NOMINATIONS

Executive nominations received by the Senate May 3, 1973:

DEPARTMENT OF DEFENSE

Robert C. Hill, of New Hampshire, to be an Assistant Secretary of Defense, vice G. Warren Nutter, resigned.

U.S. COAST GUARD

The following-named lieutenant commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of commander:

Glen N. Armitage
Richard L. Atkins
William R. Babineau
Robert H. Bacchus
Ernest J. Bader
Thomas M. Bader
James H. Barmettler
James P. Barnett
Henri L. Bignault
David J. Bond
Edward D. Brickley
Allan K. Brier
Lawrence A. L. Budreau
Richard Buell
Arthur F. Busalacchi
Willis W. Carnegie
Alan B. Chamberlain
Robert V. Chiarenzelli
Raymond Condo
Hugh J. Costello
Jay W. DeCoulter, Jr.
Juan J. Del Castillo
Harmon G. Eakles
Ernest G. Erspamer
James W. Fenimore, Jr.
David A. Gayner
Richard E. Goss, Jr.
Randolph B. Grinnan III
Paul J. Hanson
Charles H. Jehle
Guy B. Jones
Joseph F. Lavelle
Morton M. Levine
Robert K. Liput
Aristedes Manthous
John D. McLean
Earl R. McNinch
Myron J. Menaker
David B. Michel
Benjamin Muse, Jr.
James S. Painton, Jr.
David L. Pearl
Wilton Phillips, Jr.
John C. Raynor
Bolivar T. Recio
Henry G. Satterwhite
Norman R. Smith
Bennett S. Sparks
Robert A. Spatols
William A. Stone, Jr.
Raymond T. Sullivan, Jr.
George L. Sutton
Norman G. Swanson
William J. Tangalos
Fenwick Taylor
William N. Taylor
James R. Treese
Donald J. Willenborg
Donald G. Wolf
Carl A. Zellner

HOUSE OF REPRESENTATIVES—*Thursday, May 3, 1973*

The House met at 12 o'clock noon.

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

Thou shalt keep the commandments of the Lord thy God, to walk in His ways and to fear Him.—Deuteronomy 8: 6.

Almighty God, in whose presence is our power, by whose grace we find goodness, and through whose spirit we receive strength for daily living, give to us the assurance that in life and death, in victory and defeat, in joy and sorrow Thou art with us always, all the way.

Grant unto us an awareness of Thy renewing life in nature and of Thy redeeming love in our human nature. Keep us ever grateful for this glorious land in which we live and for which we daily labor.

Amid the stress and strain of these troubled times help us to be loyal to the royal within ourselves and in the midst of the strife and struggle of these difficult days may we be faithful to our faith in the highest and best we know.

Lead us, we pray Thee, to a deeper dedication to Thee that we may walk the ways of truth and love for the good of our country and for the benefit of all mankind.

In the spirit of Him who was ever true to Thee, we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 3841. An act to provide for the striking of medals in commemoration of Roberto Walker Clemente.

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

S. 755. An act to provide 4-year terms for the heads of the executive departments;

S. 795. An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes; and

S. 1264. An act to authorize and direct the Secretary of the Treasury to make grants to Eisenhower College in Seneca Falls, N.Y., out of proceeds from the sale of silver dollar coins bearing the likeness of the late President of the United States, Dwight David Eisenhower.

MAJORITY LEADER THOMAS P. O'NEILL, JR., CONDEMNS THE REPUBLICAN LACK OF MORAL CONSTRAINT

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

Mr. O'NEILL. Mr. Speaker, Governor Reagan of California was quoted yesterday as saying that the Watergate spies acted illegally—but that they are not criminals at heart.

A Republican leader in the other body said the other day that the bugging was the work of "zealous amateurs."

These refrains are distressingly familiar—they recall the dictum uttered by the Republican Presidential candidate in 1964. He said:

Extremism in the pursuit of freedom is no vice, and moderation in the pursuit of justice is no virtue.

This ends-justifies-the-means attitude seems to persist within the Republican philosophy of government, as if it were transmitted from one generation of candidates to the next like some malignant gene.

We have seen high administration officials who felt that they alone were competent to judge what was right and wrong for this Nation and who felt that they were beyond any moral or legal constraints in pursuing their goals.

Disdain has pervaded this administration's dealings with Congress. We have seen it in the arrogance of certain officials, the reluctance of the administration to consult with Congress, the abuse of impoundment, the exaggeration of the doctrine of executive privilege.

This is not a closed society. We must eradicate this pernicious attitude that the administration knows best. We are a government of shared and balanced powers, and Congress must continue to exercise its rightful share of authority in the governance of this Nation.

CONGRATULATING JOHN CONNALLY

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

Mr. ARCHER. Mr. Speaker, because John Connally is a resident of my Seventh Congressional District in Texas, I take particular pleasure in welcoming him to the Republican Party.

For a long time I have believed that this is where he belongs. He will find a comfortable home in the Republican Party as other Democrats have before him.

My Republican colleagues and I can only be uplifted by the Governor's decision and by his commitment to our party, the same way that we would be uplifted to hear of anyone taking a step to reinforce his personal convictions.

I spoke with Governor Connally yesterday to convey to him my personal best wishes, and I gave him my warmest encouragements and compliments for following the dictates of his conscience in alining himself with the party closest to his own beliefs.

John Connally is an outstanding man and he is a person people believe in and a person people respect. His dedication to our country and his belief in our Nation's goodness and potential greatness are sincere and contagious. He is an example to all of us.

We Republicans hope that many Americans will follow his example now and join his party as that which best represents the philosophy of the majority.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 120]

Abdnor	Badillo	Burke, Fla.
Alexander	Beard	Carney, Ohio
Anderson, Calif.	Bell	Clark
Anderson, Ill.	Biaggi	Conable
Andrews, N.C.	Blatnik	Conyers
Ashley	Brown, Mich.	Cronin

Culver	Jones, Okla.	Rooney, N.Y.
Dulski	Jones, Tenn.	Rosenthal
Eckhardt	Karth	Rostenkowski
Esch	King	Ryan
Eshleman	Kluczynski	Sarasin
Fish	Landrum	Stanton,
Flynt	Lott	James V.
Fountain	McCormack	Stark
Fraser	McSpadden	Stubblefield
Frelinghuysen	Macdonald	Teague, Tex.
Gibbons	Melcher	Ullman
Gray	Mitchell, Md.	Van Deerlin
Guyer	Moorhead, Pa.	Vander Jagt
Hanna	Murphy, Ill.	Waldie
Hébert	Myers	Whalen
Heinz	Nichols	Wolff
Jarman	Obey	Wright
Johnson, Calif.	Price, Tex.	Wydler
Johnson, Colo.	Randall	Yatron
Jones, Ala.	Reid	

The SPEAKER. On this rollcall 357 Members have recorded their presence by electronic device, a quorum.

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

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 7445, EXTENDING RENEGOTIATION ACT OF 1951

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight tonight to file a report to accompany the bill H.R. 7445, extending the Renegotiation Act of 1951.

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

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON CONSUMER AFFAIRS TO MEET TODAY

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Consumer Affairs may meet during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

EXTENSION OF DATE FOR FILING REPORT BY THE NATIONAL COMMISSION ON THE FINANCING OF POSTSECONDARY EDUCATION

Mr. O'HARA. Mr. Speaker, I call up the conference report on the joint resolution (H.J. Res. 393) to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report, and ask for its immediate consideration.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report.

(For conference report and statement, see proceedings of the House of April 30, 1973.)

The Clerk read the Senate amendment, as follows:

Resolved, That the joint resolution from the House of Representatives (H.J. Res. 393) entitled "Joint resolution to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Post-secondary Education and the period within which it must make its final report", do pass with the following amendment: Page 2, after line 5, insert:

"SEC. 2. If the appropriation for the fiscal year 1973 for making payments under subpart 1 of part A of title IV of the Higher Education Act of 1965 does not exceed $385,000,000, payments under such subpart from such appropriation shall not be paid on the basis of any entitlement for any student (1) who was in attendance, as a regular student (as defined by the Commissioner of Education), at an institution of higher education prior to July 1, 1973, or (2) who is in attendance at such an institution on less than a full-time basis.

"SEC. 3. The provisions of this joint resolution shall be effective on and after May 1, 1973, and such provisions shall be deemed to be enacted immediately before such date."

POINT OF ORDER

Mr. GROSS. Mr. Speaker, I would like to reserve a point of order.

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

Mr. GROSS. Mr. Speaker, my point of order is that the Senate amendment is not germane to the bill.

The SPEAKER. The conferees have not agreed to the Senate amendment. They have reported the conference report back in disagreement.

MOTION OFFERED BY MR. O'HARA

Mr. O'HARA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. O'HARA moves that the House recede from its disagreement to the amendment of the Senate and concur therein.

The SPEAKER. The Chair will recognize the gentleman from Michigan if he desires to be heard on the motion.

Mr. O'HARA. Mr. Speaker, I have offered this motion at the direction of the other managers on the part of the House on the disagreeing votes of the two Houses on the Senate amendment to House Joint Resolution 393. The first section of the pending resolution is not in disagreement as between the two Houses. That section extends the reporting date of the National Commission on the Financing of Postsecondary Education from April 30 to December 31. This section constituted all of the resolution when it was originally considered and passed by this House on suspension of the rules on March 5. The Senate made no substantive changes in that section, but made a technical change in section 3, to clarify the intention of the resolution that the extension should take effect without any break, as of May 1.

The new substantive matter that was added by the Senate appears in section 2 of the resolution, and would have the effect of limiting student assistance payments under the basic opportunity grant program—for the coming academic year only, and only if the total fiscal year 1973 appropriation for that program does not exceed $385 million—to first-year, full-time students.

After discussing the matter with the managers of the Senate, the House managers concluded that this amendment was an appropriate one, and that it was particularly useful taking into account the level of BOG appropriations thus far enacted into law for fiscal year 1973.

The Congress has enacted, and the President has approved, $122.1 million to fund basic opportunity grants. The other existing programs were funded at the level of the current year—$210.3 million for supplemental grants, $270.2 for college work-study, and $269.4 million for capitalization of the direct loan funds—plus an earlier $23.6 million for these funds.

If all eligible undergraduate students were to remain eligible for basic grants, the average grant would be in the neighborhood of $80, and the grant ceiling is estimated at about $200. This would put BOG technically into operation, and it might give the Administrators an opportunity to test their mechanisms for computing and distributing such grants—but it would not provide more than a tiny handful of students with anything like a meaningful grant with which to meet their college expenses next fall.

Under the proposed amendment as long as the amount appropriated remains below $385 million—the amount estimated as required for full funding for first-year students—the payments will be limited to such students. If we do this, if we limit the payment of BOG grants to students who have not been in college before, and are attending on a full-time basis, the average grant will be in the neighborhood of $250 and the grant ceiling will be at or near $600. The proposed amendment, Mr. Speaker, seeks to make the best use of limited funds.

If the Congress had been able to fully fund BOG, and still meet the statutory requirements for the operation of the BOG program—which involve the operation of other student assistance programs—this amendment might not have been necessary. But that was not the situation with which we were confronted. The administration budget ceiling of $872 million has been accepted, wisely or not, as an inviolable barrier beyond which we cannot go, even to pay for the education of our children. Under these circumstances, we have to make the best of a bad bargain. And one of the most useful ways to do this is to limit BOG payments to first-time, full-time students.

Mr. Speaker, the past several days have been very active ones in the field of higher education. A month—even 2 weeks ago—students, their families, and the institutions of higher education were wholly unable to even begin to make concrete plans for the year beginning this fall. The amount of funds was uncertain, the very fate of programs mandated by the law was uncertain, and there was considerable unresolved controversy about the regulations for carrying out the basic opportunity grant program.

I cannot come before this House, Mr. Speaker, and cheerfully announce that everything is sunshine and roses. But I can say that the uncertainty has in great part been dispelled.

We now know that at least $872 million will be available for student assistance programs in September. We now know that the money is available to carry out the law as the law is written—that the supplemental grant program, college work-study and the direct stu-

dent loan funds have all been funded, at the level of the current year.

We know that BOG is on the move. If this amendment is agreed to, this will clear for the President's signature the limitation of BOG grants to first-year, full-time students.

And the BOG family contribution schedule has been issued in its final form for the coming academic year. Here, too, we have not obtained from the Office of Education all that we sought, or even all that we might reasonably have expected.

I am advised, for example, that the revised family contribution schedule does not alleviate the harsh and unjust treatment of family assets that was so roundly criticized when the original draft regulations were put before the Congress. I am not happy with this news, Mr. Speaker, because one of the reasons the pro forma resolution disapproving the proposed schedule was tabled by my subcommittee was that we had a letter from Commissioner of Education Ottina suggesting that certain modifications in assets treatment proposed by the subcommittee "seem to be workable" and were being given "serious consideration." We heard no more about those proposals once we had tabled the resolution of disapproval, and apparently they were not given any further "serious consideration."

Mr. Speaker, essentially, in tabling the resolution of disapproval of the BOG regulations last month, as in enacting this limitation today, we were saying that we believe the Basic Grant program ought to be given a chance to work. We in the Congress enacted the basic program, and we should not stand in the way of its operation on a "fair trial" basis. We have all heard enough of suggestions that such-and-such an education program "has not worked" advanced by the very people who have starved those programs into ineffectiveness. The basic Grant program may be as good as its proponents say, or it may be as bad as its most fervent detractors say but it deserves a fair trial. The Senate amendment is designed to give it one.

Mr. Speaker, I include some letters and telegrams I have received in support of the "first-time, full-time limit" at this point:

COLLEGE ENTRANCE EXAMINATION BOARD,
Washington, D.C., April 24, 1973.

To: College Presidents, CEEB Voting Representatives, and Financial Aid Officers.

From: The Washington Office of CEEB, Lois D. Rice—Vice President and Director; Larry Gladieux—Associate Director.

Subject: Report and analysis of recent actions on Federal student aid programs.

CONGRESSIONAL APPROPRIATIONS

The logjam in Federal student aid appropriations for the academic year 1973–74 has finally broken.

Last week, the Congress passed and sent to the President an emergency resolution containing $872 million in student aid funds—an amount identical to the President's budget ceiling for student aid but spread among a mix of programs radically different from what the President wanted. The measure provides funding for the three institutionally administered Federal programs (College Work-Study, Supplemental Educational Opportunity Grants, and Direct Student Loans) at current year levels, plus a token $122.1 million for the new Basic Opportunity Grants Program.

The Administration had focused its budget request on Basic Opportunity Grants (BOG), proposing $622 million for the entitlement program, $250 million for College Work-Study (CWS) and no monies for the Supplemental Educational Opportunity Grants (SEOG) or National Direct Student Loans (NDSL), although the Education Amendments of 1972 required at least $130.1 million for SEOG and $286 million for NDSL before payments of Basic Grants can be made.

Summarized below are the specific amounts provided by the Congress for 1973–74 compared with the President's Budget and current year funding:

[In millions of dollars]

	1972–73 funding	1973–74	
		Presidents budget request	Congressional resolution
Basic grants		$622	122.1
Supplemental EOG	$210.3		210.3
College work-study	270.2	250	270.2
Direct student loans (Federal capital contributions)	293	[1] 23.6	[2] 293

[1] Appropriated last year and to be released for use as Federal capital contributions to the loan program in 1973–74.

[2] The congressional resolution actually appropriates $269,400,000 for direct loans; the $293,000,000 includes the $23,600,000 already appropriated.

The language of the Resolution provides that the $122.1 million appropriated for Basic Grants could be used for the SEOG Program if the Basic Grants Program cannot be implemented in 1973–74.[1]

It is noteworthy that for the first time Congress has provided an advance appropriation for the NDSL Program, placing it on a one-year forward funding cycle like SEOG and Work-Study. (Previously NDSL has been funded in the fiscal year during which the funds are used.)

LIMITATION OF BASIC GRANTS TO INCOMING FRESHMEN

Immediately preceding final Congressional action on the appropriations measure, the Senate unanimously voted to limit eligibility for Basic Grants in the academic year 1973–74 to full-time entering freshmen, a step that was widely supported as possibly the only way in which the program could be reasonably operated in the first year on a meagre appropriation of $122.1 million. Spread among all eligible undergraduate students, this amount would yield an estimated average grant of $80, with many otherwise eligible students falling below the minimum grant level of $50 (which applies under any budget less than full funding). In contrast, if the program is limited to full-time freshmen, the $122.1 million would result in more viable payment levels—with an estimated average award of $240 and a maximum of $600.

Sponsored by Senator Claiborne Pell, the Senate-passed provision would apply as long as the available appropriation for Basic Grants remains below $385 million, an amount estimated by Office of Education as full funding for entering students. If the appropriation should reach above this level, then the program would automatically be reopened to all eligible undergraduates. (Efforts will probably be made in the Senate to beef up the $122.1 million budget for Basic Grants by adding additional monies to the regular supplemental appropriation measure that will be considered in May. Such efforts will face tough sledding, however, because additional funds for Basic Grants would necessarily exceed the President's over-all budget ceiling for student aid.)

The so-called "freshmen amendment" was attached to a House-passed resolution extending the life of the National Commission on the Financing of Postsecondary Education. The measure will go to a small House-Senate Conference Committee just after Congress reconvenes, where it is expected to be approved.

The freshmen amendment has bipartisan support in the House and the support of the Administration.

NEXT STEPS AND REMAINING UNCERTAINTIES

The Congress has now acted on student aid appropriations for the coming academic year. Next steps are up to the Administration.

These days, a presidential veto is always a possibility but seems unlikely in this situation because:

1. The student aid funds are attached to a measure providing absolutely essential monies for Veterans Readjustment payments. The Veterans Administration underestimated the volume of GI Bill benefits this year and must have an additional $468 million in order to make checks to eligible veterans at the end of April.

2. The student aid package stays within the budget ceiling. As Representative Daniel Flood of Pennsylvania assured his colleagues in presenting the amendment on the House floor, the package "does not go a dime above the President's Budget proposal—not one dime." It would be awkward for the President to veto the entire measure just because he did not get funding for the specific program that he wanted.

(One lesser factor weighing against White House clearance is the last-minute inclusion in the measure of an additional $85 million for impacted areas school aid which the President opposes, but this is not likely to be enough to generate a veto.)

Impoundment is another question. It is possible that the President will simply refuse to spend certain of the monies appropriated by the Congress. But major impoundment action would seem unlikely in view of the legal ramifications of withholding funds for programs based on state allocation formulas (such as SEOG, CWS, and NDSL) or on entitlements such as Basic Grants.

Moreover, even assuming that the President signs the bill and funds are not impounded, the timing of actual award letters to institutions and issuance of new regulations for the college-based programs is not at all clear at this time (further on this below).

Despite the remaining uncertainties, there are three encouraging aspects to the recent and sudden developments on appropriations:

1. At least the Congress has acted. Two weeks ago there appeared to be absolutely no chance that money would be appropriated before mid or even late May. This early action eases somewhat the already horrendous timing of student aid for next year. The volume of mail flowing into Congress from students, parents, aid officers, educational associations, etc., created considerable pressure on the Appropriations Committee and helped to pry the appropriations loose, though it was only by chance that an appropriate vehicle came

[1] However, the possibility of transferring the Basic Grants appropriation to SEOG may be subject to technical interpretation. The authorization ceiling for initial year awards under SEOG is $200 million, and if SEOG is considered a new program, the old EOG having been renamed and revised by the Education Amendments of 1972, then all grants under the program during the coming year could be initial awards and funds might not be released above the $200 million authorization level. This matter is now under study by the Office of Education.

along (the urgent supplemental for veterans benefits) to which the student aid money could be attached.

2. Congress in this measure has appropriated more for Office of Education student aid programs than ever before. Also, the combined total for BOG and SEOG is $120 million more than has ever been appropriated for grants alone. Until this year, grant support was the least popular form of student aid and was always the least adequately funded, particularly by the House.

3. Congress has now placed all three college-based programs as well as Basic Grants on an advanced funding cycle, and assuming that budget requests reach the Congress on schedule (unlike this year) colleges and students will in the future be in a far better position to make earlier and more meaningful decisions.

SOME IMPLICATIONS OF THE CONGRESSIONAL ACTION

Again barring a Presidential veto or impoundment of funds, institutions can expected SEOG, CWS, and NDSL allocations for 1973–74 that are fairly comparable to this current academic year, although in most cases slightly lower for the following reasons:

While the appropriation for each program is level with 72–73 funding, more institutions are participating (3,400 for 1973–74 compared to 2,900 for 72–73);

The volume of panel approved requests is $1.534 million, up some 7 percent. Hence the same amount of funds will have to be stretched further. (The increase in panel approvals, however, is less than might have been anticipated, particularly since the Education Amendments of 1972 extended eligibility to all half-time students as well as to students in accredited proprietary and vocational schools. Between 1971–72 and 1972–73, before changes in eligibility criteria were made, panel approved requests rose 21 percent);

Because under the new legislation, funds for SEOG and CWS probably can no longer be focussed exclusively on lower-income groups, institutions which enroll substantial numbers of low-income students, thus benefiting previously from OE "targeting" of these monies, may stand to lose relatively more funds this year than other institutions.

Viewed in comparison with panel approved requests, the appropriations for SEOG, CWS and NDSL will only partially meet the needs of students. This is demonstrated below:

Need as indicated by Panel approved requests 1973–74

CWS	$480,000
NDSL	577,000
EOG	468,000

Need met by appropriations 1973–74 (1972–73)

[In percent]

55	(68)
51	(65)
45	(62)

It should be noted, however, that if Basic Grants are implemented and restricted to entering students, a substantially higher percentage of the need for grant funds (as reflected in panel approved requests) will be met. In addition, Basic Grant monies will reach students at institutions not now participating in the college-based programs as well as a students at participating institutions whose needs are not reflected in institutional requests for the college-based programs.

According to Office of Education estimates, the $122.1 million appropriated for Basic Grants will meet about 33 percent of the amount required to fully fund full-time freshmen, and a mere 10 percent of the amount needed for full funding of all eligible undergraduates.

(The Washington Office of CEEB will issue shortly a study of the effects of Basic Grants at differing funding levels.)

TIMING

Although Congress has cleared the appropriations for 73–74, uncertainties persist on how rapidly the Office of Education will be able to issue institutional allocations and final rules, regulations, and guidelines for SEOG, CWS and NDSL.

OE officials report that every effort will be made to issue allocations (effective July 1) for the college-based programs just as soon as the President signs the urgent supplemental. Normally allocations are not made before the Office of Management and Budget releases funds and program regulations are available, but the current funding crisis is prompting efforts to get a more rapid release.

Since CWS was budgeted by the Administration, the Office of Education now reports that guidelines and regulations for this program are nearer completion than the other programs. VWS guidelines and hopefully those too for NDSL will be issued in mid-May. SEOG rules and regulations are not anticipated before late May or early June. By statute all rules and regulations must be finalized by June 23.

While tentative awards to students could be made at an earlier date, final commitments to students will not be possible until the rule making is completed and guidelines issued. It might be helpful, however, to sketch some changes in the legislation relating to SEOG and CWS that may guide your planning. Changes relating to NDSL, which have been in effect since last July, are also reported below.

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS

Duration of grants is one year—students are not assured of grant renewal. (While Panels approved amounts for Initials and Renewals, all allocations by OE will undoubtedly be made in the form of Initials.

The maximum grant level is now $1,500, but no student may recevie more than $4,000 during four years (or $5,000 if he is eligible for five years).

The minimum grant level remains at $200.

Institutions may transfer up to 10 percent of their allotment to College Work-Study.

COLLEGE WORK-STUDY

There is a change in focus from "low-income students" to those with "exceptional need".

There is no maximum on the number of hours students may work. (The old maximum of 15 hours work per week is eliminated.)

Institutions may transfer up to 10 percent of their allotment to EOG.

DIRECT LOANS (NDSL)

Loan ceilings are: $10,000 aggregate for graduate students (including undergraduate loans) and $5,000 for all other students. (No longer is there an annual ceiling of $1,000 for undergraduates and $2,500 for graduate students.)

Minimum monthly repayment is $30.

Forgiveness is restricted to borowers who are combat veterans, teachers of the handicapped and the disadvantaged, and preschool teachers in Head Start Programs.

OE also reports that regulations for Basic Grants will be issued in May, probably in two stages. They will focus on: the determination of college costs for the program; definitions, including those for full-time students, academic year, eligible institutions; and procedures for the disbursement of awards.

In early May the Office of Education will also republish, with only minor changes, the final schedule of family contributions for the BOG Program. While members of Congress have echoed many of your concerns about the proposed rules for determining family contributions, both the House and Senate education committees have formally or informally accepted the schedules proposed by the Office of Education in February. The comittees have indicated, however, that they wish to maintain a constant dialogue with OE and work toward some substantive changes in the schedules during the next academic year.

Currently OE is planning to have application forms for Basic Grants in the field by late May. Also during May and June USOE Regional Offices wil conduct a series of workshops or training sessions for financial aid officers on the implementation of the Basic Grants Program.

BACKGROUND TO HOUSE AND SENATE ACTION ON APPROPRIATIONS

The student aid appropriations package that finally prevailed in Congress was formulated in the House Subcommittee on HEW Appropriations and offered by the Subcommittee Chairman, Representative Daniel Flood, as a floor amendment to the urgent supplemental for the Veterans Administration.

The House Subcommittee had been the target of many conflicting pressures. Starting with a firm agreement not to bust the budget, the Subcommittee Members then had to decide on the mix of programs. They were cognizant of the funding requirement written into the 1972 law for the college-based programs and were agreed on at least satisfying the legal minimums for these programs.[2] The question was whether there would be any money remaining to fund Basic Grants; the answer, in part, turned on a matter of technical interpretation. To meet the requirement of the law, was it necessary to appropriate funds for NDSL in the pending fiscal 1973 supplemental, or had the legal minimum for NDSL already been satisfied by the 1973 supplemental appropriation that was voted by Congress last fall and is being used in the current academic year? If NDSL were funded in the pending supplemental at the specified level of $286 million, very little of the total student aid allocation would be left to fund Basic Grants.

Legal opinions on the issue differed. As a practical matter, most of the testimony to the Subcommittee weighed heavily for an advance appropriation of NDSL in the pending supplemental. Most of the higher education associations argued the importance of nailing down the 1973–74 NDSL funding now, rather than depending on the regular 1974 appropriation bill later in the year. Also weighing in favor of this approach was the traditional popularity of the loan program among the Appropriations Committee Members, coupled with some strong reservations among the Members about the operational feasibility of the BOG Program in the coming year.

As Representative Robert Michel, ranking Minority Member of the House Subcommittee, explained on the House floor, "It is simply too late in the season, now, to put all of our eggs in the BOG basket."

So, in the final analysis the Subcommittee

[2] The Administration, incidentally, has proposed a bill repealing the provision of the Education Amendments of 1972 which established the minimum levels for SEOG, CWS, and NDSL. Introducing the bill on behalf of the Administration, Representative Albert H. Quie of Minnesota stated that it was designed to give Congress "the flexibility to evaluate the progress of these programs and the new Basic Educational Opportunity Grants Program and to determine freely the best level of funding for each one." No committee action is scheduled on the measure.

decided to fund the full amount for NDSL and to continue SEOG and CWS at current year levels (which exceed the legal minimum for these programs by $80 million and $20 million respectively), while deemphasizing though not eliminating Basic Grants. The $122 million figure for Basic Grants was derived by simple subtraction; it was the amount that was left after funding the other three programs at this year's levels.

The Flood amendment passed the House by voice vote on April 12.

The measure was then immediately transmitted to the Senate where the Senate Appropriations Committee ratified the House action after narrowly voting down two proposals to adjust the House figures and produce a more viable funding level for Basic Grants.

It was a different story, however, when the bill reached the Senate floor. There Senators Pell and Dominick successfully amended the measure to place greater emphasis on BOG's while still staying within the proposed budget total of $872 million. Senator Pell contended that the House bill "completely aters the authorizing legislation" by giving so little funding to BOG's. By a margin of 62–19 the Senate voted $384.5 million for Basic Grants, the minimums required in the authorizing legislation for SEOG ($130.1 million) and CWS ($237 million), and $120 million in advanced funding of the Direct Loan Program.

Nevertheless, a few hours following the Senate action, Senate and House Conferees met briefly and accepted the House version of the bill.

The final action reflects a willingness on the part of Congress, at least at this juncture, to accept the President's budget ceiling for student assistance for 1973–74, but an unwillingness to thwart the Education Amendments of 1972 by eliminating expenditures for any of the ongoing student aid programs. Interestingly, the Administration demonstrated during the Senate debate that it was willing to compromise and reduce its Basic Grants request by the $130.1 million needed to meet the required minimum for SEOG. Had the Administration indicated this possible compromise earlier, particularly during House Subcommittee hearings on the student aid appropriations, the final outcome might have been somewhat different.

OUTLOOK FOR 1974–75—STUDENT AID FUNDING

In our February 13 memo, we said that the outlook for Federal student aid funding in 1972–73 was at once extremely hopeful and extremely uncertain. The same statement would apply to the prospects for 1974–75. In fact, the Congressional debate on 1974–75 funding decisions will in some ways be a re-run of the battle over 1972–73 appropriations. The basic issues—the mix of programs and the relative funding priority among them—will be the same. And the starting point—an Administration budget that places principal emphasis on direct entitlements versus institutionally administered funds—is the same.

Yet there is an important difference as well. The Administration is committed to a still larger total budget for student aid in 1974–75—over $1.2 billion ($959 million for Basic Grants and $250 million for Work-Study). This ceiling should permit Congress, if it wishes, to sustain the three traditional programs and at the same time, without breaking the budget, set a viable funding level for BOG as well as hopefully provide some start-up money for the newly authorized State Student Incentive Grants Program.

Floor statements by both House and Senate Appropriations Committee leaders during consideration of the urgent supplemental suggest that substantial Basic Grants funding may be approved for 1974–75. Mr. Flood, in presenting his amendment and conceding that the recommended 1972–73 appropriation for Basic Grants was perhaps unrealistically low, stated to his House colleagues: "I believe I can report to the Members that it is the definite intent of our Subcommittee to recommend that the Basic Opportunity Grants be funded at an appropriate level and at a proper level for the academic year 1974–75 in the fiscal year 1974 appropriation bill." Likewise Senator Warren Magnuson, Chairman of the HEW Appropriations Subcommittee, assured his Senate colleagues, "We are going to get BOG's funded properly. We have the money for BOG's start-up . . . We can give the BOG's Program . . . close to $1 billion in the regular fiscal 1974 bill."

Also indicating a strong commitment to a viable BOG Program was Senator Norris Cotton of New Hampshire, ranking Minority Member of the Senate Subcommittee on HEW Appropriations. In lending support to the efforts of Senator Pell to boost the initial year funding level for Basic Grants, the Senator offered an inspired bit of rhetoric:

[From the CONGRESSIONAL RECORD, Senate, Apr. 17, 1973]

Mr. COTTON. "Mr. President, I will take about 3 minutes. . . . Every time I pick up a newspaper, every time I turn on my television, every time that I go anywhere or have any group of people come into my office from the various-do-gooder organizations, I constantly have it thrown in my face that this administration, from the President down to the last doorkeeper in the White House are a cold blooded, heartless bunch of people who have no interest in the human problems of this country. The charge is constantly made that the administration wants to build up our defenses and does not want to take care of the poor, and in this instance, does not want to give help to those who are trying to earn an education.

"Here is the first time so far, I think, in this session, that we have come in with a program, and the people downtown are squarely behind it, that I think promises to be one of the most effective programs we have ever had to promote higher education and put it within the reach of the unfortunate. That is the basic opportunity grants. They do not have to get it from a bank, they do not have to go anywhere else, it is a basic opportunity grant.

"This is the first time that this heartless, coldblooded administration that has ice water in their veins, that serves only the rich and does not give a damn for the poor and unfortunate, and is all for national defense with nothing for human needs, are asking us to stand up for something that we really believe and hope will be effective in giving an opportunity to get a college education to every boy and girl in America."

The timetable for consideration of the fiscal 1974 HEW appropriation bill, which will contain advance funding for 1974–75 Federal student aid, is not yet clear and may be delayed pending action on authorizing legislation for elementary and secondary programs. It could be well into the summer before the House Committee marks up the 1974 bill, and a Presidential veto of the entire measure could delay matters further.

It is well to remember that the regular fiscal 1973 HEW appropriation bill was vetoed twice last year. The President has evidenced a still greater readiness this year to reject any Congressional offering that exceeds his budget recommendations, and it seems likely that the 1974 HEW bill will do exactly that.

One can only hope that the annual tilt between Congress and the Executive over HEW appropriations will be resolved before the end of the current session of Congress to permit the kind of lead-time for Federal student aid programs that is sorely needed by both students and institutions.

EDUCATION COMMISSION OF THE STATES
Denver, Colo., April 26, 1973.

Hon. JAMES G. O'HARA,
Chairman, Special Subcommittee on Education, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN O'HARA: I am writing in connection with Senator Pell's amendment to H.J. Resolution #393 in relation to limiting Basic Educational Opportunity Grants this first year to new full-time students.

In the light of the restriction of the Basic Educational Opportunity Grant appropriation to $122.1 million, Senator Pell's amendment would seem to make excellent sense. If this is not done the amount that any student would receive would be minimal and the $122.1 million would be dissipated without offering any substantial help. This would make it possible for critics of the Basic Educational Opportunity Grant Program to claim that it had not worked whereas, in fact, it would not have had a chance to work. On the other hand, if it is restricted to new full-time students it can make a sufficient difference to those students receiving it. This would seem to be in harmony with the congressional intent in inaugurating the Basic Educational Opportunity Grant Program to help more substantially those students in serious need. Thus, for the sake of the students, we would like to support the amendment and urge its adoption.

I would also like to take this opportunity to express our very great appreciation to you and the Subcommittee for holding the hearings in relation to the 1202 Commissions and to thank you for the move to publish the issue paper and guidelines in the proceedings of the Committee. While I fully realize that this is not the same as release by the Office of Education, at least it removes some of the mystery. We are most grateful, also, for the enlightened and strong leadership you are giving to the Special Subcommittee on Education.

Cordially,

RICHARD M. MILLARD,
Director, Higher Education Services.

ASSOCIATION OF AMERICAN COLLEGES,
Washington, D.C., April 30, 1973.

