Affirmative Action plans that I have seen. If the percentage of minority employees is less than the percentage of such minorities in the general population, discrimination is said to exist.

Such a measure of discrimination is logically fallacious and statistically invalid. It proves nothing. It says nothing about and does not measure the difference in the likelihood of employment that may exist between two applicants because of discrimination. There are, of course, more sophisticated measures of discrimination. Although more sophisticated measures require more energetic enforcement, only use of those valid measures will help end all discrimination in the long run.

For now, the percentage standard necessarily leads to ethnic quota systems and new discrimination. In a city like New York, it discriminates against one disadvantaged minority to help another. Many teachers of the Jewish faith or Italo-American background have feared or been threatened with denial of teaching positions or advancement and the demand that they be replaced by black teachers. The quota system begs the question: "Who's next?" Will blacks be forced to give up their newly won gains in a few years hence to make room for some newly discovered minority—say South Asian immigrants? This kind of quota game is endless and is no answer to discrimination.

In part, it even adds to the problems of

those minority groups currently favored by the quota game. For example, by denying black and Spanish-surnamed students, teachers chosen on merit only rather than by quota, the students suffer and their ability to overcome discrimination suffers.

The use of quota systems is unfortunately part of a larger problem. The suburban outlook which controls the White House and Albany is increasingly pitting one minority or disadvantaged group against another. Each discriminated group is told to "go after" the others if it wants anything. In the end, this guarantees that energies will be directed to minor adjustments in the distribution of the diminishing goods and services in the city. None of us can benefit by fighting over these few scraps.

THE IMPORTANT CONTRIBUTION OF THE U.S. SAVINGS AND LOAN INDUSTRY TO THE HOUSING GUARANTEE PROGRAM

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

Mr. MORGAN. Mr. Speaker, 10 years have now passed since the executive branch, acting at the direction of the U.S. Congress, had established a program for guaranteeing private American investments in approved housing projects in the developing countries.

Conceived as an undertaking to share our technical know-how and financial support in order to help resolve the critical housing shortages which have plagued most of the countries of Latin America, the housing guaranty program has helped to bring decent housing within reach of thousands of persons who otherwise would not have been able to get it.

Expanded to other areas of the world, as of December 31, 1971, this program has guaranteed the largest part of $328 million in American investments in housing projects and housing institutions—$297 million in Latin America and $31 million in other parts of the world.

This is an impressive record—and one which could not have been achieved without the dedicated effort of the staff of the Agency for International Development which administers the program, and the active participation of many private institutions—banks, insurance companies, savings and loan associations, and others—in the United States.

In recent years, this private-public partnership for better housing opportunities for the peoples of the developing countries has been stimulated through the enactment of legislation which made it possible for the Federal Home Loan Bank System of the United States, and its member savings and loan associations, to become involved in it.

In 1965, the Congress—with bipartisan support—amended the Home Owners Loan Act so as to make it possible for Federal savings and loan associations in the United States to invest up to a maximum of 1 percent of their assets under the AID housing guaranty program.

Two years later, a further amendment authorized the regional Federal Home Loan Banks to serve as channels through which the individual U.S. savings and loan associations might with greater facility participate as lenders in the program.

As a result of those enactments, the savings and loan associations and the Federal Home Loan Banks have become a very important source of financial resources for the housing guaranty program.

I believe that this fact deserves to be noted and that our savings and loan industry, the Federal Home Loan Bank Board and the Federal Home Loan Banks should be congratulated for their contribution to its growth and development.

I am especially pleased that my good friend, Mr. Joseph Jefferson, president of the First Federal Savings and Loan Association of Washington, Pa., and a member of the executive committee of the U.S. Savings and Loan League, has been an active supporter of this program and that the institution he heads, as well as others in my State, have contributed to its advancement.

PERSONAL EXPLANATION

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

Mr. DOW. Mr. Speaker, last Wednesday, March 1, I was unable to vote on rollcall No. 58, House Resolution 847, providing funds for the Committee on Education and Labor. This was because buzzers in my office malfunctioned and I was unaware that the Members were voting on this important resolution. Had I been present, I would have voted "aye."

THE FAA DICTATES—PART III

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

Mr. KARTH. Mr. Speaker, in remarks I made yesterday I noted my relief when the FAA's Administrator, Mr. John H. Shaffer, pledged to remain neutral in the decision concerning the siting of and the necessity for a second major airport in the Twin Cities. Since local officials had expressed a great deal of concern to me over the "clout" that the Administrator held over their heads in reaching a decision on the airport, I wished to assure them that the Administrator had, at this point, no jurisdiction in the local decisionmaking process.

Additionally, the Administrator's pledge of neutrality seemed to be a clear statement of his intentions to halt any kind of "unofficial" arm-twisting in the case.

Acting upon the Administrator's word, I told local officials and concerned environmentalists of the Administrator's new posture.

With the air thus cleared, the local decisionmakers, the mayor of St. Paul, and other elected and appointed officials proceeded with their work and ended up rejecting the airport site that thousands of citizens and environmental groups had strenuously objected to and the Administrator had actively promoted. This action was by a 9-to-5 vote on December 10, 1970.

In the light of the Administrator's pledge to stop bludgeoning us, I was surprised to see him publicly label this rejection by the duly authorized local officials as "shortsighted"—Minneapolis Star, December 12, 1970. He also raised the threat of stepping in and designating an airport site. Such a threat was obviously premature since the local officials had only rejected one of several possible sites at this point.

The Administrator might well have been advised to spend more time ascertaining ways of saving tax dollars instead of spending them.

I have personally suggested he work out a plan wherein all private aircraft would use the several other airfields in the area, thereby discontinuing the use of the international airport. If this was done, we would not need a second airport for perhaps 25 years or more.

It is most difficult for me to understand why the Federal Aviation Administrator refuses to recognize all the environmental, operational, economic, and social factors that apply to this metropolitan area, in his haste to build another $350 million airport which we may not even need.

In the published report in the December 12, 1970, edition of the Minneapolis Star the Administrator further said—in addition to his remarks concerning local official's "short-sightedness"—that it was "unfortunate" that "we have been drowned in a sea of rhetoric and arrested progress" in the argument over the location of a second airport.

The sea of rhetoric the Administrator must have been referring to was the opinion of local State and Federal elected officials, environmentalists, the Department of the Interior, and the State department of conservation that placing a second airport at the site under consideration would destroy a unique wildlife refuge abutting that site, and that it may well have an adverse effect upon air safety.

Casting aside these concerns, the Administrator said, surprising in the light of his comments, that he was not taking sides.

Having violated his pledge of neutrality, I wrote the Administrator again. The opening paragraphs of my letter are self-explanatory:

> I must again ask you to clarify your position concerning the placement of a second major airport in the St. Paul-Minneapolis area.
>
> Since I am in daily contact with citizens concerned with the location of this airport, I often serve as a connection between the federal bureaucracy and these concerned citizens.
>
> Specifically, in answer to a large number of inquiries on the subject of the "Ham Lake Airport Site" I have told constituents of your pledge to remain neutral on this local controversy.

I then reminded the Administrator of his published remarks that contradicted his written pledge as well as subsequent telephone assurances. As I told the Administrator, this kind of action causes

me to report one thing to requests from constituents while the newspapers report another.

I wrote, therefore, the purpose of this inquiry is to determine where you really stand on this issue.

In addition, my letter to the Administrator included a copy of an extremely well-written letter from a constituent that had brought the Administrator's published remarks to my attention. That letter raised serious objections to the Ham Lake site. It turned out that the author of the letter was an executive with Northwest Airlines. As would any Congressman, I forwarded the letter to the appropriate Federal official for comment.

The Administrator's reply to my request for clarification was one of the more interesting and possibly disturbing I had ever received from a Federal bureaucrat.

That reply will be the subject of my report tomorrow.

TO PROVIDE A DESIGNATION IN BRAILLE ON PAPER MONEY

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

Mr. RARICK. Mr. Speaker, I am today reintroducing with 52 new cosponsors legislation to "provide for paper money of the United States to carry a designation in braille indicating the denomination."

To date, I have been joined by 56 of our colleagues in introducing this legislation to assist the blind and visually handicapped in our society. This legislation will provide invaluable aid to the approximately 430,000 people in America classified as legally blind and lend assistance to the over 1 million Americans who suffer from severe visual impairment as they seek to adapt to a self-sufficient role in our society—independent and useful to themselves, to America, and to the world.

This idea is not new; in fact, the Netherlands has enjoyed some degree of success with a type of braille marking on its currency. I urge our colleagues to lend their support to this bill, legislation that would give invaluable assistance to our blind and visually handicapped as they seek employment and the freedom of financial independence.

CLOSING A LOOPHOLE IN THE CONTROLLED SUBSTANCES ACT

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

Mr. HORTON. Mr. Speaker, I am pleased to reintroduce today with additional sponsors a bill to close a serious loophole in our drug control laws. This legislation, which has been introduced in the other body by Senator THOMAS EAGLETON, would amend the Controlled Substances Act to prevent licensed dealers and handlers of dangerous substances from carelessly allowing them to fall into the wrong hands.

The need for this legislation is clearly demonstrated by an incident which occurred in my congressional district. A surgical supply company, registered under the Controlled Substances Act to distribute drugs, sold its warehouse to the city of Rochester for an urban renewal project. When it removed its inventory from the warehouse, the company left behind large quantities of amphetamines, barbiturates, and assorted drug paraphernalia which were outdated and had lost their commercial value. Shortly thereafter, these chemically unstable, highly dangerous drugs found their way into the hands of drug abusers in Rochester.

When this incident was investigated by the U.S. attorney for the western district of New York, in conjunction with officials of the Bureau of Narcotics and Dangerous Drugs, it was determined that the company had not violated any Federal law. In fact, there was no ground even for the revocation of the company's Federal registration.

Those charged with responsibility for the sale and handling of dangerous drugs for legitimate medical purposes must adhere to high standards to insure that they do not, through carelessness or negligence, become the source of drugs for those who have no legitimate use for them. This clearly was our intent when we passed the Controlled Substances Act in 1970. But experience has shown that at least one area of that law needs to be strengthened.

The legislation I have introduced provides the authority for criminal action against those licensed to handle dangerous drugs who do not take the proper safeguards in handling and disposal of these materials. It would also authorize revocation of Federal permits in cases where this is warranted.

Mr. Speaker, I have found considerable interest in and support for this legislation. Without question, it should be among those steps we in Congress take this year to deal with the drug abuse problem.

The sponsors of the bill are as follows:

LIST OF SPONSORS

Edward G. Biester, Jr., of Pennsylvania.
Jonathan B. Bingham, of New York.
James T. Broyhill, of North Carolina.
George E. Danielson, of California.
Bill Frenzel, of Minnesota.
Sam Gibbons, of Florida.
Ella T. Grasso, of Connecticut.
Seymour Halpern, of New York.
Richard T. Hanna, of California.
James F. Hastings, of New York.
Norman F. Lent, of New York.
Romano L. Mazzoli, of Kentucky.
F. Bradford Morse, of Massachusetts.
John E. Moss, of California.
Charles B. Rangel, of New York.
Robert A. Roe, of New Jersey.
Charles W. Sandman, Jr., of New Jersey.
Victor V. Veysey, of California.
John Ware, of Pennsylvania.

NATIONAL EDUCATIONAL OPPORTUNITIES ACT

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

Mr. UDALL. Mr. Speaker, I was proud to join RICHARDSON PREYER last week in the introduction of the National Educational Opportunities Act. His detailed explanation of the bill, which appeared in last Thursday's RECORD, is excellent; and I want to add only a few general thoughts.

In all the history of great and powerful nations the story of America has been something special: For this is the first time in man's history a major nation of diverse races, cultures has been able to succeed and survive. But there is a time bomb ticking away which threatens all of us, and a central issue of 1972 is whether we have the sense and the will to defuse it.

In many respects the Civil Rights revolution of the 1960's was a striking success. But in the area of education we have largely had a psychological victory and practical failure. Many of our southern friends told us that things were not all so simple, and that there would be different reactions when the tough school integration problem came north. We know now much of what they said was right.

But integrated education is now working in many places in the South even as it falters in the rest of the country. I am conviced that there are men and women of good will in every part of this country who will make good faith efforts and reasonable sacrifices to continue the progress toward an integrated society which gives equal opportunity to all.

If we are to prevent this country from coming apart, it is necessary that our leaders be willing to lead, that hard truths be faced, that old preconceptions be challenged by all of us.

The plain fact is that a fair share of that desperately needed moral leadership burden has not been assumed by the White House, or by the Congress. Instead, both branches have unloaded on the courts the problem of coping with complex, emotional, and deadly serious social problems.

In this country we tend to overload institutions which work well. Our schools are responsible for much of our success as a nation; and because they have worked so well, we continue to dump on them everything from sex education to driver instruction and, if some had their way, religious training. Because our courts have served us so faithfully in resolving disputes, we are inclined to load them down with such social problems as alcoholism, the failures of marriage and the family, the burden of automobile accidents, and all the rest.

The time has now come for Congress to stop second-guessing the courts and harrassing them from the sidelines; the time has come for us to provide some sensible guidelines and responsible leadership in the field of education and racial relations. We can begin to meet our responsibility by giving careful consideration to this bill so carefully drafted by Professor Bickel, and so courageously sponsored by Congressman PREYER. We can do so by finding ways to offer black children real equality without stirring up unnecessary white resentment by choos-

ing methods which are inherently distasteful, devisive, and counterproductive.

John F. Kennedy said once that—

While we did not all come over on the same ship . . . we are all in the same boat.

Indeed we are. America's white majority simply cannot and must not turn its back on 25 million fellow citizens.

This legislation will not please those who want to go back to 1954, or those who do not understand the deep emotions and fears which many parents rightfully or wrongfully feel. But no single proposal I have heard holds more promise for a workable, permanent accommodation. I am, as I stated earlier, proud to be a cosponsor.