Hon. JAMES G. O'HARA,
Chairman, Special Subcommittee on Education, House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN O'HARA: This association wishes to support the amendment to H. J. Res. 393 which would not direct previously appropriated FY '73 Basic Opportunity Grant funds to regular students enrolled at an institution of higher education prior to July 1, 1973, or students enrolled on less than a full-time basis.

We are confident the financial aid administrators at colleges and universities, as they build financial aid packages for the next school year, will use appropriated funds from current student aid programs, plus other financial aid resources, to help make it possible for entering freshmen with minimally-funded BOG's to receive the additional support necessary to attend the institution of their choice.

Sincerely,

FREDERIC W. NESS,
President.

AMERICAN COUNCIL ON EDUCATION,
Washington, D.C., April 26, 1973.

Hon. JAMES G. O'HARA,
Chairman, Special Subcommittee on Education, Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We understand that when Congress resumes, there will be a conference to resolve the differences between the Senate and House versions of H.J. Res.

393. It may be helpful to know the position of the American Council on Education.

In a statement submitted to the House appropriations subcommittee and in formal testimony before the Senate appropriations subcommittee we strongly supported the President's request for $622 million for Basic Opportunity Grants. We did, however, point out how essential it is to continue support for the well established institutionally-administered programs of Supplementary Opportunity Grants, Work-Study, and National Direct Student Loans. We were gratified indeed that the Congress saw fit to fund these latter programs, and we also understand the reason for staying within the President's total request for student aid in the FY 1973 budget.

The result of these two decisions, however, does create a problem. Because of the new concept of entitlement, every student found eligible for a BOG must receive as a matter of right funds from the BOG appropriation. We believe that with only $122.1 million available for the program this fall these entitlement awards would be so small as to be relatively meaningless in helping students meet their educational expenses. For this reason we believe the so-called Pell amendment, which would make BOG's available only to first time, full time students in this first year of the program, to be a logical and desirable solution. Such a limitation would make possible the award of significant grants. It would also have the merit of getting this program into operation and enabling all concerned to discover the bugs that are almost certain to crop up when any major new program is launched.

We sincerely hope that the conference may see fit to adopt the Pell amendment.

Sincerely yours,

JOHN F. MORSE,
Director.

THE ASSOCIATION OF AMERICAN UNIVERSITIES,
Washington, D.C., April 26, 1973.

Congressman JAMES G. O'HARA,
Chairman, Special Subcommittee on Education, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN O'HARA: The Association of American Universities (list of members attached) at a meeting on April 24 and 25, 1973, considered matters relating to Federal assistance to students.

The Association supports the principle of limiting eligibility for basic opportunity grants to first time students in fiscal year 1974 because the total amount available for this purpose will be so limited that grants can be made in meaningful amounts only if some reasonably equitable way of defining a relatively small group of eligible students.

We appreciate your continuing and effective interest in problems of higher education.

Sincerely yours,

CHARLES V. KIDD.

NATIONAL ASSOCIATIONS OF STATE UNIVERSITIES AND LAND-GRANT COLLEGES,
Washington, D.C., April 27, 1973.

Hon. JAMES G. O'HARA
Chairman, Special Subcommittee on Education, House Committee on Education and Labor, Cannon House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I should like to express to the House conferees on H.J. Res. 393 my hope that they will accept the Senate amendment which limits the distribution of Basic Educational Opportunity Grants provided in the recent supplemental appropriation to first-year students in post-secondary education.

As you know, the higher education associations, incluuding our own, strongly supported the position you and Chairman Perkins presented to the House Subcommittee on Labor-DHEW appropriations that the so-called "traditional" student assistance programs (Supplemental Educational Opportunity Grants, Work Study, Direct Student Loans) should be funded to at least the minimum level required by law before the BEOG's were funded. We believe that in this time of fiscal constraint, with the Congress wanting to stay within the total amount requested by the President, the Congress was wise in putting most of the funds in traditional programs, which are in place and can be immediately used to assure students of help next fall. But the BEOG program represents a new and challenging approach to student assistance. We believe it should be given the best opportunity possible to succeed and be of maximum assistance to students.

With an appropriation of $122.1 million dollars pro-rated among the whole population of students with legal entitlements, we believe this goal could not be achieved. A great number of very small grants would neither help many students very much nor test the number of students who would seek BEOG's if the grants were adequate. By limiting the awards to first-year students they may be made large enough to be of genuine assistance. If in the supplemental to be enacted soon, it were possible to fund the BEOG's to an estimated full-funding level *for first-year students* (which we certainly would support) it would be possible to have a genuine test of the potential impact of full funding for the entire student population.

We appreciate this chance to express the views of this Association to you and your colleagues.

Sincerely,

RALPH K. HUITT,
Executive Director.

AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES,
Washington, D.C., April 26, 1973.

Hon. JAMES G. O'HARA,
Chairman, Special Subcommittee on Education, Committee on Education and Labor, Washington, D.C.

DEAR CONGRESSMAN O'HARA: On behalf of our member institutions and particularly the students whom they serve, may I take this opportunity to thank you for your efforts towards having the student aid programs funded earlier than had seemed to be the case. We believe that the ability to tell our students during the next several weeks what they may except in the way of financial aid will prevent many qualified and deserving students from dropping out of school, a problem we had feared.

I would also like to take this opportunity to express our support of the so called "Pell Amendment" passed by the Senate prior to recess which would permit the Office of Education to concentrate the 122.1 million dollars appropriated for basic equal opportunity grants on first time students only. We would have favored the appropriation even if the funds had to be spread across the entire eligible student population if only to have the program get under way and have the machinery established for the next year when a larger sum would be available.

However, we believe that concentrating the money, and thereby tripling the average grant, will allow the programs to have a meaningful impact on the financial means of a specifically identified group of students. We would urge the members of the House who will serve as conferees next week to favorably consider the Senate amendment in the final measure approved by the conference.

Sincerely,

ALLAN W. OSTAR.

AMERICAN ASSOCIATION OF COMMUNITY AND JUNIOR COLLEGES,
April 27, 1973.

Representative JAMES O'HARA,
Chairman, Special Subcommittee on Education, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We hope the conferees will act quickly after the Easter recess to adopt the resolution extending the life of the national commission on higher education finance, and on the Pell Amendment which would target the first year's funding of the Basic Education Opportunity Grants Program (BOGs) on the first-year students.

Our ranks strongly support BOG and the Pell Amendment. From the recent AACJC testimony before your Subcommittee, you will recall Dr. Gleazer's vigorous support of the BOG.

Senator Pell's Amendment has several clear advantages in getting the program off to a successful start. It would simplify the operation in its first year. It might ensure that the individual grants, modest though they may prove to be, will be large enough to be effective. It also provides a useful device for measuring the BOG demand, since the program would serve only the new students.

BOG would receive a fairer test in its first year if it could be funded more nearly at full-grant level for the new students. The cost has been estimated by USOE at $385 million, and since the Administration has been equally anxious to get the program off to a strong start, it is our earnest hope that the Congress will be able through supplemental appropriations, to fund the program and the new students at this figure.

Sincerely,

R. FRANK MENSEL,
Vice President for Governmental Affairs.

ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES,
Washingon, D.C., April 26, 1973.

Representative JAMES G. O'HARA,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN O'HARA: Speaking for the Association of Community College Trustees we are urging your support of House Joint Resolution 393 pertaining to the BOGs program.

Since the BOG program is funded at less than the full amount, it would appear that if the program was available to all students that the amount available for each student would be insignificant.

On the other hand if the program is limited to first time-full time students, the amount being afforded those students would substantially increase their chances for a successful beginning in college.

This kind of financial support is of critical importance to the student who attends college from the low income family.

On behalf of community colleges and technical institutes in the United States, we want to commend Congress on the passage of the Student Aid Bill. It is critical to the development of skills among young people. They are in great need of the acquisition of saleable skills in today's highly technological

Executive Director.

Sincerely yours,

WILLIAM H. MEARDY,
Executive Director.

NATIONAL STUDENT LOBBY,
Washington, D.C., April 27, 1973.

Chairman JAMES G. O'HARA,
Special Subcommittee on Education, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN O'HARA: The National Student Lobby strongly supports the amendment to limit the Basic Educational Oppor-

tunity Grants program to freshmen for the academic year '73–'74. I have had the opportunity to talk with numerous student leaders around the country since the introduction of the amendment and their support is nearly unanimous. There is, however, great apprehension that this limitation may occur again next year. It is our position that BOGs must be funded adequately enough to avoid any such limitation in the next fiscal year.

The feeling of students on the "freshmen amendment" is positive for several reasons. The funding of the program, and the spirit of the student aid sections of the '72 amendments were compromised in the FY '73 supplemental appropriation. In order to provide a true picture of the potential of the BOG program it is necessary to impose some limitation on eligibility. It is highly appropriate that in a program aimed towards providing universal access to postsecondary education any limitation should apply to first year students. This will begin to gear high school students, financial aid officers, high school counselors and students currently in institutions of postsecondary education towards thinking of BOGs as a means of entry into the educational system.

Our reaction to the amendment was one of caution. We feared that such a limitation would create widespread hostility towards the program on the part of students as "favoring" freshmen. This does not seem to be the case. Students are appreciative of the increase in aid funds and the consensus is that the increase will be equitably distributed among all aid recipients regardless of class standing. There is no fear that freshmen will be discriminated against in the distribution of funds through the traditional programs.

The delay in funding has created serious problems in informing students of the BOG program for the fall. The Office of Education has compounded this problem by their refusal to inform students on a large scale of the development of the program. This problem will seriously jeopardize the success and acceptance of BOGs with students. It is imperative that immediately following Congressional action of the freshmen amendment, that the Office of Education undertake to inform students and institutions of the program on a broad scale.

To effectively inform students there must be a broad informational mailing which would reach all high school and college student newspapers, high school counselors, college student aid officers, and other community and student organizations. This mailing should include:

1) a sample application form for BOG. Although the final form may not have reached completion, a sample form will serve to make students aware of the information they will need, how the program will determine eligibility, and how problems such as independent students, student assets, etc., will be treated.

2) a "factsheet" giving background information on the program. This should explain the origins and purpose of the program and explain the reasons for the temporary limitation of eligibility to freshmen.

3) a status report. This report should indicate the projected timetable for application forms, what role the contractor will play in administering the program, what the appeals process will be, how they can stay in touch with the process during the summer months when many students may not have access to traditional counselors.

In conclusion, we recommend that Congress approve the Senate action to limit eligibility for the Basic Grants program to freshmen for the first year of the program. We also recommend that the Special Subcommittee on Education play an active role in encouraging the Office of Education to promptly and effectively inform students of the program as outlined above.

Sincerely,

SETH BRUNNER,
Education Director.

THE CITY UNIVERSITY OF NEW YORK,
Washington, D.C., April 23, 1973.

Hon. JAMES G. O'HARA,
U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN O'HARA: You have been appointed to a conference committee considering H.J.R. 393, which the Senate amended by limiting BOG eligibility to incoming freshmen next year. I am writing in support of the Senate amendment.

Under the present law, all of our undergraduates would compete for a slice of the $122.1 million BOG appropriation. The average award would be only $58 under these circumstances. This scarcely justifies the expense of administering BOG, and would constitute a cruel hoax upon hundreds of thousands of applicants. In fact, the Office of Education has indicated repeatedly that it would not administer BOG on this basis.

By limiting BOG eligibility to incoming freshmen, the Senate amendment would permit more substantial awards to reach part of the college population and allow a promising new program to be launched.

It is time to face the consequences of a a very inadequate BOG appropriation by establishing the only administrative format under which BOG can operate under the circumstances. I urge you to join the Senate in limiting BOG eligibility to incoming freshmen next year.

Sincerely,

LAWRENCE N. GOLD,
Assistant Director.

NATIONAL ASSOCIATION FOR EQUAL OPPORTUNITY IN HIGHER EDUCATION,
Washington, D.C., April 30, 1973.

Congressman JAMES G. O'HARA,
Chairman, Special Subcommittee on Education, U.S. House of Representatives, Washington, D.C.

DEAR MR. O'HARA: In response to the request from your committee's office, I am presenting reactions to the Pell Amendment to the House Joint Resolution 393 to amend the Education Amendments of 1972.

The President has signed into law the bill providing 872 million dollars for student assistance in the coming academic year. This law includes sums of 210.3 million for Supplemental Education Opportunity Grants, 270.2 million for College Work Study, 269.4 million for Direct Student Loans, and 122.1 million for Basic Educational Opportunity Grants.

The Pell Amendment proposes that if the Basic Educational Opportunity Grants appropriation for FY 1973 does not exceed $385,000,000, payments under such support from such appropriation shall not be paid on the basis of any entitlement for any student (1) who was in attendance, as a regular student at an institution of higher education prior to July 1, 1973, or (2) who is in attendance at such an institution on less than a full-time basis. This would limit this program to full-time freshmen students in Academic Year 1973–74.

Since the 122.1 million is the approved amount for the Basic Educational Opportunity Grants Program, it would be better to limit this money to the Freshmen Students.

The American Council on Education's 1972 Fall Freshman Enrollment indicates that there were approximately 1,557,521 First time, Full-time Freshmen in all institutions of Higher Education. Of this number, there were approximately 97,684 Black College Freshmen. This figure has not taken into consideration the universe of proprietary school students who will be eligible. Assuming that all students would be entitled to something, this figure alone would average out to about 78 dollars per student. This is the magnitude of the program for freshmen.

Based on attrition rates the Freshman year is the year with the largest enrollment. The student enrollment tends to decrease from year to year until graduation. If the program is limited to Freshmen there would still need to be large sums of other money to make this program adequate.

Under full funding a Basic Grant would be the basic amount for other student aid programs. Without this program at a fully funded level, the amount of other aid program support need increases in proportion to the deficit in the Basic Educational Opportunity Program.

With the tightening up of the economy with regards to loans, students will be hard pressed for aid outside of the traditional aid programs of Supplemental Educational Opportunity Grants, College Work Study, and Direct Student Loans.

Since the thrust of the student aid programs is to serve the needy, the Basic Educational Opportunity Grants Program would hopefully take care of students from low-income families. Without this thrust all need may end up being middle income and other rather than inclusive of the lower-income student.

In this type of student aid crises based on a shortage of funds, flexibility is more important than rigidity with regards to meeting the needs of the students. The crises is getting students in school, keeping them in school, and getting them out of schools as graduates.

Enclosed you will find an excerpt from testimony before the Senate's Appropriations Subcommittee on Labor-HEW indicating the problems that a 622 million level would have presented. With 122.1 million or approximately 500 million dollars less in the program, the problems are more compounded.

If we can be of further help to you in supplying additional information and/or testimony before the Special Subcommittee on Education, please feel free to call upon us.

Sincerely,

MILES M. FISHER IV,
Executive Secretary.

ALMA COLLEGE,
Alma, Mich., May 2, 1973.

Representative JAMES G. O'HARA,
House of Representatives, Cannon House Office Building, Washington, D.C.:

The Michigan Students Financial Aid Association urges your support of the Senate amendment to House Resolution 393 which limits BOG eligibility to first time, full-time students.

JOHN KIMBALL,
Chairman, Michigan Student Financial Aid Association.

BERKELEY, CALIF.,
May 2, 1973.

Congressman JAMES G. O'HARA,
Capitol Hill, Washington, D.C.

DEAR MR. CHAIRMAN: On behalf of the University of California I urge your support of House Joint Resolution 393 which will target BOG funds for academic year 1973–74 on entering freshmen. House Joint Resolution 393 will permit the BOG program to be run as a pilot program in its initial year of operation. Also, it will assist freshmen students who in California are unable to obtain loans as California banks are not making such loans this year.

Respectfully yours,

CHARLES J. HITCH,
President, University of California.

TUCSON, ARIZ.,
May 2, 1973.

Hon. JIM O'HARA,
Chairman, Special Subcommittee on Education, House of Representatives, Washington, D.C.:

Urge you to support House Joint Resolution 393. These funds are most necessary for University of Arizona students for the coming year and will provide the only available route to higher education for many.

JOHN P. SCHAEFER,
President, University of Arizona, Tucson.

CINCINNATI, OHIO,
May 2, 1973.

Representative JAMES O'HARA,
Capitol Hill, Washington, D.C.:

Edgecliff College is in support of your proposal to limit basic opportunity grant funds for the academic year 1973–1974 to incoming full time freshmen only.

Sister MARCIA KENNING,
Director Student Financial Aid, Edgecliff College.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I am one of those who thought it was not desirable, as the administration had proposed, to rely almost entirely on the BOG program this year and to reduce the ongoing programs for direct loan, work study, and EOG's. Therefore our appropriation committee came up with the same level of appropriations for the ongoing programs but also with $122 million to try out BOG.

I do recognize the desirability of limiting the number of students who would be involved in the trial run. That would reduce the probability of a snafu. However, it really concerns me that financial aid officers, being hard-pressed for funds, may likely say, "Since these freshmen are going to have access to some BOG's, perhaps in August or some other time, through the computer, then we will just automatically reduce the amount we will give them under the other programs. This would leave them in a state of great uncertainty and be very discouraging. For freshman especially, this would be bad and in many cases would cause them to give up or make alternate and less desirable plans."

I believe it ought to be made absolutely crystal clear that these financial officers should not leave freshmen in this kind of a situation.

I believe something ought to be done to make sure on a continuing basis that the financial aid officers do not just assume that freshman will receive BOG money in any particular amount.

Mr. O'HARA. I want to assure the gentleman from Iowa that the managers on the part of the House share his concern. We say in the joint statement of the conferees our understanding and intention that this resolution shall not be interpreted as denying the benefits of any other title IV assistance program to any otherwise eligible student, and that such students shall be eligible for such benefits to the full extent that the funds appropriated by the Congress shall permit.

We brought this matter up with the National Association of Student Financial Aid Administrators, and we received assurance from them, in a letter dated April 18, that in the discharge of their duties they will continue to "focus on the most needy students regardless of the year in school," and that freshmen students will receive full consideration. I ask that the full text of the letter from Mr. Richard Tombaugh, for the association, be printed at this point in the proceedings.

NATIONAL ASSOCIATION OF STUDENT FINANCIAL AID ADMINISTRATORS,
Washington, D.C., April 18, 1973.

Hon. JAMES G. O'HARA,
Chairman, Special Subcommittee on Education, Cannon House Office Building, Washington, D.C.

DEAR MR. O'HARA: The National Association of Student Financial Aid Administrators would like to endorse the limitation of the $122.1 million appropriation for the Basic Educational Opportunity Grant to first year students, as proposed by the Senate in H.J. Res. 393, as amended.

We feel that this limitation will add appreciably to the success of the program, by making otherwise very small individual grants sufficiently large to be of real value.

We would like to assure the House of Representatives that the distribution of the college-based programs will continue to focus upon the most needy students, regardless of year in school. Financial aid administrators, no longer compelled to provide Supplemental Opportunity Grants to continuing students before aiding first year students, will be able to evaluate each case on its own merits. They may award Supplemental Grants to first year students with exceptional need, who do not qualify for Basic Grants, or to those who require additional aid to attend the institution of their choice. Likewise, we would not anticipate any preference being given to continuing students for NDSL and CW–SP funds because of the first year limitation on Basic Grants. First year students have historically received a proportional share of NDSL and CW–SP, and we see no reason that this would change.

We urge the House to concur with this Senate proposal to enhance the impact of the Basic Grant program.

Sincerely,

RICHARD L. TOMBAUGH,
Executive Secretary.

That is certainly the intention of the amendment and of the conferees, and I am glad the gentleman from Iowa brought the matter up.

Mr. SMITH of Iowa. And I understand the letter also states:

We would not anticipate any preference being given to continuing students for NDSL and CWS funds because of the first year limitation for basic grants. First year limitations for basic grants. First year students have historically received a proportional share of NDSL and CW–SP, we see no reason that this would change.

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

Mr. O'HARA. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I cannot think of any substantive reasons for opposing either of the two major provisions of this resolution. I strongly recommend approval of the Senate amendment.

The extension of the reporting date for the National Commission on the Financing of Postsecondary Education was approved by a vote of 332 to 29 in the House last March 5. The need for this change was fully anticipated a year ago when the President signed into law the Education Amendments of 1972. Because that bill was delayed for so many months, the original reporting date adopted in committee gave less and less time for the National Commission to carry out its responsibilities. Only because the new rules of conference prevented the conferees from extending the reporting time was it necessary to seek separate legislation. Thus, House Joint Resolution 393.

As you will recall, just before the Easter recess we passed an urgent supplemental appropriations bill which included funds for student assistance programs. The President has signed that bill. Many of us were very disappointed that the new basic opportunity grant program received only $122.1 million for next fall. The President had asked for $622 million. And even his request would not have given students their full entitlement.

As the law now stands, that $122.1 million would have to be spread out over approximately 1.5 million students. Grants would range from $50 to $210 with an average award of $80. Now $122.1 million is a lot of money. It should be used wisely. But to most students, $80 is not going to help them significantly one way or the other. The program would not be fulfilling congressional intent.

To rectify this situation, many of our colleagues and people in the higher education community have suggested a pilot program for the first year. The question was, how to limit the program in the first year in a fair way and still make the program work. Almost everyone familiar with this program has agreed that limiting the money next fall to first-year, full-time students is the best approach.

If we adopt the Senate amendment, then all first-time, full-time students will be eligible. Grants will range from $50 to $600, with an average award of approximately $240. This is because the number of students eligible will be reduced to approximately 500,000.

Let me answer some of the questions that people have raised about this limitation. First, will this change delay the implementation of the program? The answer is "No." HEW has additional regulations drafted to implement the BOG program. One draft incorporates the limitation to freshmen for next fall. They will be published next week, as soon as this limitation becomes law.

What will this change do to the application procedures? HEW has approved application forms at the printers. One would apply to all students in postsecondary education. The other would clearly explain that only first-time students are eligible to apply. As soon as we act today, the printer can begin and the forms can soon be distributed. We hope that information about the BOG's can get to the high schools immediately, as the majority of eligibles are now high school seniors.

Some have questioned whether limiting BOG's to freshmen will effect the distribution of other Federal student aid money. We have assurance from HEW that freshmen will in no way be discrim-

inated against in the rules and guidelines applied to the other programs. And the National Association of Student Financial Aid Administrators has assured us that their members will not give freshmen a lower priority in the awarding of supplemental education opportunity grants, work-study, or direct loans. Obviously, even with the limitation, freshmen are going to need additional help in order to enroll since under no condition will the BOG cover more than half of the student's total need.

So, Mr. Speaker, we have here a chance to insure the wise use of $122.1 million which has already been appropriated; the opportunity to launch in a meaningful way one of the best new programs for students the Congress has adopted; and to approve the final action necessary to give all of our colleges, students, and parents the information they need to plan for the school year next fall.

Mr. O'HARA. I thank the gentleman.

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

Mr. O'HARA. I yield to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I thank the gentleman for yielding, and I would join very strongly with our colleague, the gentleman from Michigan (Mr. O'HARA), the chairman of the subcommittee, in recommending that the House act favorably today on this proposed amendment.

We should not forget in talking about the amendment that the basic bill to which it is an amendment is something that was passed by this House on March 5 by an overwhelming vote, a vote of something like 332 to 29. It was the basic measure to extend the life of the National Commission on the Financing of Postsecondary Education.

Mr. Speaker, the amendment pertaining to the basic opportunity grant program is strongly supported in the other body. It is, in my opinion, a desirable amendment which will help to assure the success of the program.

I would add one further word on this particular program. The mechanics which are proceeding at the present time to put the basic opportunity grants into operation look very favorable, and are right on schedule. Early action today by this House on this program will strongly support and give additional benefits to what is a highly desirable program.

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

Mr. O'HARA. I will yield to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, the distinguished chairman of the subcommittee has adequately explained the conference report. This is a good amendment. It is not only reasonable—it is necessary.

The amendment will not involve any additional costs to the Federal Government. To the contrary, it will insure rational and effective utilization of precious Federal student aid funds.

Only $122,100,000 has been appropriated for the operation of the new and important basic grant program next year. This is an entitlement program and as such the $122 million would have to be spread among an estimated 1.5 million students. As the law now stands, grants would amount to approximately $80 each. It would cost approximately $10 to make each grant. The ratio of administrative costs is obviously highly inefficient.

Under the amendment, basic grants will be concentrated on first year students who are attending on a full-time basis. Instead of an average grant of $80—there will be an estimated average grant of $250. The amendment will significantly increase the impact of the BOG's program.

As my colleagues know, there has been great uncertainty and confusion with respect to student aid monies for the next academic year. With adoption of the amendment today this period of uncertainty will be over. The Office of Education is prepared to move rapidly with application forms.

In light of the small amount available for basic grants next year it just makes good sense that we limit eligibility. I wish to make clear: First, that the amendment applies only to fiscal year 1973 appropriations; and, second, that there is no intention that the amendment affect eligibility for participation in any other student aid program. First year students will not be restricted to the basic program. They will be eligible for the other three traditional institutionally based programs of supplemental grants, college work-study and direct loans as well.

Mr. Speaker, I urge the House to concur in the Senate amendment.

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

Mr. O'HARA. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I fully endorse the recommendations of the House conferees. During the recent consideration of the appropriation bill affecting the student assistance program, I asked several questions as to whether or not the existing law, the BOG program, could be implemented effectively. The answer was: Probably not.

Mr. Speaker, this legislation is necessary to make it clear that the $122 million can be used for pilot programing to prove the BOG program is a constructive step forward. I compliment the conferees.

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

Mr. O'HARA. I yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I rise in support of the motion to agree to the Senate amendment to House Joint Resolution 393.

Just 2 weeks ago, the Congress took a major step in providing a rational plan of Federal aid to college students. As part of the urgent supplemental appropriations bill, the Congress adopted an amendment I proposed in the Labor-HEW Appropriations Subcommittee. This amendment provides funding for three proven student assistance programs and provides $122.1 million for the new basic opportunity grant program.

While the administration had proposed that major reliance should be placed on the new basic opportunity grants, it became readily apparent that there were significant questions about the wisdom of this course of action. On the other hand, we, on the subcommittee, felt that the BOG's should be given a chance. They need that chance so that we can see how well they will work.

Because funds that can be provided for student assistance are limited, we were only able to provide enough for the BOG's to operate at a very low level. It has been estimated that, with the $122.2 million appropriation, the average grant under BOG's would be $80, and the ceiling would be about $200. Further, the administrative costs would be disproportionately high.

Recently, the Senate added an amendment to House Joint Resolution 393. That amendment provides that, for the next academic year only, BOG's will be limited to full-time, first-year students. It has been estimated that this would have the result of raising the average grant to 250 dollars and would raise the ceiling to $600. The administrative costs would also fall to a more reasonable level.

I think the amendment makes a great deal of sense. It would establish a more realistic laboratory in which to evaluate the BOG's. It would give us a chance to see and correct the mistakes we may have made, and the pitfalls we may not have seen, in designing the program. It will set the groundwork for phasing the BOG's into the Federal student assistance framework, starting with those students who will continue with the BOG program, should the program prove its worth.

This course also has the advantage of widespread support in the financial aid community.

I urge my colleagues to join me in supporting the motion to agree to the Senate amendment. This will be the final step in clearing up the questions about financial assistance for the next school year. It is a wise way of using our limited resources.

Mr. O'HARA. 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 Michigan (Mr. O'HARA)

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. O'HARA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks during the consideration of the motion with respect to the Senate amendment to House Journal Resolution 393.

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

There was no objection.

AMENDING IMMIGRATION AND NATIONALITY ACT

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 352 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 352

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. 982) to amend the Immigration and Nationality Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 352 provides for consideration of the bill, H.R. 982, which, as reported by our Committee on the Judiciary, would make it unlawful to knowingly employ aliens who have not been lawfully admitted for permanent residence, or who are not otherwise authorized by the Attorney General to work while in the United States.

The proposed legislation is designed to cope with the growing problem of job competition created by illegal aliens in the United States. These aliens fall generally into two categories: First, those who entered this country illegally, and second, those who entered legally as nonimmigrants and thereafter violated their status by accepting unauthorized employment.

U.S. citizens who suffer from job competition posed by these illegally employed aliens are the unskilled or low-skilled workers—the occupationally disadvantaged to whom our manpower programs are directed.

The magnitude of the problem is evidenced by the number of illegal aliens in the United States, estimated to be between 1 and 2 million persons.

H.R. 982 would establish a 3-step procedure for the imposition of sanctions against employers who hire illegal aliens. The civil penalty that is assessed increases in severity as the employer repeats the violation.

First, a citation is served on the offending employer or his agent informing him of an apparent violation of the legislation;

Second, upon the occurrence of a subsequent violation within 2 years of the first, the Attorney General would be empowered to assess a civil penalty of not more than $500 for each alien employed in violation of the provisions of this legislation; and

Third, if the employer violates the law again, he would then be subject to a $1,000 fine and/or a 1-year prison term for each alien hired.

The proposed legislation also contains provisions relating to the forfeiture of vessels, vehicles, and aircraft which are used to smuggle aliens into the United States. This may be a too harsh provision and as I understand it an amendment to delete it will be offered.

The cost to carry out the provisions of H.R. 982 is estimated at $298,400 for each fiscal year following its enactment.

Mr. Speaker, House Resolution 352 provides for an open rule with 1 hour of general debate, the time to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, after which the bill would be read for amendment under the 5-minute rule. It would then be in order to consider the amendment in the nature of a substitute recommended by the committee and now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule.

At the conclusion of the consideration of the bill for amendment, the Committee of the Whole House would rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill for the committee amendment in the nature of a substitute.

The previous question would then be considered as ordered on the bill and amendments thereto to final passage, without any intervening motion except one motion to recommit, with or without instructions.

Mr. Speaker, I urge the adoption of House Resolution 352 in order that H.R. 982 may be considered.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the remarks just made by the gentleman from Hawaii (Mr. MATSUNAGA) concerning the provisions of this resolution. I hasten to point out that the bill that this resolution makes in order, H.R. 982, is the wrong way to attack the problem.

I might say, Mr. Speaker, that back in 1963—in fact, on October 31—this House voted to extend the then existing bracero labor program for only one year and then terminate that program. The bracero program had been very effective in keeping back the wetbacks and provided adequate help in a very systematic way with the cooperation of the Government of Mexico and the Government of the United States. During the 1963 debate on the bracero program I quoted from a letter written by the Ambassador of Mexico, printed at page 19657 of the CONGRESSIONAL RECORD for October 31, 1963. The following quotation is an accurate prediction of the present situation:

> Therefore, the absence of an agreement would not end the problem but rather would give rise to a de facto situation; the illegal introduction of Mexican workers into the United States, which would be extremely prejudicial to the illegal workers and, as experience has shown, would also unfavorably affect American workers, which is precisely what the legislators of the United States are trying to prevent.

When we on that day voted in this House to only extend that program for 1 year, there were many of us in the House that pointed out how successful the program had been and what would result in the way of illegal aliens entering this country if we did not extend the program for 2 years' time and then reextend it.

I might say, Mr. Speaker, that since that time we have had nothing but wetback trouble, and I say that this bill is an after-the-fact attempt to solve the problem.

Actually this bill if it is enacted into law is not going to solve the problem of illegal entry of these immigrants. No; we are going to let them continue to come in. We are going to have no understanding with the Government of Mexico; we are going to put the monkey on the back of the employer. I think what has been happening since this Congress let the bracero program die in 1963 is absolutely wrong.

Under the bracero program we did not have the families of the Mexican people coming in here. We only had male laborers. They went back to Mexico at the end of the harvest season, and they came back the next year under contract. At that time we only were dealing with about 200,000 employees. We did not have the problem that we have today.

What is the problem that we have today? Today we have, according to the report of the Committee on the Judiciary, between 1 and 2 million illegal aliens in this country. On page 5 of this report prepared by the committee we see what the trend is. In 1965 the U.S. Government apprehended 110,371 illegal entrants and expelled 105,406. The numbers continued to increase, so that in 1972, 505,949 aliens were apprehended; 467,193 were expelled.

How much is this costing the Federal Government? It is costing, according to the committee report, $35 million just to deport illegal aliens in fiscal year 1970.

It seems to me that the Committee on the Judiciary should not be reporting this bill out, and the House should not be considering it today, but the House Committee on Agriculture should bring forth a bill that would reinstate the bracero program. We could have an agreement with the Government of Mexico, and we could have an orderly process once more where we could import the help that we need, and when the help was no longer needed, they would return to Mexico.

Mr. Speaker, I invite the attention of the membership to the statements that were made back in 1963 as to what would happen if that bracero program were not extended. Those individuals who spoke on the floor of the House pointed out exactly what was going to happen, and it has happened. It seems to me that we ought to go back there in 1963 and correct the mistakes that we made, and not be permitting these illegal entrants to come into the country by the hundreds of thousands, as they have been

doing, and staying here and costing the taxpayers millions of dollars just to seek them out and return them.

In addition to that, this legislation puts the burden on the employer. I do not think this is proper, Mr. Speaker. As a consequence, I am going to oppose the legislation. I am not going to oppose the resolution, but in debate I hope that this House in its wisdom will send this legislation back to the committee, and the Committee on Agriculture will come out with a bill to reinstate the bracero program.

I understand several bills have been introduced in this session of Congress to do exactly that. That is the proper approach to this problem, Mr. Speaker, and not this bill.

Mr. Speaker, I reserve the balance of my time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. EILBERG. 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. 982) to amend the Immigration and Nationality Act, and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 982, with Mr. Moss in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Pennsylvania (Mr. EILBERG) will be recognized for 30 minutes and the gentleman from Ohio (Mr. KEATING) will be recognized for 30 minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Chairman, the bill, H.R. 982, which the committee brings to the floor today, is the direct product of a year-long investigation by the Immigration and Nationality Subcommittee into the illegal alien problem. In any discussion of this problem it must be recognized that the term "illegal alien" includes not only the alien who surreptitiously enters this country but also any alien who enters legally as a nonimmigrant—visitor, student, and so forth—and thereafter violates the terms of his admission.

The committee has been especially disturbed by the taking of employment by such individuals—a situation which has resulted in the substantial displacement of American labor. Our committee has long been concerned with this problem and in recent years it has been intensified to such an extent that present estimates indicate that there are approximately 1 to 2 million illegal aliens in this country.

In the 92d Congress the administration included provisions in its omnibus immigration bill which would initially impose criminal penalties on those who knowingly employ illegal aliens. When administration witnesses appeared before the Judiciary Committee in support of this legislation, it was indicated that the illegal alien problem had reached serious proportions and that legislation was urgently needed. As a result Subcommittee No. 1 of the Committee on the Judiciary immediately commenced a detailed investigation in an effort to determine the magnitude and scope of the problem and to determine the impact of illegal aliens on the American economy.