A NATIONAL RESEARCH PROGRAM TO COMBAT HEROIN ADDICTION

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

Mr. PEPPER. Mr. Speaker, today I am entering in the RECORD the second in a series of letters from outstanding Americans commenting on a report and legislation proposed by the Select Committee on Crime. The report, "A National Research Program To Combat the Heroin Addiction Crisis," recommends the undertaking of significant medical research to find a drug that will effectively prevent, treat, or cure heroin addiction.

Today's letters, received from mayors throughout the country, follow letters inserted earlier from various Governors. In the days ahead I will be entering responses from other officials as well as from members of the scientific community.

The letters follow:

CITY OF CINCINNATI, OHIO,
February 14, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Congress of the U.S., Washington, D.C.

DEAR CONGRESSMAN PEPPER: Acknowledging your letter of December 31, 1971, may we say that the increasing problem of heroin addiction is a reality in our city as it is everywhere in the country.

Since methadone, Naloxone and cyclazocine have proven inadequate for the cure of heroin addiction, an experimental program is needed to find a drug which will effect a cure. The proposed expenditure of $50 million in search of an inexpensive substitute for heroin would certainly be worthwhile in comparison with the $2 million now allocated for research.

Any profits resulting from a successful drug substitute would help reimburse the Government's original investment of 90% of research costs, the large drug companies absorbing 10%. This plan is fair to private industry and a step in the right direction toward resolving this most serious problem.

Sincerely,

WILLIAM A. MCCLAIN,
Acting City Manager.

CITY OF DALLAS, TEX.,
January 24, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Washington, D.C.

DEAR CHAIRMAN PEPPER: Thank you for your recent letter outlining your Committee's recommendation to the House Speaker that a national research program be established to combat the heroin addiction crisis.

While Dallas is not believed to have the staggering incidence of drug addiction that plague some other major cities, we, nonetheless, acknowledge drug usage has become more widespread and is considered one of the City's most serious problems.

In our opinion, the federal government, as you have suggested, should support research on the drug addiction problem. On the other hand, State and local governments should devote their energies to bringing together professional, adult, and youth groups to discuss the drug problem and make known the results of federally sponsored research programs. To develop a drug abuse dialogue in this City, the Dallas City Council recently adopted the enclosed ordinance which establishes a drug abuse council. Our plan is to have professionals talking to youth and youth ultimately talking to other youth. In this way, we are hopeful that all Dallas young people will become aware that drug usage can lead to deadly consequences.

Your taking the time to furnish me your committee's recommendation is very much appreciated. I am hoping that in the future a close partnership between the federal and local government can be further developed to eliminate the insidious threat drugs pose to our Nation's young people.

Sincerely,

W. S. MCDONALD,
City Manager.

CITY OF SACRAMENTO, CALIF.,
February 2, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Congress of the United States, Washington, D.C.

DEAR MR. PEPPER: The recent report compiled by the Select Committee on Crime regarding "A National Research Program To Combat The Heroin Addiction Crisis" was received and reviewed.

The Committee's statistics, on the increase in the rate of heroin addiction throughout the United States, were most disturbing. It was noted, however, that this nationwide trend was in line with that which has been noted in our own city.

The points detailing the urgent need for a government financed program to conduct extensive medical research into the development of an effective treatment for heroin addiction were well taken. The possibility that a suitable narcotic antagonist might be developed is heartening, but there seems little doubt a rapid expansion of current research programs is indeed needed.

When the human misery and high cost of rising crime resulting from the increase in drug abuse are considered, the fifty million dollar price tag on the Committee's proposal does not appear exorbitant. The contracting with experienced private drug firms on a cost-sharing basis and reimbursement of the government from any research derived profits would seem a sound and realistic approach to the problem.

It is with the above points in mind that I feel I can express my sincere approval for the Committee's proposal.

Very truly yours,

R. L. RATHFON,
City Manager.

CITY OF DAYTON, OHIO,
January 31, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Congresss of the United States, Washington, D.C.

DEAR CONGRESSMAN PEPPER: I have reviewed your recommendations and proposed legislation to establish a national research program to combat the heroin addiction crisis. As City Manager of a large city, I am acutely aware of the serious nature of the drug addiction problem which confronts our communities and threatens our nation as a whole.

I concur in your articulated concern that sufficient funds be channeled into the development of the desperately needed medication to deal with heroin addiction. As you have pointed out, the present use of millions of dollars for medical research will pay off in future billions of dollars saved as a result of lower exependitures in the areas of law enforcement, corrections and medical needs.

In addition, such medical research monies would assist in preventing the additional ravaging of our nation's human resources by heroin addiction.

I wish you success in your proposed legislation.

Sincerely,

JAMES E. KUNDE,
City Manager

CITY OF TULSA, OKLA.,
January 14, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Congress of the United States, Washington, D.C.

DEAR REPRESENTATIVE PEPPER: I appreciated receiving your letter of December 31, 1971 and the report on the National Research Program to Combat the Heroin Addiction. Tulsa is struggling with minimal community resources to offset the apparent rising use of addictive drugs and the obvious difficulty in providing adequate treatment facilities for addicts.

While I am not aware of other legislation which might deal in this same area, I would like to commend the effort to find any methods of treatment to lessen or eliminate heroin addiction.

Such a solution would obviously give present addicts a positive course of assistance which is simply not available today. I am forwarding this information to our Drug Abuse Committee Coordinator for the Tulsa area for review and comment. Many thanks for sending this material to me.

Sincerely,

ROBERT J. LAFORTUNE,
Mayor.

CITY OF GRAND RAPIDS, MICH.,
January 27, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Congress of the United States, Washington, D.C.

DEAR MR. PEPPER: In response to your recent invitation for comment on a proposed national research program to combat heroin addiction, I have asked some key staff members to review the proposal and report to me.

My reaction to your proposal, and that of my staff members who deal directly with the control of drug abuse, is one of complete support and encouragement. We are very much in need of a better answer to rehabilitation problems than the basic one now available to us, which consists in a continual perpetuation and expansion of expensive methadone treatments.

We wish you success in your search for a better answer.

Sincerely,

JOSEPH R. GRASSIE,
City Manager.

CITY OF ALEXANDRIA, VA.,
January 24, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Congress of the United States, Washington, D.C.

DEAR MR. PEPPER: Thank you for the opportunity to review and comment on your Committee's recommendations. Just as the President has recognized the severity of our drug problem on a national scale, the City of Alexandria has determined that steps must

be taken on a local level to deal with this emergency. Thus, the City has begun attacking drug abuse on a broad front ranging from methadone treatment to public school education.

In undertaking these programs, it is realized that because of the lack of experience in this area even limited progress must be considered success. I am truly concerned about this lack of knowledge and also about the lack of ongoing research uncovered by your committee.

For states and localities to attain a higher degree of success in their fight against drug abuse, it is essential that the Federal government provide the tools with which to work. Therefore, I support your recommendation that fifty million dollars be appropriated for the development of a new preventative drug. Furthermore, I am aware that drug addiction is as much a social phenomenon as a chemical one, and I would like to see expanded research into the social pathology of drug abuse.

We are faced with a difficult task, but I believe that your Committee has pointed the way toward a viable solution. Every citizen stands to benefit from the implementation of your proposals.

Sincerely,

WAYNE F. ANDERSON,
City Manager.

CITY AND COUNTY
OF HONOLULU, HAWAII,
February 22, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Congress of the United States, Washington, D.C.

DEAR CHAIRMAN PEPPER: Forgive me for this tardy reply to your December 31, 1971 letter concerning the need for "medical research necessary to develop a treatment drug capable of controlling and terminating heroin addiction."

I have read in its entirety House Report No. 92-678, which accompanied your letter.

In my opinion, the proposed approach is the only one which offers any real hope for the solution of the host of problems caused by heroin addiction.

Sincerely,

RICHARD K. SHARPLESS,
Managing Director.

LINCOLN COUNCIL ON
ALCOHOLISM AND DRUGS, INC.,
Lincoln, Nebr., January 31, 1972.

Hon. CLAUDE PEPPER,
Chairman, Select Committee on Crime, House of Representatives, Congress of the United States, Washington, D.C.

DEAR CONGRESSMAN PEPPER: Mayor Sam Schwartzkopf, City of Lincoln, Nebraska, has referred to me your letter of December 31, 1971, and the report of the Select Committee on Crime regarding a national research program to combat the heroin addiction crisis. As the Assistant Director and Drug Coordinator for the Lincoln Council on Alcoholism and Drugs, Inc., I am keenly interested in any program which would aid in the attack against drug abuse and drug dependency. This is particularly so in the area of treatment and rehabilitation.

Upon reading the report, I am disturbed and somewhat, alarmed at the present ongoing efforts being conducted toward prevention, treatment and curing of heroin addiction. The Select Committee on Crime has brought to light a serious deficiency in this nation's efforts to curb drug abuse and dependency. It is fair to say the available antagonist and methadone type drugs are not adequate as lasting solutions to heroin addiction.

I personally feel and I am certain that Mayor Schwartzkopf would concur that the key to development of a drug or chemical substance which would prevent, treat, or cure heroin addiction must lie in research conducted by private industry due to the tremendous resources and expertise available to them. If federal funding would serve as a catalyst for the initiation of large scale efforts in this regard, it is tax dollars well spent. Further, if such a drug was discovered, it would unquestionably be the most significant breakthrough in combatting drug abuse and drug dependency in the United States. Also, the impact of a successful project like this toward the reduction of heroin related crime would be great.

I hope this will be of some value and encouragement to you and your committee in its efforts regarding this matter.

Sincerely yours,

ERIC MCMASTERS,
Drug Coordinator

CITY OF FORT LAUDERDALE, FLA.,
January 26, 1972.

Representative CLAUDE PEPPER,
Select Committee on Crime, House of Representatives, Congress of the United States, Washington, D.C.

DEAR CONGRESSMAN PEPPER: This is in response to your solicitation for comments December 31, 1971 concerning the Select Committee on Crime's recommendations for a national research program to combat the heroin addiction crisis.

The citizens of the City of Fort Lauderdale share your Committee's concern regarding the necessity for developing and funding Federally-sponsored programs aimed at the present drug abuse crisis and specifically, heroin addiction. Intensified research to produce a chemical substance that will aid in the control of heroin addiction is certainly necessary to produce the desired results in the minimal time frame.

The Committee's recommendation that $50 million be allocated to pharmaceutical companies to undertake this research, with the stipulation that the Government's contribution to the program be refunded from the drug company's profits upon successful completion of the project, seems a most feasible approach. The fact that heroin-related crime has been estimated at more than $3 billion a year by the Bureau of Narcotics and Dangerous Drugs both minimizes the proposed expenditure and emphasizes the need for concentrated efforts in solving this National problem.

Our law enforcement authorities view this proposal favorably, since they recognize that the punitive approach alone will not solve the overall drug problem. In addition, we have surveyed the agencies dealing with narcotics rehabilitation in Broward County who are members of the Broward Manpower Planning Council, which is administered under the City of Fort Lauderdale. These agencies generally agree with the approach, with some arguing that a behavioral rehabilitation program being necessary to ensure the success of any overall drug rehabilitation program.

Thank you for forwarding a copy of this report enabling our staff to keep abreast of current developments in this most vital area of drug abuse. I would appreciate receiving other reports presently being planned by your Committee i.e. the national program for the treatment and rehabilitation of narcotics addicts, the international control of narcotics, the law enforcement effort, and organized crime's influence on drug traffic. If I can be of assistance in the future, please do not hesitate to contact me.

Very truly yours,

R. H. BUBIER,
City Manager.

WHY PRISONERS RIOT

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

Mr. PEPPER. Mr. Speaker, recent newspaper reports indicate that the longest and most complete inmate strike ever known by Federal prison officials has been underway since February 14, 1972, and prison authorities are mystified as to the causes. All 1,350 inmates in the Federal penitentiary at Lewisburg, Pa.—one of four or more prisons currently experiencing inmate strikes—have refused to work for 2 weeks. The Federal officials in Washington, D.C., indicate that the inmates have not used or threatened violence. Nevertheless, the strikes are in progress—and letters from these inmates to the Select Committee on Crime of the House of Representatives indicate there is considerable tension at Lewisburg and at other prisons.

The year of 1971 was unprecedented in our Nation's history in terms of the number of deaths and injuries that resulted from inmate uprisings in prisons throughout the country. Fifty persons died—including 43 inmates and prison employees at Attica—and hundreds of others were injured. Our Select Committee on Crime conducted hearings to investigate the reasons for the turmoil in our country's prisons, and with my colleagues on the committee I heard the views of penal authorities who advocate reform, ex-inmates who have turned away from a life of crime, and inmates who are serving sentences in State institutions.

I am convinced that the reform of the prisons, as well as the entire criminal justice system, can be a highly significant contribution by the Congress and the Government of our country. Crime in our Nation costs the taxpayers billions of dollars a year. The operation of State, Federal, and local correctional facilities alone reach a record $1.7 billion in the fiscal year ended June 30, 1971. The estimated cost of incarceration to the public ranges from about $2,000 to $7,200 a year per inmate. And, it was once estimated, that it cost the American taxpayers $200,000 to support one offender in a lifetime of crime, apprehension, and incarceration. Yet, the most recent Federal Bureau of Investigation reports indicate that three out of four men who are released from prison return to a life of crime—and most of these men are young men, in their early 20's.

One of the penal experts who testified before the Select Committee on Crime was Dr. Vernon Fox, a professor of criminology at Florida State University in Tallahassee, Fla. Dr. Fox has stated that:

> Other directions have to be implemented in the correctional field for the return to society of those offenders in whose lives society has had the authority to intervene because of crime. Programming is done by personnel, so improvement has to be through personnel. Since more than three-fourths of the monies used in the correctional field are for personnel, and when about 65 per cent of the personnel budget is in the custodial classifications, then one of the improvements of a correctional program has to be in the upgrading of the correctional officer.
>
> The correctional officer should be upgraded to a correctional counselor so he can support

and participate in the total treatment program. The correctional officer is the one person who the inmate sees 95 per cent of the time. An educational and training program would be most beneficial for these men who greatly influence the attitudes of the inmates in their charge.

Secondly, while the physical plant is never as important as personnel, it can greatly enhance or hinder a program for inmates. There is no rehabilitation going on in large, bastille-type penitentiaries that house thousands of inmates in rural areas, miles away from families, friends and urban, community services that may be influential in turning a man from a life of crime. Smaller, correctional complexes around urban areas are more desirable. This is more costly than personnel, but the returns may prove to be considerable. Of course, a maximum custody institution for hard-core offenders will undoubtedly always be needed, but it should be placed near a university where we can learn from experimental diagnostic and treatment programs with them. In any case, the large central prison creates an artificial environment that is counterproductive to the correctional purpose, and some of the present efforts have to be expended in counter-balancing the ill effects of institutionalization.

Mr. Speaker, I would like to introduce into the RECORD following my remarks Dr. Fox's paper, "Why Prisoners Riot," which was originally published in Federal Probation in March 1971:

[Reprinted from Federal Probation, March 1971]

WHY PRISONERS RIOT

(By Vernon Fox, Ph. D.)

Finding valid, consistent, and reliable information as to why prisoners riot defies most standard methods of gathering data on human behavior. Official reports and most articles on the subject focus on overcrowding, poor administration, insufficient financial support, political interference, lack of professional leadership, ineffective or nonexistent treatment programs, disparities in sentencing, poor and unjust parole policies, enforced idleness of prisoners, obsolete physical plant, and a small group of hard-core and intractable prisoners.[1] Psychological viewpoints focus on aggression and acting-out personalities in the prison population.[2]

Yet, while all the conditions mentioned in the sociological approaches exist in most prisons, the majority have not experienced riot. Further, all major prisons hold aggressive, hostile, and acting-out people. This leads to concern as to why these factors have been identified as causes of riot when riots when riots have occurred in a small minority of prisons.

An examination of official reports following riots discloses a similar propensity for generalities and platitudes regarding causes of riots. These same conditions are consistently identified as causes of riots almost everywhere. The purpose of official reports, of course, is political in the sense that they give assurance to the general public after a riot that the remaining power structure in the prison has analyzed the causes, taken corrective measures, and merits the confidence of the public in that their interests will be protected.

Investigating committees from governors' offices, legislatures, or other political directions seek simplistic answers that seem to structure their interpretations in accordance with the best interests of their own identifications. Reinterpretation of the situation has to occur frequently. Sometimes, the focus is on the predisposing causes, such as poor morale among inmates fostered by poor food or injudicious or misunderstood paroling policies. Sometimes, it is more aimed at the precipitating causes, such as a confrontation between an officer and some inmates. Sometimes, it has been explained as an attempted mass escape that the administration successfully contained.

Many consultants who are invited from outside the jurisdiction as impartial experts tend to protect the person or group who invited them, which is ethical and logical. Diplomatic writing is a consultant's art. Other consultants invited from outside generally are not sufficiently well acquainted with the nuances and underlying intricacies of the power structure to understand as well as they might all the factors entering into a local situation. Whether the governor or the legislative committee chairman of an opposite political party was the source of the invitation seems to make a difference in the tone of the report.

An impartial investigator must be aware of the political climate and what will and what will not be accepted in some political settings. Some reports have been rejected by political leaders, others have been used for political purposes, while many have just been shelved. In any case, the use of these reports for finding the real causes of riots must be tempered pending corroboration from shelved. In any case, the use of these reports may set the tone for further interpretation by the news media, political leaders, and writers of documentaries.

Identifying the causes of riot, then, is tenuous when official reports or statements *after* the riot are considered alone. Clearer vision can be obtained from news reports written *during* the riot. In decreasing order of validity and reliability, the materials that comprise this presentation are from (1) news stories during 20 serious riots since 1940 as reported in *The New York Times* during the action, (2) this writer's experience during the Michigan prison riot in 1952, (3) lengthy discussions with inmates involved in four prison riots, (4) conversations with prison personnel involved in seven prison riots, (5) literature concerning prison riots, (6) official reports and official statements *after* the riot, and (7) general literature on aggression, civil disturbances, and violence.

Causes must be divided into *predisposing* causes and *precipitating* causes. Just as in civil disobedience, there has to be a "readiness" to riot. Then, there has to be "trigger." Too frequently, the predisposing causes have been used as causes for prison riots and the precipitating causes have been identified as causes for civil disorder. Neither is a cause, in itself. The total social situation, with emphasis on the interaction or lack of it between dominant people and subjugated people, either in the prison or in the ghetto, must be evaluated to determine why people riot. It cannot be based simplistically in overcrowding, political interference, lack of treatment programs, or any other simple answer.

PATTERNS OF RIOT

The way to make a bomb is to build a strong perimeter and generate pressure inside. Similarly, riots occur in prisons where oppressive pressures and demands are generated in the presence of strong custodial containment. Riots are reported more frequently from custodially oriented prisoners. Even the riot in 1962 in the progressive and relatively relaxed District of Columbia Youth Center at Lorton, Virginia, involved suppression, real or imagined, to the Black Muslims.

Riots are spontaneous—not planned—detonated by a spontaneous event. The inmates know who has the weapons and who has the force. The inmates know that no administration ever has to negotiate with them. Planned disturbances end in sitdown strikes, slowdowns, hunger strikes, and self-inflicted injury. Escapes do not begin with disturbances unless they are planned as a distraction, though the disturbance may end in escape attempts. The spontaneous event that detonates the riot may be almost anything from a fight in the yard that expands, someone heaving a tray in the dining hall, to a homosexual tricking a new officer to open his cell, as happened in the Michigan riot in 1952. Violent riots must happen spontaneously. Otherwise, they would not happen. There has to be pressure, though, that builds up the predisposition or readiness to riot and a spontaneous precipitating event to trigger or detonate the riot.

Riots tend to pattern in five stages, four during the riot and one afterward. First, there is a period of undirected violence like the exploding bomb. Secondly, inmate leaders tend to emerge and organize around them a group of ringleaders who determine inmate policy during the riot. Thirdly, a period of interaction with prison authority, whether by negotiating or by force, assists in identifying the alternatives available for the resolution of the riot. Fourthly, the surrender of the inmates, whether by negotiating or by force, phases out the violent event. Fifthly, and most important from the political viewpoint, the investigations and administrative changes restore order and confidence in he remaining power structure by making "constructive changes" to regain administrative control and to rectify the undesirable situation that produced the riot.

The first stage of the riot is characterized by an event that triggered the unbridled violence. The first stage is disorganized among the prisoners and, too frequently, among the prison staff as well. It is at this point that custodial force could alter the course of the riot but, in most instances, custody is caught by surprise and without adequate preparation so that there is little or no custodial reaction other than containment. As a result, the riot pattern is permitted by default to move to the second stage.

The second stage is when inmate leaders emerge and the administrative forces become organized. Inmate leaders who emerge from this violence are people who remain emotionally detached sufficiently so that they lend stability to the inmate group. They "don't panic." They "keep their cool." As a result, they attract around them lesser inmate leaders or "ringleaders" who, similarly, do not panic but need to be dependent upon "the boss."

In this manner, an inmate leader can gather around him probably two to six "lieutenants," each with some delegated authority, such as watching hostages, preparing demands, and maintaining discipline in the rest of the inmate group. Further, the inmate leader, like most political leaders, takes a "middle-of-the-road" position where he can moderate the extremes and maintain communication. In a prison riot, some inmates want to kill the hostages. Other inmates want to give up and surrender to the administration. The inmate leader controls these two extremes in a variety of ways and stabilizes the group into a position in the center.

The third stage is a period of interaction between inmates and prison officials. It has taken several forms, though they can be classified generally into (1) negotiation and (2) force or threat of force. No administration has to negotiate with prisoners, but the chances for negotiation are greater when the prisoners hold hostages. The chances for force or threat of force are greater when the prisoners do not have hostages.

In either case, the decision on the part of the inmates to surrender is subject to the general principles of group dynamics. When the inmate group is cohesive and their morale is good, the prisoners will maintain the riot situation, whether faced with force or negotiation. When the group cohesion begins to disintegrate by some inmates wanting to surrender, others wanting to retaliate, and the leadership wanting to maintain the

Footnotes at end of article.

status quo, the administration may manipulate it for an early surrender. This disintegration of group cohesion may be promoted by negotiation or by force or threat of force, depending upon the situation.

In case of negotiation, the group cohesion is diminished by the administration's demonstrated willingness to negotiate and by the personality of the official negotiators who convey a feeling of trust and confidence. The group can be disintegrated, also, by gas, rifle fire, and artillery shelling, all of which have been used recently in American prison riots. The less destructive approach, of course, is to await disintegration of cohesion by periods of inaction that places strain to hold the group together on the leadership by fatigue and impatience. Faced with this situation, the leadership frequently has to look for an honorable way out of a disintegrating situation.

The fourth stage, or surrender, may be the inmates' giving up after being gassed and shot at or they may surrender in an orderly way either after force or threat of force or by negotiation. Political interference at the wrong time in the prison riot can affect the total situation in terms of negotiation, surrender, and subsequent investigations and administrative decisions.

The fifth stage, that of investigations, consolidation of the remaining power structure, personnel and policy changes followed by political fall-out, is really the most important stage, since it sets policy for the prison and the system for years to come. Editorials and news commentators suggest solutions and interpretations. Administrators have to respond satisfactorily to pressures from interest groups. This is why "get tough" policies become important after riots, even though they tend to intensify the problems.

Riots do not occur in prisons or correctional institutions with exceedingly high morale. Neither do they occur in prisons where the morale is so low that the prisoners endure penal oppression in a docile manner or break their own legs and cut their own heel tendons. Riots occur in prisons where inmates have medium to high morale and where some conflict appears in the staff, probably between treatment and custodial philosophies, and probably when the program is in a state of transition from one type of procedures and objectives to another.

Riots occur in prisons where there is a tenuous balance between controlling behavior and changing behavior. If there is a full commitment to either, riots do not occur. The riot itself, however, results in a political decision to *control* behavior. Consequently, the behavior changing in treatment forces always loses in a riot, at least in the immediate future.

There is also a direct relationship between news coverage by the mass media and the incidence of demonstrations, riots, and civil disturbances.[3] This is one reason why riots tend to cluster in terms of time.

One of the factors that contributed to the prison insurrections of 1952 was the decision of the administration to reverse the drift toward greater inmate control.[4] Abuses of official rules were curbed, preferential treatment for favored prisoners was eliminated, and the social system of the prison was "reformed" in the direction of the image of what the free community thought a maximum-security institution should be.

DURING THE RIOT

Guidelines for action during the riot are important. The custodial staff is frequently untrained and the administration is just as frequently caught by surprise. Action during the riot has to be planned ahead of time and modified according to the situation.

During the first stage of a riot, the disorganized inmates could well be effectively faced with force. As a matter of fact, most riots appear to have been vulnerable to custodial force in the early stages because of the disorganization on the side of the inmates. If disorganization occurs on both sides, however, then the riot cannot be contained early. Immediate custodial action could have altered the course of several riots. The lack of training, preparation, or even expectation of riot has resulted in disorganization on both sides for hours.

During the second stage, after the inmates have organized and their leadership begins to emerge, there is the question as to whether force should be used. No prison administration ever needs to negotiate with rioting prisoners. The prisoners know this. If hostages are held, then negotiation becomes a real possibility, depending upon other factors. If the inmates holding the hostages are young, reformatory-type people with short sentences and have not already demonstrated their capability to kill, if they are psychiatric patients who cannot organize into a team, or if their majority can see parole sometime in the future, then negotiation is not necessary. In the Michigan riot of 1952, the decision to negotiate was not made until after the files of the inmates holding the hostages in 15-block had been reviewed. In that situation, negotiation was apparently the only way to save the lives of the hostages. This was supported by subsequent reports by inmates, nationally known clinical psychologists, and consultants brought in for impartial investigation.

The third stage of the riot is determined by the nature of the situation. If no hostages are held or if the prisoners holding hostages are not hardcore intractables with nothing to lose, then force or threat of force is appropriate. If the hostages are considered to be in serious danger, the administration is placed in a real dilemma in determining action because lives have to be considered in relation to public and internal reaction and consequences. If waiting for fatigue to reduce the cohesion of the rebellious inmate group will accomplish the objective, then force is not necessary.

The fourth stage of the riot is the surrender. The regaining of custodial control is all that is needed. Any further action beyond the basic need has to be for public consumption or for the satisfaction of the prison administration.

The fifth stage of the riot is the aftermath where investigatons, reinterpretations, and scapegoats are involved. There is not much the prison administration can do about this because the real power lies in the political structure. Free movement of newsmen and free access to information, both inmates and staff, is the only logical approach to take during this period. In this way, the administration can demonstrate that it is attempting to hide nothing, that is recognizes it has problems, and is openly and honestly seeking the best solutions.

In summary, official reaction to riot is dependent upon the situation. As in judo, the reaction is determined by the action of the adversary. No negotiation is needed where no hostages are held or where they might be held by short-term prisoners not considered to be dangerous. Out-waiting might be an approach in doubtful situations. An overshow of force is becoming decreasingly effective in American society and it invites unnecessary derision from some segments of the public.