The subcommittee members traveled to six major cities throughout the United States—Los Angeles, Calif.; Denver, Colo.; El Paso, Tex.; Detroit, Mich.; Chicago, Ill.; and New York City. During these hearings we heard from approximately 200 witnesses who were affected by or were intimately familiar with this problem.

As a result of these hearings the subcommittee concluded that the adverse impact of illegal aliens on the domestics labor market, Federal and State public assistance programs, and the United States balance of payments has been substantial and warrants legislation to meet the problem as well as to assure the orderly entry of immigrants into the United States.

In addition, the subcommittee learned that the illegal alien himself is often viciously exploited by unscrupulous employers. For example, some witnesses indicated that such employers will threaten to expose an alien to immigration officials if he should complain about substandard wages and working conditions or the denial of fringe benefits. Others, including the United Farm Workers, have stressed that "it is a common practice for employers to hire illegal aliens and right before pay day make a convenient call to the Immigration authorities who thereafter pick up the illegals and absolve the employer from any duty to pay earned wages to that date."

In other words, with no law specifically prohibiting the employment of illegal aliens employers will continue to hire such individuals since by virtue of their illegal status, they must work harder, longer and often for less pay. In addition to the intolerable situation in which the illegal alien finds himself, his employment also compromises labor conditions, depresses wage rates and deprives Americans of jobs. Whatever sympathy one might have for the underprivileged aliens in their desire to improve their economic position, this Government can not condone their employment when it adversely affects American citizens and other persons who are lawfully in the United States.

It is evident that the primary reason for the illegal alien problem is the economic imbalance between the United States and the countries from which the illegal aliens come, particularly Mexico, coupled with the availability of employment in the United States. It is, therefore, apparent that this is truly an international problem and it is conceded that this legislation will not provide a panacea nor solve the underlying reasons for this problem, namely the "pull" factors encouraging aliens to come to the United States and the "push" factors—the economic conditions in the alien's native country.

On the other hand, the committee has concluded that the best method to attack this problem on the domestic level is to eliminate the availability of employment by imposing sanctions on the employer who knowingly hires illegal aliens. In other words, H.R. 982 is designed to remove the economic incentive which causes aliens to illegally enter this country and to remove the incentive for employers to exploit this source of labor.

In considering this legislation the committee was originally concerned with the criticism that the initial imposition of criminal penalties—as proposed by the administration—would be too severe and would result in employment discrimination against members of ethnic and minority groups. For example, the argument was raised that since employers would be exposed to criminal penalties for a first violation they would be reluctant to hire any individual with a Spanish surname or a foreign accent. For this reason, the subcommittee abandoned that approach and instead substituted a three-step procedure for the imposition of sanctions, including citations by the Attorney General, civil fines and criminal penalties. Moreover, the committee has devised two provisos, contained in section 2 of the bill, which are designed to insure conscientious employers that they they will not be prosecuted under this legislation. The first proviso states that any employer who makes a bona fide effort to ascertain whether the prospective employee is a citizen, a permanent resident alien or is otherwise authorized to work shall not be subject to civil or criminal liability. This provides the employer with a great degree of flexibility in meeting the bona fide inquiry provision and will allow him to make such an inquiry in any manner he so chooses. The second proviso stipulates that if an employer obtains from the employee a signed statement in writing that such employee is a citizen, a permanent resident alien or an alien authorized to work, this shall be deemed prima facie evidence that the employer has made a bona fide inquiry. In order to assist employers, agents of employers and employment agencies in obtaining such statements, the Attorney General is required to prepare and furnish special forms to such individuals.

In addition, the committee has recently been advised that the Department of the Treasury is in the process of considering an amendment to the W–4 form—employee's withholding allowance certificate—include a question on the citizenship or alien status of each employee. If this change is adopted, it will substantially aid employers in making bona fide inquiries without the necessity of additional recordkeeping on their part.

In summary, there are two primary goals which this legislation seeks to accomplish. First, the bill will eliminate the intolerable situation under current law which enables employers to hire and

exploit illegal aliens without fear of penalties and without regard for those American workers who are displaced or are already unemployed.

It should be emphasized that this legislation is not intended as a punitive measure and it is not our desire to make criminals of employers. The committee believes that by and large most employers are law-abiding individuals and that when it becomes known that it is a violation of Federal law to knowingly employ illegal aliens, most employers will immediately discontinue this practice. Furthermore, the Committee is of the opinion that administrative fines will provide an additional deterrent and that criminal penalties should be imposed only upon those unscrupulous employers who habitually hire illegal aliens.

It should also be mentioned that we have avoided imposing any additional criminal penalties on the alien who enters illegally and obtains employment or on the nonimmigrant who accepts unauthorized employment. The committee felt that additional penalties would serve no useful purpose since past experience has clearly demonstrated that such penalties have not effectively deterred those unfortunate individuals who illegally enter the United States for the sole purpose of providing necessities for themselves and their families. Furthermore, since the courts are already seriously backlogged with serious criminal cases, the U.S. attorneys' offices are reluctant to prosecute cases of illegal entry and even when prosecutions are instituted, convictions are infrequent.

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

In summary, this bill is the result of long hours of serious study and deliberation and in preparing this legislation careful consideration has been given to the budgetary problems confronting the Immigration and Naturalization Service as well as the practical limitations on our overburdened judicial system.

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

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

Mr. EILBERG. I yield to the distinguished chairman of the committee.

Mr. RODINO. I note that section 2 of the committee amendment to H.R. 982 contains language which was not contained in H.R. 16188 which passed the House last year. I am referring to the phrase that it shall be unlawful "knowingly" to "continue to employ" illegal aliens. I would like to know the reason for the inclusion of this additional language.

Mr. EILBERG. There was some discussion in the subcommittee this year as to whether the phrase "to employ" means to hire in the future or whether it means to continue to engage one's services. Therefore, in order to clarify a possible ambiguity regarding this language, the subcommittee adopted language which would specifically indicate that it is unlawful for an employer to "knowingly" continue to employ an illegal alien beyond the 90-day delayed effective date prescribed in this act. In other words, if an employer has actual knowledge that one of his present employees is an illegal alien, he is exposing himself to civil and criminal penalties.

Mr. RODINO. Does this additional language—continue to employ—impose any affirmative obligation on the employer to check or screen those individuals presently on his payroll in an effort to determine whether or not they are illegal aliens?

Mr. EILBERG. No; I wish to emphasize that this bill containing the additional language to which you have referred as well as the bill which passed the House last year would impose no direct obligations or legal requirements upon an employer to identify or locate illegal aliens who may be on his payroll. The only time that an employer is subject to civil and criminal penalties is when he has actual knowledge that such employee is an alien who is illegally in the United States.

The chairman is correct in his position that no burden is placed upon the employer to screen his current or future employees. Nevertheless, a prudent employer would be well-advised to be prepared to show his good faith in the event any complaint is made concerning any of his continuing employees who are illegal aliens.

Mr. RODINO. Is it not true that in order for penalties to attach for continuing to employ and referring for employment illegal aliens, an employer must engage in each of these activities with "actual knowledge" that the alien is illegally in the United States and is not authorized to work?

Mr. EILBERG. Yes, the distinguished Chairman is absolutely correct and it is intended that the word "knowingly" modifies each of the verbs which follows it, namely "to employ, to continue to employ, and to refer for employment". In other words, in order to be subject to the penalties of this bill, the employer, agent or referrer must engage in each of these activities with actual knowledge of the alien's illegal status.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. I thank the gentleman for yielding.

I am concerned about the provisos that were added at the end of section (b)(1) on page 10:

Provided, That an employer, . . . shall not be deemed to have violated this subsection if he has made a bona fide inquiry. . . .

"Provided further, That" obtaining this signed form shall be considered a bona fide inquiry.

My question for the gentleman is this: The statute says, "knowingly to employ, continue to employ," et cetera.

Now, if the employer knows that an employee is an illegal alien and he nevertheless has that employee sign one of these forms, does that relieve him, the employer, from his responsibility?

Mr. EILBERG. It absolutely does not. That would simply provide prima facie evidence of good faith. That prima facie evidence could be overcome as the result of an investigation by the Immigration Service. We would anticipate that if there were any kind of a group shelter involved in the situation, the prima facie evidence could be overcome.

Mr. O'HARA. With or without the proviso, the question is whether he knowingly employed?

Mr. EILBERG. That is exactly the point.

Mr. O'HARA. Mr. Chairman, I thank the gentleman very much. I am greatly relieved by the gentleman's answers.

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

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

Mr. KAZEN. Mr. Chairman, I have listened to the gentleman very intently as he was talking about this situation, and he argues about the illegal aliens taking jobs away from others.

What happens in areas where nobody is available to do work and where work must be done, where a man cannot hire anybody to do any work? Does the gentleman mean to say that in those instances they are taking jobs away from somebody? Mr. Chairman, this happens to be the situation down in my part of the country many times.

Mr. EILBERG. Mr. Chairman, there are many employers unfortunately around the country who are employing individuals at substandard wages and under substandard working conditions. It is our belief that if prevailing wages were paid, there would be far less difficulty in getting those jobs filled.

No. 2, there is a provision in the law, H. 2, whereby people may legally come to this country from Mexico or from any other country to do a temporary job. In fact, the subcommittee is studying the possibility of their coming to be engaged in a permanent type of work.

The point is that so many people who are U.S. citizens or permanent citizen aliens or aliens who have a right to be here and work here are, in fact, being discriminated against. Although my heart is very sympathetic to those unfortunate people south of the border who find it economically necessary to cross the border to find work, I think charity begins at home, and I am very much more concerned about discrimination being shown toward our own minorities and our own alien disadvantaged groups in this country.

Mr. KAZEN. Mr. Chairman, I will ask another question if the gentleman will yield further.

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

Mr. KAZEN. Mr. Chairman, I thoroughly agree with the gentleman, but all one has to do is go down in my own district and see the situation where people are willing to pay minimum wages if they could just get the help, but the help is just not available.

Mr. Chairman, may I ask the gentleman, could we in any way set up some kind of an employment agency or recruiting agency to help these people? As one man recently told me:

It is un-Christian to turn a man away who wants to work when I have work to give him and can't find anybody else and this man is hungry and I am in a position to feed him and hire him.

Does the gentleman have any conception of the full scope of the problem?

Mr. EILBERG. Mr. Chairman, these arguments have been made by some in the subcommittee hearings, and we have found in many cases that organized labor has supported the very proposition we are legislating today. We have letters here from many leaders of minority groups, including the one before me, Clarence Mitchell of the NAACP, demanding this very legislation.

They are also proposing acting on legislation affecting the preference system for the Western Hemisphere and under the direction of the chairman of the full committee, for all practical purposes that is in effect. Now, those persons who come into categories of group shelter will stay. Also people who are in a hardship situation, the heads of families who come over, who marry American citizens, they are not excluding that group. In this way we are keeping families united.

We recognize the hardship situation, but we simply must do something about all or many of the jobs that have been displaced and people who are coming over improperly and who are virtually in involuntary servitude.

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

Mr. EILBERG. I yield to the gentleman from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Chairman, H.R. 982 is an almost identical bill to that which passed the House in the 92d Congress, only slight changes of a "cosmetic" nature have been made by the Committee on the Judiciary. I support this bill as a carefully drawn and reasoned measure directed at a most complex and troublesome problem—the presence in our country of 1 to 2 million aliens who are illegally employed. The objective of H.R. 982 is to dry up job opportunities for illegal aliens by imposing sanctions upon employers who knowingly employ illegals. However, the bill has been carefully drafted to protect the employers who make a sincere effort to ascertain whether job applicants are eligible under our immigration laws. It is a reasoned and moderate measure because it provides for a three-step enforcement procedure beginning with what amounts to a warning to the employer for the first, perhaps inadvertent offense, yet subjects the unscrupulous repeater to severe penalties.

The problem of illegally employed aliens is a complex one, and a serious one. It has severe consequences for the U.S. economy: First, raising our unemployment rolls as illegal aliens take jobs which should be filled by U.S. citizens and permanent resident aliens; second, contributing to our dollar drain as the illegally employed aliens send money out of the United States; and third, adding to the cost of our public welfare and health services as the illegal aliens sometimes are found on relief rolls. The cause of the illegal alien problem is that the United States of America is still the promised land. Other countries—Mexico in particular—are comparatively poor. The lure of America, and of American jobs, in this situation is strong, and it will remain strong for aliens everywhere in the world after we have adopted this bill. However, hopefully the sanctions provided in this bill will preserve available job openings for U.S. citizens and eligible aliens, thereby discouraging the illegal alien from entering this country illegally. For the illegal aliens the consequences are, all too often, exploitation by unscrupulous employers who underpay, deny benefits, overwork and abuse the defenseless aliens.

Currently the law provides that an alien who enters the United States at a time or place other than designated by the Immigration Service, or who eludes examination or inspection, or obtains entry by a willful, false or misleading statement or concealment of a material fact, shall be guilty of a misdemeanor and subject to up to 6 months imprisonment and $500 fine for the first offense.

Our committee found that this provision of law is rarely invoked. Because of the humanitarian factors involved and the large number of aliens against whom the law could be applied, the law enforcement officers and courts have generally refused to prosecute, in lieu thereof, when aliens are apprehended they customarily are granted voluntary departure by the Immigration Service.

In order to discourage jobseeking in the United States by illegal aliens we are, in H.R. 982, for the first time, applying sanctions—first civil and then criminal—to the American employers of these aliens not eligible to work. This applies not only to the big corporate employers, but also to housewives who hire a cook or maid, to large and small retail establishments, and to farmers and ranchers.

However, the bill provides that employers who make a bona fide effort to determine if the prospective employees are entitled to work in the United States shall not be subject to civil or criminal liability. For those who do violate the law, the first offense will bring a warning in the form of a citation. A second offense for the employer who with full knowledge employs illegal aliens will bring a civil fine. For the unscrupulous employer who repeatedly flouts the law, the penalties can be severe—a fine of $1,000 or 1 year imprisonment, or both, for each alien illegally employed.

Provision is also made in H.R. 982 for the forfeiture of vehicles used in smuggling and transporting illegal aliens. These forfeiture sections are felt to be essential to the objectives of the bill. Many illegal aliens reach this country in modified personal cars and trucks which have been altered to provide hidden compartments for the concealment of aliens. The forfeiture of such vehicles will constitute an additional economic penalty for the smuggler and transporter of illegals. The present law provides for penalties up to $2,000 in fines or imprisonment up to 5 years for each alien, for bringing in, transporting, concealing, or harboring illegal aliens. So with the enactment of this law, the consequences for the employer who knowingly and willfully exploits the illegal alien can be very severe.

There is another group of aliens who have contributed to the unemployment problem by taking jobs from U.S. citizens. These are the nonimmigrants, the visitors and students who are admitted legally but then take unauthorized employment. The committee in extensive hearings heard no knowledgeable testimony as to the number of "legal aliens" who illegally take employment, but the number is not small.

The nonimmigrant visitor or student who does take an unauthorized job violates his status, and when discovered, is subject to deportation. However, H.R. 982 adds another sanction. The privilege of adjusting status, from nonimmigrant to immigrant, while in the United States—provided a visa is available and the alien is otherwise qualified—is denied the nonimmigrant who has violated his status by taking employment.

Mr. Chairman, some persons have attacked this bill as discriminating, alleging that fear of the penalties provided will cause employers to avoid employment of all aliens and persons foreign in appearance and speech. This objection simply reflects a failure to understand the terms and procedures under H.R. 982. Only a "knowing" employment of an illegal can subject the employer to sanctions, and the employer need only show he has made a bona fide inquiry. He can establish that he has made proper inquiry by obtaining from the job applicant a signed statement as to eligibility for employment. The committee included in the bill requirements that the Attorney General provide suitable forms for this purpose. It follows that with such simple procedures employers will have no reason whatsoever to refuse to employ applicants with easily ascertainable eligibility.

Perhaps the best answer I have heard to the cries of "bias" and "discrimination" came from Howard Samuel, vice president of the Amalgamated Clothing Workers of America, testifying before the Immigration and Nationality Subcommittee. I asked Mr. Samuel:

What about the concern of people like Ceasar Chavez and his union who just before we passed the illegal alien bill out of the Judiciary Committee came out in opposition to the bill for fear that there might be discrimination for legitimate Mexican-Americans who are seeking jobs and the employer, who says, "We are not going to hire you because you may be an illegal alien." Is there any way we can overcome such discrimination and are there any other positions that you are aware of that Mr. Chavez may have that may be real objections to this legislation?

Mr. Samuel answered:

I have just had the letter read to me of Mr. Chavez. I gather from his point of view the bill is not strong enough. Not that it is too weak. It is not strong enough particularly on the penalties imposed on employers. So I think, whether this is true or not, I think the subcommittee and the committee are right in the direction they are taking.

There may be amendments to be considered, either on the floor or the other House or in conference to meet his direction, but I think the direction you are taking is correct. I think the fear of discrimination is overblown.

I think the real problem is so overwhelming that fear of discrimination—the fact is the one thing this Congress cannot do is leave the illegal alien as illegal. And those who say we should leave it where it stands are simply beyond the realm of logic. Something has to be done to remove from the alien the burden of illegality, the exploitation and remove from the employer the benefit he is getting from it.

In Mr. Chavez' letter he mentions a point I had not known and, I assume, comes firsthand to him. He refers to employers who hire illegals on Thursday evening—they call up the Immigration and Naturalization Service. They are picked up and deported and he avoids the responsibility of paying them 4 days' work. Those who vote against this bill or vote against what this bill is trying to accomplish are, in effect, asking to continue this kind of situation which is only one degree removed from slavery.

Finally, Mr. Chairman, it has become obvious to all that the employment of illegal aliens has had a substantial adverse impact upon our unemployment problem and the wages and working conditions of American workers. The problem is growing steadily in size and scope, affecting the labor market in all sections of the country. H.R. 982 is a moderate and logical bill. It will be of substantial assistance in curbing this problem, and, hopefully, removing much of the economic incentives for the illegal aliens to cross our borders. I strongly urge its adoption.

Mr. Chairman, at this time I yield 5 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, as has been stated before, this bill is essentially the same bill which passed this House in the last Congress, at which time I also was a member of the subcommittee which reported it to this body. The bill is an attempt to deal with the problem of illegal aliens present in the United States, and particularly with their employment contrary to the laws of the United States. This is a far-reaching and large problem. It is in many respects an economic problem. It is in many respects a human problem. Its larger ramifications exceed the scope of the authority or the abilities of this subcommittee. This bill is certainly not any sort of a panacea, nor do we advance it as such. It is a limited attempt to reach a certain part of this problem, and it is an attempt to do it in a way which takes account of the situation as we face it.

Like most bills that reach the floor, it is a compromise measure. The thought was this: While the laws provide that illegal aliens are deportable, and unless they are here on an immigration status or some other special status, they are not entitled to employment, there is not much teeth in the law, and a great many aliens illegally present are working and are taking employment which American citizens might have. The only thing we now do is deport the alien, and there is no penalty on the employer.

So the thinking was that if some sort of a penalty were attached here which would counteract to a certain extent the strong economic drive to violate these laws, maybe that might be a useful approach.

The bill originally considered by the subcommittee put penalties on both the illegal alien who took work when he was not entitled to it, and criminal penalties right off the bat on the employer. There were those on the subcommittee who did not think we ought to criminally penalize, any more than the law now does, a man simply because he took a job when he needed it, even though he was not entitled under the laws to have it. There were other members of the committee who did not think we wanted to make every employer in the United States who might get an illegal alien in his employ necessarily a violator of the criminal law. So it was compromised, and the bill as it is presented does nothing to the alien whatsoever. His status remains as it was.

If he is here in an illegal status, he is now deportable. Under this bill he is still deportable, and that is all that happens to him. The bill does not really do anything to him. Where the employer is concerned, we, rather than make him guilty immediately of a criminal violation, have written into this bill a three-step procedure.

The bill for the first time—and this is the main thing that it does; there are some other features, but this is the main thing it does—makes it an offense to knowingly employ or continue to employ an alien who is not lawfully here, lawfully entitled to be employed in the United States.

The key word is "knowingly." There is no offense committed by the employer unless he knowingly employs the illegal alien contrary to law. If he does that, he is guilty of an offense. He is guilty of an offense if he employs these people in the future knowingly; he is guilty if he has illegals in his employ when the law goes into effect and he knows it and he knowingly continues to keep them in his employ. But in neither case is he guilty except with guilty knowledge, which is proper to any criminal statute.

Now if the Attorney General of the United States thinks the man is violating the law under this bill, he first gives the man a notice. Nothing else happens. He tells the man he is in violation in the opinion of the Attorney General. It is information. It is a warning, if the Members like. If the man has apparently violated the law again within 2 years after he receives such a warning, the Attorney General, after a hearing, is authorized to assess a civil money penalty in the nature of a fine. If thereafter the man violates the law again, he is subject to prosecution and may be found guilty of a misdemeanor. So the employer is given, we might say, three bites at the apple.

He is given an additional protection. I have already said he has got to be knowingly guilty. The law further provides that if he has made a bona fide inquiry of his employee and has been assured that the man is in a legal status, then the employer is not guilty of knowingly employing an illegal alien. Moreover, if he takes a written statement to that effect, on forms which the Attorney General will prescribe, prima facie his inquiry is bona fide.

Of course if we could show his inquiry was a phony, that here is a pattern, that he is hiring illegal aliens all the time, the mere fact that he has asked the employee a question will not necessarily cover the employer, but if he makes a bona fide inquiry he is safe, and if he takes the written statement, prima facie his inquiry was made in good faith.

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

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

Mr. ROYBAL. Under the bill as now written, does it mean the employer will submit this form, which the gentleman says will be submitted by the Attorney General, to everyone of his employees and every applicant for employment regardless of who the applicant is?

Mr. DENNIS. Let me make this clear.

Mr. ROYBAL. I ask the gentleman: Will he or will he not?

Mr. DENNIS. It is up to him whether he does or does not. He is not required to do it. If he wants to and he thinks it is a good protection, the law gives him that opportunity, but he is not required to do it, and we still have to prove that he knowingly violated the law.

Mr. KEATING. Mr. Chairman, I yield to the gentleman from Virginia (Mr. PARRIS) such time as he may consume.

Mr. PARRIS. Mr. Chairman, I rise in support of H.R. 982 and to urge its passage. I am relieved at last to see the dawn of congressional attention begin to bring light to a problem of gravest national importance.

As a member of the Government Operations Committee's Legal and Monetary Affairs Subcommittee, I have, over the recent months, been engaged in a study of the operations and management of the Immigration and Naturalization Service. I support any worthy legislation which will serve to assist the men of this organization in performing their duties. This service has for too long been the stepchild of the Department of Justice. Its mission is at times unpopular; at times difficult; and at times far from the arena of spectacular headline operations of the Justice Department.

The most startling evidence of this is made plain when the tremendous growth of the major problem which I. & N.S. is charged to control, that of aliens illegally in this country, is compared to the truly inadequate growth of the service.

In this city, Washington, D.C., the Caiptal of our Nation, I. & N.S. completed only 324 investigations in the year 1962. In 1972 there were 1,422 investigations completed—a workload increase of 439 percent. In the same 10-year period area control operations, the method of search which produces by far the greatest number of apprehensions of illegal aliens, increased by a whopping 6,377 percent. This tremendous increase in activity was handled by the same number of officers on duty in 1972 as in 1962. The efforts and sacrifices of the I. & N.S. personnel are at once both commendable and a shameful commentary on the neglect of the service in budget and manpower priorities.

In the great city of New York the same situation obtains. Investigations received during the same 10-year period, from 1962 through 1972, increased over 46 percent. Area control operations increased by 486 percent. This occurred while the number of officers on duty actually decreased from 141 in 1962 to 55 in 1972. I understand that there were 86 trainees taken on by I. & N.S. in 1972, but even this represents an increase in officer personnel of only 36 men in a 10-year period of uncontrolled alien increase.

Move further north, to Boston, Mass. The picture remains equally grim. Figures are available only for the period of 1965 through 1972, but the message is equally clear. Investigations received increased 140 percent in 7 years. Area control operations increased by a staggering 1,392 percent.

All this with not an increase of a single officer during this period.

There is no major city in the United States, no rural area, whose citizens have not suffered in some measure as a result of this dramatic increase in illegal aliens. There is no Member of this body whose district has not been affected adversely by the impact of some 2 million illegal jobseekers and potential public charges. There is a compelling need for immediate and forceful legislative action. The measure before us today, in representing a small but positive step toward this end, falls far short of making the kind of impact so vitally required. I trust that this body will recognize this fact and lend its unwavering attention to a problem which is growing by unimaginable proportions in every State of this country at a time when its effects—impeding full employment, increasing the welfare rolls, encouraging substandard wages, promoting organized smuggling of persons and contraband—are most damaging.

Mr. EILBERG. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I rise in strong support of H.R. 982 and firmly believe that only a prohibition on the knowing employment of illegal aliens will solve the various problems created by the large scale migration of illegal aliens across our borders and by immigrants who violate their status.

As my colleagues will recall, this bill is the direct product of an extensive investigation into the illegal alien problem by my Immigration Subcommittee during the 92d Congress. The subcommittee members traveled to six cities throughout the United States and listened to almost 200 witnesses regarding the problem. These witnesses represented all segments of society and included Federal, State, and local officials, employers, labor representatives, immigration lawyers, religious, ethnic and minority groups as well as legal and illegal aliens.

The basic conclusion reached by my subcommittee as a result of this intensive study was that the adverse impact of illegal aliens has been substantial and warrants legislation to: First, protect the domestic labor market; second, insure the orderly entry of immigrants into the United States; and, third, eliminate the vicious exploitation of unfortunate aliens who have entered this country to improve their economic well-being.

The official statistics from the INS clearly indicate the magnitude of this ever-increasing problem. For example, last year the INS located 505,949 illegal aliens—this represents 121,000 more aliens than were legally admitted as immigrants during 1972. Apprehension, detention, and deportation costs our American taxpayers well over $50 million last year. Instead of indicating better control of the problem it is contended that these apprehension statistics clearly indicate that the problem is drastically increasing and will continue to worsen unless corrective legislation is enacted. Since most persons are in agreement that the illegal problem has reached serious proportions, I do not intend to recite an endless litany of statistics concerning the impact that these aliens have had on the American economy. It should be mentioned, however, that the committee estimates that there are approximately 1 to 2 million aliens illegally in the United States and the presence of these aliens has indeed had a drastic effect on the domestic unemployment situation, Federal and State public assistance programs, as well as the balance of payments problem.

In summary there are three major provisions in this bill. The first section of H.R. 982 would prohibit nonimmigrants—visitors, students, et cetera—who take unauthorized employment from adjusting their status in the United States to that of permanent residents. In addition, this section would allow natives of the Western Hemisphere to adjust their status without leaving the country. This relief is already available to natives of the Eastern Hemisphere and equity demands that such relief be made available to Western Hemisphere natives.

Section 2 establishes the method for imposing sanctions on employers who knowingly hire illegal aliens. In the first instance such an employer would be served a citation by the Attorney General advising him that he had apparently violated Federal law. If this same employer is found to have committed a second violation within 2 years after the service of a citation, he would then be subject to a fine of $500 for each illegal alien in his employ. Once a fine has been imposed and the determination becomes final, the employer would then be subject to a fine of $1,000 and/or 1-year imprisonment for any subsequent violation.

Section 3 of the bill would revise 18 United States Code 1546 relating to the counterfeiting and misuse of immigration documents. This section would specifically include border crossing cards, alien registration cards and other entry documents within this provision of title 18.

The committee has diligently pursued every possible suggestion or recommendation in an effort to solve the problem of the illegal alien. I feel that the approach presented today, which is designed to remove the incentive for aliens to come to the United States illegally and for employers to exploit this source of labor, is feasible and fair, and I am convinced it will go a long way in alleviating this serious problem.

This legislation embodies the conclusion that the primary reason an alien enters this country is to obtain a job and that the best method of attacking this problem is to eliminate the availability of employment by making the knowing employment of illegal aliens an unlawful act. The primary thrust of this legislation is twofold; first, to protect the job security of U.S. citizens and aliens eligible to work in this country and second, to eliminate the exploitation of illegal aliens by unscrupulous employers. The testimony during the hearings clearly indicated that illegal aliens by virtue of their unlawful status are often required to work harder, longer and often for less pay. In addition, illegal aliens are frequently denied overtime, vacation pay and a multitude of other fringe benefits to which they may be entitled. Moreover, the subcommittee last year learned that some employers continuously threaten the alien with exposure in the event he should complain about the substandard wages and working conditions. We are also informed that other employers have adopted the practice of turning such aliens in to immigration authorities just prior to pay day, thereby escaping their obligation to pay the alien his wages earned to that date.

It is incumbent upon this committee to terminate these intolerable conditions which often surround the employment of illegal aliens.

Furthermore, whatever sympathy one might possess for these underprivileged and unfortunate individuals we as U.S. citizens have a primary responsibility to protect the job security of all American workers.

For these reasons and because present criminal penalties have not effectively deterred the entry of illegal aliens, I have consistently resisted any efforts to impose additional penalties upon such aliens. It is my belief that additional sanctions on these unfortunate individuals, who enter this country unlawfully for the sole purpose of sustaining themselves and their families, would not be humanitarian and will serve no useful purpose.

The subcommittee's earlier hearings were concerned with provisions contained in the administration's Omnibus Immigration proposal—H.R. 2328, 92d Congress—which would impose a $1,000 fine and/or 1-year imprisonment for the knowing employment of illegal aliens. However, during our hearings there was substantial opposition to subjecting an employer to a criminal penalty for a first violation as proposed in the administration's bill. Many witnesses felt that this approach would be too severe on the employer and would thus make some employers reluctant to hire members of ethnic or minority groups. The argument was made that employers subjected to the possibility of criminal sanctions for a first violation would refrain from hiring any person with an accent or a Spanish surname.

In order to meet these objections, the subcommittee devised a three-step procedure for the imposition of sanctions, including: citations, civil fines, and criminal penalties. In addition, the subcommittee established an additional safeguard by inserting a proviso which would specifically exempt from civil and criminal liability any employer who makes a bona fide inquiry as to the eligibility of a prospective employee to work in the United States. Another section of the bill would provide that receipt by the employer of a signed statement in writing that the employee is a U.S. citizen or a permanent resident alien would be deemed prima facie evidence that a bona fide inquiry has been made.

This legislation has been very carefully prepared in an effort to eliminate the adverse effect of illegal aliens on the American economy and the domestic labor market and at the same time, it is designed to insure that members of ethnic and minority groups will not be disadvantaged. In fact, numerous witnesses noted that such individuals who have traditionally been denied opportunities to improve their skills will derive substantial benefits by the enactment of this legislation.

In this regard, I wish to insert into the RECORD at this point a letter which I have received from a great and distinguished American, Clarence Mitchell, director, NAACP, supporting this legislation.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, D.C., May 1, 1973.

HON. PETER RODINO,
Chairman, House Judiciary Committee,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RODINO: The National Association for the Advancement of Colored People is concerned about the illegal employment of aliens. We have received complaints from persons who have been misled by recruiters and/or employers, I understand that these persons have been told that they would receive certain wages and working conditions before coming to the United States, but once they are here the wages are lower and the working conditions are far below acceptable standards. Accordingly, we are very pleased that Congress is moving to correct this problem through the enactment of H.R. 982, which is your bill to amend the Immigration and Nationality Act.

In supporting this proposed legislation we reaffirm our traditional belief that all persons without regard to race, religion, national origin or sex should have access to equal opportunity and the benefits of our country. At the same time, we do not believe that any of our fellow humans, whether citizens, aliens legally in the United States or aliens who are here because of improper acts on the part of other persons, should be subjected to exploitation and mistreatment. We hope very much that H.R. 982 will become the law and that it will help to eliminate present unfair practices.

Sincerely yours,
CLARENCE MITCHELL,
Director, Washington Bureau.

Moreover, it should be emphasized that title VII of the Civil Rights Act of 1964 and guidelines issued by the Equal Employment Opportunity Commission prohibit employment discrimination based on national origin. Therefore, any refusal by an employer to interview or hire permanent resident aliens or citizens of certain ethnic backgrounds or the refusal by employment or placement agencies to refer such individuals for employment are prohibited. It has always been the Committee's intent that this legislation should not result in employment discrimination and the legislative history requires INS officials to advise employers as to their respective responsibility under the Civil Rights Act and under this legislation.

It is my belief that this legislation does not in any manner affect the rights of all persons to equal employment opportunities. On the other hand, it attempts to insure that such opportunities are made available for U.S. citizens and lawful permanent residents who have been severely disadvantaged by the presence of large numbers of illegal aliens in this country.

In conclusion, I believe this legislation is urgently needed if we are to protect our domestic labor market and enhance the orderly entry of immigrants into the United States.

There is nationwide support for the enactment of this legislation. I have received mountains of letters and hundreds of telegrams urging that the House approve H.R. 982. I would like to include one of the letters in the RECORD at this point from Andrew J. Biemiller, director, Department of Legislation, AFL–CIO. The AFL–CIO strenuously supported this legislation when it was before us last year and no less strenuously supports it today.

I urge my colleagues to support this very necessary legislation.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C. May 1, 1973.

HON. PETER W. RODINO, JR.,
Chairman, House Judiciary Committee,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: On Thursday, May 3, 1973 the House of Representatives is scheduled to debate and take action on H.R. 982, a bill to repeal the exemption of employers from the prohibition against "harboring" illegal aliens which is presently contained in the Immigration and Nationality Act. The AFL–CIO supports this legislation and urges its approval by the House of Representatives.

H.R. 982 would impose penalties on employers who knowingly employ aliens who have not been admitted for permanent residence in the United States or who have not been authorized by the Attorney General to accept employment here. The bill is similar to a bill passed by the House of Representatives last year and should enjoy the same support of a substantial majority of the House that last year's bill obtained.

The problem of aliens who enter this country illegally, take jobs needed by unemployed citizens and permanent residents and work at substandard wages paid by exploiting employers, is well known. Equally well known is the fact that the present exemption of employers from the anti-harboring provision plays a major role in the hiring of illegal aliens. This exemption tends to frustrate and defeat the policy of Congress as declared in other provisions of the Immigration and Nationality Act to protect the employment opportunities and labor standards of American workers.

H.R. 982 is, we believe, workable legislation. It is also fair in its application to employers in that it provides for notice and warning before any punitive action is taken against persons violating the law.

The argument that the bill discriminates unfairly against Mexicans and Mexican-Americans by requiring them to assert that they are legally entitled to be present and to work in the United States is, we believe, without foundation. As we understand it, this requirement is applicable across the board, without reference to any group or individuals. In any case, it is necessary to enable the bill to operate effectively.

H.R. 982 should receive the overwhelming approval of the House of Representatives.

Sincerely,
ANDREW J. BIEMILLER,
Director, Department of Legislation.

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

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

Mr. McCLORY. I commend the gentleman in the well, the chairman of the Judiciary Committee, on his statement. I know the gentleman and his Subcommittee on Immigration carried on extensive hearings preliminary to the introduction of this bill. I note that in the hearings conducted in Chicago it was shown there was an 800-percent increase in the employment of illegal aliens over a 10-year period prior to the time of the hearing held there, and that, contrary to popular belief, only 10 percent of these were employed in agriculture or domestic positions and the other 90 percent were employed in industry. That is correct, is it not?

Mr. RODINO. The gentleman is absolutely correct. These cases also relate to individuals who become illegal aliens. It covers those who have lawfully entered the country with a visitor's visa, and thereafter violate their status. They overstay that and as a result continue to be employed, again denying job opportunities to other individuals.

Mr. McCLORY. Mr. Chairman, will the gentleman yield for one question?

Mr. RODINO. I yield.

Mr. McCLORY. The question is this: Without this legislation it is virtually impossible for the immigration authorities to control illegal aliens flowing into this country, is it not?

Mr. RODINO. I would say more than that. It is virtually impossible to touch the unscrupulous employer who will continue to employ illegal aliens notwithstanding the fact that he actually knows this fact.

Mr. EILBERG. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I rise in support of this legislation.

I believe a lot that needed to be said was said during the debate on this bill last fall, and the bill is esssentially the same bill. It was drafted very carefully, with great concern for the rights not only of employers but also of people who might be subjected to the bill, the illegal aliens themselves, Spanish-speaking Americans, Americans of foreign birth and legally resident aliens, to make sure there was not something in the bill that would result in any improper discrimination against them.

The fact is that this is a serious problem and it is a growing problem. Last year more than a half million illegal

aliens were rounded up for deportation, and that was only the tip of the iceberg.

We had testimony in Los Angeles, in El Paso, and in other places, by Mexican Americans, who said that they were being discriminated against by the very fact that illegal aliens were being employed.

The purpose of the bill is to end that situation.

Miss HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield 1 minute to the gentlewoman from New York (Miss HOLTZMAN).

Miss HOLTZMAN. Mr. Chairman, while I have major reservations about this legislation, I should like to ask the gentleman from Pennsylvania (Mr. EILBERG) a question concerning two provisions in the bill, for the purposes of legislative history.

Will the gentleman please clarify whether employers may take advantage of the bona fide inquiry provision contained in H.R. 982 with respect to currently employed individuals as well as those employed after the enactment of this legislation?

Mr. EILBERG. May I ask the gentlewoman from New York (Miss HOLTZMAN) is this the question? Can employers take advantage of the bona fide inquiry with respect to current employees?

Miss HOLTZMAN. Yes, with respect to individuals who are at this time in their employ.

Mr. EILBERG. The answer to that question would be: Yes. The intent of this bill is to allow all employers to take advantage of the bona fide inquiry provisions with regard to current employees as well as any possible future employees.

Miss HOLTZMAN. Mr. Chairman, I thank the gentleman. I have one additional question.

Under H.R. 982, a citation may be served on the basis of evidence or information. It may therefore be served on the basis of hearsay information or illegally obtained information or evidence.

What procedures are there in H.R. 982 for challenging the service of the citation?

Mr. EILBERG. The citation will be served if evidence or information is elicited which persuasively demonstrates that the alien was not authorized to work and this fact was known to the hiring authority, who did not make a bona fide inquiry. It is expected that the citation will issue under the name of the Immigration and Naturalization Service District Director having jurisdiction over the place of employment.

In the event a citation is issued erroneously the issuing District Director will be empowered to revoke it and it will be revoked ab initio.

The citation is a warning. It is a predicate or a prerequisite, if you will, for an administrative fine. This bill provides for a hearing conforming with the safeguards of the Administrative Procedure Act before an administrative fine will be assessed. Even at that point the offender could raise the issue that the citation was erroneously issued and if that fact is established, the citation will be revoked and there will be no basis to assess an administrative fine.

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

Miss HOLTZMAN. Mr. Chairman, I thank the gentleman.

Mr. KEATING. Mr. Chairman, at this time I yield 3 minutes to the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. Mr. Chairman, I rise in opposition to H.R. 982. Stipulating at the outset the enormous problem of illegal aliens in the United States and understanding the concern of the distinguished chairman of the Judiciary Committee in his and the Committee's attempt to solve this problem, I submit that this bill is not the vehicle to do the job. It is instead: First, a blow at the employers of this Nation and, second, a bill with deep racial overtones. We have already made our employers—large and small—the unpaid tax collectors of the country: This bill will now make them our unpaid immigration officers—with civil sanctions for noncompliance. How can this bill be racist? Who does it seriously damage? Surely not black Americans, nor Japanese or Chinese Americans, and above all, not whites. No, Mr. Chairman and my colleagues, it is aimed right down the throat of every American of Mexican descent in the United States. When we think in terms of illegal aliens, we think only of one ethnic group—those of Mexican origin—and I would have the temerity to state at this point that many of these people were citizens before our parents and grandparents arrived on these shores.

Do you really believe that under the terms of this bill employers will willingly hire Mexican Americans when by so doing they may open themselves to harassment not only by Immigration and Naturalization people but also troublemakers—even when he has demanded proof of citizenship? Why should he—there are lots of other people to hire with no problems. We have the Civil Rights Act of 1964 to be sure—more harassment. The honest employer now becomes damned if he does and damned if he does not—while the citizen of Mexican descent sits on the sidelines wondering what in the world happened to make him a 3d class citizen.

Mr. Chairman, Cesar Chavez and I have battled each other for 7 long years and will in all probability continue that battle; but wonder of wonders, we find ourselves in total agreement that this is a bad bill. I urge the House to defeat the bill, I further urge it to fund the Immigration and Naturalization Service to proper levels so that illegal entrance might be stopped where it should—at the borders of our country and the various ports of entry. I further feel that strong penalties should be implemented against illegal entrants and those who transport them rather than simply deporting them. In most cases, the so-called wetback is back in San Diego before the border patrol gets home.

This bill complicates the problem rather than solving it. I respectfully request a no vote. Thank

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

Mr. KETCHUM. Yes, I yield to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Chairman, I would like to commend the gentleman from California (Mr. KETCHUM) for his contribution and compliment him on the logical argument that he has presented before the committee. I share his concern, and I wish to state that I am also opposed to this bill.

This bill if passed into law will be demeaning to many of my Mexican-American constituents, as it will force unnecessary harassment to them when seeking employment—not to mention the fact that in many cases it will cost them the equal opportunity for employment just because they are Mexican-American and some employers won't hire them just to avoid the risk that maybe they are aliens—I thank the gentleman for yielding.

Mr. KEATING. Mr. Chairman, at this time I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman and members of the committee, I wish to speak about a portion of this bill which has not yet been touched upon, but before I do so, let me say I support the bill. I do not believe for one moment it is going to solve all of the problems to which it is addressed, but I think it will help and is worthy of a trial.

The alleged burden to the employer is minimal, it seems to me; certainly it is reasonable given the magnitude of the problem Congress should consider.

Now, having said that by way of introduction, let me tell you about something in this bill. I hope I shock you a little bit, because it certainly shocks me that the Congress of the United States would consider in the year 1973 an archaic procedure which comes to us from feudal times, which is based on the notion that the thing itself is somehow guilty of a crime notwithstanding the innocence or lack of culpability of the owner of that thing.

There have been many historical examples of this. We used to melt down swords when an individual was killed. It did not matter whether or not the owner was the perpetrator of the crime. His sword was guilty.

Let me tell you that this antiquated superstition is carried forward in this bill in the form of a system of forfeitures.

Now, I have no sympathy for the owner of a vehicle who illegally smuggles an alien into this country, but why in the world would we forfeit the interest of an owner if he is wholly innocent of any misconduct?

Mr. EILBERG. Will the gentleman yield?

Mr. WIGGINS. I will in just a moment.

Let me assure you, ladies and gentlemen, because there is no doubt about it, that this bill authorizes the seizure and forfeiture of vessels and vehicles and aircraft of an owner if that vehicle, vessel, or aircraft is used "in furtherance of"—whatever that means—an illegal act, even though its owner is wholly innocent and guilty of nothing at all.

Now, if that shocks you as it shocks me, I urge you at the appropriate time to support an amendment which is going to delete that language from the bill.

Ladies and gentlemen, the argument can be made that the bill will be administered in a benevolent sort of way. According to that argument, surely the Department of Justice is not going to seize the interest of an innocent owner, although we give them authority to.

I do not think, ladies and gentlemen, that we should ever put that kind of trust in law-enforcement officials by giving them a vicious law in the hope that they will administer it with compassion. I want to say to you that the record does not support this compassion and benevolence in administering similar laws.

I have had some personal experience with clients and constituents who have been viciously deprived of their property without compensation even though they were utterly innocent of any misconduct.

I will not belabor the point at this time, because I am going to offer an amendment, but I simply appeal to your sense of justice, and when the time comes to vote in support of the amendment, I hope you will do so.

I am now pleased to yield to the gentleman from Pennsylvania.

Mr. EILBERG. I thank the gentleman for yielding.

I will question the gentleman very briefly at this point. Has the gentleman seen the exhibit of vehicles in the lobby?

Mr. WIGGINS. I have, and indeed I invite you all to go take a look at those exhibits.

But the question is: Who owns the vehicles out there? If they were owned by the smuggler, I do not have any sympathy for them, but if those vehicles shown in the pictures are owned by an innocent party, then why should his asset be forfeited?

Mr. EILBERG. The vehicles demonstrated in those photographs under present law can be immediately released to be used once again in the smuggling of human cargo.

Mr. WIGGINS. The gentleman is too good a lawyer to make a judgment as to the culpability of an owner by reason of the appearance of a vehicle.

I am saying that if that owner is culpable then let us do something to him.

Let me ask the Members this question in almost a rhetorical sort of way: Does it deter (A) in his illegal scheme to forfeit the automobile of (B)? What difference does it make to (A)?

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

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

Mr. DENNIS. Mr. Chairman, would the gentleman agree that, if its effects were confined to the wrongdoer, that then the forfeiture of a vehicle used in the commission of an illegal act would be an effective and additional penalty?

Mr. WIGGINS. I believe the gentleman is right, if the bill were drafted so that the forfeiture was an additional penalty to a malfeasor. I am for that, although I think it is a rather imperfect way to dispense justice, but at least it is an improvement.

Mr. KEATING. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HINSHAW).

Mr. HINSHAW. Mr. Chairman, I rise in support of H.R. 982, the amendments to the Immigration and Nationality Act. This bill is a step in the direction of remedying the "illegal alien" problem—the problem of aliens entering this country illegally, or entering the country legally, but working, in violation of their visas.

The step which H.R. 982 constitutes, however, is a small one. I want to take a few moments to explain to my colleagues why I support this measure, and where I think their attention should be directed on an important national problem.

One to two million aliens—our knowledge is so poor that we cannot estimate more precisely—are now living illegally in the United States. Their numbers have grown tremendously since 1965, when the Bracero program was terminated and the Congress enacted legislation which greatly curtailed the number of Western Hemisphere nationals who could enter this country each year. In my home area of southern California, we may have as many as 500,000 illegal aliens. When Raymond Farrell, who recently retired as Commissioner of the Immigration and Naturalization Service, appeared before my Legal and Monetary Affairs Subcommittee of the Government Operations Committee, I asked him how bad the situation really was. He told me:

> You can actually throw a rock up in the air in a large city such as Los Angeles, and probably hit an alien who is illegally in the United States.

But what is the Immigration and Naturalization Service doing about the problem? From fiscal year 1964 to 1972, its manpower increased by only 9 percent, but more importantly it has failed to keep up with technological advances. The INS does not use helicopters to patrol our borders; it employes airplanes only when funds for gasoline can be spared from its meager budget. Computers are only now beginning to be used by INS management. The Service uses Army-surplus electronic sensing devices which are supposed to report when the border is crossed between ports of entry. These devices sometimes fail to function while numerous persons are crossing the border; at other times, they indicate a crossing where none is made. So in all, the INS is bereft of manpower, and it is bereft of modern equipment. If the Service is to do its job, it needs our assistance in providing funds for both resources. It may also—and I say this tentatively, pending completion of hearings by the Legal and Monetary Affairs Subcommittee—need improved management techniques to direct its forces.

In the face of these needs, what does H.R. 982 provide us with? A statement that employers must try to ensure that they do not hire illegal aliens. A procedure for chastening employers who violate the bill's provisions—but minimum sanctions against violators, and then only for repeat offenders. A requirement that welfare officials report the names of illegal aliens who are receiving benefits under their programs.

When the INS Associate Commissioner for Management was asked during our hearings:

> By approximately how much would (passage of H.R. 982) decrease your need for additional manpower in the next few years?

He responded:

> I couldn't say. I don't think it would decrease it at all for the next few years.

Mr. Chairman, this bill does not address itself to the vital problems of the Immigration and Naturalization Service. It does, however, indicate a congressional willingness to face up to those problems, and it does provide a framework—if not flesh for that skeleton—to make a first step in solving them. For those reasons alone, I support the bill.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

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

Mr. TEAGUE of California. Mr. Chairman, very briefly, I would just like to remind the members of the House who are on the floor at this time and who were here when we repealed the bracero program that had we not taken that action we would not have this problem today, at that time there were very few illegal entrants.

Mr. KEATING. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Ohio has 1 minute remaining.

Mr. KEATING. Mr. Chairman, I yield that minute to the distinguished chairman of our subcommittee, the gentleman from Pennsylvania (Mr. EILBERG).

Mr. EILBERG. Mr. Chairman, I thank the gentleman for yielding me this time and I now yield that 1 minute to the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Chairman, I welcome this opportunity to commend the gentleman from Pennsylvania, the Honorable JOSHUA EILBERG, distinguished chairman of the Subcommittee on Immigration and Nationality, who has brought this bill before us today. I also rise to commend the Honorable PETER W. RODINO, JR., the distinguished chairman of the House Committee on the Judiciary who pioneered this legislation in the last Congress and who conducted thorough and comprehensive hearings which preceded its drafting.

Mr. RODINO bent over backward to be fair and impartial and gave everyone an opportunity who wanted to testify to come before his subcommittee which he chaired in the 92d Congress so that every viewpoint could be made known. Notwithstanding his high quality efforts some factions in this country, for their own selfish motivation, irrespective of the welfare of the United States, have attempted to label this bill as racist. I deplore such irresponsible accusations.

I rise in support of H.R. 982, a bill to make it unlawful for the U.S. employers or their agents to knowingly hire aliens who are here illegally, or whose immigration status prohibits their accepting employment.

Based on extensive hearings on the illegal alien problem held by House Judiciary Subcommittee No. 1 during 1971 and 1972, we estimate that there are between 1 and 2 million illegal aliens currently in the country, and that the majority of them are employed or seeking employment. It became abundantly clear during the course of the hearings that employment is the key to the whole problem. It is the near certainty of employment which brings the illegal alien here in the first place or, in the case of the nonimmigrant, causes him to violate the terms of his visa.

The illegal alien is subject to exploitation by unscrupulous employers who take advantage of his vulnerable position, usually by paying him low wages and denying him fringe benefits such as vacations, overtime, and health care. I want to stress this point because I believe there is some misplaced sympathy for the illegal alien who will have difficulty finding employment here if this bill is passed. The physical and emotional conditions under which many illegally employed aliens now work border on the conditions of slavery. Perpetuating this situation is surely misplaced humanitarianism.

I would like to turn now to the objection against the bill which has been raised on the grounds that it will lead to the separation of families. It is argued that this bill will result in the deportation of illegal aliens who may be the close relatives of U.S. citizens or permanent resident aliens. First, if in fact this allegation were true, my previous argument regarding the intolerable conditions under which most illegal aliens work and, for that matter, live with their families, would be directly relevant. However, those who have made this allegation have apparently done so on the basis of inadequate information.

The bill before us today deals only with the employability of illegal aliens, and not with their deportability. In no way does the bill affect the immigration status of aliens, nor does it establish any additional grounds for deportation. In other words, the objection regarding the separation of families is simply not germane to the provisions of H.R. 982.

The objection has been raised that this legislation will result in discrimination on the part of employers against some people who are legally entitled to work in this country, and particularly against Mexican Americans and Mexicans. It is argued that employers would no longer hire Spanish-speaking people at all or, at the very least, would discriminate against members of ethnic and minority groups by making inquiries only of them regarding their eligibility to work.

Before answering this objection, I would like to say that among those making it are some growers' organizations which have not, in the past, been noted for their liberal views or their concern about discrimination. I caution those who are genuinely concerned about this issue to beware of the hysteria cynically being worked up by some who stand to lose if the illegal alien is no longer available as a source of cheap labor.

It is my opinion, and that of the Judiciary Committee, that the provisions of H.R. 982 would benefit, rather than harm, the Mexican American and other members of minority groups, foreign or otherwise.

Mr. Chairman, quite frequently foreign immigration has been blamed for high unemployment in the United States. This is sheer fallacy. Labor certification is required for all lawfully admitted aliens who plan to become American citizens, other than immediate relatives, such as mothers, fathers, sons, daughters, brothers, and sisters. My colleagues will recall it was the intention of the Immigration and Nationality Act Amendments of 1965, which I cosponsored and supported, to make it easier to reunite families and bring together members of families who had been tragically separated for so many years. Also, the Commissioner of the Immigration and Naturalization Service has assured Chairman RODINO that this measure will not force relatives of U.S. citizens or permanent resident aliens to leave the country.

During fiscal year 1972, 29,000 to 30,000 skilled immigrants entered the United States with the required labor certification which was issued to them only because their skills were in short supply in the United States. Thus, labor certification has been used as an effective tool in limiting admission of aliens to those whose skills are needed in the American labor market.

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

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

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

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

Mr. EILBERG. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, it is my pleasure to introduce today a resolution to amend the U.S. Constitution requiring each State to provide its citizens with an opportunity for elementary and secondary education, and for each State to devise methods for the equitable distribution of resources to provide for such education.

The recent Supreme Court decision on the Rodriguez against San Antonio Independent School District case has brought a flood of mail to my office from young people in my district. Since I represent the city of San Antonio these young constituents have written to me expressing their opinions on the case, and it is obvious that they have been following it with special interest. Most of them ask the same questions, "Why can't their school district have as good an education program, including facilities, as a school district a few miles away?" and "Why did the Supreme Court rule as it did?"

I can answer their second question by saying that the Supreme Court did not rule that the current school financing system in Texas is the best, and they did acknowledge that "substantial interdistrict disparities in school expenditures" exist in Texas, but they decided that property taxes for financing education was not unconstitutionally discriminating under the 14th amendment's guarantee of equal protection under the law.

However, I found it much more difficult to answer their first question, since I am sure everyone would agree that it is not easy to tell a young person that he cannot have education programs and school facilities that he knows others in the same city have because he resides in a certain section of town.

One young girl wrote that representatives from Austin should be sent to visit a wealthier district and then come to the poorer districts to see the differences in schools within the same city. She further commented that there are two sides to every story and she feels that the officials should start looking at both of them. I believe she is correct.

In introducing this resolution to amend the Constitution I am asking that young people, not just in Texas but in all the 50 States, be given a chance to have an equal education.

In order for each citizen to have the opportunity to receive this education there must be a more equitable revenue system that currently exists in many States. My resolution to amend the Constitution does not propose a particular scheme such as equalizing property taxes across a State, as many have shown that this would tend to find the poor communities paying more for education than they currently do, and the richer communities paying less.

I am, however, advocating that

through this amendment each State develop a more efficient system of financing education so that each and every young person in this great Nation, rich, poor, or middle class, has an equal opportunity for a good education.

Mr. BIAGGI. Mr. Chairman, I rise in support of this bill to control the increasing number of illegal aliens in this country and commend the distinguished chairman of the Judiciary Committee (Mr. RODINO) for his work in this area.

The number of illegal aliens in this country now appears to be about 1.5 million with more coming in every day. While the problem is mainly in the Southwest United States and involves Mexican nationals, it affects every major metropolitan area to some degree. New York, Miami, Los Angeles, and San Francisco face particularly serious problems as port cities. These illegal immigrants take jobs away from American citizens and legal aliens. Since they are willing to accept lower wages, they tend to lower the entire scale of wages in an area. Many expand our welfare rolls and their children contribute to the overcrowding in schools.

There is no question that this flow of illegal aliens must be controlled. To do so, we must eliminate the economic incentive to the employers and to the illegal aliens themselves. This bill provides a new provision in the law that punishes the employer who knowingly employs illegal aliens. In the past, many employers would call the Immigration and Naturalization Service to have his employees deported—just before payday. This now puts the burden on the employer and will help greatly to remove the economic incentive for him. Similarly, by forbidding such illegal aliens the right to obtain welfare payments or by barring their children from our schools, they will not be attracted to this country thinking that they can easily get something for nothing.

Two problems, however, have arisen in consideration of this bill. The first represents the very real fear on the part of aliens legally in this country and recently naturalized citizens that employers will use the new law to discriminate against them. The unscrupulous employer may choose to deny jobs to all persons who he even suspects may be foreign and thus illegally in the country.

The committee has taken cognizance of this possibility and eliminated initial penalties for a first offense. This gives the employer a greater degree of latitude and freedom from fear of mistaken prosecution.

At the same time, it bears repeating that the Civil Rights Act of 1964 clearly prohibits any discrimination based on national origin. Employers may find themselves afoul of this law, should they choose to bar any foreign born person from their employ.

A second problem was brought to my attention by Father Anthony J. Bevilacqua, Director of the Brooklyn Diocesan Migration Office. He points out that many illegal aliens are now settled in New York with their families and have obtained jobs. To deport them now, would cause great hardship for them and their families.

The chairman of the committee (Mr. RODINO) has again taken the precaution to ask the Immigration and Naturalization Service to hold up any deportation proceedings until the committee has had an opportunity to consider this problem and the problem of quotas for the Western Hemisphere nations.

While this bill will not correct all the inequities in the current law and may create some new ones, on balance it is a good bill and deserves passage by this body. I hope all my colleagues will support it.

Mr. Chairman, I would like to include for the RECORD a copy of the press release on this bill issued by the Roman Catholic Diocese of Brooklyn expressing some of the problems they had with the bill. It is my understanding that the gentleman from New Jersey (Mr. RODINO) has cleared up these matters, for which he is to be commended.

The press release follows:

DIOCESAN SPOKESMEN CRITICIZE HOUSE BILL ON ILLEGAL ALIENS

Immigration officials of five Catholic dioceses in the New York metropolitan area lashed out today (March 20) at proposed federal legislation designed to cope with the problems of illegal aliens.

Citing a bill in Congress submitted by Rep. Peter Rodino (D N.J.), they declared that some provisions of the measure would cause "irreparable harm to hundreds of thousands of people who live in the metropolitan area."

It is believed that more than one million persons in this country live here with questionable entry status. A large percentage of them—some say 30 to 40 percent—reside in and around New York City. Many arrived here from Haiti, Ecuador, Colombia and Santo Domingo.

Speaking at a press conference in Brooklyn, Father Bryan J. Karvelis, a priest of the Brooklyn Diocese, criticized what he said were the Rodino bill's failures.

"We regret," he said, "the lack of any mention of relief from expulsion of the alien in our country who has established equity because of his labors, who has established a home, created family ties and made special contributions to the community in which he lives."

"Many of them are hard-working people who have taken what others might consider menial jobs in order to support their families," he asserted. "Of course, they are not eligible for public assistance, and they are managing to make do with what they can earn. That kind of industriousness should not be penalized."

A provision of the Rodino bill (H.R. 982) would place sanctions on employers of illegal aliens. Opponents of the bill believe that any person seeking work who looks like a foreigner would have an identity problem.

"Employers probably would only employ job seekers who look the way Americans are supposed to look," said Father Karvelis, who is chairman of the immigration committee of the Spanish-Speaking Apostolate of the Brooklyn Diocesan Migration Office.

In addition to Father Karvelis, spokesmen for the five dioceses include Father John J. O'Brien of Brooklyn, Father Francis Gorman of New York, Father Edward G. Sullivan of Rockville Centre, Father James F. Jannucci of Paterson and Father Thomas W. Heck of Newark.

The Brooklyn Diocesan Migration Office, directed by Father Anthony J. Bevilacqua, has organized a series of meetings in recent weeks for immigration leaders in U.S. dioceses who serve large groups of immigrants.

Father Bevilacqua told the House Subcommittee on Immigration and Nationality last year that "a significant number of newcomers" without legal status live in the Brooklyn Diocese. He noted that Bishop Francis J. Mugavero of Brooklyn has expressed "particular anxiety" that their legal status be regularized.

The immigration officials of the New York area dioceses urged measures that would regularize the status of illegal aliens by a certain date before proposed legislation takes effect.

"There is precedence for this in Canada," said Father Karvelis, "where illegal aliens were regularized in the country at the time new legislation became operative."

He stressed that "unscrupulous employers who abuse illegal aliens could be controlled by strict enforcement of existing labor laws and minimum wage laws."

The immigration officials also called for reversal of a U.S. Immigration Office directive that says separation of spouses is not a hardship. They described the directive as detrimental to the well-being of families.

In addition, they asked for removal of a quota ceiling for persons fleeing political oppression.

Mr. MAYNE. Mr. Chairman, I rise in support of H.R. 982, the pending bill providing long needed and highly important amendments to the Immigration and Nationality Act. As a Member in the 92d Congress of the House Judiciary Committee's Subcommittee on Immigration and Nationality, I shared the deep concern of my colleagues with the serious problem of illegal aliens—especially those taking employment after entering the United States without inspection and those entering legally as nonimmigrants but thereafter violating their status by accepting unauthorized employment. The number of illegal aliens rapidly increased since 1965, and has reached severe proportions. It is estimated there are presently between 1 to 2 million aliens illegally in the United States. In 1972 alone, the Immigration and Naturalization Service apprehended 505,949 illegal aliens, and 467,193 were expelled.

As the resources of the Immigration and Naturalization Service have increased, especially in recent years, it has dramatically increased its effectiveness in dealing with this problem—nearly quintupling annual apprehensions since 1965. It needs far greater financing, and should have the appropriations and personnel it needs to do its job.

However, increased funding, facilities, and enforcement personnel will not by itself solve the illegal alien problem—we must also make it an offense to hire the illegal alien, thereby removing the economic incentive which draws such aliens to the United States as well as the incentive for employers to exploit this source of labor.

The subcommittee held extensive hearings, in Washington and throughout the United States, on this problem. Following these hearings, I joined in cosponsoring H.R. 16188, which the full Judiciary Committee reported favorably on August 17, 1972, and which the House passed on September 12, 1972.

In this Congress, I have moved to another subcommittee, but I have closely followed the Subcommittee on Immigration and Nationality as it took early action on the reintroduced bill, in the form of H.R. 982. Following further hearings, the subcommittee adopted clarifying and

technical amendments, and I joined my colleagues in the full committee's favorably reporting this legislation March 27, by vote of 30 to 2.

There was never any question in my mind that the language of the bill reported by the Judiciary Committee in the last Congress and passed by the House clearly intended to penalize not just the act of newly hiring an illegal alien after the effective date of the legislation, but also the act of continuing to maintain in employment an illegal alien hired before the bill took effect. I still feel that the language in the bill passed by the House last year unquestionably reached the continued employment of one, knowing him to be ineligible because of his status as an illegal alien. However, this language has been questioned, and I commend the subcommittee members for their wisdom in dotting the "i" and crossing the "t," through clarifying amendments making it clear for all that an employer will not escape penalty for employing an illegal alien just because he first hired that person before the act takes effect, if he continues to employ the alien.

In the hearings the subcommittee conducted in the last Congress, there was very clear and conclusive evidence that many of the illegal aliens, who had been apprehended and then deported or permitted voluntary departure, later showed up again employed illegally by the very same employers from whose places of business the alien as originally taken when first identified. In at least these circumstances, undoubtedly the employer was illegally employing these aliens knowingly.

The problem of the illegal alien is nationwide in scope, with illegal aliens having entered in labor markets in every section of the country. Each job occupied by an illegal means a lost job opportunity for a U.S. citizen or permanent resident.

My own inland Sixth Congressional District of Iowa, about as far from the borders as you can get, has not been immune from this problem of increasing magnitude. The Omaha district office of the Immigration and Naturalization Service apprehended 65 illegal aliens in Iowa and Nebraska in 1965, but total apprehensions by that office have increased since by leaps and bounds until 771 illegal aliens were apprehended last year. Just last week, the Iowa Highway Patrol stopped a Texas trucker on Interstate 80 east of Des Moines, Iowa, and arrested the driver and 21 illegal aliens of Mexican nationality, hidden in the back of the truck. Allegedly the driver had charged $20 to $60 each for transportation from Texas to Colorado—none spoke English and they apparently got lost. Many more have been apprehended on Interstate 80 crossing Iowa on the way to jobs in the Chicago area; but most of those apprehended by INS were taken into custody by INS inspectors upon visiting various farms and industries within the State.

Illegal aliens impose a heavy drain upon our local educational, welfare, and health services. Our balance of payments is unfavorably affected by the large aggregate of funds sent out of the country by the alien. Furthermore, the illegal aliens are often severely exploited by unscrupulous employers—paid minimum wages, often worked overtime without pay, denied vacations and other benefits, and so forth. He is often subject to extortion through blackmail, because of his fear of exposure. Fearful he will be apprehended if he reports any income, he usually pays no income tax, contributes nothing toward social security or unemployment funds, avoids the census taker, and evades registration for Selective Service. Afraid to bank his money he hoards it in cash, and is easy prey to confidence men and thieves, but is reluctant to report his being victimized to law enforcement officers.

H.R. 982 puts employers on notice that employment of illegal aliens is proscribed. Employers avoid violating the penalty if they have made bona fide inquiry, in accordance with regulations to be promulgated by the Attorney General, whether the prospective employee is a citizen or an alien authorized to work.

This is good legislation, making possible substantial progress toward elimination of the problem of illegal employment. With all employers on notice of this law, illegal aliens in this country will find employment opportunities drastically reduced, and those aliens across the borders will have far less incentive to enter the United States illegally. I urge all Members to join in acting favorably in support of passage of this needed legislation.

Mr. GONZALEZ. Mr. Chairman, we are again faced with the same issue as in the last Congress in dealing with the legislation concerning the employment of illegal aliens and I do not want to belabor the point, so I am taking the liberty of inserting the remarks that I made on this matter last year:

I cannot help but review this situation. It was almost exactly 10 years ago as a freshman in this House that I was given the credit for the leadership in eventually defeating the so-called bracero system or law. Let us go back. That system prevailed in our country from 1951 until about 1964, the terminal year, because we allowed 1 year to round out the program in 1963.

I recall the history in my part of the country, which is the State of Texas, as it occurred under a controlled plan. The gentleman's amendment is a resurrection of the bracero program without any of the merits or any of the controls of the bracero program.

I heard the same arguments 10 years ago and 20 years ago as offered by my other distinguished colleague, the gentleman from Texas, that it is impossible to find farm labor, that it must be necessary to contract in some vague way in order to tap this reservoir.

I recall 1957, my freshman year in the State senate of the State of Texas, for the first time offering a minimum wage bill in the State of Texas, and I had set a minimum of 40 cents, because the farmworker who happened to have the bad luck of being born in the State and being a native American was earning less than 40 cents in the fields of Texas, but the foreign imported Mexican laborer under the bracero contract first was guaranteed by international agreement, having the power and sanction of enforcement by two countries, of first 40 cents and then 50 cents. The native Texan,. the native American, had absolutely no protection, no safeguard, and nobody really cared if he earned 30 cents or less.

If we adopt this proposal, we are going to go back to it at a time in which all the labor indexes clearly show there is available labor; but what we are not told is not that the labor is not going to go into the fields at 40 cents or 50 cents or 75 cents an hour. That is the salient difference. This is the point which ought to be brought out and this is the reason I rise at this time.

We have heard time and time again the same arguments. I remember the alarums in 1962 and 1963 from the California fields, where I was even burned in effigy. They said that if we did away with the bracero program the crops would perish in the fields, and that was 10 years ago, and the crops certainly have not perished.

Of course we have problems. The reason I was motivated and the reason for my saying I did not intend to get up to argue much on this is that in all these efforts in this field we have never really brought in the human element, the human side. It is a very tragic thing to have to debate this type of legislation one way or the other, because we know that literally thousands of the folks that have come into the United States have done it impelled by the same motive as our ancestors did. They want to have a job. They want to have a chance to earn a living and support their families. I think every one of us instinctively shares a sympathy with this, but unfortunately the conditions staring us in the face today are a little bit more complex. In my district for instance there is no question. I have statements from the immigration officials just this week where they have raided at least two places that have been under strike by the employees. They have found illegal workers at the struck plants having the impact of strike breakers.

I find that the human element gets lost. On the one hand you have unions and union members who are interested in protecting their particular economic interests. On the other hand, we have the employer who is also interested in protecting his economic interests and we tend to lose sight of what is really, really involved here that we are not addressing ourselves to, and we have not. I think that on a higher order eventually we will have to see what is involved, because it is wrong for us to have the misery of one nation feeding on the misery of another. It is wrong for us to provide laws or systems or operations that will allow a continuation of the exploitation of the native American fieldworker and his associates by the importation of the hard-pressed and usually in misery foreign counterpart.

Mr. PRICE of Texas. Mr. Chairman, I must rise today in opposition to the Immigration and Nationality Act Amendments. The passage of this bill will only serve to complicate the plight of farmers and ranchers by denying them a viable labor market. What we need instead, is a program similar to the bracero program which existed from 1951 to 1963.