ADMINISTRATIVE DO'S AND DON'TS

Discretion, rather than negotiation or force, is at issue while handling a riot. A basic principle of police work or any other type of social control in a democratic society is to use the minimum amount of force and destruction needed to accomplish the objectives.[5]

Discretion is based on knowledge. Consequently, the first approach for a correctional administrator to improve his program is to increase the educational level of his staff by more selective recruitment and by inservice training. In modern democratic society, inservice training should be directed toward the social and behavioral sciences. This can be achieved by bringing neighboring junior colleges and universities into the educational program of the prison.[6] An understanding and knowledgeable prison staff from the custodial employee to the warden is important in the discretionary or decision-making process. It is this staff that determines whether a confrontation occurs or is avoided and, if it occurs, how it will be handled or accommodated. This is why they need to know social problems, personality development and problems, criminology and correctional procedures, as well as the law, particularly as it relates to civil rights.

The correctional officer is the key to riot prevention, although a rough and harsh custodial lieutenant, captain, or deputy warden can use policies and behavior to neutralize the good work of a hundred officers. The entire custodial force has to be treatment-oriented, just as the entire treatment staff has to be aware of cusodial problems, in order to emerge with an effective correctional program.

Readiness to riot results from the predisposing causes, such as bad food, oppressive custodial discipline, sadistic staff quick to write disciplinary charges against inmates, and general punitive attitude by administration and line personnel. The precipitating cause that "triggers" the riot is very seldom the real cause. As previously mentioned, a bomb is made by constructing a strong perimeter or casing and generating pressure inside. It blows at its weakest point, but it has to be detonated. The detonation is not the "cause" of the explosion, although it "triggered" it.

During the riot, the inmates want to smash the system that keeps them hopeless, anonymous, and in despair, and they will destroy at random.[7] They become so alienated from society that they regard violence as right and proper. Good treatment programs and an accepting custodial staff tend to reduce this problem. A relaxed atmosphere in a prison that avoids this alienation is most important for the eventual correctional objective and to avoid riots.

How to achieve a relaxed atmosphere is sometimes difficult for the administrator because it appears that he is "taking sides." Custodial personnel are generally concerned with good discipline, which is sometimes interpreted as "nipping problems in the bud" and is translated into overreaction to minor offenses and oppressive custodial control. Many treatment personnel, on the other hand, are in a relaxed atmosphere because it tends to lower the inmates' defenses and permit casework and psychotherapy to be better achieved. The inmates, of course, find the relaxed atmosphere more comfortable, so they favor it. This places the treatment staff "on the side of the inmates," although for different reasons. It is sometimes difficult for an administrator to interpret to the custodial staff the reasons for promoting a relaxed atmosphere in the prison. This is another reason for providing education and inservice training in behavior and social problems to all staff.

Good food, plentiful and well prepared, is important to maintaining a prison. Napoleon's famous remark that an army marches on its stomach could be applied to any group of men. Food becomes a primary source of pleasure to men deprived of many of the comforts of normal life. Consequently, the prison administration cannot realistically compute food costs on the basis of nutritional needs alone. The emotional needs are important. An institutional program can make a lot of mis-

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Footnotes at end of article.

takes if it has a good kitchen that provides plenty of food. Conversely, food is tangible item on which can be focused all the discontents and deprivations of the prison. Many riots have begun in or near the dining room. Food simply becomes a tangible substitute target for other complaints. Consequently, an administrator should spend a little extra time and effort to find a good steward to handle food services and pay special attention to the food budget.

Despite the other abuses, riots do not occur in prisons that are essentially run by inmates. There are some Southern prisons where selected inmates carry guns and guard other inmates. All the generalities attributed to riot causation exist, but no riots have occurred in these prisons. This is because the inmate leaders have a vested interest in the status quo and will protect it.

Inmate leadership is present in all prisons, as leadership is present in all groups of people. The constructive use of inmate leadership is an obvious way to avoid riots. Some type of inmate self-government that involves honest and well supervised elections of inmate representatives to discuss problems, make recommendations and, perhaps, even take some responsibilities from the administration could be helpful. Possibilities might be some control of those activities related to formalized inmate activities like manuscripts sent to potential publishers, pricing hobbycraft items for sale, or processing inmate activities like Alcoholics Anonymous or chess clubs.

In an era when movements to unionize prisoners appear, such as in West Germany and Sweden, and when litigation initiated by inmates result in court rulings that change conditions and procedures within the prisons, it is in the interest of the administration to know the inmates' thinking and their action. In any case, downward communication is not enough.

The pattern could be taken from student government functioning under a university administration. It could be taken from a civilian government operating under military occupation by the victors after a war, such as those civilian governments in Germany and Japan after World War II. The pattern in the Federal Bureau of Prisons and some other systems has been the inmate council, where elected inmates discuss problems and appropriate policies with the prison administration, making recommendations and suggestions.

A suggestion box system for inmates might be instituted if other approaches appear to be too innovative. Regardless of how it is organized, it should promote upward and downward communication between inmates and prison administration and it should provide the inmate leadership with a vested interest in the status quo.

In summary, good communication can avoid the predisposing causes of riot. Whether by inmate council, inmate self-government programs, suggestion boxes, or free up-and-down communication of any type, knowledge by the inmate leadership of situations and their reasons can eliminate most predisposing causes. Establishment of the therapeutic community where inmates take responsibility for the improvement of other inmates, such as in the Provo Experiment in Utah in 1958-1964, the Minnesota State Training School at Red Wing, and some other places, would also provide a vested interest for the inmates in the institution and its program, as well as a constructive attitude. Raising the educational level of the prison staff, especially the correctional officers, would reduce the predisposing causes. Their better understanding of personality development and social problems would provide them with the capacity for discretion that would, in turn, reduce the precipitating causes. Prison riots can be eliminated when upward and downward communication, combined with discretionary use of authority, reduces the probability of serious confrontation that should not have to occur in a democratic society.

FOOTNOTES

[1] A succinct and comprehensive review of the literature is found in Clarence Schrag, "The Sociology of Prison Riots," *Proceedings of the American Correctional Association, 1960*, New York, 1961, pp. 136–146.

[2] For example, see the late Dr. Ralph Banay's excellent articles on causes of riots in *The New York Times*, July 26, 1959, sec. VI, p. 8; August 9, 1959, sec. VI, p. 2; August 16, 1959, sec. VI, p. 72.

[3] David L. Lange, Robert K. Baker, and Sandra J. Ball, *Violence and the Media*. Washington, D.C.: United States Government Printing Office, November 1969, p. 614.

[4] Gresham M. Sykes, *The Society of Captives*. Princeton, N.J.: Princeton University Press, 1958, p. 144.

[5] See George E. Berkley, *The Democratic Policeman*. Boston: Beacon Press, 1969.

[6] For suggested curricula, see Vernon Fox, *Guidelines for Correctional Programs in Community and Junior Colleges*, American Association of Junior Colleges, Washington, D.C., 1969, and "The University Curriculum in Corrections," FEDERAL PROBATION, September 1959. Also see *Criminology and Corrections Programs*, Joint Commission on Correctional Manpower and Training, Washington, D.C., 1968.

[7] "Violence and Corrections," *The Correctional Trainer*, Southern Illinois University, Carbondale, Vol. I, No. 4, Spring 1970, pp. 56–91.

NARCOTICS AND DANGEROUS DRUG CONFERENCE

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

Mr. PEPPER. Mr. Speaker on Wednesday, February 16, 1972, Paul L. Perito was designated Deputy Director of the Special Action Office for Drug Abuse Prevention. Mr. Perito served as Chief Counsel of the House of Representatives Select Committee on Crime for 18 months. In that time he proved to be an assiduous worker and an exceedingly able and competent committee counsel. The committee views Mr. Perito's selection for his present position as not only a recognition of his outstanding ability and accomplishment, but as an indication that the administration has been cognizant of the Select Committee on Crime's contributions in the drug abuse field.

Recently Mr. Perito delivered an address to a Narcotics and Dangerous Drug Conference in West Palm Beach, Fla. A copy of that address follows:

NARCOTICS AND DANGEROUS DRUG CONFERENCE

(Presentation of Paul L. Perito)

This Nation, along with many others throughout the world, is struggling to respond to the realization that many of its citizens are using drugs for non-medical purposes. The problem is extremely complex. Different groups are using a variety of drugs in a number of distinct patterns. Each pattern of use represents a different set of risks to the user and to society.

For example, there are obvious differences between the problems of housewives who use too many diet pills or tranquilizers and the problems related to urban delinquents using heroin. There are also differences between these problems and those that arise when college students use marijuana, high school students experiment with hallucinogens, junior high school students sniff glue, or tension ridden businessmen overuse alcohol. But one common theme is obvious—people are using a variety of pharmacological substances to alter their mood and their behavior.

Because of these myriad differences obscured by the term "drug abuse," we will not find any quick or simple solutions. There are no easy or facile answers. But we must work to understand the broad parameters of this problem and to evolve a national response and strategy to cope with this crisis. We must act to reduce the human and social toll of drug abuse. We must also reduce the morbidity and mortality especially associated with compulsive heroin use.

Under President Nixon's leadership, the Federal Government has, for the first time, launched a comprehensive and coordinated attack on this multifaceted problem of drug abuse. For the first time, reducing the toll of drug abuse has become a national priority, both in our domestic policy and in our foreign policy.

It is helpful to view the problems of drug abuse as an equation, with the "supply" of illicit and licit drugs on one side, and the "demand" for them on the other. The Special Action Office for Drug Abuse Prevention is the focal point of Federal efforts on the "demand" side of the equation, but I would like to briefly sketch the "supply" side. Usually the supply side includes the national, international and local aspects of drug trafficking activity.

The President, in his determination to halt the flow of narcotics into this country, has raised to the level of a major foreign policy objective the goal of reducing the supply of heroin entering this country from foreign sources. He has appointed a special group to oversee all diplomatic efforts to reduce the supply of heroin. On September 7, 1971, the President announced the creation of a Cabinet Committee for International Narcotics Control. The committee is chaired by the Secretary of State. Its other members include the Secretaries of Defense, Agriculture, Treasury, and the Director of the CIA, the Attorney General, and the United States Ambassador to the United Nations. The Committee has the responsibility for coordinating and supervising all U.S. Government efforts to interdict the flow of narcotics into the United States. This committee has, among other things, played an active role in the campaign to convince other nations of the world that heroin addiction is their problem as well as our own. Some of these efforts have been uniquely successful. For example, the Turkish Government pledged to eliminate all opium cultivation at the end of the 1971 crop year and in addition passed a strict licensing law to control the production of opium during 1972. A government decree issued by the Turkish Prime Minister (Erim) bans the growing of opium poppies after June 30, 1972. On another front, and in the area usually referred to as the golden triangle we have crossed another critical juncture. On September 28, 1971, the United States and Thailand signed a memorandum of understanding pledging a strong mutual effort to control and eliminate the flow of narcotics from and through Thailand. We are making similar efforts to decrease the supply of heroin flowing from other nations.

Despite our best efforts and unflinching commitment on the part of dedicated Federal law enforcement officers, heroin still reaches the shores of this country. Once heroin enters our borders, it becomes the responsibility of Federal, State and local law enforcement agencies. On the Federal level, the budget for antidrug law enforcement has been increased from $32.1 m in FY 69 to $164.4 m in FY 72. This increase in funding has been accompanied by a series of organizational changes to make our law enforce-

ment efforts more effective. Recently, the President created a new office of drug abuse law enforcement within the Justice Department to focus on prosecuting the so-called middle level pushers who have until now remained virtually untouched.

Like our diplomatic efforts, our law enforcement efforts have had some measure of success. The amount of heroin seized has risen from 24 pounds in FY 65 to 937 pounds in FY 71, the amount of cocaine from 37 to 360 pounds in the same period. However, our most knowledgeable law enforcement officials on the Federal level advise us that we are probably intercepting not more than 10 to 20% of the heroin which flows into our country. However, despite our best efforts, there continues to be both a supply and a demand for drugs which escape the law enforcement dragnet. Since men are willing to break State and local laws and since the profits to be made are staggering, we must attempt not only to continue our law enforcement efforts, but, at the same time, take all steps necessary to reduce the demand for drugs.

Last June 17, the President created, on an interim basis, the special action office for drug abuse prevention within the Executive Office of the President. At the same time, he named Dr. Jerome H. Jaffe as head of the special action office as well as his special consultant for narcotics and dangerous drugs. In creating the special action office, the President took a bold and new approach to the problem of coordinating the Federal Government's response to a national problem.

The novelty was not the creation of the office itself, but rather the concept that a national problem required for its solution a national strategy, a national program that would be implemented by various agencies under the leadership of a policy planning and coordinating group.

It may come as a surprise to you—it certainly came as a surprise to us—that some 13 Federal agencies were to one degree or another involved in aspects of drug treatment, rehabilitation, training and education and research. Unfortunately, no agency has clear responsibility for any one aspect, thus causing considerable duplication and overlap, as well as gaps in service.

The President's mandate to our office was clear: In his June 17th message to Congress, he said:

"This office provide strengthened Federal leadership in finding solutions to drug abuse problems. It would establish priorities and install a sense of urgency in Federal and federally supported drug abuse programs and it would increase coordination between Federal, State and local . . . efforts."

The powers needed to carry out this unique charge could not be provided by presidential order alone, so the President asked Congress to grant the special action office considerable authority. We were extremely fortunate in having in Congress two men also deeply dedicated to ending the drug crisis in America: Congressmen Paul Rogers and Claude Pepper. The legislation submitted by the President was exhaustively examined by Congressman Rogers' subcommittee on public health and the environment and, with amendments, was passed by the House of Representatives last week by a vote of 380 to 0. I think that that vote is testimony to the dedication and wisdom of Congressman Rogers and the excellent work done by his subcommittee. Differences between the House bill and a Senate-passed version must still be ironed out, but we are confident that we will soon have the authority to back up our presidential mandate.

In addition to the strong support which Congressman Rogers lent to this bill, we also received considerable help from the Chairman of the House Select Committee on Crime, Claude Pepper, Congressman from Miami. Congressman Pepper, for whom I had the pleasure of serving as the Chief Counsel on the Crime Committee, has been looking into the multiple problems of the relationship of crime to compulsive drug use. His committee has also deeply considered the multiple problems of treatment, rehabilitation and education and how the Federal Government should expand research into the areas of narcotic antagonists. He and Chairman Rogers have lead a strong fight to greatly expand research into narcotic antagonists and that battle has resulted in congressional endorsement of an increased authorization for research and development of pharmacological compounds which can be used in the treatment of drug dependent persons.

I said earlier that we would develop a national strategy to combat drug abuse and addiction. I want you to know that this national strategy will not be merely a fancy document that will be read and then ignored. In fact, it will be a living document with specific goals.

Because of the particular social and medical problems associated with the use of heroin, we are focusing our initial efforts on that drug. Our primary goal is to provide treatment for all addicts when they want it and need it, not after months of waiting, or only after they have been arrested and convicted of a crime. There must come a time when no citizen will be able to say that he committed a crime to get drugs because he could not get treatment. This commitment, of course, means that we must be willing to help develop or strengthen treatment facilities in virtually every community in this country. This is not to say that the Federal Government will provide complete financial support for these facilities. Health care, after all, has always been a prerogative of State and local governments, as well as the private citizen. But we can provide financial support and, perhaps more importantly, the technical assistance needed to make programs effective.

We have already begun to tool up for fulfilling this commitment by designing a national training center for drug treatment and rehabilitation. With the cooperation of several Federal agencies, we have created this center to help fill the pressing need for trained personnel to operate drug treatment centers. At first, the center will train "trainers", persons who can spread across the country and share their training with others. In time, the center will offer training in all aspects of drug abuse treatment, research, education and training to a wide variety of audiences. State and local government decisionmakers, for example, need to know something about drug abuse if they are to intelligently allocate taxpayer monies for programs. We will have courses especially designed for this group.

Treating and rehabilitating drug addicted persons are not our only priorities, however. We must find a way to reduce the number of new users joining the drug culture yearly. We will not judge ourselves successful if we merely treat the failures of earlier prevention efforts; we must develop new methods to reverse the incidence of drug use.

While our work has just begun, we can point with pride to evidence of the President's determination to support our programs. In the past three years, Federal expenditures for treatment and rehabilitation have risen nearly 600 per cent. In research, education and training programs, the increase has been 500 per cent. Much of this increase has taken place since last June, when the President created our office. A tangible result of our efforts has been the doubling of Federally funded drug treatment programs since last June, from 78 to 166.

In addition, total budgetary commitments reflect the concern of this administration about the problem which the President has termed "Public Enemy Number One." In 1969, the Federal budget contained $77.1 M for all drug abuse activities on both sides of the supply-demand equation. In 1972, we are spending $474.5 M, and the President has asked Congress to authorize $594.2 M for fiscal 1973.

To ensure that this money is spent wisely and where it is most needed, we are developing a system to acquire health care statistics concerning drug abuse. In many ways, our ignorance about the number and location of drug users is shameful. From census data, we know with far greater certitude how many Americans have indoor plumbing than how many Americans are addicted to heroin. Yet if we are to target our money where it is most needed, we not only have to know how many addicts there are, but where they are. We'd also like to know when they started using drugs, so that in the future we can judge the effectiveness of our prevention efforts.

Because the possession and use of narcotics is in most cases a criminal offense, collection of the needed health care statistics is not an easy matter. We must develop a system that guarantees to the addict confidentiality, so that he is not deterred from seeking treatment because he is afraid of being thrown in jail. Since addicts are among the world's most distrusting people, it is clearly not an easy task.

Yet, given the creative power our office can bring to bear, we do not view it as an insoluble problem. For example, we recently set out to develop a system that would prevent a patient from registering in more than one methadone maintenance program at a time. If an addict can register in more than one program, it is obvious that diversion, and the risk of accidental overdose, can occur. In solving this problem, we worked within the confines of confidentiality—after all, while we didn't want an addict registered in two programs, we certainly didn't want to scare him away from one. We explored a number of ways of identifying people including using fingerprints; but most of them had unpleasant connotations to the addict-patient. With the help of the National Bureau of Standards, we hit upon using a photograph of the ball of the right foot. The ball of the foot is every bit as unique as a fingerprint; it can be coded and classified, and by using a special camera, it doesn't even require the messy ink used in fingerprints. And as far as the addict is concerned, he simply doesn't associate foot photographs with the law and possible trouble for himself. We pilot tested this project in a methadone clinic in Washington, D.C., and were quite pleased with the results.

It works like this: When an addict registers at a clinic for the first time, the photo is taken, given an identifying number and sent to a central clearinghouse. There the photo is classified and the files searched to see if a duplicate exists. If none does, the photo is assigned a randomly selected seven-digit number and filed. If there is a duplicate in the files, we know the addict is presently or has been a patient at another clinic. Then it's a fairly simple process to make sure that only one of the two clinics provides the patient with methadone. An important point to note is that at no time does the clearinghouse know the identity of the patient. The doctor-patient relationship is preserved, no one is scared away, yet we have a way of preventing methadone diversion.

I tell you this both as an example of the kind of problem-solving our office does and as an example of the kind of interagency cooperation we can foster. Let me assure you of one thing: While we have policy control over Federal efforts, we have no intention of dictating operating procedures to local programs.

No central group, no matter how technically expert, can hope to know in depth the needs, aspirations, and resources of every community in this country. We have made a real effort to form working partnerships with knowledgeable people throughout the coun-

try. For notwithstanding everything I have said this morning about Federal efforts, the ultimate solution to the drug abuse problem in this country depends on a vast working partnership between Federal, State, and local governments as well as private citizens. Just as the problem of drug abuse is everyone's problem, so too will its solution require the help of everyone in this country. Together we must find a way to reduce the human toll of drug abuse. I solicit your aid in this most urgent endeavor.

AMERICANISM ESSAY CONTEST

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

Mr. PEPPER. Mr. Speaker, it was with great satisfaction and pride that the Sabal Palm Elementary School in my district, in conjunction with the parent-teachers' association sponsored an Americanism essay contest. Young Americans were therein accorded the opportunity to expound on the virtue and greatness of our Nation of which they will so ably become a part. I want to commend to my colleagues and any one who may read the RECORD these two winning essays by Laurie Schwartz and Elizabeth Marcus. I am certain that after reading these two outstanding papers, we all may be reassured of the reverence and understanding of today's youth for the tradition of our democratic way of life.

The essays follow:

THIS IS MY COUNTRY

(By Elizabeth Marcus)

This is my country and I'm glad it is. I consider myself lucky to live in such a fine nation. But maybe all of us don't feel the same way about our country as I do. People take for granted what we have here. Let's take a view of our country. It started out from wilderness when Columbus first came here. Hundreds of years passed. We formed a source of government. Our country grew and grew to become the most powerful nation in the world. It all started out from land no one knew about to become as powerful as it is today. Look how man has used reasoning to build such a great nation. Now let's take a view of America as it is today. People love the nation and others don't. The others haven't learned to appreciate the freedoms we have. We have something other people may never have and that is justice, liberty, and freedom. So just remember when someone asks you what country you're from with pride say "America." You'll be glad you did it. That is why . . . this is my country and I love it.

THIS IS MY COUNTRY

(By Laurie Schwartz)

This is my country means history, culture, discoveries, heroes, wars and peace. Men trying to make our country the best. Discoveries which make our country prosper. New means of equipment to help and produce necessary supplies like food. Men fighting to protect our lives no matter what the risk. For this and many reasons more I am thankful. Schools and teachers provide an education for all.

People, places and things make our country what it is today. Our goal is to achieve peace and harmony for all men. Everyone does his part in making a country no matter how menial the job may be—without people working together and helping each other our civilization would crumble. There are good and bad in every race; only the mature and responsible will survive.

With as many rich and average Americans there are twice as many poor. I think more men and women should extend a helping hand in helping those who are not as fortunate as yourself. To plan ahead for future generations and not make life all leisure time is proof of maturity. Offer assistance to those who are in most need of it. Yes, this is my country in every way.

THE PRESIDENT'S TRIP TO CHINA

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include the text of President Nixon's report on his trip to China given on his return to Washington, D.C., February 28, as well as his comments at the Veterans of Foreign Wars annual banquet last evening.)

Mr. GERALD R. FORD. Mr. Speaker, only 9 days since President Nixon returned from his historic visit to China, we have had a great deal of first-, second-, and third-hand commentary and even some instant books already published about this event. This is all to the good, and the general reaction to this bold peace initiative has been favorable. However, I feel that the best authority on the President's meetings with the leaders of China must be the President himself, and for that reason insert at this point the full texts of President Nixon's own remarks on the trip, immediately upon his return to Washington last February 28, and again last evening at the annual Congressional Awards dinner of the Veterans of Foreign Wars, at which the distinguished chairman of the Committee on Foreign Affairs, Mr. MORGAN, was deservedly honored. The texts of the President's remarks follow:

REMARKS OF THE PRESIDENT UPON ARRIVAL FROM THE PEOPLE'S REPUBLIC OF CHINA, ANDREWS AIR FORCE BASE, FEBRUARY 28, 1972

Mr. Vice President, Members of the Congress, Members of the Cabinet, Members of the Diplomatic Corps, and ladies and gentlemen:

I want to express my very deep appreciation, and the appreciation of all of us, for this wonderfully warm welcome that you have given us, and for the support that we have had on the trip that we have just completed, from Americans of both political parties and all walks of life across this land.

Because of the superb efforts of the hard-working members of the press who accompanied us—they got even less sleep than I did—millions of Americans in this past week have seen more of China than I did. Consequently, tonight I would like to talk to you not about what we saw, but what we did, to sum up the results of the trip and to put it in perspective.

When I announced this trip last July, I described it as a journey for peace. In the last 30 years, Americans have in three different wars gone off by the hundreds of thousands to fight, and some to die, in Asia and in the Pacific. One of the central motives behind my journey to China was to prevent that from happening a fourth time to another generation of Americans.

As I have often said, peace means more than the mere absence of war. In a technical sense, we were at peace with the People's Republic of China before this trip, but a gulf of almost 12,000 miles and 22 years of non-communication and hostility separated the United States of America from the 750 million people who live in the People's Republic of China, and that is one-fourth of all of the people in the world.

As a result of this trip, we have started the long process of building a bridge across that gulf, and even now we have something better than the mere absence of war. Not only have we completed a week of intensive talks at the highest levels; we have set up a procedure whereby we can continue to have discussions in the future. We have demonstrated that nations with very big and fundamental differences can learn to discuss those differences calmly, rationally, and frankly, without compromising their principles. This is the basis of a structure for peace, where we can talk about differences, rather than fight about them.

The primary goal of this trip was to re-establish communication with the People's Republic of China after a generation of hostility. We achieved that goal. Let me turn now to our joint communique.

We did not bring back any written or unwritten agreements that will guarantee peace in our time. We did not bring home any magic formula which will make unnecessary the efforts of the American people to continue to maintain the strength so that we can continue to be free.

We made some necessary and important beginnings, however, in several areas. We entered into agreements to expand cultural, educational and journalistic contacts between the Chinese and American people. We agreed to work to begin and broaden trade between our two countries. We have agreed that the communications that have now been established between our governments will be strengthened and expanded.

Most important, we have agreed on some rules of international conduct which will reduce the risk of confrontation and war, in Asia and in the Pacific.

We agreed that we are opposed to domination of the Pacific area by any one power. We agreed that international disputes should be settled without the use of the threat of force and we agreed that we are prepared to apply this principle to our mutual relations.

With respect to Taiwan, we stated our established policy that our forces overseas will be reduced gradually as tensions ease, and that our ultimate objective is to withdraw our forces as a peaceful settlement is achieved.

We have agreed that we will not negotiate the fate of other nations behind their backs, and we did not do so in Peking. There were no secret deals of any kind. We have done all this without giving up any United States commitment to any other country.

In our talks, talks that I had with the leaders of the People's Republic and the Secretary of State had with the office of the Government of the People's Republic in the foreign affairs area, we both realized that a bridge of understanding that spans almost 12,000 miles and 22 years of hostility, can't be built in one week of discussions. But we have agreed to begin to build that bridge, recognizing that our work will require years of patient effort. We made no attempt to pretend that major differences did not exist between our two governments, because they do exist.

This communique was unique in honestly setting forth differences rather than trying to cover them up with diplomatic double talk.

One of the gifts that we left behind in Hangchow was a planted sapling of the American redwood tree. As all Californians know, and as most Americans know, redwoods grow from saplings into the giants of the forest. But the process is not one of days or even years; it is a process of centuries.

Just as we hope that those saplings, those tiny saplings that we left in China, will grow one day into might redwoods, so we

hope, too, that the seeds planted on this journey for peace will grow and prosper into a more enduring structure for peace and security in the Western Pacific.

But peace is too urgent to wait for centuries. We must seize the moment to move toward that goal now, and this is what we have done on this journey.

I am sure you realize it was a great experience for us to see the timeless wonders of ancient China, the changes that are being made in modern China. And one fact stands out among many others, from my talks with the Chinese leaders. It is their total belief, their total dedication, to their system of government. That is their right, just as it is the right of any country to choose the kind of government it wants.

But as I return from this trip, just as has been the case on my return from other trips abroad which have taken me to over 80 countries, I come back to America with an even stronger faith in our system of government.

As I flew across America today, all the way from Alaska, over the Rockies, the plains, and then on to Washington, I thought of the greatness of our country, and most of all, I thought of freedom, the opportunity, the progress that 200 million Americans are privileged to enjoy. I realized again this is a beautiful country, and tonight my prayer and my hope is that as a result of this trip, our children will have a better chance to grow up in a peaceful world.

Thank you.