Looking back, the bracero program was the kind of program that had substantial appeals for those involved in it. U.S. farmers and ranchers like it, because it helped them meet their labor demands by supplying steady dependable help and at reasonable costs. Mexicans who participated in the program like it, because it enabled them to make significantly more money doing agricultural work in the United States than they were able to earn doing similar work in Mexico. The Government of Mexico favored the program, because it provided an addi-

tional means of obtaining U.S. dollars and it partially helped Mexico's domestic employment problems. In fact the only primary dissatisfactions with the bracero program stemmed from certain liberal politicians and organized labor representatives who viewed the program in the light of misguided idealism at best; and union organizational needs at worst.

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

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

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

In an attempt to meet this need I introduced a bill during the last session of the Congress to reestablish the Bracero program, put it under the jurisdiction of the Secretary of Agriculture, and empower the Secretary to establish certain program standards governing the provision of adequate wages, hours, and conditions of employment. Under my proposal, U.S. farmers and ranchers would have had the opportunity to get more help, and Mexicans who wanted to better themselves and their families by earning more money would have been free to do so in this country.

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

Mr. DON H. CLAUSEN. Mr. Chairman, it would be unfair to my own sense of justice and fair play as well as to the Mexican-Americans in my own constituency if I were to vote in favor of the legislation before us to penalize employers who hire illegal aliens.

Mexican-Americans are proud and hard-working people but they have related to me the constant pressures and harassment they face simply because they are of Mexican descent.

I try to put myself in their position and ask why should I be singled out to display identification and verification of birth place in order to obtain or retain a job.

I know of no other group in these United States that is treated in this manner. Nor do I feel that any group should be. That is why I believe this bill, or any other bill, that could possibly encourage any form of discrimination no matter how subtle, no matter how innocent in appearance, would set a dangerous precedent.

While I am sure there could be a strong case submitted to support this legislation and while I must say it would be tempting to cast an affirmative vote, my conscience and my desire to fight discrimination wherever it rears it ugly head tell me that I can only register my feelings by voting in the negative.

Mr. BINGHAM. Mr. Chairman, I shall vote for passage of H.R. 982, but I wish to point out that the issues to which this legislation is addressed are complex and controversial.

The basic purpose of the bill, to deter U.S. employers from giving jobs to aliens who are illegally present in this country is sound. Illegal immigrants often compete with low-income U.S. workers for jobs. As a result, some native-born Americans, naturalized citizens, and legal immigrants with work permits are displaced from opportunities in the job market and may be forced onto welfare and unemployment rolls, thus adding to the national tax burden.

Illegal immigrants pay no income taxes and often send the bulk of their wages back to their native countries, thereby contributing to the U.S. balance of payments deficit. Because they are fearful of apprehension by U.S. Immigration authorities, illegal aliens usually will not complain when employers pay them substandard wages, below the U.S. minimum wage level. These illegal aliens also accept working and living conditions which do not meet legal requirements because they prefer to endure hardships imposed by unscrupulous employers rather than risk detection by law enforcement officials and expulsion from the country. The net result is that heartless employers hold these illegal aliens in virtual peonage and avoid the necessity of paying the minimum wage to American workers and meeting job standards which U.S. workers would demand.

Statistics bear out the fact that the problem of illegal aliens in the U.S. job market is serious. In 1972, over a half million were apprehended by the U.S. Immigration and Naturalization Service. It is impossible to measure precisely the number of aliens illegally present in the United States, but general estimates place the total at between 1 million and 2 million.

However, there are dangers which could arise from improper administration of the law proposed by H.R. 982. Congress must put on the record a warning to the Government agencies which would be involved in the administration of this law—the Department of Justice, the Department of Health, Education, and Welfare, and the Immigration and Naturalization Service—to guard against those abuses in the governmental and private sectors which might arise as a result of the enactment of this bill.

It is said that U.S. employers, fearful of punishment for hiring illegal aliens, might refuse to hire anyone who speaks no English or speaks it with a foreign accent. Since more than 85 percent of the illegal aliens are from Latin America, this could result in job discrimination against all Spanish-surnamed or Spanish-speaking Americans, including especially the large Chicano populations in the Southwest and the Puerto Rican residents of the Northeast. This dangerous problem can be avoided by making clear to all potential employers that the law requires only a good faith effort on the part of the employer to insure that the prospective employee is a legitimate member of the U.S. work force. The receipt by the employer of a statement signed by the prospective employee confirming that he is a U.S. citizen or an authorized work permit holder constitutes prima facie evidence that the employer has made a bona fide inquiry. An employer can only be punished if he "knowingly" hires an illegal alien. The respective Government agencies have a duty to remind employers that title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of national origin, and the agencies must insure that the implementation of this legislation does not cause job discrimination against legitimate employees of the affected ethnic and minority groups.

In addition, some minority group communities, particularly those with large concentrations of Spanish-speaking persons, are fearful that the Immigration and Naturalization Service may engage in wholesale roundups and dragnets of Spanish-speaking persons, including U.S. citizens and lawfully resident aliens, in an attempt to ferret out illegal aliens. Of course, the administrators of the INS must avoid any such "razzia"-type actions which would be in violation of the constitutional rights of American citizens and residents and highly offensive to minority group communities. In any event, enactment of the

bill before us would not in any way add to this problem. Indeed, it might well make such actions less likely, since enforcement procedures would no longer be aimed solely at the illegal immigrants, as is now the case.

If due precautions are observed, Mr. Chairman, then the effect of this legislation will be a benefit to all native-born or naturalized Americans and legally resident aliens, particularly those persons who must compete for employment at the lower end of the income scale.

Mrs. CHISHOLM. Mr. Chairman, I am opposing the Immigration and Nationality Act Amendments today because I do not believe that they offer even a partial solution to our unemployment problem. In all the comments I have heard and read, one essential point has been ignored. The point is this: This bill attempts only to shift the burden of undesirable and substandard jobs from the alien poor to the indigenous poor.

In reality this bill makes illegal aliens the scapegoats for a problem which is not their doing. The real problem which we should be attacking is an employment situation where the jobs on the lowest end of the scale are so demeaning and financially unrewarding that not enough Americans are willing to take them. The illegal aliens are not replacing American labor; they are taking jobs which look good to them only in contrast to what they have come from.

Let us look at some facts in this area. One of the jobs most frequently taken by female illegal aliens is that of a domestic household worker. Altogether there are over 1 million household workers in America. And how much do these women earn? The median income for a private household worker in the United States is approximately $1,800 a year. Who among you can tell me that American women are fighting for jobs that only pay an average of $1,800 a year? How many women are competing for jobs that cannot provide them even a poverty-level income? Mr. Chairman, if we really want American ethnic and minority groups to fill these jobs, then we should concentrate not on an immigration bill but on a bill to provide a decent and humane minimum wage.

Let us look at some other facts. Right here in the District of Columbia, where the unemployment rate is one of the lowest in the country and the wage rate is one of the highest, there are 347,000 workers who are earning incomes below the poverty level. If that many workers in the Washington, D.C., area are receiving substandard wages, you can imagine what the rate across the country must be. I say that we are lucky to have anyone—illegal aliens or legal citizens—to work for below-subsistence wages. I certainly would not compete for a job which still left me unable to live a decent life or care for my children. Yet these are the type of jobs so often taken by illegal aliens out of dire necessity. If this bill were to pass, I do not think we would have a mass of unemployed Americans jumping to take these jobs. Why should they? Why should they take jobs which are an insult to their dignity as human beings?

As a final comment, I think that the best indictment of this bill is a statement uttered in support of the bill. The Department of Justice, in testimony before the Judiciary Committee stated their support of this bill because it will prohibit the hiring of "illegal aliens who are often highly productive and willing to work for wages and under working conditions that are unattractive to American workers." In effect this is admitting what I have just emphasized—that the illegal aliens are taking jobs which are unattractive to American workers. As I have pointed out, it is quite clear why these jobs are unattractive to American workers—the jobs do not pay a living wage. The solution, as presented in the Immigration and Nationality Act amendments, is to give these undesirable jobs back to Americans. What kind of solution is that? My stand is that we should not shift the undesirable jobs from aliens to Americans, as this bill would do, but that we should eliminate the undesirable jobs altogether by enacting legislation to provide respectable wages and respectable working conditions for all people.

Mr. RANDALL. Mr. Chairman, I rise in support of H.R. 982. I do so with the realization that, in the light of the problem created by the ease with which aliens can enter this country illegally and gain employment here, the bill may help; it is a step in the right direction but it does not go far enough to solve many illegal alien problems.

I must reluctantly point out that section 1 of H.R. 982 does not address itself to the problems that arise from hundreds of thousands of illegal aliens competing for jobs in this country and/or receiving benefits from welfare, food stamp, and medical care programs. Part of this section merely restates existing administrative procedures for Western Hemisphere natives to adjust their status from nonimmigrant to permanent resident aliens. The remainder of section 1 permits this to be accomplished without the alien leaving and then reentering the country.

Under the provisions of section 2, there is a 3-step procedure for imposing sanctions on employers and agents of employers who knowingly employ aliens illegally in the United States, culminating in the assessment of fines at the rate of $500 per alien found working in subsequent violations, if such violations occur within a 2-year period.

The Government Operations Committee's Legal and Monetary Affairs Subcommittee, of which I am chairman, is currently engaged in a study of the management and operational problems of the Immigration and Naturalization Service. Our authority for engaging in this study derives from section 8(2) of rule XI of the House of Representatives, which states that the Government Operations Committee has the duty of "Studying the operation of Government activities at all levels with a view to determining its economy and efficiency"; While we have had only 3 days of hearings so far, our subcommittee has had the benefit of findings contained in a draft report by the General Accounting Office, and we have compiled a mass of background information in a study that is now in its 21st month.

Our illegal alien problem arises, of course, from the attractiveness of life in this country to residents of other nations. It is a sad commentary on the existence at lower economic levels in other countries that living on welfare in the United States provides a better way of life than working at menial tasks almost any place else in the world. To oppose letting those unfortunates come to this country at will and infiltrate our work force or live on the handouts at the public trough could smack of incompassion. But consider the consequences of letting down all the bars against immigration. There would not be enough jobs to go around; there would not be enough money in the Treasury to feed, clothe, and house all the unemployed. The relatively good working conditions and reasonable wage structures, hard-won by years of labor-management negotiations, would break down under conditions where there would be several workers available for every job. There would not be enough housing to meet the needs of a vastly expanded population if there were no restraints on immigration. There would not be enough schools, recreational, and medical facilities to go around. There just is no reasonable way we can assume all the burdens of all the other countries by permitting free entry to all of their unfortunates.

We have laws by which restraints are placed upon immigration into the United States and it is the duty of the Immigration and Naturalization Service to enforce these laws. Our subcommittee is now studying the Immigration and Naturalization Service to see if economy and efficiency are key ingredients in its operations.

Our study is not yet complete; it is too early to arrive at any firm conclusions. But I think I can say that at this point there is much that the Immigration and Naturalization Service needs in order to quell the onrushing tide of illegal immigrants.

For one thing, the Department of Justice, of which Immigration and Naturalization Service is a part, and the Office of Management and Budget places, in my opinion, too low priority on the budgetary needs of the Service. In the past 10 years there has been an appalling pattern of reducing or eliminating requests for increased appropriations for Immigration and Naturalization Service, while the growth of our illegal alien problem has mushroomed. At the same time, it appears that Immigration and Naturalization Service does not always make maximum efficient use of resources made available to them. Little has been done in the way of more sophisticated identification and detection techniques; the age of computerization is slow in coming to Immigration and Naturalization Service.

As one member of the subcommittee I have wondered at the emphasis placed by Immigration and Naturalization Service on the Mexican alien problem, almost to failing to recognize that illegal

aliens come from a hundred or more other countries.

Here in Washington, for example, illegal Mexicans comprise less than 5 percent of the total of illegal aliens located. There are more Bolivians, more Chinese, more El Salvadoreans, more Peruvians here in an illegal status than there are illegal Mexicans.

In New York City illegal Mexicans comprise less than 7 percent of aliens of questionable status located. In Fun City there are more Chinese, Greeks, Italians, and Dominicians than Mexicans in an illegal status.

The blame for the illegal alien problem lies in many places. We have this problem because there does not appear to be sufficient manpower, supportive personnel, apprehension and detection equipment available to the Immigration and Naturalization Service. Initial findings of the Legal and Monetary Affairs Subcommittee's study indicate that if there is a breakdown in the economy and efficiency of the Service it is due partly, at least, to the overwhelming work load of Immigration and Naturalization Service.

The job of expelling illegal aliens is at a breakdown status in some parts of the country because constitutional procedures must be followed in these matters; the alien must be given his day in court and the courts are overburdened.

The billions of dollars in foreign aid money we have sent overseas in the past quarter of a century have obviously not filtered down to the people and made life in their native lands palatable enough so they are unwilling to run the risks; including possible imprisonment, in order to come to the United States.

Once the alien is here in an illegal status, he often seeks to lose himself in the work force of a large city, where, all too often, he becomes the victim of an unscrupulous employer, who takes advantage of the alien's illegal status by working him long hours at substandard pay.

The legislation now before the House, H.R. 982, addresses itself in part to the latter problem. I support H.R. 982 because it does take at least a small step in the direction of making it a little more difficult, a little riskier for employers to exploit illegal labor.

Mr. EILBERG. Mr. Chairman, we have no further requests for time.

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

The Clerk read as follows:

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

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

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

"(c) The provisions of this section shall not be applicable to: (1) an alien crewman; (2) an alien (other than an immediate relative as defined in section 201(b)) who hereafter continues in or accepts unauthorized employment prior to filing an application for adjustment of status; or (3) any alien admitted in transit without visa under section 238(d)."

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

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

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

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

"(4) A civil penalty shall be assessed by the Attorney General only after the person charged with a violation under paragraph (3) has been given an opportunity for a hearing and the Attorney General has determined that a violation did occur, and the amount of the penalty which is warranted. The hearing shall be of record and conducted before an immigration officer designated by the Attorney General, individualy or by regulation and the proceedings shall be conducted in accordance with the requirements of title 5, section 554 of the United States Code.

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

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

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

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

SEC. 3. The Immigration and Nationality Act is amended by inserting immediately after section 274 the following new section:

"DISCLOSURE OF ILLEGAL ALIENS WHO ARE RECEIVING ASSISTANCE UNDER THE SOCIAL SECURITY ACT

"SEC. 274A. Any officer or employee of the Department of Health, Education, and Welfare shall disclose to the Service the name and most recent address of any alien who such officer or employee knows is not lawfully in the United States and who is receiving assistance under any State plan under title I, X, XIV, XVI, XIX, or part A of title IV of the Social Security Act."

SEC. 4. The first paragraph of section 1546 of title 18 of the United States Code is amended to read as follows:

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

SEC. 5. Nothing contained in this Act, unless otherwise specifically provided therein, shall be construed to effect the validity of any document or proceeding which shall be valid at the time this Act shall take effect, or to affect any prosecution, suit, action, or proceeding, civil or criminal, done or existing, at the time this Act shall take effect; but as to all such prosecutions. suits, actions, proceedings, statutes, conditions, rights, acts, things liabilities, obligations, or matters, the statutes or parts of statutes repealed by this Act are, unless otherwise specifically provided therein, hereby continued in force and effect.

SEC. 6. This Act shall become effective on the first day of the first month after expiration of ninety days following the date of its enactment.

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

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

There was no objection.

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

Mr. Chairman, I have given this bill thorough study. I have searched the arguments of its advocates. I have reexamined the debate of last year. I say to Members of this House that I accept the purposes of this bill, but with all my vigor I oppose the methods proposed to achieve those purposes and I, therefore, urge rejection of the bill.

I do not argue here for illegal aliens. I do not argue for jobs being filled by such people, at the expense of our own citizens or the legal aliens. But, as I did last year, I urge rejection of the premise that every employer must be a policeman and every Mexican American must be a suspected law violator. That, I say, is discrimination—and discrimination violates the great traditions of our Nation. This bill would write selfishness into law—and I say that must not be done.

I want to explain my two basic objections. First, the bill would require every employer—farmer, storekeeper, rancher, or housewife—to be satisfied with the legal status of not only every job applicant but of every employee. The bill would invoke penalties for "knowingly" hiring illegal aliens. It is easy for some to say that these people should not be hired. It is easy, too, to say that no one should drive on our highways without a driver's license. But we do not ask every citizen to stop automobiles on our highways to demand driver's licenses from passing motorists. It is easy to be against bank robbery, or burglary, or arson, but we do not expect every citizen to challenge the intentions of every passer-by on the street.

What would you do, if you had to accept such strictures? When you buy a tire at a filling station you have patronized for years, would you ask the dealer to prove he bought the tire from a wholesaler and not a hijacker? When you buy cigarettes, would you demand proof that the tax stamps are valid? When you interview a job applicant for your staff, would you ask a young lady to prove she has never been arrested? Of course, your answers are negative. None of us wants to be a law enforcement officer in every transaction. Ours is a free society, one in which we respect others and expect their respect.

But assume for a moment that you are an employer and do not want to challenge the citizenship of every job applicant. What is the easy way out? The easy way—if not the ethical way—is to refuse to consider anyone whose legal rights might be suspect.

That brings me to my second major objection—that this bill will encourage discrimination. Most employers do not need more complications in their operation. If they need a farmhand to harvest a crop, or a woman to clean house, or a porter to handle crates in a store, they want an honest worker. Should we say to them, as this bill would have us say, that they can save time and perhaps even legal penalties by not even considering an applicant whose skin is brown, or whose speech is accented, or whose name suggests a foreign heritage?

I am not alone in saying this bill would invite discrimination. Bishops of the Catholic Church have said so; their representatives have said this bill would bring "incredible suffering"—that is quoted: "Incredible suffering" to hundreds of thousands of foreign-born residents. To quote further, the bishops said this bill "could encourage subtle discrimination by making employers fearful of hiring Latin-looking people."

I also cite the position of the Association of the Bar of the City of New York. The association's committee on immigration and nationality law has criticized this bill—and I quote:

> We do not believe that enactment of this bill will adequately deal with an admittedly unsatisfactory situation. We believe there are already adequate provisions in the law to deal with aliens who accept unauthorized employment or otherwise violate provisions of their admission.

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

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

Mr. KAZEN. Mr. Chairman, I cite other organizations:

CASA, the Mexican-American Political Association of California and other associated Los Angeles groups have firmly declared that the proposed bill—

> Will place every Spanish surname person in the United States in the position of having to justify his or her status every time he or she seeks employment.

Carina Ramirez, director of chicano studies at the University of Texas in El Paso, is convinced that this bill would not deter employers of illegal aliens. She wrote me:

> "What they save in wages is far greater than any fine that could be imposed. On the other hand, those employers intimidated by the bill would be disinclined to hire any persons of Mexican descent. Thus the bill would not alleviate the problem of unemployment of Mexican-American people, but would actually increase the problem.

Let me cite a common problem in my district. A farmer has a crop ready for harvest, or a rancher needs more hands with his cattle, or a housewife needs help in her home. An honest effort to find an employee is unsuccessful—whether we like it or not, though unemployment is terribly high in southern Texas, there are some people who do not want the jobs available to them. That situation, where honest effort to get help is futile, occurs often in areas some distance from our cities. Sometimes the need for help is temporary, but if a farmer needs help with a harvest, that temporary need is vital. His return on a year's work hangs on getting his crop to market.

One man or several may show up, asking for work. I say it is asking too much for the Congress to tell that farmer that he has to turn help away, or risk going to jail if he hires those men.

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

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

Mr. KAZEN. Mr. Chairman, I thank the gentleman from Texas, and if he will let me finish this statement I will be delighted to yield to the gentleman.

I say again that if we seek to protect jobs for our citizens, that is quite another matter. But we should not place the policing burden, and the threat of jail, over the producers of food and fiber, the housewives, and small businessmen. I say again that I do not want illegal aliens taking jobs from our citizens or from legal aliens, and I support the revision in the adjustment of status provision. However, I say again that this bill would foster discrimination and prejudice. I offer no better reason for urging Members to vote against this bill.

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

Mr. KAZEN. Mr. Chairman, I yield to the gentleman from Texas, Mr. MAHON.

Mr. MAHON. Mr. Chairman, I would like to compliment the gentleman on his very down-to-earth and commonsense approach to this legislation. I want to say that I shall vote against this legislation unless it can be amended and made more suitable and fair.

I just hope the words of wisdom which the gentleman has expressed will be heeded by this House. I know that the gentleman speaks from experience.

Mr. Chairman, I know that in my own area we have many Mexican-American workers. This bill as now written would impose an intolerable and unacceptable burden upon our people.

I just wish to commend the gentleman upon his excellent statement and express the hope that the bill can be improved by amendment.

Mr. KAZEN. Mr. Chairman, I thank the gentleman from Texas.

Mr. Chairman, what I do not want to happen is for every single one of our native-born Mexican Americans to be second-class, card-carrying Americans at every turn of the road when no other citizen is required to be; to be put to the humiliation of having to sign statements prepared by the Attorney General or someone else before they can earn a livelihood for themselves and to feed, clothe, and educate their families.

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

Mr. Chairman, very briefly, in response to the appeal just made by the gentleman from Texas (Mr. KAZEN), I would like to repeat and emphasize that no burden is placed upon the employer at all in this bill. The only burden placed upon an employer is to refrain from knowingly employing illegal aliens.

What is so burdensome about making or responding to a simple inquiry?

The gentleman is fearful that people with Spanish surnames will be discriminated against. This is exactly why we structured the bill the way we did. It would require a knowing employment. The first sanction would be warning only, but no criminal penalty. The employer would be taking a minimum kind of risk in hiring any individual because nothing would happen other than a warning if it became established that he knowingly hired an illegal alien.

As far as discrimination goes, we have Federal agencies out working in the field on this such as the Equal Opportunities Commission, the Civil Service Commission and the Civil Rights Commission. They are effective, and working. If we are not satisfied with the kind of job they are doing, we have an opportunity in the House and the Senate to increase their enforcement powers so that these agencies will in fact help to reduce discrimination.

Mr. Chairman, I also remind the gentleman that in the area of the country he represents, unemployment is among the highest in the entire United States. It is precisely this kind of reasoning which brings this bill to the floor.

We must be more concerned with the present discrimination against the U.S. citizen and against the lawful alien who cannot find employment.

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

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

Mr. KAZEN. Mr. Chairman, the very first point the gentleman made is the fact that there is no burden placed upon the employer. I will refer the gentleman to the top of page 7 where, in order to preserve prima facie case, he must comply, the least he would be able to show is a signed statement by the prospective employee. Those are the provisions of this bill.

Mr. EILBERG. Mr. Chairman, we provide methods by which he can show his good faith, he can use any one or none of those methods.

Mr. KAZEN. But, if this is the route it would take for him to make a prima facie case to prove he has done everything to comply with the law, that man, in order to protect himself, is going to take a written statement from every person he feels might be illegal.

He is not going to bother with a white, but he will with the brown-skinned man.

Mr. EILBERG. It is our view that if an employer is responsible and desires to make inquiries, he will make such inquiries of all his employees.

Mr. KAZEN. But this is the burden.

Mr. EILBERG. There is no burden placed upon the employer at all.

Mr. KAZEN. Mr. Chairman, I refer the Members to the bill itself.

AMENDMENT OFFERED BY MR. WIGGINS

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

The Clerk read as follows:

Amendment offered by Mr. WIGGINS: strike out all of subsection (d) of section 2, on pages 13 and 14.

Mr. WIGGINS. Mr. Chairman, H.R. 982 is a well-intentioned measure designed to discourage the employment of illegal aliens. I have considerable doubt that it will be efficacious in achieving this desirable objective since the committee has provided an easy escape for employers from the civil and criminal sanctions of the bill. But the problem to which the bill is addressed is of sufficient magnitude to justify my support for the procedure therein authorized on a trial basis, at least, notwithstanding the reservations which I hold.

Quite apart from the wisdom of imposing civil and criminal penalties upon employers and referrers, and the debate concerning the possible discriminatory impact such procedures may have on certain racially identifiable Amerians, I have other reservations to which the remainder of my remarks shall be addressed.

I believe H.R. 982 to be flawed in at least one important respect. The bill grants, unwisely, the power to seize and forfeit certain assets which have been used in furtherance of designated illegal activities. My amendment is to strike these provisions from the bill.

The bill before us provides that section 274 of the Immigration and Nationalities Act (8 U.S.C., 1324) shall be amended by adding a new subsection (d) thereto. The new subsection declares that:

Any vessel, vehicle, or aircraft which has been or is being used in furtherance of a violation of subsection (a) [relating to the smuggling of illegal aliens], or which has been or is being used by any person who for a fee refers or transports an alien for employment in furtherance of a violation of subsection (b), shall be seized and forfeited.

Two exceptions to the authorized forfeitures are specified in the bill. First, if the conveyance is a common carrier, forfeiture is not permitted unless it shall appear first, in the case of a railway car or engine that the owner, or second, in the case of any other vessel, vehicle, or aircraft, the owner or the person in charge thereof was at the time of the alleged illegal act a consenting party or privy thereto. Second, a forfeiture is not permitted if the owner establishes that the vessel, vehicle, or aircraft was stolen and the alleged illegal acts were performed while the thief was in possession thereof.

Existing law with respect to seizure, summary and judicial forfeiture, and remission or mitigation of such forfeitures is made applicable to the seizures and forfeitures authorized in the bill.

I take exception to the forfeitures provisions of this bill on both technical and conceptual grounds. Although I believe the only proper corrective action to be taken is to strike the entire section, my amendment to strike may not prevail. I should make mention, therefore, of the maze into which this forfeiture section will lead us if permitted to stand.

I

The authority to seize and forfeit is triggered upon a determination that the vessel, vehicle or aircraft "has been or is being used in furtherance of a violation" of subsection (a) or (b) of section 274 of the Immigration and Nationalities Act.

Who possesses the authority granted? And under what circumstances may it be exercised?

Plainly, it is intended that the seizure will, in most cases, be made simultaneous with the arrest or the issuance of a citation. Therefore, the considerable discretion to determine whether the conveyance is used "in furtherance" if a violation, whether the absent owner was a "consenting party or privy" to the violation, or whether the absent owner has met his burden to "establish" that the conveyance was "unlawfully in the possession of a person who acquired possession thereof in violation of the criminal law—" is vested in a law enforcement official.

Of practical necessity, police agencies are granted wide discretion in making an arrest. Preliminary judgments must be made concerning probable guilt in order to put the judicial machinery into motion. The point to be made, however, is that, in the case of an arrest, these preliminary police judgments are subject to prompt judicial review. Under the pending bill, we authorize a procedure for the seizure of property which we would never tolerate for the seizure of a person. The broad police discretion

granted to seize property is subject to no necessary judicial review. Although Congress may possess the power to vest a police official with such broad and unsupervised discretion in the case of a seizure and forfeiture of a property interest, I cannot believe that it is wise for us to exercise such power as we may possess in this regard. Indeed, I seriously question the present validity of prior precedents recognizing such power, at least in the case of property which is not contraband.[1]

The bill is ambiguous with respect to the circumstances under which a seizure and forfeiture may be authorized.

Witnesses from the Department of Justice testified that a seizure would be justified at the time of an apparent violation, but that forfeiture would occur only upon a final judgment of conviction of that violation.

This interpretation, however desirable, is not supported by the language of the bill itself.

The section in question requires only that the property be used "in furtherance of" a violation. Clearly some act short of the commission of the offense would support a finding that the act was done "in furtherance" of it. The act "in furtherance" of a violation could not necessarily be characterized as an illegal act because it may not, standing alone, support a conviction. However, an exemption from forfeiture is granted to common carriers only if the owner or person in control thereof did not consent to "the alleged illegal act." The use of the words "alleged illegal act" tend to contradict the clear authorization to seize and forfeit for an act which may not be illegal, but is only "in furtherance of" a violation.

Further confusing the true intention of the bill is the contrasting language employed in the stolen conveyance exemption. That proviso speaks of a forfeiture "by reason of an act of omission"[2] in furtherance of a violation. Unlike the common carrier exemption, the conduct—or lack thereof—triggering the forfeiture is not characterized as an "alleged illegal act."

To add another element of confusion is the use of the words "or transports" in subsection (d)(1). That section reads in part:

(d)(1) Any vessel, vehicle, or aircraft which has been or is being used in furtherance of a violation of subsection (a), or which has been or is being used by any person who for a fee refers *or transports* an alien for employment in furtherance of a violation of subsection (b) shall be seized and forfeited. (Italic added.)

Subsection (b), to which the above subsection (d)(1) refers, reads in part:

(b)(1) It shall be unlawful for any *employer* or any person acting as an agent for such employer, *or any person who for a fee, refers* an alien for employment by such employer, knowingly to employ or refer for employment any alien . . . (Italic added.)

It is apparent that the violation in subsection (b)(1) is the employment or the referral, for a fee, for employment. The transportation of the illegal alien is not, in itself, prohibited. However, it is also apparent that a person who transports the illegal alien may have his vessel, vehicle or aircraft seized and forfeited, although he may be innocent of any knowledge of the wrong of the employer or referrer. The extreme case might be the referrer who, for a fee, promises an alien employment upon his arrival in the United States. The alien enters illegally and hitchhikes to the place of his promised emploment. If apprehended en route, would the good samaritan who innocently picks up the alien have his automobile seized and forfeited because he transported the alien in furtherance of the referrer's violation of subsection (b)(1)? Apparently so.

Moreover, the bill would clearly authorize a seizure and forfeiture in the case of a referrer who has been issued a citation only and against whom no criminal action or civil penalties are contemplated. I doubt that the drafters of this legislation intended such a harsh consequence upon a first citation, but it is authorized nevertheless, and stands as a further contradiction of the understanding of the bill voiced by the witnesses from the Department of Justice.

In summary, with respect only to the circumstances under which a seizure and forfeiture is authorized, it is charitable to characterize the bill as unclear. Although I prefer to remedy its shortcomings by striking the entire forfeiture section, if my amendment fails, it is hoped that its supporters will make abundantly clear the intention of Congress that a seizure and forfeiture is only authorized for acts, not omissions; that the acts result in a criminal prosecution; that the actor have an interest in the asset forfeited; and that the forfeiture occurs only after a final judgment of conviction of the actor.

II

In attempting to provide a useful tool for law enforcement officials to discourage the smuggling and referrel of illegal aliens for employment by authorizing the seizure and forfeiture of vessels, vehicles and aircraft used in furtherance thereof, the drafters of this legislation have created certain classifications which border upon being capricious.

First, seizure and forfeiture is only permissible in the case of a vessel, vehicle, or aircraft. Assets of this character are not instruments uniquely necessary to the commission of the wrong which Congress seeks to prevent. The seizure of a still, perhaps, would substantially deter a moonshiner. But, in a modern society, an automobile, for example, is a fungible commodity.

Perhaps our intent is to get at those assets actually used for the conveyance of illegal aliens in furtherance of the specified violations. We have not so limited the forfeiture authority, but if we were to do so, it would hardly be a rational means of achieving the legitimate objects of the legislation, given the fungible character of the assets in question, and the ease with which they can be replaced.

Second, seizure and forfeiture may occur in the case of a smuggler, a referrer for a fee, or a transported—for unexplained reason the culpable employer, at whom this legislation is also clearly aimed, is excluded. Both the smuggler and the referrer for a fee may be regarded as wrongdoers and likely candidates for the additional penalty of forfeiture if their assets are used in furtherance of their wrongful acts. But why do we subject the transporter to this risk?

The irrationality of the classification can be demonstrated by the following example:

Assume "A," a referrer of illegal aliens for a fee, contracts with innocent "B" to transport in "B's" vehicle illegal aliens to a distant location for employment. Under these circumstances, "A" has committed the violation but "B's" vehicle is subject to forfeiture as having been used in furtherance of "A's" violation.

It is hardly persuasive to argue in the year 1973 that "B's" vehicle is itself culpable and "B's" personal innocence is irrelevant.

Third, the common carrier exemption is irrational. In the case of a railway car or engine, the consent of the conductor or engineer to the illegal act is not imputed to the owner so as to subject the owner to the hazards of seizure and forfeiture. However, in the case of a common carrier bus, vessel, or aircraft, the consent of the driver, master, or pilot is imputed to a wholly innocent owner so as to subject his property to forfeiture The difference in treatment can hardly be explained away as another special benefit to rail transportation or a conclusive legislative finding that owners of railroad equipment are in all cases innocent, whereas the owners of a Greyhound Bus, for example, may in some instances be culpable. The simple fact is that the legislation treats wholly innocent owners, and thus identical parties, in a different way without apparent justification.

Fourth, the stolen conveyance exception is capable of mischievious and irrational application. That exemption requires first, that the actor be in unlawful possession of the vessel, vehicle, or aircraft, and second, that the same actor have acquired such possession in violation of the criminal laws. If these two facts are established by an owner who is not himself the actor, his asset is not subject to forfeiture. The evident purpose of this exception is to insulate from forfeiture an innocent owner whose conveyance has been stolen and used by the criminal in furtherance of a violation of the act. This protection is lost, however,

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[1] At least one lower Federal Court has held forfeiture provisions similar to that before us to be unconstitutional. See *United States* vs. *One 1971 Ford Truck*, 346 F. Supp. 613 (1972).

[2] The use of the word "omission" in this sentence is a mystery to me. The only omission which would appear to be relevant would be the failure of a referrer to make a bona fide inquiry concerning the legal status of the alien. Such an omission would tend to support his lack of knowledge (however unreasonable) rather than support a finding that he "knowingly" referred an alien for employment. Surely such an omission would not be "in furtherance of" a violation so as to justify a seizure and forfeiture. The gratuitous use of the word "omission" only tends to muddy the water.

if the stolen asset is transferred to a person who has no knowledge of the fact that it was stolen. The innocence of the owner is the same whether the asset is transferred to others or not, yet he is protected in one case and not the other.

I can conceive of no justification for the requirement that the actor have come into possession of the conveyance illegally if our true concern is for innocent owners.

Fifth, the creation of statutory exceptions for common carriers and for owners of stolen conveyances is to grant an arbitrary preference to owners in these two categories at the expense of others whose situation may be substantially identical.

At the outset, it surely must be conceded that the legislative purpose in creating the two exceptions is to avoid the hardship of a seizure and forfeiture of assets belonging to persons who are innocent of any misconduct. But too many innocent parties remain snared in the statutory net to give rationality to the special exemptions afforded common carriers and owners of stolen conveyances.

The lessor, the gratuitous bailor, and the owner of a security interest all risk the forfeiture of their property right although wholly innocent of any wrong. It is true, of course, that remission or mitigation is possible or that they may mount a successful defense to judicial forfeiture; but this overlooks the inconvenience and expense of such remedies which we impose without justification upon these innocent parties and do not impose upon a limited category of others who are identical insofar as the central question, innocence, is concerned.