REMARKS OF THE PRESIDENT TO THE CONGRESSIONAL AWARDS DINNER, VETERANS OF FOREIGN WARS, SHERATON-PARK HOTEL, WASHINGTON, MARCH 7, 1972

Commander Vicites, all of the distinguished guests and all of the very honored winners of the Voice of Democracy Contest who are here tonight, and my friends, and I can say also my comrades of the Veterans of Foreign Wars:

I am honored to be here for two very important reasons· First with regard to the Veterans of Foreign Wars; and second with regard to the honored guests tonight.

Your Commander has spoken very generously of my participation over many years, not only as a member, but also as a speaker on many occasions before various meetings of the Veterans of Foreign Wars, including, of course, several conventions and several dinners of this type. I would like to say a word to those who are members of the Veterans of Foreign Wars, those who are leaders from all over the United States:

I want to tell you something about what your support has meant to the man, whoever that man is, who happens to be President of the United States. The man who is President of the United States has to make many difficult decisions. Some of them are decisions that have to do with domestic affairs in which there is legitimate controversy and in which men and women of good will can have very vigorous differences of opinion.

Others are matters that affect the security of the Nation in which there are also differences of opinion, but also, there are some issues in which whoever happens to be President of the United States must have assistance far beyond his party; he must have assistance from the Nation, from people of both parties, from men and women who put the country first and the party second.

Over the past three years there have been numbers of occasions when I have had to make some decision in the field of foreign policy that were somewhat controversial. I remember on many of those occasions that I have asked for the assistance and support of the Veterans of Foreign Wars, and whatever that decision was, whether it was a decision that was necessary to keep America strong through developing a system of defense against nuclear weapons, whether it was a decision to defend American men who were fighting abroad by taking action that was terribly difficult but terribly important for their survival, whatever the decision was, I can say that on occasion after occasion when I have talked to whoever happened to be the Commander of the Veterans of Foreign Wars, whether it was Chief Rainwater or Commander Vicites, I have asked them and never have the Veterans of Foreign Wars been found wanting when the chips were down.

The Commander has referred to the fact that I have returned from a journey. That journey, to many people, meant perhaps more than a realist would recognize that it should mean, and that is that because a trip has been taken, because the leader of a very powerful nation, the United States of America, was meeting with the leader of the most populous nation of the world, that this meant that peace was going to be something that we could assume, something that now made it no longer necessary for us to maintain the strength, the strength in arms, even more important, the strength in character which America has had in the past and which it needs at the present time.

Let me put that trip, perhaps, in its proper perspective in just a moment. The trip was necessary, necessary because, as we look at the history of this organization, I think of the fact that most of us who are members were veterans of World War II. I think of the fact that for the veterans of World War II, their younger brothers fought in Korea and their sons fought in Vietnam, and the great question of our time is simply this: Are their grandchildren, are those who sit here, these winners, are they and their children going to fight in another war?

We look at those wars: World War II, Korea, Vietnam. It is most significant to note that each of them, for the United States, came from the Pacific. World War II began in the Pacific for America. Korea came from the Pacific, and Vietnam, of course, came from the Pacific. So the great question is: Can we, those of us who have positions of leadership, develop a new policy, a new relationship, which will not guarantee peace, because that can never be sure, but which will provide a better chance that we can have peace in the future?

As I said over and over again on this recent journey, there is no question about the differences that we have with the leaders of the most populous nation in the world, differences that are deep in philosophy, and very deep in terms of our views about the world. But there is also no question about this: That is that if the most populous nation in the world, and the nation at the present time that is the most powerful nation in the world, if they do not communicate, the chances of our having peace in the Pacific and peace in the world is very dim.

If, on the other hand, we can establish a process by which we can talk about our differences, rather than fight about our differences, the chance that these young people in front of us can grow up in a period which we did not enjoy, a generation of peace, is infinitely better.

That is why the trip was necessary, and that is why we took it. I do not hold out any false hopes. I would only say that in this period when we are entering negotiations with those who could be our enemies, not only there but in other parts of the world, the need for the United States of America to maintain its strength, its military strength, its economic strength, and above all its moral and spiritual strength, its faith in this country, its belief in America has never been greater, because if we are to have peace in this period ahead, it will not come if America, with all of its power and all of its wealth, withdraws into itself and refuses to play the role that it must play, play it not for purposes of conquest and not for purposes of domination, but for purposes of using our power so that the world may be one in which nations and peoples with different philosophies can live together, rather than die together.

And so at this particular instant, there has never been a time when we needed in this country more men and women like the men and women who proudly belong to the Veterans of Foreign Wars, who believe in this country, who recognize the need for strength, who also appreciate the necessity for negotiation. There has never been a time when we needed people who thought along those lines more.

I remember talking with President Eisenhower once, and he said something very significant, very early in his Administration. He said, "There is no one who hates war more than someone who has seen a lot of it." Of course, he was a great example of that truth.

That could be said of all of the Veterans of Foreign Wars. And yet you, as Veterans of Foreign Wars, you know that if we are to have peace, it will not come through weakness, and on the other side it will not come through belligerence, but it will come through strength, and the willingness to negotiate a new era in which we can have peace, peace through strength and conciliation at the very highest level.

That brings me to our honored guest tonight. I have been thinking of these dinners I have attended. I have been thinking of the men who I have appeared with on the occasion of these dinners, appeared for and spoken in behalf of.

Senator Jackson, a man who, when all these great issues have come before the Senate, stood very firm for the cause of a strong United States, for putting the country above party.

I think of Congressman Arends, a man who could always be counted upon through all the years that I have known him. I have not known him quite as long as he has been in the Congress, but almost, but a man who always, like Senator Jackson, put the country first and his party second.

And I think tonight of Doc Morgan. Now, Doc Morgan is going to follow me, so I had better say nice things about him. In speaking of Doc Morgan, I want to speak of the House of Representatives because he, as you know, is the Chairman of the Foreign Affairs Committee of the House of Representatives. I think of Doc Morgan, Speaker Carl Albert, Chairman George Mahon of the Appropriations Committee, who is here tonight, of Tiger Teague, the Chairman of the Veterans Affairs Committee. It occurred to me as I mentioned those names—they are all Democrats. As I mention those names, it occurs to me, too, that the immediate past Commander of the VFW and the present Commander of the VFW are Democrats. So why am I here?

I am here for this reason: One of the most eloquent of all the men who have served in American political life was the Senator from Indiana around the turn of the century. All of you have read about him, you have read Bower's Life of Beveridge. This great Senator from Indiana made perhaps some of the greatest speeches ever heard in the Senate or in this country. He once said something that I thought was very simple, but very eloquent. That was that one who is a partisan of principle is a prince of statemanship. Those are the men we honor tonight.

I could speak of Doc Morgan in terms of his years of service on the Foreign Affairs Committee, Chairman of that committee since 1959. I know that every time I, in my three years in this office, have called upon him, he has not been found wanting. I know that whether we speak, and I now mention those in the House of Representatives with whom he has worked, whether it is Speaker Albert, or the former Speaker, Speaker McCormack, or George Mahon or Tiger

Teague, and let's get one Republican in it, or Les Arends, that whenever an issue came up that involved this nation, its security, its strength, the peace that we all want, he was a man who was a partisan, a strong partisan, but a partisan for principle, and therefore a prince of statesmanship.

I honor him tonight as a prince of statesmanship.

MOORHEAD HITS NIXON ACTION ON SECURITY CLASSIFICATION EXECUTIVE ORDER

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

Mr. MOORHEAD. Mr. Speaker, I want to make one thing perfectly clear to the President of the United States. This morning he issued a new Executive order on classification. All of us, of course, will give this document careful review, but the Congress may want to write its own statutory law on this important and sensitive matter. The subject has been under detailed study since last year by the Foreign Operations and Government Information Subcommittee of the House Committee on Government Operations. We politely sought the final draft of the Executive order last month, but the request was politely denied as none of Congress' business until the last nail was driven into the coffin. Well, that is all right—we reserve the right to bury that coffin with a law passed by the Congress of the United States.

I urged the President in a House speech March 1 not to try and head off congressional action. He, of course, is entitled to accept or reject what some of us consider to be good advice. On the other hand, we can reject his. I thought the House would like to know we plan to continue our public hearings and hope to come up with a proposed law for the consideration of the Congress. It was the Congress which initiated the Freedom of Information Act—not the executive branch. And we believe Congress should now bring into reality a practical classification law which will insure the maximum flow of Government information to the American people while at the same time protecting the truly vital defense and state secrets of our Nation.

THE MODERN ARMY OF THE SEVENTIES

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

Mr. HECHLER of West Virginia. Mr. Speaker, it was an honor for me to interview the Army Chief of Staff, Gen. William C. Westmoreland, shortly after he crossed the Remagen bridge on the Rhine River in 1945. At that time, General Westmoreland was a colonel and chief of staff of the 9th Infantry Division. The night was pitch black and rainy when he crossed the Rhine, lying on the hood of a jeep to help direct his men across the damaged structure in the first breaching of the Rhine defensive barrier.

Last Friday, General Westmoreland visited West Virginia and delivered two outstanding addresses at Charleston, W. Va., and at Concord College in Athens, W. Va. There follows the text of General Westmoreland's address in Charleston, W. Va.:

THE PROFESSIONAL MODERN ARMY OF THE SEVENTIES

(By Gen. William C. Westmoreland)

It it a personal pleasure to be with you today. I certainly appreciate your warm and friendly reception. This is my first public appearance in your great state. I must say that I am much impressed with the scenic beauty of the Mountain State. It is a welcome change from crowded Washington and the Pentagon.

It is a professional pleasure to visit West Virginia where her citizens have not forgotten the meaning of patriotism. West Virginia has always been distinguished by her many sons who have served our country so well and by her strong desire for independence and freedom. Certainly your state motto—"Mountaineers Always Free"—accurately symbolizes your state's historical actions and attitudes. Although I must admit that as a young boy growing up in South Carolina, my early impression of your people was an unfair one of Virginia Yankees who left that marvelous southern state of Virginia in 1861.

Ladies and gentlemen, it will not be surprising to you that my remarks today will focus on your Army . . . an Army experiencing a period of sweeping transition. Hopefully, this assessment from my vantage point will provide you with some useful insights to add to what you already know or have heard about the Army's role in defense of our Nation, the objectives we seek, and what we are doing to field a professional, modern Army in the seventies.

As you know, the Army continues to decrease in size as the Vietnam War is concluded. Let me say that the Army's mission in Vietnam, although a complex one, has been virtually accomplished. Our Nation's objective in Vietnam was not to achieve a "military victory" in the classical sense. Our success in Vietnam cannot be measured in purely military terms. We have prevented the communist domination of South Vietnam. We have expanded the area controlled by the free world forces, denying resources and support to the Viet Cong and thus allowing a greater freedom for the people of South Vietnam—a freedom which provides the South Vietnamese with better local government, and improved commerce, transportation and way of life. For example, in South Vietnam—

The gross national product has increased 60 percent in 6 years, and the inflation rate has declined 60 percent in 5 years.

Since 1964, rice production has increased by 20 percent, and fish caught and processed have increased by 51 percent.

Since 1965, over 2,900 kilometers of hard surfaced roads and 728 bridges have been constructed. The number of schools have increased by almost 50 percent with 91 percent of the Vietnamese children in the eligible age group attending.

Over 80 percent increase in school teachers has taken place, and almost 350,000 acres of land have been placed under cultivation.

Additionally, a three-year-old land reform program called the "land-to-the-tiller-program" has resulted in approximately 871,000 acres being distributed to new owners. There are many other significant statistics and indicators to show the progress made in South Vietnam in recent years, but time does not permit me to mention them.

The U.S. Army was directed to improve the capacity of the South Vietnamese to resist communist aggression, and it would seem that the South Vietnamese government now has in substantial measure achieved this capability . . . a capability that was developed behind the shield provided by U.S. forces.

One action which is unprecedented in scope and cost savings and yet has received very little notice is the current retrograde of supplies and equipment from Vietnam. The Services now have shipped about 1.8 million tons of war materiel valued at approximately $4.5 billion out of Vietnam. Also, there remains approximately a million tons of materiel in Vietnam that either will be reclaimed or turned over to South Vietnam for nation building purposes. This tremendous savings of materiel and money is truly a remarkable achievement.

Ladies and gentlemen, I recently returned from a Far East trip. I visited numerous U.S. and allied units and installations in Vietnam and met with many civilian and military leaders. I found the confidence and professional competence of both American and allied forces in Vietnam to be high . . . despite the impression given by some observers. While our efforts in Vietnam have not completely ended, the overall performance of our Army there has been splendid. We can be justly proud of our efforts in Vietnam. I know that history will record that, under the most complicated and difficult of circumstances, the United States Army conducted itself in a manner characterized by honor, dedication to duty, and professionalism. Yes, there have been individual exceptions to such a performance, but these have indeed been pitifully few.

Today, the Army is substantially reducing its size in order to come within lower budget ceilings and to cope with the effects of continuing inflation. The Army continues to experience its most rapid demobilization since the end of World War II. By 1 July of this year, the Army will be at an approximate strength of 860,000. This is a reduction from over one and a half million men in 1968 . . . or a 44 percent reduction in just four years . . . and is approximately 100,000 below the Army's strength at the beginning of the Vietnam War in 1965. During the next fiscal year the Army will reach a strength of 841,000 . . . the lowest since 1950. Certainly, there is a strength level below which the Army cannot be prudently reduced if we are to perform our mission in support of national commitments . . . even with selected Reserve Component units at an unprecedented state of readiness.

I believe any further reductions in the strength of the Army will entail risks in our search for peace. The Army . . . together with the other Services . . . is faced with maintaining national security and furthering national interests against threats that have not diminished, give no signs of decreasing in the near future, and in some cases are actually increasing.

Turning now to current U.S. strategic concepts—the Nixon Doctrine and the Strategy of Realistic Deterrence, we find that for the Army these mean—

A reduction in our oversea deployments, while still maintaining, however, our forward posture in Europe and the Pacific;

A smaller supporting base in the United States;

Increased importance for our CONUS-based strategic reserves, with a corresponding critical need for strategic air and sea lift;

A greater role for advisory and materiel assistance to allies; and

A greater reliance—in fact, the greatest ever—on National Guard and Reserve Forces.

However, these changes do not mean a smaller role for the Army in the seventies. In fact, the Nixon Doctrine places a heavy reliance on the role of general purpose forces—those nonstrategic tactical forces our Nation relies upon for military actions short of general nuclear war. President Nixon has stated: "General purpose forces . . . now play a larger role in deterring attacks than at any time since the nuclear era began."

As a result, the Army has a continuing important role in supporting deterrence, flexible response, and collective security. Its power—the power of the Army—must be professional, rapidly deployable and rapidly expandable. Its capability must be suitable for employment throughout the full spectrum of both war and peace time requirements.

Today, our Army has the highest level of combat experience of any army in the world. We are building on that experience to make the Army the finest in the history of our Nation. A comprehensive series of programs are already in being—programs designed:

To better structure our forces in view of anticipated missions;

To update our operational concepts and battlefield control systems;

To modernize our equipment and facilities;

To improve our management practices;

To streamline our logistical procedures; and

To insure the continued vitality of our research, development and testing programs.

The Army is also involved in numerous programs:

To improve both individual and unit training;

To keep our vast educational system current and responsive to Army needs; and

To improve the professionalism and quality of our people.

The Army is people. To strengthen the Army, we must capitalize on the energies and talents of our people. This past Christmas, I received a Christmas card from an infantry lieutenant and his Special Forces detachment. He said his men were proud of what the Army was doing in this difficult transition period. He added, "God is helping us but we have to work like it all depends on us." The strength of young soldiers . . . their pride, their desire, their values, and their skills . . . as portrayed in that Christmas card . . . is a great part of the Army's strength. It is this strength—the strength of our young soldiers, molded by capable and dedicated officers and noncommissioned officers—that will provide us with a source of power to build the type of Army our country needs to meet the challenges of the seventies.

As I mentioned earlier, we are taking numerous actions in preparing the Army for its future missions. Of all of these actions, the most important ones are those which are devoted to improving the professionalism—the quality, motivation and skill—of our people.

The achievement of the highest standards of professionalism is our overriding concern. All else is secondary. Let there be no doubt about that. Nevertheless, the Army is a flexible organization—unafraid of new ideas, and with the courage to experiment with new methods. Those methods that serve our purpose will be adopted, those that do not will be abandoned. In all cases our standard will be high.

Some of our people-oriented programs have attracted much attention in the press. Our Army programs, however, are far more substantive and fundamental than those few items that have received considerable publicity. For example, we are eliminating excessive instability within our ranks that developed as a result of Vietnam. Officers and men will now enjoy the personal as well as professional advantage of being in one area for a longer period of time and serving in units which have the advantage of personnel continuity. We are eliminating those negative aspects of Army life that have irritated soldiers for years and have caused them to expend energy and effort in nonsoldierly pursuits. Others actions taken include increased pay, improved barracks and living conditions, improved facilities and services for both the soldier and his family. All of these actions will take money and time. Our efforts are improving the attitude of our soldiers and providing them with more time for important training. A soldier who can devote more time to his essential tasks is a better trained, more confident, happier, tougher, more professional soldier.

The key to achieving a more professional, modern Army is leadership—both officer and noncommissioned officer. We are fortunate to have within our ranks today an abundance of quality leadership. We are taking advantage of the present period of transition to refine this quality leadership through leadership boards and teams, leadership and group communications training and higher standards for promotion and schooling. Because the Army is being drastically reduced, we are required to reduce our officer and noncommissioned officer strengths. Some competent leaders will be forced to leave the Army due to this reduction in force. Purely from a personnel management point of view, this reduction will improve the leadership quality of our Army for only the very best of our officers and noncommissioned officers will remain.

From the beginning of our Nation's history, the American people have relied on Army leaders to lead our young Americans in uniform. This reliance has been fully justified. Within our corps of officers and noncommissioned officers there is an assumed competence, integrity and honor . . . an assumed mutual trust that one officer places in another. Where there are aberrations—when these standards are violated—they receive publicity just because they are so very foreign to what all of us expect of our Army leaders. There have been only a very few who have betrayed their trust. Needless to say, I am proud of our Army . . . and I am proud of its leaders.

But internal efforts are not enough. Our need now is to match the substantial progress made in enhancing professionalism and improving Service life within the Army through achievement of better public understanding and support. This is imperative if we are to attract and retain quality people in the numbers required.

From my travels about the United States, I know that there is a tremendous amount of latent goodwill and admiration for the Army. This must be transformed into the active public support so greatly needed during this time of transition.

I can think of no better way to engender that type of support than through organizations such as yours here today. Certainly, the dedication of this day in your great city as Military Appreciation Day is a prime example of the type of support that our men and women in the military need and appreciate. I solicit your continued support and best efforts in this regard as we strive to ensure this Nation a strong, ready and responsive, quality Army. I know the Army can count on you; and you can count on the Army . . . as always.

In closing, let me say what a personal pleasure it has been to join you today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ASPINALL, from close of business on March 9 to March 20, 1972, on account of trip to Micronesia, semiofficial.

Mr. BURKE of Florida (at the request of Mr. GERALD R. FORD), on March 9, 1972, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. FORSYTHE) and to revise and extend their remarks and include extraneous matter:

Mr. HALPERN, for 10 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. ASPIN, for 10 minutes, today.

Mr. ALEXANDER, for 10 minutes, today.

Mr. BURKE of Massachusetts, for 5 minutes, today.

Mr. FULTON, for 5 minutes, today.

Mr. STAGGERS, for 10 minutes, today.

Mr. BOGGS, for 5 minutes, today.

Mr. WOLFF, for 15 minutes, today.

Mr. MCFALL, for 15 minutes, today.

Mr. PODELL, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. NEDZI, and to include extraneous material.

Mr. MCMILLAN, and to include extraneous material.

Mr. LANDRUM to revise and extend his remarks during his colloquy with Mrs. GREEN of Oregon.

(The following Members (at the request of Mr. FORSYTHE) and to include extraneous matter:)

Mr. GUBSER.

Mr. BROYHILL of Virginia.

Mr. BLACKBURN.

Mr. BOB WILSON in two instances.

Mr. MCKINNEY.

Mr. ZWACH in two instances.

Mr. SCHWENGEL.

Mr. FORSYTHE.

Mr. MCCLURE in five instances.

Mr. COLLINS of Texas in five instances.

Mr. HOSMER in two instances.

Mr. CEDERBERG.

Mr. VEYSEY in nine instances.

Mr. FINDLEY.

Mr. HALPERN in two instances.

Mr. LUJAN.

Mr. BAKER.

Mr. BELCHER.

Mr. BYRNES of Wisconsin.

Mr. HORTON in two instances.

Mr. DERWINSKI in two instances.

Mr. DELLENBACK in two instances.

Mr. BRAY in three instances.

Mr. HUNT.

Mr. BELL.

Mr. MCCLORY.

Mr. PRICE of Texas.

Mr. WYMAN in two instances.

Mr. SCHMITZ in two instances.

Mr. NELSEN.

Mr. MCCOLLISTER in five instances.

Mr. ROUSSELOT.

Mr. HILLIS.

Mrs. HECKLER of Massachusetts.
Mr. SMITH of New York.
Mr. MICHEL in two instances.
Mr. KEMP.
Mr. KEITH in two instances.
Mr. GROSS.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. THOMPSON of New Jersey in two instances.
Mr. O'HARA.
Mr. GONZALEZ in two instances.
Mr. RARICK in three instances.
Mr. DINGELL in four instances.
Mr. FRASER in three instances.
Mr. DOW in three instances.
Mr. HAGAN in five instances.
Mr. MILLER of California in three instances.
Mr. PRYOR of Arkansas.
Mr. ALEXANDER in six instances.
Mr. DANIELSON in two instances.
Mr. BURKE of Massachusetts in two instances.
Mr. MAHON.
Mr. LEGGETT.
Mr. FULTON in two instances.
Mr. RODINO in two instances.
Mr. BRINKLEY.
Mr. MATSUNAGA in five instances.
Mr. JAMES V. STANTON.
Mr. ANNUNZIO in two instances.
Mr. DANIEL of Virginia.
Mr. ROONEY of Pennsylvania in five instances.
Mr. REES.
Mr. HARRINGTON.
Mr. BINGHAM in three instances.
Mr. WOLFF in four instances.
Mrs. MINK in two instances.
Mr. BEGICH.
Mr. MCFALL.
Mr. MONAGAN in three instances.
Mr. GALIFIANAKIS in two instances

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1058. An act to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion, to the Committee on Agriculture.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 190. Joint resolution to provide for an extension of the term of the Commission on the Bankruptcy Laws of the United States, 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 53 minutes p.m.), the House adjourned until tomorrow, Thursday, March 9, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1716. Under clause 2 of rule XXIV, a communication from the President of the United States, transmitting a request for an appropriation to pay claims and judgments rendered against the United States (H. Doc. No. 92–262) to the Committee on Appropriations and ordered to be printed.

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. MCMILLAN: Committee on the District of Columbia. H.R. 11773. A bill to amend section 135 of title 4 of the District of Columbia Code to exclude the personnel records, home addresses and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection; with amendments (Rept. No. 92–903). Referred to the House Calendar.

Mr. MCMILLAN: Committee on the District of Columbia. H.R. 9802. A bill to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes. (Rept. No. 92–904). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 11417. A bill to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes; with amendment (Rept. No. 92–905). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCMILLAN: Committee on the District of Columbia. H.R. 13533. A bill to amend the District of Columbia Redevelopment Act of 1945 to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the act approved June 11, 1878 (providing a permanent government of the District of Columbia), and for other purposes (Rept. No. 92–906). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCMILLAN: Committee on the District of Columbia. H.R. 12410. A bill to provide for the evidentiary use of prior inconsistent statements by witnesses in trials in the District of Columbia; with amendment (Rept. No. 92–607). Referred to the Committee of the Whole House on the State of Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 13560. A bill to provide for the striking of medals in commemoration of the First U.S. International Transportation Exposition (Rept. No. 92–908). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER (for himself, Mr. ABOUREZK, Mr. ANDERSON of Tennessee, Mr. BEGICH, Mr. BLANTON, Mr. BURLISON of Missouri, Mr. BURTON, Mr. CAFFERY, Mr. DAVIS of South Carolina, Mr. DOW, Mr. DUNCAN, Mr. HAMILTON, Mr. HATHAWAY, Mr. HELSTOSKI, Mr. ICHORD, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. MELCHER, Mr. OBEY, Mr. PETTIS, Mr. RUNNELS, Mr. SYMINGTON, Mr. THONE, Mr. UDALL, and Mr. WRIGHT):

H.R. 13634. A bill to establish more effective community planning and development programs (and expand the related provisions of existing programs) with particular emphasis upon assistance to small communities; to the Committee on Banking and Currency.

By Mr. ALEXANDER (for himself, Mr. DANIELSON, Mr. DENHOLM, Mr. FLOWERS, Mr. FUQUA, Mr. HENDERSON, Mr. HUNGATE, and Mr. MORSE):

H.R. 13635. A bill to establish more effective community planning and development programs (and expand the related provisions of existing programs) with particular emphasis upon assistance to small communities; to the Committee on Banking and Currency.

By Mr. ANDERSON of Tennessee (for himself, Mr. DULSKI, Mrs. CHISHOLM, Mr. FOLEY, Mr. NICHOLS, Mr. NIX, Mr. PICKLE, Mr. PIKE, Mr. ROONEY of Pennsylvania, Mr. ROUSH, Mr. ROYBAL, Mr. RYAN, Mr. SYMINGTON, Mr. WHITE, Mr. WRIGHT, Mr. YATRON, and Mr. ZABLOCKI):

H.R. 13636. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. ANNUNZIO:

H.R. 13637. A bill to provide for the issuance of a special postage stamp in February 1973 in honor of the 500th anniversary of the birth of Nicholas Copernicus—the great Polish astronomer and father of modern science; to the Committee on Post Office and Civil Service.

By Mr. ASPIN (for himself, Mrs. ABZUG, Mr. BADILLO, Mr. BRASCO, Mr. BUCHANAN, Mr. DERWINSKI, Mr. FASCELL, Mr. GALLAGHER, Mr. HANSEN of Idaho, Mr. HECHLER of West Virginia, Mrs. HECKLER of Massachusetts, Mr. HEINZ, Mr. HORTON, Mr. LENT, Mr. MCKAY, Mr. MEEDS, Mr. MILLER of California, Mr. MOLLOHAN, Mr. O'HARA, Mr. PERKINS, Mr. ROSENTHAL, Mr. ROYBAL, Mr. TIERNAN, and Mr. VEYSEY):

H.R. 13638. A bill to amend the National Traffic and Motor Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Mr. WYDLER and Mr. YATRON):

H.R. 13639. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT:

H.R. 13640. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

H.R. 13641. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

H.R. 13642. A bill to amend chapter 67 (relating to retired pay for nonregular service) of title 10, United States Code, to authorize payment of retired pay at reduced percentages to persons, otherwise eligible, at age 50, and for other purposes; to the Committee on Armed Services.

H.R. 13643. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. CELLER:

H.R. 13644. A bill to amend the Administrative Conference Act; to the Committee on the Judiciary.

H.R. 13645. A bill to amend chapters 113 and 117 of title 28, United States Code, to authorize district courts to order the service of documents and the taking of depositions in foreign countries, upon the application of administrative tribunals, and for other purposes; to the Committee on the Judiciary.