One cannot overlook the extent of this discrimination. In the nature of things, it is to be expected that most vessels, vehicles, and aircraft would involve the ownership of interests apart from that of the immediate possessor.

III

I have taken some time to detail defects in the proposed forfeiture provisions of this bill. Many of these errors might be corrected by technical amendments, but I cannot be their sponsor. Even a carefully drafted forfeiture section is, in my view, unacceptable.

Much has been written about the history of forfeitures. In summary, the practice has grown out of the notion that the instrument used in the commission of a wrong is itself culpable and should be subject to the "punishment" of forfeiture. (See *United States* v. *U.S. Coin and Currency*, 401 U.S. 715 (1971).) Such a notion is an anachronism and should not be nourished by its extension into a new area of the law where it has not existed historically.

Forfeitures are not a per se evil. In the case of contraband which cannot lawfully be possessed, a forfeiture thereof makes abundant sense, not because the property itself is guilty of a wrong, but because society does not recognize a lawful property interest in it. Vessels, vehicles, and aircraft are not in this narrow category. It is precisely because persons may own legitimate interests in these items of property, the right to possession being but one, that forfeitures become instruments of injustice which we should not tolerate.

If a modern justification for the forfeiture of noncontraband property exists, it is to provide an additional punishment to those who may commit a certain category of crimes. Perhaps, a schedule of punishment for certain limited offenses might include fine, imprisonment and forfeiture of the wrongdoer's interest in designated assets. But this bill, and most other forfeiture statutes, are not so limited. The entire property, and all interests therein, are forfeited. The guilty and the innocent are punished with blind evenhandedness.

It is true that a procedure exists for the innocent to recapture his property. He may shoulder the burden of resisting a judicial forfeiture, or he may appeal to the sense of fair play of the very agency which seized his asset in the first instance, for remission or mitigation. The magnitude of this burden is not insignificant, especially when measured against the value of the asset seized.

To illustrate, assume that a wholly innocent owner of an automobile lends it to a referrer. The referrer uses the vehicle to transport an alien for employment. The referrer is arrested and the vehicle seized. It is of small comfort to the owner that he may obtain the return of his vehicle if he pays all accrued storage charges, hires an attorney to resist a judicial forfeiture or petitions for remission based upon certain criteria established by the seizing agency. In the past we have seen such agencies promulgate irresponsible rules which impose the impossible burden on the holders of security interests and bailors to conduct a prior investigation of the criminal background and reputation of the borrower or bailee as a condition of remission. It must be remembered at this point that the forfeiture proceeding is deemed to be civil in nature and the seizing agency may convince itself by a preponderance of the evidence that the owner is sufficiently culpable by its own standards to justify a forfeiture.

If there is elemental justice in such a procedure, it escapes me. And we condone such an unjust procedure in this Act.

To those who may adhere tenaciously to the ancient doctrine that the asset itself is culpable and thus a proper subject for forfeiture, I suggest an amendment authorizing the Attorney General to beat the errant vessel, vehicle or aircraft with a stick, or perhaps, in order to avoid physical damage, to hold the asset up to public censure by a stinging letter.

But to those who may believe, as I do, that only the wrongdoers should be punished, let us abandon this archaic concept of forfeiture in favor of civil or criminal penalties which may be imposed directly against the person guilty of misconduct. If such penalties are insufficient, they may be strengthened without the risks to innocent parties which are inherent in forfeiture statutes.

I urge support of my amendment.

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

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

Mr. DENNIS. I should like to refer to the question I discussed with the gentleman a moment ago. Suppose we should limit the forfeiture to the interest in the vehicle of a guilty party? That would take out the idea that we were doing something to innocent people here in forfeiting their property. Would that not give a legitimate and useful additional penalty to a man who is devoting his property to a violation of law?

Mr. WIGGINS. Mr. Chairman, I will answer the gentleman in this way: I would say it would be an improvement, but not fully adequate. I believe, however, that the enlightened and reasonable way to punish misconduct is to find a man guilty, and if he is guilty, send him to jail. If the penalties are inadequate, let us make them a little tougher. This whole notion of forfeiture of assets has inherent in it the tendency to work an unjustified hardship against innocent people, and I do not support it.

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

Mr. WIGGINS. I yield to the gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN. Mr. Chairman, before I came to the Congress, I was involved in the automobile sales business for many years, and as a result I look forward to the support of this amendment, because of this background. We had dealings with a similar agency of the Federal Government, usually the alcoholic tax unit.

I just want to say that many times, unless the dealer had an understanding with the alcoholic tax unit for any particular sale of the car, if the person you were selling the car to had no previous record, anything that happened to the car by any investigation by agents of the Federal Government took precedence over any lienholder. So in the event there would be an innocent party, other than the person driving the car and other than the person owning the car, that would be the person who was a lienholder on the car, in this kind of a case, and I think it is not fair to the innocent businessman to be involved in these kinds of situations.

(On request of Mr. KEATING and by unanimous consent, Mr. WIGGINS was allowed to proceed for 1 additional minute.)

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

Mr. WIGGINS. I yield to the gentleman from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Chairman, with reference to the statement made by the gentleman on the other side of the aisle a moment ago, he indicated that the lienholder was not protected. I ask the gentleman in the well at this time if under this bill, H.R. 982, the lienholder is not protected?

Mr. WIGGINS. Not at all. The lienholder's only protection is to concede the validity of the forfeiture and to ask the Attorney General for his clemency under regulations promulgated by the Attorney General.

Mr. KEATING. Is he not entitled to relief under the terms of this bill?

Mr. WIGGINS. No, he is not.

Mr. KEATING. Certainly he does have recourse to get his interest in this matter recovered under the terms of this bill.

Mr. WIGGINS. I refer the gentleman to the bill. There certainly is not such a provision.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. WIGGINS was allowed to proceed for 1 additional minute.)

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

Mr. WIGGINS. I yield to the gentleman from Ohio. (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, as the gentleman knows, I strongly support this bill. However, I think the gentleman is absolutely right on the forfeiture provisions of this bill. They work a seizure of property without compensation. They go contrary to the principles if not the letter of the Constitution, and the mere fact that we have been doing it for years does not justify it. There is no justification for inflicting hardship on innocent people simply to convict other people who are violating the law.

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

Mr. Chairman, I am not so strongly opposed to the amendment that I could not live with the bill with the amendment but I think that it is important that we put some of this into its proper perspective.

First of all, the amendment offered by my colleague, the distinguished gentleman from California (Mr. WIGGINS) as well as the support which he received from the gentleman from Florida, is predicated on the assumption that everybody involved in smuggling aliens is innocent. That is about the farthest thing from the truth.

No doubt there are times when a motor vehicle, an airplane, a boat, or whatever may be the vehicle which is used in a smuggling operation, may be the property of a person who is totally innocent of any knowledge, of any privity or anything at all that would compromise his innocence in the operation.

However, I respectfully submit that more times than not the smuggler who is bringing in illegal aliens, just as the smuggler who is bringing in narcotics, or counterfeit money, or any other type of contraband, is privy to the operation. He does have knowledge of what he is doing and is a party to it and there is no innocence whatsoever involved.

Mr. WIGGINS. Will the gentleman yield?

Mr. DANIELSON. Not at this time. I will yield at the appropriate time.

I would like to point out, also, that we had better put this in perspective from another point of view. There is ample provision within our existing laws to protect the innocent owner of the motor vehicle if his vehicle should be seized in conjunction with a smuggling operation. There are provisions right in the bill itself which take care of a substantial number. They appear on page 13 of the bill before us. Also we have provisions in the code of Federal regulations, 28 CFR 9, which authorizes the remission or mitigation of forefecture and the right of the petitioner to establish his innocence or lack of knowledge of a violation which subjected the property to seizure and forfeiture.

I would like to respond, also, to the gentleman from Florida who expressed concern because of his years of experience in the automobile sales business that the old provision of years ago, that a motor vehicle dealer was compelled to check with law enforcement agencies to determine whether the conditional buyer or the lessor of a vehicle had a criminal record, was repealed some time ago and is no longer a part of the law of the land.

Admittedly, in the illegal alien problem smuggling becomes an important factor.

All illegals are not smuggled, however. Many of them walk across the border, or find some other method of obtaining entrance into the country. But there is a sizable number who are literally smuggled into the country aboard a vehicle of some person who charges a fee for that operation

In doing so I would like to have my colleagues note some of the facts which come up.

Oftentimes the smuggling operations are so inhumane that they result in illness or death to the aliens being smuggled. In the 1968 annual report of the Immigration and Naturalization Service, for example, there is a quotation which states:

> In January an Illinois State trooper stopped a pick-up truck near Morris, Ill., because it was moving at a slow rate of speed and appeared to be heavily overloaded. The vehicle had been topped with aluminum and wood. The trooper found 52 Spanish-speaking males jammed into the enclosed part of the van.

Again in the 1972 report they state:

> In another instance a vehicle intercepted by agents in California had been specially equipped with two fans installed in the trunk, which could be connected to the cigarette lighter, thereby facilitating the circulation of air drawn from vents in the rear deck of the auto. Air ride supports installed on the vehicle maintained an even balance in spite of the additional weight in the trunk of the car. It was learned that the smuggler had regularly been bringing in two to four illegal aliens in this manner.

Mr. Chairman, this is a racket. The smuggling of aliens by those who make it a part of their livelihood is a vicious racket which, in turn, ought to be stopped. It is an auxiliary question to the entire illegal alien question, but these people are victimizing these poor illegals, and I think that should be stopped. Forfeiture is one good way of doing it.

Now I yield to the gentleman from California.

Mr. WIGGINS. I thank the gentleman for yielding.

I concede that there are many illegal aliens in this country and some of them have been smuggled here.

The smugglers, perhaps, should have their vehicles forfeited. I have no case to make for them. But consider the employer who promises an alien employment on his arrival in the United States. The alien enters illegally.

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

(By unanimous consent, at the request of Mr. WIGGINS, Mr. DANIELSON was allowed to proceed for 1 additional minute.)

Mr. WIGGINS. Mr. Chairman, would the gentleman yield?

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

Mr. WIGGINS. Mr. Chairman, all I am saying is considering the case, and this is a very realistic one, of an alien who entered the United States illegally for the purpose of accepting employment which had been promised to him by a bad man, a referer for a fee. Let of us suppose that the alien has hitchhiked through your district or through mine on his way to accept this employment; and let us further suppose that he is picked up by this good Samaritan. If that automobile is stopped and the illegal alien is apprehended, then what is the status of the good Samaritan who offered him that ride? I can tell you that the answer to that under this bill is that his vehicle is subject to forfeiture. Where is there justice in that?

Mr. DANIELSON. I would be delighted to give my colleague, the gentleman from California, another answer and that is that that man is not engaged in an illegal smuggling action.

Mr. WIGGINS. But under this bill he has to forfeit his car as a transporter.

Mr. DANIELSON. I would like to add one more comment and that is that if this good Samaritan who has picked up a hitchhiker, and who is not illegally smuggling aliens, and if his car should be seized, he probably would go to a competent lawyer such as my colleague, the gentleman from California, who I am sure would not go hat in hand seeking for remission.

Mr. WIGGINS. A good attorney would not go hat in hand; he would go fee in pocket. The good Samaritan would have to pay a price to ask for remission of the forfeiture.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EILBERG. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment offered by the gentleman from California (Mr. WIGGINS).

Mr. Chairman, I would just like to make a few points. The principle, first of all, is a well-established one in law and it has been placed in many, many statutes. Further, as the gentleman from California well knows, this provision has been tested as to its constitutionality and there is no question as to its constitutionality.

The gentleman also knows that there is a provision for getting the vehicle back, for mitigation, and remission and that in 95 percent of the cases that vehicle is returned. The procedure for doing this is relatively simple. The gentleman also knows that where a vehicle is retained there is provision for a bond to be put up so that unnecessary hardship is not involved.

Mr. Chairman, I should also like to point out that in these smuggling cases

it is very difficult to get a criminal conviction, but that under the forfeiture provision it is a civil matter—especially in the type of vehicles used. I trust the Members saw those vehicles displayed in the Speaker's lobby that have been used in smuggling aliens.

I would also refer to the case the gentleman has cited through his own personal experience. He is talking about different vehicles, not such as those that are displayed in the Speaker's lobby—vehicles of low value or of very little value, that are the actual instruments of the crimes themselves. I believe that we should have such vehicles held in forfeiture because if we did not, such vehicles will be back across the border smuggling aliens the very next day.

Finally, Mr. Chairman, the gentleman from California stresses the fact that a great many of these vehicles are rented vehicles. However, I have a report concerning this issue. From January through March, 1973, INS records show forfeiture of some 1,500 vehicles privately owned and only 44 that were rented vehicles. So, the gentleman from California is talking about a very, very small percentage. I do not think that the isolated experiences the gentleman has referred to justifies striking this provision as a principle because it is a principle that has been involved in our law in many ways. It is particularly applicable when we are dealing with the kind of vehicles displayed in the Speaker's lobby today.

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

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

Mr. KEATING. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California (Mr. WIGGINS) and I wish to compliment my chairman of the subcommittee, the gentleman from Pennsylvania (Mr. EILBERG) in the position that he has taken in this debate.

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

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

Mr. FLOWERS. Mr. Chairman, I wish to join with my chairman of the subcommittee, the distinguished gentleman from Pennsylvania (Mr. EILBERG) in opposing the amendment offered by the gentleman from California (Mr. WIGGINS). I think that the principle of forfeiture in situations like this is well established in our jurisprudence. It is definitely a deterrent and it would help cut down on these activities and it ought to be in this bill as it is in other legislation on this same subject.

Miss HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentlewoman from New York.

Miss HOLTZMAN. Mr. Chairman, I thank the gentleman for yielding. Is not one of the problems, however, associated with this provision of forfeiture it is that forfeiture can be triggered simply on the service of the citation which in itself can be triggered on the basis of hearsay information?

Mr. EILBERG. Mr. Chairman, I would reply to the gentlewoman from New York that that is totally incorrect. The service of the citation is a separate matter. We are talking about forfeiture of the vehicle only where there has been smuggling involved on transporting for a fee. It has nothing to do with the service of the citation, which is a separate proceeding.

Miss HOLTZMAN. Mr. Chairman, if the gentleman will yield further, what information or evidence, if any, must the Attorney General have in order to authorize him to seize property?

Mr. EILBERG. He must have sufficient evidence to show that this vehicle has been used for smuggling and that was the reason the vehicle was obtained for that smuggling operation.

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

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

Mr. WIGGINS. I would say that my chairman is absolutely incorrect in the statement he has just made that a forfeiture is not authorized upon the issuance of a citation. I suggest that the gentleman read carefully the bill. The forfeiture and seizure are authorized for any person who uses a vehicle in furtherance of a violation of the act, period. One cannot issue a citation unless a man has violated the act.

Mr. EILBERG. The citation is also for knowingly employing an illegal alien.

Mr. WIGGINS. If there is a smuggling operation involved, if there is a violation of the act, then the forfeiture is authorized.

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

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

Mr. KEATING. Using the words of the act:

> Any vessel, vehicle, or aircraft which has been or is being used in furtherance of a violation of subsection (a), or which has been or is being used by any person who for a fee refers or transports an alien for employment in furtherance of a violation of subsection (b), * * *

I think that coincides with the chairman's understanding and representation of that portion.

Mr. EILBERG. I thank the gentleman very much for his contribution.

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

Mr. Chairman, I think the trouble with the argument of my good friend, the gentleman from California (Mr. WIGGINS) is that he seeks to prove too much. Actually if we look at the bill, there are only two places where a forfeiture can take place.

One is if a vessel, vehicle, or aircraft is used in furtherance of a violation of subsection (a)—which is smuggling aliens—or which has been or is being used by any person who, for a fee, refers or transports an alien for employment in furtherance of a violation of subsection (b). He has got to be referring or transporting the alien for a fee. Not every violation of subsection (b) authorizes forfeiture of a vehicle. It is only when one uses vehicle, for a fee, to further such a violation.

Therefore, the case of the innocent hitchhiker that my friend referred to, in my judgment, is not covered. He has to transport him for a fee in furtherance of a violation of subsection (b) to be guilty.

I have considerable sympathy with the idea that we should not forfeit property of innocent people, but even under the bill as drawn there are some protections. Here is what we say further:

> All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of vessels and vehicles for violation of the customs laws; * * *

Which we already have—

> * * * the disposition of such vessels and vehicles or the proceeds from the sale thereof; the remission or mitigation of such forfeitures shall apply to seizures and forfeitures—under—this chapter—

So there is relief.

It is perfectly true that under the old regulations Mr. WIGGINS referred to, if one has a security interest, for instance, in something, one could not get relief if one did not know of the criminal record or reputation for a law violation of the man with the vehicle, unless one could show, under the Attorney General's regulations, that he had made an inquiry about that; but that has been changed. That is no longer the regulation.

Under the present regulations, as long as one can show that one did not know anything about this criminal record or his bad reputation, one can get relief.

So even under this law there is protection for the innocent person.

I say this: The amendment would strike the whole forfeiture provision. I think that is wrong. If we need an amendment which will make the protection of the innocent clearer, if somebody would offer an amendment, I would be for it; but I do not think we ought to support this one. If there is not enough protection for the innocent party under the present law, let us work it out later in conference, or some place, and get that principle established.

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

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

Mr. ROUSSELOT. I thank the gentleman for yielding. It is not true, and maybe the chairman of the subcommittee can also answer this question. Possibly it was discussed in the judiciary committee hearings. I would like to know if it, that the U.S. District Court in Los Angeles ruled that this same forfeiture language from another Federal law was in fact declared to be unconstitutional.

That Los Angeles Federal Court has held forfeiture provisions similar to that before us to be unconstitutional. (See *United States* v. *One 1971 Ford Truck*, 346 F. Supp. 613 (1972).)

Mr. EILBERG. I wish I could answer the gentleman's question as to the particular case. I know they have ruled repeatedly on the constitutionality.

Mr. ROUSSELOT. In this case, as I understand it, a forfeiture provision was very clearly ruled unconstitutional, and I think on that basis alone this committee should have considered more careful language. I am disturbed to know the committee, which I know is very conscious of constitutional issues, did not consider this important civil rights issue.

I support the amendment by the gentleman from California (Mr. WIGGINS) which would strike this unconstitutional section.

Mr. DENNIS. I might say to my friend, the gentleman from California, since I still have the time, that while I am not familiar with that particular decision of that particular lower court, I am confident that the general forfeiture provisions of the customs laws have been upheld many times, so I do not think the constitutionality of the law is seriously involved in this.

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

Mr. Chairman, I am strongly in support of the other provisions of this bill and I think it is unfortunate that we have allowed ourselves on the committee to be diverted into defending what is basically an indefensible position. The fact is that if this bill is passed the Government is not going to have to resort to seizures to enforce the laws against illegal immigration, because the bill itself is going to dry up most of this illegal alien problem.

I would like to say in response to the chairman, whom I greatly respect and who is absolutely correct about the bill in general, that the mere fact there are already similar forfeiture provisions in the law as to other misuse of vehicles is no excuse if this type of provision is wrong. I do not care if there are only 44 cases where rental cars were used, those are 44 carowners who even if wrongly deprived of their rights to their property for only a day, have had an unwarranted injustice inflicted on them.

Second, I think it is opposed to our concept of due process that in order to get their property back the burden of proof is placed on them to go in and prove their innocence. That is at odds with our traditional concept of due process. There can be no justification for adding more of this type of legislation, and I would hope we would not only eliminate this from the bill but also go through the rest of the U.S. Code and eliminate similar provisions.

So I am completely in accord with the amendment offered by the gentleman from California (Mr. WIGGINS), but I also suggest the utility of this type of provision will be eliminated if we can get this bill passed. So let us eliminate the offensive provision and concentrate on the main point of this bill.

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

Mr. Chairman, reference has been made again and again to the forfeiture of the vehicle involved. I want to tell the members of the committee that the Supreme Court recently has made it very clear that the Attorney General is to bend over backward in considering these petitions for remission, so that this concept is well understood by the lawyers and by the Supreme Court, and in fact the great bulk of the petitions that have been filed have been granted.

Furthermore, the United States Code annotated, title 49, section 781, on page 130, it is apparent that case after case establishes the constitutionality of similar forfeiture provisions.

If the gentleman from California (Mr. ROUSSELOT) is listening, if he wants to refer to this section, he will find that the constitutionality of forfeiture proceedings have been established.

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

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

Mr. WIGGINS. Mr. Chairman, let me say that the last word by the U.S. Supreme Court does characterize the whole procedure as a superstition. This is a majority opinion.

Mr. EILBERG. But the decision also indicates that it is their forfeiture statutes are designed to impose penalties only on those who are involved in the criminal enterprise.

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

Mr. EILBERG. I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I would just like to say that we are not limited to the question of whether this provision is constitutional or not. Assuming it is constitutional, our responsibility as legislators is to decide what is right as a matter of policy.

Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WIGGINS).

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

Mr. EILBERG. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Amendment offered by Mr. ROYBAL: Page 10, beginning in line 7 strike out section 2. Redesignate the succeeding sections accordingly.

Mr. ROYBAL. Mr. Chairman, while I agree with the intent of the bill to prevent employers from using illegals, I strongly disagree with its approach.

I believe this bill is the most discriminatory bill against Mexican-Americans and Asians which has been brought to the floor of this House. In the first place, the law places a responsibility of making difficult decisions involving a person's citizenship or immigation status on the employer. Now, the employer makes a selection. He determines whom he is going to quiz with regard to his resident status. This is not done with everyone seeking employment, but only with the individuals whom he selects.

This is why I believe this to be most discriminatory. Employers argue that immigration is the responsibility of the Department of Immigration. Whether the committee agrees with this or not, it is so. It is the responsibility of the Department of Immigration to deal with immigration problems in the United States.

But, what happens under this law is that the entire responsibility then is placed on the employer, and the employer then must make a finding of fact as he makes a determination on whether or not that individual is in the United States with a legal status.

The employers also argue that if Congress feels that the Department of Immigration is incompetent, or if Congress feels that the Department of Immigration is unable to do its job, that there is a remedy; that this Congress can remedy the situation by making it possible for the Department of Immigration to impose a fine on those employees who hire illegal immigrants.

We have all read in the papers many, many times of employers who have been raided and many illegals have been apprehended and sent back to their country of origin.

But what has happened to the employer? Absolutely nothing.

This Congress has the power to give the Department of Immigration whatever it needs to do what it must to see to it that such an employer never hires again an illegal alien.

The employers with whom I talk are absolutely correct when they say that this is the responsibility of the Department of Immigration and not their responsibility at all. What actually happens is that the employer is forced to do the job of the Department of Immigration. The Department of Immigration has certain responsibilities and certain knowledge that an employer does not possess. He, the employer, is the first to admit he is not trained to do this job; therefore, he should not be forced to do it.

The employer will also be the first to say that he does not want the job anyway. It is just as simple and as clear as that.

The second reason why I presented this amendment is that I believe this proposal is most discriminatory, but this is very hard to explain to individuals who perhaps have not been faced with the problem of discrimination, individuals who perhaps really do not understand what the situation is with respect to the thousands of individuals who reside in the United States at the present time and who may speak Spanish or some other language.

The argument that the committee uses is that, "Well, if discriminaton does take place they can always apply to the Equal Employment Opportunities Commission."

This is the biggest farce of all, because the Spanish-speaking people of the United States do not have much confidence in the Commission to begin with. Even if they did, and made a complaint today, it would take the Commission at least 2 years before it got to the case, because at the present time the Commission is overburdened with work. They have 128,357 cases that they have not even looked at. The committee may take the position that the Commission must take care of discriminatory attitudes on the part of employers. That just cannot be done.

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

(By unanimous consent, Mr. ROYBAL was allowed to proceed for 5 additional minutes.)

Mr. ROYBAL. Mr. Chairman, the other reason why I believe my amendment should be adopted is that I believe it is unconstitutional. This is almost similar to the law passed in the State of California that was ruled unconstitutional in the State of California. A suit was filed on the grounds it violated the equal protection and due process clauses of the 14th amendment and violated various civil rights statutes passed by the Congress. The suit, incidentally, was filed even before the law became effective.

The court took the unprecedented action of acting immediately, before the effective date of the law. The court rested its decision on dual grounds, that the law violated the equal protection and due process clauses because it led directly to the hiring on the basis of race.

I am going to repeat that. The court ruled it unconstitutional because it violated the equal protection and due process clauses because it led directly to the hiring on the basis of race.

That is exactly what this law now before us would do.

As one goes into the entire matter as it really rests, this legislation is really directed at just a certain ethnic group in the United States, and no one else, because if it were directed at everyone, at every resident, then every employer would have to have in his possession the form recommended by the committee, one that would be given to every employer by the Attorney General, and would require certain information of each and every employee in the United States.

If that is done, then everyone is treated equally, and the information then can be gathered by employers throughout the United States.

Mr. Chairman, I believe that no matter how conscientious or fair-minded an employer will be, he will try to minimize his encounter with the law simply because it is not good business. As a consequence, the employer will be reluctant to accept the applicant's statement or his documents as true and he will base this decision on color or ethnics and not on his qualifications.

Now, I appeal to the Members of this House to look at the facts as they are. We all agree that there is a problem with regard to illegal immigrants in the country.

No one disagrees with that argument.

One must also agree with the fact that it is not the employer's responsibility to make a determination or to do the job of the Department of Immigration. I think we can all agree that we have a good department; I think we can all agree that the men who run the department are competent and that they can do the job, but I think we must all agree that the reason they have not been effective is because this Congress has not given them the tools to work with, and I believe this is our responsibility. We should give them the tools, not a law which is clearly discriminatory, not a law that was written—I was going to say, "written in haste," but the fact is this law was not written in haste; it has taken a long time—but a law that was written without the knowledge that was necessary to bring to this House a piece of legislation that treated all residents of our country on an equal basis.

Mr. Chairman, may I conclude by again appealing to the Members of this House to read and consider the consequences of this legislation, and then make a determination. Consider again the facts which have already been expressed by many individuals in this House, both for and against this piece of legislation. But I ask the Members to consider primarily the effect that it is going to have, the discriminatory effect upon, if you please, and the clear violation of the civil rights of a large segment of the population of this Nation: the Mexican Americans, the Chicanos, and Asians residing in the United States.

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

Mr. Chairman, I think that we have been over most of the ground that has been described by the gentleman from California.

However, the thing that I think is very important is that this body acted upon a measure which is virtually identical just a few months ago, last September. The vote was 297 to 53. I would like to know what has changed, if anything, to alter the feelings or opinions of the House. But I emphasize the point at this time that the ground has been established for this here in this very Chamber.

I think it is obvious that what the gentleman would do would be to destroy, in effect, our efforts over the past year. We have traveled all over the country and explored every possibility, every possibility, to approach this problem. We think we have come up with a fair approach. We do not think we are discriminating against any community. We think there are ample protections involved and we expect that the governmental agencies involved will see to it that any discrimination be rooted out and any patterns of discrimination will be noted. If it is demonstrated objectively that certain discriminatory patterns are being displayed, I am certain the agencies involved will do their part.

I suggest that people should be employed on the basis of their qualifications and that this should be the goal. I think most employers are obeying the law. We do not want to make criminals out of employers or place unnecessary burdens on employers. We have provided a vehicle here whereby employers will be encouraged to hire American workers and pay the prevailing wages.

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

The CHAIRMAN. The Chair will count.

One hundred three Members are present, a quorum.

Mr. KEATING. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman and strongly oppose it because it simply destroys the bill. It has been voted out of the subcommittee and the Judiciary Committee, and I think we should all be for it.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California. I want to associate myself with his remarks.

I want to apologize at this time for not having appeared before the committee and made my points in this matter. I suppose it is a problem all of us have in our busy schedules, not being able to get to the committee before which there is legislation with which we have some concern.

Nevertheless, I believe that this bill, sincere as it is, may well be working a very severe injustice on all parties concerned. This bill is really addressed to the problems of Mexican Americans in the United States, and the growers for whom they work.

Coming from eastern Washington, which is primarily agricultural in nature, I have a large number of Mexican Americans in my district. These people come in and work, and they consist of migrants and permanent residents, both of whom work in agricultural labor from early spring until late fall. Many of them are citizens and legal residents of this country. Many of them are illegal aliens. We know this, and no one seriously pretends this is not true. Many of the growers and farmers who hire them operate legally and do their best to hire only legal immigrants or citizens. Some of the growers, unfortunately deliberately try to obtain illegal immigrants, so that they can operate with cheap labor.

I think the situation is indeed an unfortunate one. I think that certainly we should do all we can to correct it. But to require that an employer certify that an employee is indeed a legal employee or is a citizen is putting an undue hardship on the employer and is stigmatizing all the Mexican-Americans or Spanish-speaking farmworkers. It is subjecting them to a particular type of discrimination which would work against those who are citizens and legal immigrants. I believe that if we are really serious and sincere about this legislation, we will have to provide in it that every person's social security card be a plastic card with a photograph and his fingerprints on the card. Thus, when a potential worker presents his social security card to an employer, it can be looked at and the employer can say yes, this person is indeed a legal entrant, or a citizen of this country. Based upon that information, the employer then can be held responsible for hiring only legal entrants into this country or citizens of this country.

However, to subject the growers to this responsibility when all they have is a social security card with numbers on it, cards that can be handed around from one person to another, and that is certainly done, then I think it is unfair to the growers; and stigmatizes the Mexican-Americans.

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

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

Mr. SEIBERLING. Mr. Chairman, let me make just a couple of points. First, the gentleman is not correct when the gentleman says that this bill would require an employer to certify anything. The bill does not require the employer to take any affirmative action, all it says is that he shall not knowingly hire an illegal alien. Then it goes on to detail various ways that he can create bona fide proof, if he so desires, in case anyone should challenge him as to whether he knowingly hired an illegal alien. So he does not have to certify anything.

The bill says that all the employer need do, if he wants to protect himself and make doubly sure is to ask for some statement from the employee that he is legally permitted to work in the United States or he can ask the employee to fill out, when he signs the W–4 form, a statement that he is legally entitled to be here in the United States.

A second thing is that this does not in any way discriminate against aliens who are lawfully entitled to be here or who perhaps speak Spanish or the like. They are totally in the clear as far as their right to work is concerned and they are totally in the clear as to their civil rights and protection under our laws and there is just plain no discrimination in this bill.

Mr. McCORMACK. Mr. Chairman, I appreciate the comments made by the gentleman from Ohio, but I must say that I differ from them, because the gentleman is pointing out legalistic principles that do not deal with the real problems that the grower and the workers face.

Mr. DENNIS. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment offered by the gentleman from California (Mr. ROYBAL).

Mr. Chairman, first of all I wish to associate myself with what the gentleman from Ohio (Mr. KEATING) said earlier. This amendment is not directed at any of the specific points that anybody objects to. If you strike out section 2 in toto, section 2 is the bill. Section 2 is the part of the bill that provides the three step process we have been talking about here whereby a citation, then by a civil penalty and, finally, if necessary, by a criminal penalty, sanctions are imposed upon the employer who knowingly—and only if knowingly—employs illegal aliens.

To strike out section 2 is to strike out the bill. One might just as well vote against the bill as to vote for this amendment, because if the amendment is agreed to, then there is no bill left.

Now it is ridiculous, if I may be pardoned for saying so, to say there is anything racist about this bill. As the gentleman from Ohio has pointed out, it does not require any action by any employer at all. He is guilty under this bill if he knowingly employs an illegal alien, and not otherwise. There is a clause in there which enables the employer to show prima facie that he has not acted knowingly, therefore he is not guilty of any offense—if he wants to use it—by asking people whether or not they are aliens and, if so, whether or not they are people who are in a status that entitles them to work.

If they say they are, that gives him prima facie protection that he was not guilty of knowingly violating the law. He does not have to do that if he does not want to, he can do it to everybody, and there is nothing in this bill to suggest he do it to Spanish-speaking people or any other speaking people.

We had hearings in Chicago which showed that a lot of illegal aliens there came from Poland and Eastern Europe, and whatnot. They were just as much illegal as anybody else. The employer will ask them, too, if he wants to. He does not have to ask anybody; so let us understand what the bill does.

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

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

Mr. KEATING. I should just like to take an excerpt from the testimony of Howard Samuel of the Amalgamated Clothing Workers of America. In this, there are a couple of excerpts that I think are very important:

> I have tried to suggest just how misguided these so-called humanitarians may be. No humanitarian can advocate illegal immigration which has brought unemployment and misery to hundreds of thousands of the disadvantaged, and exploitation to the alien himself. No humanitarian can support lower living standards and the undermining of decent wage levels for entire areas of our country, caused by the influx of a labor force which must take any job it can get.

Mr. Samuel went on to talk in terms of the heritage of his union which was founded by immigrants—

> Among whose members you will still find many immigrants. We have always supported legal immigration, as part of the heritage of our nation. But illegal immigration is a distortion of that heritage, because instead of offering brighter opportunities for the immigrant and enhancing economic opportunity in this country, it brings instead misery and unemployment and exploitation. There is no room in our tradition of immigration for the illegal alien, and the sooner that Congress takes action to end illegal immigration, the better it will be for all of us.

I thank the Chairman.

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

Mr. Chairman the remarks previously have been addressed to the general sociological effect of this bill. I speak in favor of the amendment, but I also want to point out some specific language in the bill that must be looked at.

The duty that we have as Representatives, whether we are for or against the principle involved here, is to legislate good law. Let me refer to page 10 to start with. It was pointed out that there is provision for requesting a written statement as prima facie evidence that the employer has taken the steps to determine citizenship. This provision is going to cause every employer to present to every employee a request to determine whether or not he is a citizen. This is a step backward in the fight against discrimination.

But the part that really concerns me starts on page 11 in subsection (2). It states there that the Attorney General can cite an employer on either evidence or information, meaning that he can issue the citation on the basis of pure hearsay, without any provision whatever in that section for a hearing. This is important because this pertains to another section determining whether or not he is later going to go to jail for a misdemeanor.

In the second section, subsection (3) it states that if an employer continues to hire or does subsequently hire an employee, not necessarily the same alien that was cited for by hearsay, then the Attorney General—acting as judge and prosecutor, can assess a $500 penalty, and it says that the Attorney General will provide a hearing by an immigration officer who may or may not be a lawyer.