H.R. 13646. A bill to authorize the position of crier-clerk within the judicial branch of the Government of the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 13647. A bill to provide for a within-grade salary increase plan for secretaries to circuit and district judges of the courts of the United States; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 13648. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. DELLENBACK (for himself, Mr. QUIE, Mr. STEIGER of Wisconsin, and Mr. HANSEN of Idaho):

H.R. 13649. A bill to provide for the consolidation and coordination of all Federal child care and child development programs and to insure that they will be effective to attain their intended objectives; to the Committee on Education and Labor.

By Mr. DENT:

H.R. 13650. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committtee on Ways and Means.

By Mr. DORN:

H.R. 13651. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. EILBERG:

H.R. 13652. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. FULTON:

H.R. 13653. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

H.R. 13654. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor; to the Committee on the Judiciary.

By Mr. GETTYS:

H.R. 13655. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 13656. A bill to prohibit tampering with odometers on motor vehicles, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. GRASSO:

H.R. 13657. A bill to amend the Federal Food, Drug, and Cosmetic Act, relating to food additives; to the Committee on Interstate and Foreign Commerce.

H.R. 13658. A bill to retain May 30 as Memorial Day and November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. HARRINGTON (for himself, Mr. BEGICH, Mr. BINGHAM, Mr. BURTON, Mrs. CHISHOLM, Mr. COLLINS of Illinois, Mr. EDWARDS of California, Mr. FRASER, Mr. HALPERN, Mr. HANSEN of Idaho, Mr. HATHAWAY, Mr. HELSTOSKI, Mr. KEMP, Mr. LEGGETT, Mr. LINK, Mr. MORSE, Mr. PEPPER, Mr. PODELL, Mr. RYAN, Mr. RUNNELS, Mr. SARBANES, Mr. SYMINGTON, and Mr. CHARLES H. WILSON):

H.R. 13659. A bill to provide for the establishment of projects for the dental health of children to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS:

H.R. 13660. A bill to direct the Secretary of Agriculture to release on behalf of the United States conditions in a deed conveying certain lands to the State of New York and to provide for the conveyance of certain interests in such lands so as to permit such State, subject to certain conditions, to sell such land; to the Committee on Agriculture.

By Mr. HASTINGS (for himself and Mr. MILLS of Arkansas:

H.R. 13661. A bill to amend title 44 of the United States Code to designate the Daniel Reed Library at the State University College of Fredonia in Fredonia, N.Y., as a depository library; to the Committee on House Administration.

By Mr. HORTON (for himself, Mr. BIESTER, Mr. BINGHAM, Mr. BROYHILL of North Carolina, Mr. DANIELSON, Mr. FRENZEL, Mr. GIBBONS, Mrs. GRASSO, Mr. HALPERN, Mr. HANNA, Mr. HASTINGS, Mr. LENT, Mr. MAZZOLI, Mr. MORSE, Mr. MOSS, Mr. RANGEL, Mr. ROE, Mr. SANDMAN, Mr. VEYSEY, and Mr. WARE):

H.R. 13662. A bill to amend the Controlled Substances Act; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Tennessee:

H.R. 13663. A bill to enable wheat producers, processors, and end-product manufacturers of wheat foods to work togther to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States; to the Committee on Agriculture.

By Mr. KARTH:

H.R. 13664. A bill to amend provisions of the Internal Revenue Code of 1954 to authorize the refund of tax on distilled spirits, wines, rectified products and beer lost or rendered unmarketable due to fire, flood, casualty, or other disaster, or breakage, destruction or other damage (excluding theft) resulting from vandalism or malicious mischief while held for sale; to the Committee on Ways and Means.

By Mr. McMILLAN:

H.R. 13665. A bill to establish the Office of Youth Commissioner in the District of Columbia, to establish the Youth Commission, and for other purposes; to the Committee on the District of Columbia.

By Mr. MINSHALL:

H.R. 13666. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. RARICK (for himself, Mr. ABBITT, Mr. DANIEL of Virginia, Mr. ROUSSELOT, Mr. STEPHENS, Mr. HAGAN, Mr. STUCKEY, Mr. DULSKI, Mr. MATHIS of Georgia, Mr. MONTGOMERY, Mr. ASHBROOK, Mr. HUNGATE, Mr. DENHOLM, Mr. MYERS, Mr. BRINKLEY, Mr. CRANE, Mr. NICHOLS, Mr. FLOWERS, Mr. BERGLAND, Mr. JONES of Tennessee, Mr. ZION, Mr. LANDGREBE, Mr. THONE, Mr. MCMILLAN, and Mr. SPENCE):

H.R. 13667. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. RARICK (for himself, Mr. HALPERN, Mr. WARE, Mr. DOWDY, Mr. HOSMER, Mr. MORSE, Mr. STEIGER of Arizona, Mr. ARCHER, Mr. MIKVA, Mr. BYRON, Mr. ICHORD, Mr. KEMP, Mr. ROE, Mr. CLEVELAND, Mr. SEBELIUS, Mr. MELCHER, Mr. CARTER, Mr. BROWN of Michigan, Mr. SANDMAN, Mr. PEPPER, Mr. FRENZEL, Mr. EVANS of Colorado, Mrs. HANSEN of Washington, Mr. DAVIS of Georgia, and Mr. MATSUNAGA):

H.R. 13668. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. RARICK (for himself, Mr. RODINO, Mr. DENT, Mr. FOUNTAIN, and Mr. LONG of Louisiana):

H.R. 13669. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. RUNNELS (for himself and Mr. THOMPSON of Georgia):

H.R. 13670. A bill to repeal the Gun Control Act of 1968, to reenact the Federal Firearms Act, to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. SEBELIUS:

H.R. 13671. A bill to repeal the provisions of law which relate to the check off procedure for financing presidential election campaign; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 13672. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (by request) (for himself, Mr. CARNEY, Mr. DANIELSON, Mr. DORN, Mr. DULSKI, Mr. EDWARDS of California, Mrs. GRASSO, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. HILLIS, Mr. PUCINSKI, Mr. SATTERFIELD, Mr. SAYLOR, Mr. SCOTT, Mr. TEAGUE of California, Mr. WINN, Mr. WOLFF, Mr. WYLIE, and Mr. ZWACH):

H.R. 13673. A bill to amend title 38 of the United States Code, to promote the care and treatment of veterans in State veterans' homes, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Georgia (for himself, Mr. PETTIS, and Mr. SPRINGER):

H.R. 13674. A bill to amend title 18, United States Code, to prohibit any officer or em-

ployee of an air carrier to pay money to any person on account of any attempt or threat to hijack, damage, or destroy any aircraft operated by such air carrier, and for other purposes; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 13675. A bill to amend the Tariff Schedules of the United States to provide for the duty-free entry of mica films; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 13676. A bill to authorize the Federal Communications Commission to investigate the American Telephone & Telegraph Co. and its subsidiaries; to the Committee on Interstate and Foreign Commerce.

By Mr. ZION:

H.R. 13677. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mrs. ABZUG:

H.R. 13678. A bill to amend the national defense loan program to provide that the obligations of student borrowers to make payments on their loans shall be suspended while they are performing alternative service under the Military Selective Service Act; to the Committee on Education and Labor.

By Mr. BERGLAND (for himself, Mr. OBEY, Mr. LINK, Mr. ABOUREZK, Mr. SMITH of Iowa, Mr. MELCHER, Mr. ANDREWS, Mr. ROUSH, Mr. THONE, Mr. BEVILL, Mr. HAMILTON, Mr. MCCORMACK, Mr. DENHOLM, Mr. FRASER, Mr. EVANS of Colorado, Mr. ASPIN, Mr. ROY, Mr. MCMILLAN, Mr. JONES of North Carolina, and Mr. FOLEY):

H.R. 13679. A bill to amend the Agricultural Act of 1949, as amended, to require the Secretary of Agriculture to make advance payments to producers participating in wheat and feed grain programs; to the Committee on Agriculture.

By Mr. BRAY:

H.R. 13680. A bill to amend title 5 of the United States Code with respect to the observance of Memorial Day and Veterans Day; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 13681. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

By Mr. HOGAN:

H.R. 13682. A bill to amend title 18 of the United States Code to define and limit the exclusionary rule in Federal criminal proceedings; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 13683. A bill to amend the Flood Control Act of 1970; to the Committee on Public Works.

By Mr. KOCH (for himself, Mr. COLLINS of Illinois, Mr. REID, Mr. DELANEY, Mr. DOW, Mrs. GRASSO, Mr. HORTON, and Mr. MAZZOLI):

H.R. 13684. A bill to amend the Urban Mass Transportation Act of 1964 to provide emergency grants for operating subsidies to urban mass transportation systems on the basis of passengers serviced; to the Committee on Banking and Currency.

By Mr. KYROS:

H.R. 13685. A bill to amend chapter 7, title 24, United States Code, to provide that the cost of setting Government-issued grave markers, not to exceed $100, be borne by the Department of Defense; to the Committee on Armed Services.

By Mr. NELSEN:

H.R. 13686. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. PURCELL (for himself and Mr. FRENZEL):

H.R. 13687. A bill to enable wheat producers, processors, and end-product manufacturers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States; to the Committee on Agriculture.

By Mr. SLACK:

H.R. 13688. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. VANIK (for himself, Mr. MINSHALL, Mr. MOSHER, Mr. SEIBERLING, Mr. J. WILLIAM STANTON, Mr. JAMES V. STANTON, and Mr. STOKES):

H.R. 13689. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. CLEVELAND:

H.J. Res. 1094. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. ECKHARDT:

H.J. Res. 1095. Joint resolution authorizing and requesting the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month"; to the Committee on the Judiciary.

By Mr. GALIFIANAKIS:

H.J. Res. 1096. Joint resolution to authorize and request the President to issue a proclamation designating the period from March 12, 1972, through March 19, 1972, as "International Demolay Week"; to the Committee on the Judiciary.

By Mr. COLLIER:

H. Res. 880. Resolution commending the Girl Scouts of the United States of America on its 60th birthday; to the Committee on the Judiciary.

By Mr. FOLEY:

H. Res. 881. Resolution expressing the sense of the House that the full amount appropriated for the fiscal year 1972 for the Farmers Home Administration's farm operating loan program and waste facility grant program authorized by the Consolidated Farmers Home Administration Act of 1961, be released and made available by the administration to carry out the objectives of these programs; to the Committee on Appropriations.

By Mr. GALIFIANAKIS:

H. Res. 882. Resolution expressing the sense of the House of Representatives that the full amount appropriated for fiscal year 1972 for the Farmers Home Administration's farm operating loan program and waste facility grant program authorized by the Consolidated Farmers Home Administration Act of 1961, be released and made available by the administration to carry out the objectives of these programs; to the Committee on Appropriations.

By Mr. GROSS:

H. Res. 883. Resolution expressing the sense of the House of Representatives that the President should suspend, in accordance with section 481 of the Foreign Assistance Act of 1961, economic and military assistance and certain sales to Thailand for its failure to take adequate steps to control the illegal traffic of opium through its borders; to the Committee on Foreign Affairs.

By Mrs. HICKS of Massachusetts:

H. Res. 884. Resolution expressing the sense of the House with respect to the Soviet Union's violations of human rights and basic freedoms, in contravention of the United Nations Universal Declaration of Human Rights; to the Committee on Foreign Affairs.

By Mr. STAGGERS:

H. Res. 885. Resolution providing expenses for the Committee on Interstate and Foreign Commerce; to the Committee on House Administration.

By Mr. WOLFF (for himself, Mr. KARTH, Mr. DANIELS of New Jersey, Mr. MOSS, Mr. COLLINS of Illinois, Mr. VAN DEERLIN, Mrs. CHISHOLM, Mr. MADDEN, Mr. ST GERMAIN, Mr. LINK, Mr. DELANEY, Mr. RYAN, Mr. KLUCZYNSKI, Mr. PEPPER, Mr. DIGGS, Mr. GREEN of Pennsylvania, Mr. VANIK, Mr. HANLEY, Mr. ANNUNZIO, Mr. NEDZI, Mr. SARBANES, Mr. TERRY, Mr. ALEXANDER, Mr. ADDABBO, and Mr. KASTENMEIER):

H. Res. 886. Resolution expressing the sense of the House of Representatives that the President should suspend, in accordance with section 481 of the Foreign Assistance Act of 1961, economic and military assistance and certain sales to Thailand for its failure to take adequate steps to control the illegal traffic of opium through its borders; to the Committee on Foreign Affairs.

By Mr. WOLFF (for himself, Mr. MITCHELL, Mr. DELLUMS, Mr. SEIBERLING and Mr. SCHEUER):

H. Res. 887. Resolution expressing the sense of the House of Representatives that the President should suspend, in accordance with section 481 of the Foreign Assistance Act of 1961, economic and military assistance and certain sales to Thailand for its failure to take adequate steps to control the illegal traffic of opium through its borders; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

RURAL DEVELOPMENT ACT

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1972

Mr. BYRON. Mr. Speaker, on February 23, 1972, the House of Representatives passed landmark legislation in the field of rural development, one of the most important pieces of legislation to pass this chamber in the 92d Congress. I refer to the Rural Development Act of 1972.

This bill, H.R. 12931, which I cosponsored, will go far in reversing the recent trend for the rural population to move to the cities. I was happy to see this bill pass the House overwhelmingly by a voice vote. I would hope the Senate will act with equal dispatch in passing the Rural Development Act so that it can become public law this year. With 75 percent of our population living on 2 percent of the land, the need for this legislation is obvious.

The first goal of the Rural Development Act is to slow down the need for rural residents to leave their homes because of poor living conditions. We cannot guarantee them a good income. That is not what this bill undertakes to do. But it does attempt to give those in rural areas better living conditions and to that extent make it practical to live in rural