So again we have the same problem of the prosecutor and judge being the same fellow. He then assesses a penalty, and then could take the lawsuit into a district court to collect on the basis of that penalty, but this is something very new in judicial proceedings, in that by this bill in a district court, which is a trial court, all that can be presented is the record by the immigration officer who is the trial judge and prosecutor and there cannot be any independent new evidence. There is no provision for a full trial. The record before the hearing officer is conclusive and no other evidence can be presented on which a man can have a lawsuit and a judgment assessed against him.

On one more alleged violation an employer can go to jail on the basis of a misdemeanor against him or have a fine assessed on, first, hearsay, and second, a hearing before a hearing officer who is not a judge and who may not be a lawyer himself, with a decision on the basis of this hearing before the immigration officer, cut off from presenting new evidence before the district court.

Is this the American system? Is this the system we should have on which the decision can be based on pure hearsay and not new evidence? I do not think this is good law. This should be looked at by the committee again, and we should follow the traditional procedure of the jury trial or a trial before the judge where everybody can come into court and have his day, when evidence can be presented, and it is not concluded by a closed procedure before a hearing officer appointed by the Attorney General.

Mr. KEATING. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments to the bill be concluded in 5 minutes.

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

Mr. PICKLE. Mr. Chairman, reserving the right to object, I have been seeking recognition. If I may be recognized and be given permission to make my speech, and then if the gentleman will make it 10 minutes, I will not object.

Mr. KEATING. Mr. Chairman, I ask unanimous consent to make that time 10 minutes.

Ms. ABZUG. Mr. Chairman, I object.

MOTION OFFERED BY MR. KEATING

Mr. KEATING. Mr. Chairman, there has been objection to the unanimous-consent request, so I move that all debate on this amendment and all other amendments to the bill be concluded in 10 minutes.

The CHAIRMAN. The gentleman moves that all debate on this amendment and all amendments to the bill be concluded in 10 minutes.

The question is on the motion offered by the gentleman from Ohio (Mr. KEATING).

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. KEATING).

(By unanimous consent, Mr. KEATING yielded his time to Mr. PICKLE.)

Mr. PICKLE. Mr. Chairman, I thank the gentleman from Ohio.

Mr. Chairman, the Members of the House may remember when we had this bill before us last year I offered an amendment to this measure which is now section 3 in this bill, which says, "that any officer or employee of HEW shall disclose to the Immigration Service the name and most recent address of any alien who such officer or employee knows is not lawfully in the United States."

That amendment was passed. It was opposed by the committee at the time.

My State has told me that if they had to pay benefits to illegal aliens it might cost my State up to $25 million. The committee was open and fair in saying that this procedure ought not to be permitted, but if we were going to do it, they felt there ought to be some kind of penalty in the law. Accordingly they have come back this year and requested the exact language which this House passed last year when it passed the bill by a vote of 297 to 53.

The committee put this same amendment with the same wording in, exactly, but have added section 2, the penalty provisions accordingly. The Members may disagree with the extent of the penalty provisions, the severity of them, the burden that might be on employers, and with other matters. That may be a legitimate difference of opinion, but it is not proper, really, to say that if one wants to help this bill along, one must take out section 2. If we do that, we are killing the bill.

Therefore, I say that if we really want to have a bill which says we are not going to pay benefits to illegal aliens and keep in section 3, then we must vote down this amendment.

I talked to welfare agents in my State this week, and they said that there has been no basic improvement since a year ago. They said they had been instructed by HEW that they are not supposed to ask if a person was a citizen or not, or if he had a work permit, but my State says that it does not think that procedure makes good sense. Some States may not be this careful, and if so, they are paying out a lot of money. I think that this kind of practice ought to be cut out. The only way to do it is by keeping section 3 in.

Mr. Chairman, I would say that the penalty provisions are reasonable. At least, let us pass it, and then if we find later that they are too severe, perhaps we can change them.

If we adopt this amendment, we kill the bill. So I commend the committee for bringing back the same bill we passed last year, with the exception of the penalties.

Mr. Chairman, I urge the defeat of the amendment, and the passage of the bill.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Ms. ABZUG) for 1½ minutes.

Ms. ABZUG. Mr. Chairman, I realize that in the minds of some people, the aim of this legislation is to prevent aliens not entitled to accept employment from accepting it.

That aim might be laudable. The interesting thing about the legislation, if it is analyzed, is that under the three step provisions, an employer can get out of those provisions simply by having a signed statement by his employee. The employee subjects himself to punishment if he falsifies such a statement. There is no second or third choice for him.

Where does that leave us? We have really done nothing to deter employers from hiring individuals not entitled to work, since they will all get their statements from these employees if they want them, and they will protect themselves in that way. We have created an additional liability for some little guy who may be of foreign origin and who comes across the border to try to earn the price of food for his family.

Mr. Chairman, I have opposed this bill last year, and I oppose this bill this year. This bill will significantly encourage and increase job discrimination against the foreign-born, or those with foreign accents, or those with swarthy skins.

I think it is an illusion to suggest that because you have these three stage employer penalties, things will change.

What is really needed is for us to consider new approaches to our immigration laws, not to mention better administration of existing law until changes are made.

I urge the defeat of this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I have great respect for the gentlewoman from New York (Ms. ABZUG) and for the gentleman from Texas (Mr. WHITE), but the drafters of the bill have leaned over backward to avoid any possible undue imposition either on employees or employers, or aliens who might seek employment.

Earlier in the debate someone made the statement that the Association of the Bar of the City of New York opposed the bill. If by that is meant that the 40,000 members of the association have considered the bill and opposed it, then that is not so.

All we have is a letter signed by the Chairman of the Association's Committee on Immigration and Nationality Law. The letter is erroneous on its face, for it states that—

> There are already adequate provisions in the law to deal with aliens who accept unauthorized employment.

Yet the committee admits there is an "unsatisfactory situation." Its solution is "to effectively regulate the flow of persons across the border."

Their solution simply begs the question which is: How do we effectively regulate the flow of persons across the border?

After months of hearings and study, your committee has concluded that the only effective way is to dry up the demand for illegal alien labor. That is what this bill would do.

The statement of the gentleman from Texas (Mr. WHITE) that somehow this bill sets up a star chamber proceeding is the exact opposite of actuality. The bill is very carefully drawn to guarantee procedural due process. The employer gets, not one, but three strikes before he can be subjected to any criminal penalties. Any employer who honestly desires to comply with the law will have no trouble with this bill. By the same token, he will be under no pressure to refrain from hiring any person merely because that person speaks with an accent or otherwise may appear to be of foreign origin.

I submit that if Members believe we have an illegal alien problem and need to strengthen this feature of our immigration laws, then our committee, after months and months of study, has come up with a reasonable way to solve the problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYBAL).

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

RECORDED VOTE

Mr. ROYBAL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 266, not voting 71, as follows:

[Roll No. 121]

AYES—96

Abzug	Corman	Heckler, Mass.
Archer	Crane	Helstoski
Ashbrook	Davis, Ga.	Holtzman
Ashley	Davis, S.C.	Huber
Bafalis	de la Garza	Hunt
Baker	Dellums	Jones, Okla.
Blackburn	Denholm	Kazen
Brown, Calif.	Derwinski	Ketchum
Burke, Calif.	Dorn	Latta
Burleson, Tex.	Eckhardt	Lujan
Burton	Edwards, Calif.	McCloskey
Camp	Fisher	McCormack
Casey, Tex.	Foley	McEwen
Chisholm	Goldwater	McFall
Clawson, Del	Gross	Mahon
Clay	Gubser	Martin, Nebr.
Cochran	Haley	Mathis, Ga.
Collins	Hammer-schmidt	Michel
Conlan	Hawkins	Mink
Conyers		Mitchell, Md.

Moorhead, Calif.	Rogers	Stephens
Moss	Rousselot	Stokes
Pettis	Roybal	Talcott
Poage	Runnels	Thomson, Wis.
Price, Tex.	Satterfield	Veysey
Rangel	Scherle	Waggonner
Rarick	Sebelius	White
Rees	Sisk	Wilson, Bob
Reuss	Skubitz	Yates
Rhodes	Stark	Young, Ga.
Riegle	Steed	Young, S.C.
Roberts	Steelman	Young, Tex.
	Steiger, Ariz.	

NOES—266

Adams	Giaimo	Nix
Addabbo	Gilman	O'Hara
Andrews, N.C.	Ginn	O'Neill
Andrews, N. Dak.	Gonzalez	Owens
Annunzio	Goodling	Parris
Arends	Grasso	Passman
Armstrong	Gray	Patman
Aspin	Green, Oreg.	Patten
Barrett	Green, Pa.	Perkins
Bennett	Griffiths	Peyser
Bergland	Grover	Pickle
Bevill	Gude	Pike
Biaggi	Gunter	Powell, Ohio
Biester	Hamilton	Preyer
Bingham	Hanley	Price, Ill.
Blatnik	Hanrahan	Pritchard
Boggs	Hansen, Wash.	Quie
Boland	Harrington	Quillen
Bolling	Harsha	Railsback
Bowen	Harvey	Regula
Brademas	Hastings	Rinaldo
Brasco	Hébert	Robinson, Va.
Bray	Hechler, W. Va.	Robison, N.Y.
Breaux	Henderson	Rodino
Breckinridge	Hicks	Roe
Brinkley	Hillis	Roncalio, Wyo.
Broomfield	Hinshaw	Roncalio, N.Y.
Brotzman	Hogan	Rooney, Pa.
Broyhill, N.C.	Holifield	Rose
Broyhill, Va.	Holt	Roush
Buchanan	Horton	Roy
Burke, Mass.	Hosmer	Ruppe
Burlison, Mo.	Howard	Ruth
Butler	Hudnut	St Germain
Byron	Hungate	Sandman
Carey, N.Y.	Hutchinson	Sarasin
Carney, Ohio	Ichord	Sarbanes
Carter	Jarman	Saylor
Cederberg	Johnson, Pa.	Schneebeli
Chamberlain	Jones, N.C.	Schroeder
Chappell	Jordan	Seiberling
Clancy	Karth	Shipley
Clark	Kastenmeier	Shoup
Clausen, Don H.	Keating	Shriver
Cleveland	Koch	Shuster
Cohen	Kuykendall	Sikes
Collier	Kyros	Slack
Conte	Landgrebe	Smith, Iowa
Coughlin	Leggett	Smith, N.Y.
Culver	Lehman	Snyder
Daniel, Dan	Lent	Spence
Daniel, Robert W., Jr.	Litton	Staggers
Daniels, Dominick V.	Long, Md.	Stanton, J. William
Danielson	Lott	Steele
Davis, Wis.	McClory	Stratton
Delaney	McCollister	Stuckey
Dellenback	McDade	Studds
Dennis	McKay	Sullivan
Dent	McKinney	Symington
Dickinson	Macdonald	Taylor, N.C.
Diggs	Madden	Teague, Calif.
Dingell	Madigan	Thompson, N.J.
Donohue	Mailliard	Thone
Downing	Mallary	Tiernan
Drinan	Mann	Towell, Nev.
Duncan	Maraziti	Treen
du Pont	Martin, N.C.	Udall
Edwards, Ala.	Mathias, Calif.	Vanik
Eilberg	Matsunaga	Vigorito
Erlenborn	Mayne	Walsh
Esch	Mazzoli	Wampler
Evans, Colo.	Meeds	Ware
Evins, Tenn.	Metcalfe	Whitehurst
Fascell	Mezvinsky	Whitten
Findley	Milford	Widnall
Fish	Miller	Wiggins
Flood	Mills, Ark.	Wilson, Charles H., Calif.
Flowers	Mills, Md.	Wilson, Charles, Tex.
Ford, Gerald R.	Minish	Winn
Ford, William D.	Minshall, Ohio	Wyatt
Forsythe	Mitchell, N.Y.	Wyman
Frenzel	Moakley	Young, Alaska
Frey	Mollohan	Young, Fla.
Froehlich	Montgomery	Young, Ill.
Fuqua	Morgan	Zablocki
Gaydos	Mosher	Zion
Gettys	Murphy, N.Y.	Zwach
	Natcher	
	Nedzi	
	Nelsen	
	Nichols	

NOT VOTING—71

Abdnor	Guyer	Rooney, N.Y.
Alexander	Hanna	Rosenthal
Anderson, Calif.	Hansen, Idaho	Rostenkowski
Anderson, Ill.	Hays	Ryan
Badillo	Heinz	Stanton, James V.
Beard	Johnson, Calif.	Steiger, Wis.
Bell	Johnson, Colo.	Stubblefield
Brooks	Jones, Ala.	Symms
Brown, Mich.	Jones, Tenn.	Taylor, Mo.
Brown, Ohio	Kemp	Teague, Tex.
Burgener	King	Thornton
Burke, Fla.	Kluczynski	Ullman
Conable	Landrum	Van Deerlin
Cotter	Long, La.	Vander Jagt
Cronin	McSpadden	Waldie
Devine	Melcher	Whalen
Dulski	Moorhead, Pa.	Williams
Eshleman	Murphy, Ill.	Wolff
Flynt	Myers	Wright
Fountain	Obey	Wydler
Fraser	O'Brien	Wylie
Frelinghuysen	Pepper	Yatron
Fulton	Podell	
Gibbons	Randall	
	Reid	

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HUTCHINSON).

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

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I have grave reservations about this legislation.

Mr. Chairman, I represent the southern district of Texas and I might say, somewhat unhappily though perhaps justifiably, that during the last few decades my district has been identified as the focal point of much of—maybe most of—the Nation's wetback traffic.

In connection with public statements often made by well-intentioned persons who are not acquainted by long experience with the wetbacks, it may be well that we should define our terms. Certainly there seems to have been, on the part of men who should know better, a great deal of confusion relating to the identification of groups of people who come to this country from Mexico.

Let me point out that the relationship between the United States and Mexico has existed—geographically—for hundreds and hundreds of years. While the Rio Grande has always flowed between the two countries, closely knit families lived on either sides of those banks—and they traveled back and forth. In the days before this was the formal southern boundary of the Nation they swam the river, boated across the river—and in some places walked across the river to visit with families and friends.

That familiar relationship has existed over the centuries. Mothers, fathers, sisters, brothers are separated by the river. This is a unique relationship and it is one that has spawned a great deal of the existing situation. This is the primary group, the original settlers.

The second group, of course, in any consideration, is that of immigrants—lawful permanent residents—people who come to this country after various inspection processes relating to Consular limitations, Public Health and Immigration for the purpose of living here, working here, and becoming citizens of our country.

The third is that of the so-called "green carder" or commuter. These are the people who have obtained visas and met other requirements entitling them to lawful residence and employment in this country. But they have chosen to avail themselves of only part of that to which they are entitled under law—that is employment. They have met the requirements for living here and working here, but they have chosen only to work here. There are thousands of such people on both our Canadian and Mexican borders. They work here but they do not live here. They have residences in Mexico or Canada and work in this country, thus taking only a portion of that to which they are lawfully entitled by virtue of having complied with our immigration requirements.

There is a fourth class who have come to this country lawfully in the past under programs for the importation of Mexican labor pursuant to executive agreements between the United States and Mexico. These people popularly have been called braceros. They were inspected as to numbers, as to public health, and as to their capacity for doing the job in this country which they sought. The whole program was marked in the years gone by with an ideal agreement and relationship between two countries: Mexico and the United States. The program was marked by success in the achievement of the labor for which they came and the program was marked by success from a law enforcement standpoint inasmuch as only a minute fraction of them failed to return to their homes in Mexico when their jobs were completed in this country. Thus, they supplied a need. They filled a vacuum and took a great deal of the attraction out of coming to this country illegally.

Then we have the wetbacks as the fifth and final class under our consideration of people who come to our country from Mexico and they are the ones who, without inspection and in violation of law, either wade the Rio Grande or cross the border clandestinely or come through the established ports of entry under false pretenses.

It is unfair to these people, however, to assume that they are criminals. As my distinguished colleague, the chairman of the Subcommittee on Appropriations for the Immigration and Naturalization Service recently said in the hearings on that agency's request:

> These are perfectly harmless people who want to come up here and make a day's pay. That is all it is—part 1, page 861, of the hearings on appropriations, 1971.

They are guilty, of course, of a violation of our laws and good judgment and good government dictate that they should be apprehended and returned to Mexico according to law. However, an unbiased observation inevitably reveals that overwhelmingly these are honest people who simply come to this country to work and who intend, for the most part, to return to their families in Mexico when they have obtained in this rich land of ours a grubstake, let us say—when they have been able to participate in our employment and to participate in the high scale we fortunately are able to pay for labor in this country. I say this

not in approbation, not in condonation, of illegal traffic across our borders but only that the situation be kept in proper perspective and emphasis. Lately there has been a change, not in the nature or identity of the wetback, but a change in his objectives as he comes to this country.

Thus it is, in the sense of their objectives, the so-called wetback problem as it existed in the 1940's and the 1950's has, to a great extent, passed. Whereas the wetback movement was formerly a Texas and California agricultural phenomenon, it is now marked by numbers employed in our cities rather than in agriculture.

The Commissioner of Immigration and Naturalization recently said:

> The Mexicans have discovered that they can find work in industry as well as on farms and ranches and they are gravitating toward our large cities, such as Chicago—part 1, page 857 of the hearings on appropriations, 1971.

My colleagues, the great agricultural demands in this country are hardly fitted to the hundreds of thousands of wetbacks who formerly came. There are no longer cotton field demands for a cotton picker on every row in order to get the crop out in a couple of days to meet a market situation or a problem of the weather. Cotton picking is now done by machines. Instead of vast hundreds of workers with hoes and hand implements only a couple of decades ago, weeding is done with chemicals. Planters space the planting of crops. There is a need for a relatively few tractor drivers, and for intelligent and skilled operators of other comparatively sophisticated farm machinery today.

The wetback movement, however, is again increasing. Ten years ago the Border Patrol was apprehending wetbacks in this country at the rate of nearly 200,000 per year.

Lately, the emphasis in illegal alien employment has been in factories, canneries, hotels, restaurants, and such employment. I understand that industrial employment of illegal aliens in California has increased sixfold between 1963 and 1969 and is still increasing at an accelerated rate. I understand that a similar situation prevails in other States along our Mexican border. The pay is better than it is in agriculture. Working conditions are better. Living conditions are better in the cities. Illegal aliens are finding out that the social agencies and the volunteer groups in the cities are willing and able to help them, even during their illegal stay in the United States. They quickly learn that an illegal alien is less conspicuous in a crowded barrio than in the open fields, the packing plants or on farms and ranches.

The question might arise as to how people can work in such employment as this in view of the need for social security cards. The truth is that the wetback now goes into our cities and immediately applies for a social security card—and gets it. Recently in one of our Southwestern States the Social Security Administration was accused by a three-judge panel of paving the way for illegal aliens to get work in this country. The Social Security Administration issues cards and account numbers to illegal aliens without a question as to their status.

Significantly, wetback income a few years ago reflected the cost of peon labor—slave labor if you would like to call it that—but today a wetback is paid the wage prevailing in the community and this is a prevailing wage in cities with a work force so large that the wetback numbers cannot affect that prevailing wage.

Our Immigration Border Patrol frequently apprehends great numbers of wetbacks who are earning $3 or $4 up to $10 an hour, according to the individual's job and merit. In this connection some serious questions might arise in the minds of some of my colleagues. As there are several million unemployed Americans in this country—and the record indicates that there are—why is it that the wetback who comes without recommendation and who must overcome a serious language barrier, often without experience and without contacts here—how is it that he is able to go to work immediately upon arrival? The record shows that ordinarily from the time of a wetback's entry into this country and the time he is apprehended by the Border Patrol is a period measured in days or sometimes even a few short weeks. During that time these wetbacks, eager for any employment but working at the prevailing wages in the large cities of our country, seem to suffer no unemployment.

The whole panorama of affairs with regard to the wetback is handled most amicably between Mexico and the United States. There is hardly any area of relationship between our two countries which reflects a greater understanding and a friendlier attitude of assistance. The primary aspect of this splendid relationship is the Mexican Government's cooperation in the return of these thousands of people to their homeland after they are arrested in this country in violation of law. From the standpoint of law enforcement and from the standpoint of decency and humanity, the most effective and most humane way to handle these people is to move them quickly out of this country to places in Mexico nearest their families and their homes.

As a result, literally hundreds of thousands of them are moved to points in the interior of Mexico by airplanes, by trains, and by buses. The Mexican Government offers effective assistance to insure their return to their homes and to assist with their travel, feeding and other humanitarian obligations once they are expelled from the United States. Questions may arise in the minds of some as to why we are not more effective in the prevention of the wetback invasion of our country and why we are not more effective and more prompt in expelling them upon their arrival.

Bear in mind, there are many factors by which one is impelled to see the wetback with sympathy, and with understanding of his objectives and his plight. Nevertheless, he is here in this country in violation of law and in that sense something must be done to dispose of him and his problem according to law.

Bearing on the first problem, the Border Patrol of our Immigration and Naturalization Service, a branch of the Department of Justice, seems to be a neglected instrument of the Government, no matter what administration occupies the seats of authority in Washington. Going back three decades there were around 1,000 border patrolmen on our Mexican border. In the 1950's the numbers were increased slightly during a genuine effort to bring the border under control when, around the middle of that decade, a million wetbacks were returned to Mexico in 1 year. The number of border patrolmen we had last year—and I think this year—was a few more than 1,100. Surely if we intend to cope with a problem which is disturbing to many conscientious people because they see the impact of the illegal alien on the economy, something should be done to augment and to support the men who are charged under law with responsibility for the security of our border.

However, control on the border is not solely the product of a border police function. The problem will not respond to purely a police operation. It is a job which cannot be done without a blending of border police operations, employment concepts and adjustments in our country and, where possible, the achievement of economic balances between our country and Mexico.

The Border Patrol of the Immigration and Naturalization Service is our only uniformed, armed, civilian police organization between the established ports of entry and it is administratively and organizationally hidden from the public view. Within the structure of the Immigration and Naturalization Service, a non-law-enforcement body in the modern sense, the Border Patrol is bedded quietly under a substructure called domestic control—surely an appellation which must arouse curiosity among the nonbureaucratic majority of us as to organization and functional intent.

The Border Patrol should be identified and structurally set apart in order that we may properly identify the funds appropriated for its purposes and support it where necessary to accomplish its mission on the border.

A few months ago a great emphasis was placed on control of our border as that control related to the illicit introduction of harmful drugs. Now all of us are in favor of preventing marihuana and harder drugs from coming into this country but from the quantities being found in this country and the quantities being used in this country, according to our daily press reports, one might conclude that the various excited efforts—almost hysterical in nature—which recently resulted in clogging our ports for brief periods to legitimate traffic and which have resulted in a great deal of local misunderstanding—these crash programs are not the way to do it.

Mark my words, contraband does not smuggle itself into this country. Contraband is smuggled by people and if we had control of the entry of people over our border, we would have control of the entry of contraband.

Thus, it is that these efforts to deal with things instead of people have been

unsuccessful. They are inherently self-defeating. Mere prohibitions do not work in our country. We must take steps which will not interfere with lawful and friendly traffic across our borders. We must reexamine and reorganize the functions of our border agencies to insure that the legitimate objects of law-abiding people are not hindered. As sad as is the condition of drug use and as deplorable as the fact of its introduction into our country, it is still more important that friendly and legitimate international traffic be permitted to cross our border unhindered than that any vigorous, enthusiastic, but noneffective programs be introduced or continued.

In summation, therefore, I urge that those involved in the effort—and perhaps I should say the hopes—of establishing and maintaining order along our Mexican border should have first clearly in mind the identity of the people they are talking about—both as individuals and as groups. A rather full knowledge of the language, the customs and the natural purposes of the people most involved is necessary to a proper understanding.

Second, there must be an understanding of the economic factors which cause people to leave their own country for temporary periods and the economic factors which make it attractive for them to come to this beautiful and rich country of ours.

At the same time we just reevaluate and we must seriously give attention to the fact that although great unemployment problems are claimed for this country—and I do not deny that they exist—why is it that the wetback, when he comes here to work for the same pay that American citizens get, is never unemployed? He never returns to Mexico without having had a job—and he has no problem, either, with his social security. Just as we consider that the Government agencies involved in our border problems are scattered between a number of departments and often without coordination of effort—and rarely with coordination of responsibility—so should we consider perhaps that there has been no fundamental redefining of our concepts of employment for more than three decades—since the middle of the great depression. It might be interesting to require that an individual, in order to be identified as unemployed, be registered with an appropriate agency and that the word "unemployed" would be applied exclusively to those for whom it was not possible to find any kind of work. We deceive ourselves if we deny there are strong interlinking casual relationships between the wetbacks, employment, and welfare concepts and practices in the Southwest.

The instruments of Government in the 1970's must be reorganized and rededicated to meet—the challenges—of the times.

The Immigration Border Patrol, the U.S. Customs Service and the concepts of border control, both as to wetbacks and to contraband, are, for the most part today products of the 1920's and the 1930's. There have been no basic changes in four decades and the 1970's demand something better than that. This is not intended as any criticism, direct or implied of the men and women who work for these agencies. They do a great job under very difficult circumstances. It is the system that I complain of.

Surely we must learn to cope with these problems in the context of the 1970's and we must devise the instruments of Government which will be able to cope with them in the 1970's, looking forward to periods of greater and friendlier relationships with our sister republic on the south.

This bill is not the answer.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ROBERTS).

(By unanimous consent, Mr. ROBERTS yielded his time to Mr. WHITE.)

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WHITE).

AMENDMENT OFFERED BY MR. WHITE

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

The Clerk read as follows:

Amendment offered by Mr. WHITE: Insert the following new title in the bill beginning on page 16:

TITLE II—NONIMMIGRANTS

SEC. 1. Section 101(a)(15)(M) of the Immigration and Nationality Act is amended by striking out "who is coming temporarily to the United States to perform temporary services or labor, if unemployed persons capable of performing such service or labor cannot be found in this country; or (iii)".

SEC. 2. Section 101(a)(15) of the same act is amended by adding at the end of subparagraph (L) the following new subparagraph:

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

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

"(ii) The Secretary of Labor shall determine and publish criteria under which the Department of Labor shall certify applications for labor under this subparagraph, including standards and terms of employment, wages, hours and days of employment, medical attention benefits and other conditions to prevent exploitation of such aliens. Such criteria may be adjusted by the Secretary of Labor according to the nature and demand of the respective employment position.

"(iii) Such alien will not perform services or labor not reasonably specified, nor for an employer not named, nor during a time period not included, in the contract of employment without approval of the Secretary of Labor;

"(iv) The person who intends to employ such alien shall petition the Attorney General and Secretary of State for temporary visa for contract employment as herein provided after certification has been furnished by the Secretary of Labor in accordance with the conditions of this subparagraph and the provisions of section 212(a)(14) and section 214(a), (c), and (d) of the Act as herein amended;

"(v) Upon termination of said contract of employment, such alien shall present himself to authorities of the Service for termination of his visa and he shall return to his native country within a period of two weeks plus reasonable traveling time from the date of termination of such visa, not to exceed two additional weeks. Failure of said alien to so present himself and his visa shall constitute a felony offense punishable by imprisonment in a Federal correctional institution up to five years. Such alien who commits the aforesaid offense shall thereafter be ineligible for any subsequent admission to the United States under any provision of law, for a period of five years from the last violation."

SEC. 3. Section 214(c) of the same act is amended my striking "or (L)" and inserting in lieu thereof, "(L) or (M)"; the same paragraph is amended by addition of the following new paragraph:

"The status of an alien admitted to the United States under section 101(a)(15)(M) of this act shall terminate when the employment with the petitioning employer of such alien ends. Said employer shall within three days after the alien ceases employment notify the attorney general in writing and provide the date of termination and shall notify said alien of same at his last known address not less than two weeks prior to termination date. It is further provided that any employer who fails to furnish written notice to the attorney general as herein described shall be guilty of a misdemeanor and shall be subject to a fine not to exceed $200 or imprisonment for not more than thirty days, or both."

SEC. 4. Section 214 of the same act is amended by redesignating subparagraph (d) as subparagraph (e) and by inserting the following new subparagraph as (d):

"(d) Renewal petition of importing employer. The question of renewing or obtaining approval of a subsequent admission of an alien under section 101(a)(15)(M) shall again be determined in accordance with said section. In addition, upon such petition the secretary of labor shall determine if the terms of the expiring or previous contract of employment have been met by both parties of said contract and in accordance with fair labor practices as provided by section 101(a)(15)(M)(ii). If it is determined that such petitioning employer had materially failed to comply with such contract terms and standards within the preceding five years, the secretary shall make such finding and approval of said certification of labor for admission of an alien under the aforesaid section shall be prohibited to said employer for a period of five years from the date of such noncompliance."

SEC. 5. The table of contents of section 214 of the Immigration and Nationality Act is amended to read as follows:

"'(a) Regulations.

"(b) Presumption of status; written waiver.

"(c) Petition of importing employer.

"(d) Renewal petition of importing employer.

"(e) Issuance of visa to fiancee or fiance of citizen."

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

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

There was no objection.

Mr. WHITE. Mr. Chairman the amendment I am offering would provide a workable solution to the burgeoning problem of controlling the illegal alien situation in this country, which has become nearly impossible to control. In the past the problem has been confined principally to

border areas but this is no longer the case. Illegal aliens by the thousands are now located throughout the entire country.

This particular amendment would allow legal use of alien labor on a temporary basis when the need can be proven. Basically the proposal provides for a new type of nonresident visa to allow aliens to enter this country on a temporary basis to fill specific jobs on a contract basis for a specific employer under specific terms for a specific period of time, and it can only be approved by the Secretary of Labor under the conditions he sets out under his criteria.

The criteria and approval makes certain and assures that there will be no exploitation of this particular labor.

There are many jobs that we have in this country that are impossible to fill because labor is not available. This would at least give the employer the opportunity to go to the Secretary of Labor with his proposition and get a specific contract that will benefit the alien under such admission. I am talking about such things as need for upholsterers and other types of requests that we as Representatives have encountered time after time.

If we are going to pass this general bill today, cutting off illegal aliens, which we will undoubtedly do under this bill, we have to afford some substitute for the employer to find a substitute for alien labor under controlled conditions.

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

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

Mr. FISHER. Mr. Chairman, the gentleman will recall when we had the reserve program something like that which he would restore in this amendment now pending. There was a minimum influx of illegal aliens from across the border because of the control we had under the reserve program. After it was abolished, and only after it was abolished did the big influx occur of illegal aliens, the country has been plagued since that time.

Mr. WHITE. Let me make a point. This is not a bracero program. This is for a specific contract under certain conditions set out by the Secretary of Labor.

Mr. FISHER. But the bracero program was a contract program, so-called, or the gentleman can call it anything he wants, but it was a contract program and the gentleman as I understand it is proposing to set up that kind of system.

Mr. WHITE. No, not a bracero program but an opportunity for a person to be employed for a specific purpose for a specific period of time, and I think it is important to have this kind of provision. I urge its adoption.

Mr. EILBERG. Mr. Chairman, the gentleman from Texas offered an identical amendment when this matter was considered in the last Congress and it was overwhelmingly defeated.

The concept of contract labor and the bracero program has been discredited as far as I am concerned. This is certainly not the place to consider a contract labor program.

I would say affirmatively that the subcommittee is actively studying the labor certification problem. We do feel there are substantial problems in the administration of labor certification by the Labor Department. These hearings are going on right now in connection with our Western Hemisphere preference study, which will be the next major legislation coming out of our committee.

I say this is a bad amendment, that the law presently provides for people to come into this country on a temporary basis, and this amendment will serve no useful purpose and would perpetuate the exploitation of aliens and would continue to depress wages and working conditions.

The CHAIRMAN. All time has expired.

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

The amendment was rejected.

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

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Moss, 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. 982) to amend the Immigration and Nationality Act, and for other purposes, pursuant to House Resolution 352, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 297, nays 63, not voting 73, as follows:

[Roll No. 122]

YEAS—297

Adams	Barrett	Bolling
Addabbo	Bennett	Bowen
Andrews, N.C.	Bergland	Brademas
Andrews, N. Dak.	Bevill	Brasco
Annunzio	Biaggi	Bray
Arends	Biester	Breaux
Armstrong	Bingham	Breckinridge
Ashley	Blackburn	Brinkley
Aspin	Blatnik	Brooks
Baker	Boggs	Broomfield
Barrett	Boland	Brotzman
Bennett	Bolling	Broyhill, Va.
Bergland	Bowen	Buchanan
Bevill	Brademas	Burke, Mass.
Biaggi	Brasco	Burlison, Mo.
Biester	Bray	Butler
Bingham	Breaux	Byron
Blackburn	Breckinridge	Carey, N.Y.
Blatnik	Brinkley	Carney, Ohio
Boggs	Brooks	Carter
Boland	Broomfield	Cederberg
Bolling	Brotzman	Chamberlain
Bowen	Broyhill, Va.	Chappell
Brademas	Buchanan	Clark
Brasco	Burke, Mass.	Cleveland
Bray	Burlison, Mo.	Cohen
Breaux	Butler	Collier
Breckinridge	Byron	Conte
Brinkley	Carey, N.Y.	Conyers
Brooks	Carney, Ohio	Corman
Broomfield	Carter	Coughlin
Brotzman	Cederberg	Culver
Broyhill, Va.	Chamberlain	Daniel, Dan
Buchanan	Chappell	Daniels, Dominick V.
Burke, Mass.	Clark	Danielson
Burlison, Mo.	Cleveland	Davis, Ga.
Butler	Cohen	Davis, S.C.
Byron	Collier	Davis, Wis.
Carey, N.Y.	Conte	Delaney
Carney, Ohio	Conyers	Dellenback
Carter	Corman	Denholm
Cederberg	Coughlin	Dennis
Chamberlain	Culver	Dent
Chappell	Daniel, Dan	Dickinson
Clark	Daniels, Dominick V.	Diggs
Cleveland	Danielson	Dingell
Cohen	Davis, Ga.	Donohue
Collier	Davis, S.C.	Dorn
Conte	Davis, Wis.	Downing
Conyers	Delaney	Drinan
Corman	Dellenback	Duncan
Coughlin	Denholm	du Pont
Culver	Dennis	Edwards, Ala.
Daniel, Dan	Dent	Edwards, Calif.
Daniels, Dominick V.	Dickinson	Eilberg
Danielson	Diggs	Erlenborn
Davis, Ga.	Dingell	Esch
Davis, S.C.	Donohue	Evans, Colo.
Davis, Wis.	Dorn	Evins, Tenn.
Delaney	Downing	Fascell
Dellenback	Drinan	Findley
Denholm	Duncan	Fish
Dennis	du Pont	Flood
Dent	Edwards, Ala.	Flowers
Dickinson	Edwards, Calif.	Ford, Gerald R.
Diggs	Eilberg	Ford, William D.
Dingell	Erlenborn	Forsythe
Donohue	Esch	Frenzel
Dorn	Evans, Colo.	Frey
Downing	Evins, Tenn.	Froehlich
Drinan	Fascell	Fuqua
Duncan	Findley	Gaydos
du Pont	Fish	Gettys
Edwards, Ala.	Flood	Giaimo
Edwards, Calif.	Flowers	Gilman
Eilberg	Ford, Gerald R.	Ginn
Erlenborn	Ford, William D.	Gonzalez
Esch	Forsythe	Goodling
Evans, Colo.	Frenzel	Grasso
Evins, Tenn.	Frey	Gray
Fascell	Froehlich	Green, Oreg.
Findley	Fuqua	Green, Pa.
Fish	Gaydos	Griffiths
Flood	Gettys	Gross
Flowers	Giaimo	Grover
Ford, Gerald R.	Gilman	Gubser
Ford, William D.	Ginn	Gude
Forsythe	Gonzalez	Gunter
Frenzel	Goodling	Haley
Frey	Grasso	Hamilton
Froehlich	Gray	Hammer-schmidt
Fuqua	Green, Oreg.	Hanley
Gaydos	Green, Pa.	Hanrahan
Gettys	Griffiths	Hansen, Idaho
Giaimo	Gross	Hansen, Wash.
Gilman	Grover	Harrington
Ginn	Gubser	Harsha
Gonzalez	Gude	Harvey
Goodling	Gunter	Hastings
Grasso	Haley	Hébert
Gray	Hamilton	Hechler, W. Va.
Green, Oreg.	Hammer-schmidt	Heckler, Mass.
Green, Pa.	Hanley	Helstoski
Griffiths	Hanrahan	Henderson
Gross	Hansen, Idaho	Hicks
Grover	Hansen, Wash.	Hillis
Gubser	Harrington	Hinshaw
Gude	Harsha	Hogan
Gunter	Harvey	Holifield
Haley	Hastings	Holt
Hamilton	Hébert	Horton
Hammer-schmidt	Hechler, W. Va.	Hosmer
Hanley	Heckler, Mass.	Howard
Hanrahan	Helstoski	Hudnut
Hansen, Idaho	Henderson	Hungate
Hansen, Wash.	Hicks	Hunt
Harrington	Hillis	Hutchinson
Harsha	Hinshaw	Ichord
Harvey	Hogan	Jarman
Hastings	Holifield	Johnson, Pa.
Hébert	Holt	Jones, N.C.
Hechler, W. Va.	Horton	Jones, Okla.
Heckler, Mass.	Hosmer	Jordan
Helstoski	Howard	Karth
Henderson	Hudnut	Kastenmeier
Hicks	Hungate	Keating
Hillis	Hunt	Kemp
Hinshaw	Hutchinson	Koch
Hogan	Ichord	Kyros
Holifield	Jarman	Landgrebe
Holt	Johnson, Pa.	Leggett
Horton	Jones, N.C.	Lehman
Hosmer	Jones, Okla.	Lent
Howard	Jordan	Litton
Hudnut	Karth	Long, Md.
Hungate	Kastenmeier	Lott
Hunt	Keating	McClory
Hutchinson	Kemp	McCloskey
Ichord	Koch	McDade
Jarman	Kyros	McFall
Johnson, Pa.	Landgrebe	McKay
Jones, N.C.	Leggett	McKinney
Jones, Okla.	Lehman	Macdonald
Jordan	Lent	Madden
Karth	Litton	Madigan
Kastenmeier	Long, Md.	Mailliard
Keating	Lott	Mallary
Kemp	McClory	Mann
Koch	McCloskey	Maraziti
Kyros	McDade	Martin, Nebr.
Landgrebe	McFall	Martin, N.C.
Leggett	McKay	Mathias, Calif.
Lehman	McKinney	Mathis, Ga.
Lent	Macdonald	Matsunaga
Litton	Madden	Mayne
Long, Md.	Madigan	Mazzoli
Lott	Mailliard	Meeds
McClory	Mallary	Metcalfe
McCloskey	Mann	Mezvinsky
McDade	Maraziti	Michel
McFall	Martin, Nebr.	Milford
McKay	Martin, N.C.	Miller
McKinney	Mathias, Calif.	Mills, Ark.
Macdonald	Mathis, Ga.	Mills, Md.
Madden	Matsunaga	Minish
Madigan	Mayne	Minshall, Ohio
Mailliard	Mazzoli	Mitchell, Md.
Mallary	Meeds	Mitchell, N.Y.
Mann	Metcalfe	Mizell
Maraziti	Mezvinsky	Moakley
Martin, Nebr.	Michel	Mollohan
Martin, N.C.	Milford	Montgomery
Mathias, Calif.	Miller	Moorhead, Calif.
Mathis, Ga.	Mills, Ark.	Morgan
Matsunaga	Mills, Md.	Mosher
Mayne	Minish	Moss
Mazzoli	Minshall, Ohio	Murphy, N.Y.
Meeds	Mitchell, Md.	Natcher
Metcalfe	Mitchell, N.Y.	Nedzi
Mezvinsky	Mizell	Nelsen
Michel	Moakley	Nichols
Milford	Mollohan	Nix
Miller	Montgomery	O'Hara
Mills, Ark.	Moorhead, Calif.	O'Neill
Mills, Md.	Morgan	Owens
Minish	Mosher	Parris
Minshall, Ohio	Moss	Patman
Mitchell, Md.	Murphy, N.Y.	Patten
Mitchell, N.Y.	Natcher	Pepper
Mizell	Nedzi	Perkins
Moakley	Nelsen	Peyser
Mollohan	Nichols	Pickle
Montgomery	Nix	Pike
Moorhead, Calif.	O'Hara	Powell, Ohio
Morgan	O'Neill	Preyer
Mosher	Owens	Price, Ill.
Moss	Parris	Pritchard
Murphy, N.Y.	Patman	Quie
Natcher	Patten	Quillen
Nedzi	Pepper	Railsback
Nelsen	Perkins	Rangel
Nichols	Peyser	Rarick
Nix	Pickle	Regula
O'Hara	Pike	Reuss
O'Neill	Powell, Ohio	Rhodes
Owens	Preyer	Riegle
Parris	Price, Ill.	Rinaldo
Patman	Pritchard	Robinson, Va.
Patten	Quie	Robison, N.Y.
Pepper	Quillen	Rodino
Perkins	Railsback	Roe
Peyser	Rangel	Roncalio, Wyo.
Pickle	Rarick	Roncalio, N.Y.
Pike	Regula	Rooney, Pa.
Powell, Ohio	Reuss	Rose
Preyer	Rhodes	Roush
Price, Ill.	Riegle	Ruppe
Pritchard	Rinaldo	Ruth
Quie	Robinson, Va.	St Germain
Quillen	Robison, N.Y.	Sandman
Railsback	Rodino	Sarasin
Rangel	Roe	Sarbanes
Rarick	Roncalio, Wyo.	Saylor
Regula	Roncalio, N.Y.	Scherle
Reuss	Rooney, Pa.	Schneebeli
Rhodes	Rose	Seiberling
Riegle	Roush	Shipley
Rinaldo	Ruppe	Shoup
Robinson, Va.	Ruth	Shriver
Robison, N.Y.	St Germain	Shuster
Rodino	Sandman	Sikes
Roe	Sarasin	Slack
Roncalio, Wyo.	Sarbanes	Smith, Iowa
Roncalio, N.Y.	Saylor	Smith, N.Y.
Rooney, Pa.	Scherle	Snyder
Rose	Schneebeli	Spence
Roush	Seiberling	Staggers
Ruppe	Shipley	Stanton, J. William
Ruth	Shoup	Steele
St Germain	Shriver	Steelman
Sandman	Shuster	Steiger, Ariz.
Sarasin	Sikes	Stephens
Sarbanes	Slack	Stratton
Saylor	Smith, Iowa	Stuckey
Scherle	Smith, N.Y.	Studds
Schneebeli	Snyder	Sullivan
Seiberling	Spence	Symington
Shipley	Staggers	Talcott
Shoup	Stanton, J. William	Taylor, N.C.
Shriver	Steele	Teague, Calif.
Shuster	Steelman	Thompson, N.J.
Sikes	Steiger, Ariz.	Thomson, Wis.
Slack	Stephens	Thone
Smith, Iowa	Stratton	Tiernan
Smith, N.Y.	Stuckey	Towell, Nev.
Snyder	Studds	Treen
Spence	Sullivan	Udall
Staggers	Symington	Vanik
Stanton, J. William	Talcott	Vigorito
Steele	Taylor, N.C.	Waggonner
Steelman	Teague, Calif.	Walsh
Steiger, Ariz.	Thompson, N.J.	Ware
Stephens	Thomson, Wis.	Whitehurst
Stratton	Thone	Widnall
Stuckey	Tiernan	Wiggins
Studds	Towell, Nev.	Williams
Sullivan	Treen	Wilson, Charles, Tex.
Symington	Udall	Winn
Talcott	Vanik	Wyatt
Taylor, N.C.	Vigorito	Wyman
Teague, Calif.	Waggonner	Young, Alaska
Thompson, N.J.	Walsh	Young, Fla.
Thomson, Wis.	Ware	Young, Ill.
Thone	Whitehurst	Zablocki
Tiernan	Widnall	Zion
Towell, Nev.	Wiggins	Zwach
Treen	Williams	
Udall	Wilson, Charles, Tex.	
Vanik	Winn	
Vigorito	Wyatt	
Waggonner	Wyman	
Walsh	Young, Alaska	
Ware	Young, Fla.	
Whitehurst	Young, Ill.	
Widnall	Zablocki	
Wiggins	Zion	
Williams	Zwach	
Wilson, Charles, Tex.		
Winn		
Wyatt		
Wyman		
Young, Alaska		
Young, Fla.		
Young, Ill.		
Zablocki		
Zion		
Zwach		

NAYS—63

Abzug	Clawson, Del	Fisher
Ashbrook	Clay	Foley
Bafalis	Cochran	Goldwater
Brown, Calif.	Collins	Hawkins
Burke, Calif.	Conlan	Holtzman
Burleson, Tex.	Crane	Huber
Burton	Daniel, Robert W., Jr.	Kazen
Camp	de la Garza	Ketchum
Casey, Tex.	Dellums	Latta
Chisholm	Derwinski	Lujan
Clausen, Don H.	Eckhardt	McCormack
Clawson, Del	Fisher	McEwen
Clay	Foley	
Cochran	Goldwater	
Collins	Hawkins	
Conlan	Holtzman	
Crane	Huber	
Daniel, Robert W., Jr.	Kazen	
de la Garza	Ketchum	
Dellums	Latta	
Derwinski	Lujan	
Eckhardt	McCormack	
	McEwen	

Mahon	Roybal	Symms
Mink	Runnels	Veysey
Passman	Satterfield	White
Pettis	Schroeder	Whitten
Poage	Sebelius	Wilson, Bob
Price, Tex.	Sisk	Yates
Rees	Skubitz	Young, Ga.
Roberts	Stark	Young, S.C.
Rogers	Steed	Young, Tex.
Rousselot	Stokes	

NOT VOTING—73

Abdnor	Gibbons	Rosenthal
Alexander	Guyer	Rostenkowski
Anderson, Calif.	Hanna	Roy
	Hays	Ryan
Anderson, Ill.	Heinz	Stanton, James V.
Archer	Johnson, Calif.	Steiger, Wis.
Badillo	Johnson, Colo.	Stubblefield
Beard	Jones, Ala.	Taylor, Mo.
Bell	Jones, Tenn.	Teague, Tex.
Brown, Mich.	King	Thornton
Brown, Ohio	Kluczynski	Ullman
Broyhill, N.C.	Kuykendall	Van Deerlin
Burgener	Landrum	Vander Jagt
Burke, Fla.	Long, La.	Waldie
Clancy	McCollister	Wampler
Conable	McSpadden	Whalen
Cotter	Melcher	Wilson, Charles H., Calif.
Cronin	Moorhead, Pa.	
Devine	Murphy, Ill.	Wolff
Dulski	Myers	Wright
Eshleman	Obey	Wydler
Flynt	O'Brien	Wylie
Fountain	Podell	Yatron
Fraser	Randall	
Frelinghuysen	Reid	
Fulton	Rooney, N.Y.	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Murphy of Illinois for, with Mr. Rosenthal against.

Mr. Hays for, with Mr. Podell against.

Mr. Yatron for with Mr. Anderson of California against.

Mr. Fountain for, with Mr. Waldie against.

Mr. Stubblefield for, with Mr. Van Deerlin against.

Mr. Brown of Ohio for, with Mr. Badillo against.

Mr. Rooney of New York for, with Mr. Burgener against.

Until further notice:

Mr. Dulski with Mr. Clancy.

Mr. Reid with Mr. Conable.

Mr. Obey with Mr. Abdnor.

Mr. Teague of Texas with Mr. Frelinghuysen.

Mr. Rostenkowski with Mr. Anderson of Illinois.

Mr. Kluczynski with Mr. Cronin.

Mr. Johnson of California with Mr. Bell.

Mr. Hanna with Mr. O'Brien.

Mr. Alexander with Mr. Beard.

Mr. Cotter with Mr. Kuykendall.

Mr. Flynt with Mr. Broyhill of North Carolina.

Mr. Fulton with Mr. King.

Mr. Fraser with Mr. Heinz.

Mr. James V. Stanton with Mr. Devine.

Mr. Thornton with Mr. Guyer.

Mr. Ullman with Mr. Brown of Michigan.

Mr. Charles Wilson of Texas with Mr. Myers.

Mr. Wolff with Mr. Burke of Florida.

Mr. Wright with Mr. Archer.

Mr. Melcher with Mr. McCollister.

Mr. Moorhead of Pennsylvania with Mr. Eshleman.

Mr. Gibbons with Mr. Taylor of Missouri.

Mr. Jones of Alabama with Mr. Vander Jagt.

Mr. Jones of Tennesee with Mr. Wampler.

Mr. Roy with Mr. Whalen.

Mr. Ryan with Mr. Wydler.

Mr. Landrum with Mr. Wylie.

Mr. Long of Louisiana with Mr. McSpadden.

Mr. Randall with Mr. Steiger of Wisconsin.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EILBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 982 and include extraneous matter.

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

There was no objection.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON, from the Committee on Appropriations, reported the bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, (Report No. 93–164) which was read a first and second time and, together with the accompanying papers, referred to the Union Calendar, and ordered to be printed.

Mr. CEDERBERG reserved all points of order on the bill.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On April 20, 1973:

H.R. 1975. An act to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes;

H.J. Res. 210. Joint resolution asking the President of the United States to declare the fourth Saturday of September, 1973, "National Hunting and Fishing Day";

H.J. Res. 275. Joint resolution to authorize the President to issue a proclamation designating the month of May, 1973, as "National Arthritis Month"; and

H.J. Res. 303. Joint resolution to authorize and request the President to proclaim April 29, 1973, as a day of observance of the thirtieth anniversary of the Warsaw ghetto uprising.

On April 26, 1973:

H.J. Res. 496. Joint resolution making supplemental appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics Board and the Veterans Administration, and for other purposes.

On April 27, 1973:

H.R. 6883. An act to amend the Agricultural Adjustment Act of 1938 with respect to rice.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 518. An act to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate.

The message also announced that the Senate agrees to the amendment of the House to a joint resolution of the Senate of the following title:

S.J. Res. 51. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week."

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 502) entitled "An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BENTSEN, Mr. RANDOLPH, Mr. MUSKIE, Mr. MONTOYA, Mr. BAKER, Mr. STAFFORD, and Mr. BUCKLEY to be the conferees on the part of the Senate.

ARTICULATION AND EXECUTION OF FOREIGN POLICY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–96)

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

To the Congress of the United States:

This Administration attaches fundamental importance to the articulation as well as the execution of foreign policy.

Public understanding is, of course, essential in a democracy. It is all the more urgent in a fast changing world, which requires continuing, though redefined, American leadership. One of my basic goals is to build a new consensus of support in the Congress and among the American people for a responsible foreign policy for the 1970's.

These were the reasons that I began the practice of annual Presidential Reports to the Congress. This fourth Review, like the previous ones, sets forth the philosophical framework of our policy and discusses major trends and events in this context. Two other important documents complement this one with the more detailed record of current questions and policies. The Secretary of State's third annual report of April 19, 1973, covers our specific country, regional, and functional policies and provides basic documentation. The Secretary of Defense's yearly report of April 3, 1973, presents a thorough accounting of our policies and programs for national defense.

It is my hope that this Report will inform and lift the national dialogue on our purposes and our place in the world.

RICHARD NIXON.

THE WHITE HOUSE, *May 3, 1973.*

LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader if we have concluded the program for this week and what the program is for next week.

Mr. O'NEILL. If the distinguished minority leader will yield, I will be happy to inform him.

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

Mr. O'NEILL. There is no further legislative business for today, and upon the announcement of the program for next week I will ask unanimous consent to go over until Monday.

The program for the House of Representatives for the week of May 7, 1973, is as follows:

Monday: Consent Calendar. No bills. Five suspensions:

H.R. 3867, Klamath Indian Tribe lands;

H.R. 4967, Indian Claims Commission authorization;

H.R. 6574, servicemen's group life insurance coverage for Reserve and National Guard;

H.R. 2828, National Cemeteries Act; and

H.R. 29, Postal Service payments to retirement fund.

On Tuesday, under suspension of the rules we have four bills as follows:

H.R. 5452, National Sea Grant Colleges;

H.R. 5451, Oil Pollution Act amendments;

H.R. 5383 Coast Guard authorization; and

H.R. 5932, Office of Environmental Quality authorization.

On Wednesday, H.R. 6370, interest payments on time and savings deposits, with an open rule and 1 hour of debate.

H.R. 7445, Renegotiation Act extension, subject to a rule being granted.

For Thursday and the balance of the week we will have the second supplemental appropriaitons for fiscal year 1973.

And, of course, conference reports may be brought up at any time and any further program will be announced later.

Mr. Speaker, may I say that next week is the week we would normally get through on Thursday.

Mr. GERALD R. FORD. Mr. Speaker, I gather from the comments made by the gentleman from Massachusetts that we may expect to finish the second supplemental appropriations on Thursday?

Mr. O'NEILL. The gentleman is correct.

ADJOURNMENT OVER TO MONDAY, MAY 7, 1973

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

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

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

There was no objection.

PEANUTS—REFORMATION OR RESTORATION?

(Mr. TEAGUE 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. TEAGUE of California. Mr. Speaker, it is my understanding that next week the House will consider under suspension of the rules H.R. 6646, a bill to force the Department of Agriculture to spend an additional $8.6 million on the 1973 peanut program.

This bill does not involve a large sum of money, Mr. Speaker, but it is a very bad piece of legislation.

It attempts to restore a program that cries out for reform.

The General Accounting Office has just issued a very thorough study of the peanut program and recommends that the Congress "give the Secretary of Agriculture more flexibility to adjust production so that it is consistent with commercial demand.

The bill we will be considering will instead reinstitute the rigidities of the past while forcing the public to buy infected peanuts which are not safe to eat. Thus the House will have a clear opportunity to express its view of whether the peanut program should be reformed and modernized or whether it should be restored to a 1930's type operation.

Since the suspension procedure denies us the opportunity to amend this bill, I hope you will join in defeating it.

In this regard, I ask unanimous consent to include in the RECORD an article from the Thursday, April 19, Chicago Tribune entitled "United States Loses Half Billion on Peanuts":

UNITED STATES LOSES HALF BILLION ON PEANUTS

WASHINGTON, April 18.—Federal auditors figure the government's spiraling losses from the price support program for peanuts will total nearly $1.2 billion by 1977, increasing at more than $100 million a year.

While the General Accounting Office, audit agency for Congress, was issuing this report yesterday, the House Agriculture Committee voted 22 to 5 to block the Nixon administration from making two changes in the peanut program. One change involved a cancer-causing element.

However, the committee in a step so rare that no one could recall the last time it happened voted to eventually end a mandatory price support program, this one on tung nuts. United States taxpayers buy the entire American tung nut oil production at more than twice the world market price, with losses running in the millions of dollars.

The bill would extend mandatory support for tung nuts only thru the 1976 crop. The oil is used as a drying agent in paint and industrial coatings. It had been considered critical to defense until synthetics came along some years ago.

GAO's report on the peanut price support situation urged Congress to remove a minimum acreage provision in the 1938 Agricultural Adjustment Act. While the law allows the secretary of agriculture to control peanut production based on demand, "it precludes him from establishing the minimum national acreage allotment at fewer than 1,610,000 acres," GAO said.

The auditors said the government lost $551.9 million on the peanut price support program during the 1955–71 crop years, with a $105.5 million loss estimated for 1972 and a total of $537 million projected for 1973–77 losses.

With Republicans casting all the dissenting votes, the committee approved legislation that would keep the Nixon administration from changing the price support program on peanuts containing cancer-causing aflatoxin and would bar the elimination of so-called sheller purchase operations which guarantee a government market for low quality peanuts.

THE EMPLOYEES OF THE U.S. POSTAL SERVICE

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

Mr. HILLIS. Mr. Speaker, I would like to ask all the Members present to take a moment to honor some of the hardest working employees in the Government and out—the employees of the U.S. Postal Service.

This week has been proclaimed as "Postal Week" in order to honor postal workers and customers all over the country. This week 10 8-cent stamps were issued at post offices nationwide to depict many of the different employees in the Postal Service, and their jobs.

As you know, I have been a big pusher for improvement of our mail service and have spoken several times on the House floor decrying the deterioration in service and urging immediate remedial action. I have also introduced a bill to assure six basic standards of Postal Service and have been joined by some 30 of my colleagues in this effort.

Today, I would like to honor all those postal employees who have had to shoulder the brunt of the complaints about slow mail—from the housewife and businessman they see every day. Most of the mailmen and post office workers I have ever met are very dedicated and hard-working individuals. They are not to blame for the slowup in mail service—in fact, most of them are frustrated by it.

I have received many letters and phone calls from postal employees urging me to keep pushing for changes in the new postal system. They know, as I do, that the fault lies at the top, not in the middle and lower levels of the corporation.

Many of them see where the problems lie, but are not in positions to make the changes needed. Many of them have offered suggestions but gone unheeded. Yet they are the ones who are receiving most of the attacks from the public, because they are the most visible.

None of us likes to be blamed for something beyond our control. Understandably, therefore, morale is at a low ebb among postal employees. This is particular distressing in light of the fact that one of the major reasons for the postal reorganization was to improve employee morale, which had lagged under the civil service system.

In subcommittee hearings 2 weeks ago, the members were told of a record number of heart attacks and ill health showing up in postal employees from long hours, bad working conditions, and general tension.

I have talked to many letter carriers, postmasters, and supervisors who are embarrassed at the level of service that

is being delivered and who very much would like to see improvements. These people are proud of the record of the Postal Service and they are sorry to see the service deteriorate so markedly in such a short period of time—especially when they had such high hopes for better conditions under the new system.

I have already told you about morale getting so low last Christmas due to the level of service that postal workers in the Phoenix area put a full-page ad in the Arizona Republic apologizing for the mail service and trying to explain why mail was arriving consistently late.

I think this is a tragic picture—and I just hope those loyal Phoenix workers stay in the postal system long enough so we can get the service back up to where it should be and they can wear the postal uniform proudly once again.

I am hoping that my Postal Service standards bill can be adopted, because I think it would clear up many of these problems. Again, I would like to ask for all the support possible in this endeavor.

But my main purpose today is to bring attention to the rank and file workers in the postal system and urge that we as Members of Congress show our appreciation for their efforts in every way possible. They are performing well under difficult conditions, and I think their efforts should be recognized.

As a Member of Congress and the House Post Office and Civil Service Committee, I would like to express my personal appreciation to postal workers all over the country for their hard work and dedication. Thank you.

NATIONAL DEFENSE ORGANIZATION AGAINST RACIST AND POLITICAL REPRESSION

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

Mr. ICHORD. Mr. Speaker, communism is something to which the overwhelming majority of Americans are opposed. But too few know its nature, its methods of operation and its planned activities. Most do not understand how the Communist Party, U.S.A., actually functions. This places a serious handicap on opposition to communism. Because knowledge is still our greatest weapon in the fight against communism, I consider it my responsibility as chairman of the House Committee on Internal Security to call to the attention of my colleagues and the American public the efforts of the Communist Party, U.S.A., to organize a new front organization to be known as the "National Defense Organization Against Racist and Political Repression."

The Vietnam war was an almost perfect vehicle for exploitation by the Communist Party and it took full advantage of this issue to propagate Communists' aims and ideas. Deprived of one of its "cause celebres" by the winding down of the Vietnam war, it was predictable that the party would go all-out to find a new exploitable issue even if it is a largely manufactured one.

Last February, presaging a national effort along the same lines, a United Defense Against Repression was founded in Los Angeles by several hundred people representing over 100 southern California organizations, among them the Communist Party, U.S.A., and its youth organization, the Young Workers Liberation League and the party's west coast organ, "People's World." Although other revolutionary organizations, such as the violence-oriented Venceremos group were represented, as well as other ostensibly reform-minded groups, it was clear when the conference concluded that it was largely a Communist Party effort. A major clue was the appointment of Robert Klonsky as executive secretary, the key post always held by a Communist Party member in any Communist front organization. Klonsky, a life-long Communist Party member, once held the position of organizational secretary for the Communist Party in eastern Pennsylvania and holds the dubious distinction of being prosecuted along with other Communist Party leaders under the Smith Act.

The February conference stated its purpose as defending "the democratic and constitutional rights of all persons and organizations victimized as a result of struggles for peace, freedom, and economic security or singled out for attack as a result of racist and/or political repression." It was further noted in the group's objective—

> We seek to wipe out from the statute books repressive legislation, undermining the Bill of Rights, and to enact progressive legislation, seeking to extend the democratic rights of the people, particularly in the fields of arrest, trial and imprisonment.

In March 1973, national Communist Party functionary Charlene Mitchell called a meeting in New York City to plan for a May conference in Chicago to publicly announce the formation of a National Defense Organization Against Racist and Political Repression. The internationally known American Communist Party official Angela Davis was among those who signed the call for the conference.

The March conference expressed similar concern—

> Because the Nixon Supreme Court decisions are turning back the clock on civil rights and civil liberties. Extensive police and army intelligence networks, legalized wiretapping, "no-knock" laws and other repressive legislation have already eroded our rights . . . Chicanos, Latinos, Africans, Asians, Arabs and other nationals are unjustly deported for their political activities. Workers rights to organize and strike are beaten down by anti-labor legislation and executive orders. . . .

The call to the May conference asserted—

> The repression of this period is calculated, organized and systematic. In its center is the seed of fascism, which, if allowed to sprout would strangle us all. To successfully confront and bring to a halt this systematic, nationally organized repression, we need a national apparatus to organize our resistance. We need a National Defense Organization.

All of the above will be readily recognized by those familiar with Marxist revoluntionary propaganda as a long-winded euphemism for an objective which in simple English would read:

> The Communist Party, USA, intends to continue its program of persistently depicting the government as racist and repressive, particularly toward minority ethnic groups, thus hopefully alienating those groups and religious and social-minded persons and organizations who can be duped into believing that the people must be defended against their government. The Communist Party intends to zero-in on police intelligence work as this is the government's first line of defense against our revolutionary program.

It, of course, can be anticipated that H.R. 6241—the Constitutional Oath Support Act—on which the Committee on Internal Security will hold hearings this week, and which is an ordered, reasonable approach to the problem of insuring that the people have in their employ in the Federal Government only those of unquestioned loyalty to the Constitution, will be targeted by the National Defense Organization in its perverted view of "repressive legislation."

I might also predict that the National Defense Organization Against Racist and Political Repression will likewise attack H.R. 1594—Restraints on Travel by U.S. Citizens to Hostile Areas—concerning which the Committee on Internal Security will also be holding hearings. This measure, which is timely, necessary legislation with substantial public support, will undoubtedly be termed "repressive legislation" by the National Defense Organization because had it been the law last year it would have prevented the shameful trips by U.S. citizens, such as actress Jane Fonda, to Hanoi to give aid and encouragement to the North Vietnamese Communists.

My purpose in bringing this matter to your attention is to alert you to the existence of a new Communist Party propaganda drive designed to defeat much needed Federal legislation relating to the national security, such as the above-mentioned bills. I think that the Communist Party will find it much more difficult to enlist support for its new front organization if the true nature of its objectives are widely known.

AMENDMENT OF NATURAL GAS ACT

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

Mr. BURLESON of Texas. Mr. Speaker, I am today introducing a bill, nearly identical to my bill of January 22, 1971, proposing an amendment to section 6 of the Natural Gas Act.

A great amount of entirely proper concern has been expressed about shortages in the supply or production of gas. But the urgent problems confronting the gas pipeline companies have not yet received the attention they merit, in that the supply of gas must be carried to the consumer. Under the current regulatory practices of the Federal Power Commission, the pipelines cannot obtain adequate capital on reasonable terms to first, construct pipelines to the new sources of supply which they must develop under their own initiative; second, to maintain, upon restoration of an ad-

equate gas supply, a growth in pipeline facilities in line with the growing needs of a growing nation; and third, to carry forward research and development, especially in the field of synthetic gases through coal gasification and other techniques.

Mr. Speaker, this great Nation, with its needs for more economic growth, more employment, more industrial expansion, rising living standards, and more consumer satisfactions in the home, cannot resign itself to a long enduring shortage of energy. Even if we are forced to curtail the use of gas and other energy for some period of time, we must act at once to assure the needed expansion of the supply of energy. And we must act equally promptly to assure adequate pipeline facilities to reach and carry the needed volume of gas in a growing economy. To be sure, there is no pipeline shortage in general while the serious supply shortage persists. But additional carrying facilities cannot be planned and built overnight, and a prime prerequisite to their attainment is redevelopment of capital-investor attitudes more favorable to the pipelines than now exist.

The estimates of growth rate needs which I shall cite are based on the studies of an independent expert engaged by the gas pipeline industry. The high growth rate projection in this study reaches the conclusion that, from now through 1990, our total national production in real terms should increase at an average annual rate of 4.4 percent, and the intermediate growth rate projection is 3.8 percent. It is the commonly held view of almost all experts that the nature of technological trends, and the changing patterns of demand, require that energy consumption and energy transmission facilities should grow more rapidly than the economy at large. So it is a conservative assumption that energy transmission between now and 1990 should grow at an average annual rate somewhat in the neighborhood of 5 percent under the high economic growth rate projection, and considerably more than 4 percent even under the intermediate projection. Nothing like this is within range of achievement, without drastic changes in regulatory policies along the lines of my proposal, for reasons which I shall shortly demonstrate.

As I have already intimated, the main obstacle to adequate pipeline facility development is the recent and current regulatory practice of the Federal Power Commission. The adjustments in rates of return and price received by the pipelines—and indeed by the utilities in general—have lagged very far behind the steady and severe inflationary movement of prices in general, including money costs. This lag commenced, in general, circa 1961. These disparate trends have placed the utilities in a seriously and increasingly disadvantageous competitive position, when compared with key nonregulated industries. In contrast, it has always been the declared purpose of the regulatory process, affirmed by the courts, to maintain competitive equilibrium or equality between the regulated and nonregulated sectors. Even more important, the dollars received by the pipelines have become far short of the requirements for adequate growth in their facilities and services in the public interest.

From 1960 to 1972—estimated—the prices received by the major natural gas pipeline companies rose at an average annual rate of 1.8 percent. Meanwhile, the Consumer Price Index, which is the best single measurement of the inflationary process and rising costs in general, increased at an average annual rate of 2.9 percent. From December 1971 to December 1972, the consumer price advance was 3.4 percent. In early 1973, inflationary trends seemed virtually ungovernable.

The disparate and inequitable relative trends in prices received have naturally impacted upon profit trends. Comparing 1953–60 with 1960–72—estimated the average annual rate of growth, among the major A and B natural gas pipelines, declined from 5.2 percent to 1.8 percent for per unit revenues; declined from 9.4 percent to 7.2 percent for income before taxes; and declined from 11.4 percent to 9 percent for income after taxes. These data are in current prices; in real terms, adjusted for inflation, the adverse profit trends have been very much more severe.

The average annual rate of growth of investment in plant and equipment among the gas pipelines A and B, expressed in constant dollars, declined from 6.2 percent during 1953–1960 to minus 0.7 percent during the longer period 1953–1971, and minus 4.9 percent during 1960–1971—1972 data not available. Clearly, this adverse trend set in long before the emergence of the current shortage in supply. Expressed in current dollars, the average annual growth rate of investment in plant and equipment during 1960–1971 was minus 2.3 percent for the gas pipelines, contrasted with 7.5 percent for all U.S. industries, 6.4 percent for total manufacturing, 6.6 percent for refined petroleum products, 6.1 percent for motor vehicles and equipment, 8.2 percent for electrical machinery, 7.6 percent for nonelectrical machinery, and 11.7 percent for nonferrous metals. It is obvious that the actual growth rates in investment by the gas pipelines are utterly inconsistent with the needed growth rates in future which I have already depicted. And it is equally obvious that these needed growth rates require capital availability in magnitudes which depend upon drastic changes in the regulatory policies of the Federal Power Commission.

Although it is difficult to appraise all causes and effects with precision, it must be manifest that the adverse trends in investment threaten, in due course, optimum service to consumers, and would create a serious service deficiency in the foreseeable future if remedial action is not now commenced. Among the major A and B natural gas pipelines, the growth rate in physical sales declined from an average annual rate of 17.8 percent during 1947–1953 to 8.0 percent during 1953–1960, and 4.2 percent during 1960–1972—estimated. The decline from the second to the third period mentioned is especially indicative, in that our total national product in real terms grew at an average annual rate of only 2.4 percent during 1953–1960, but at 4.1 percent during 1960–1972. And even the rate of sales expansion during 1960–1972 cannot be maintained during the years ahead, without quick and decisive reversal of the adverse trends in prices received, income, and investment in plant and equipment, and the remedy of the insufficient resort to exploration and developmental activities.

Another factor operating very adversely to the natural gas pipeline industry has been the rise in the cost of money. This is particularly true because the ratio of long-term debt to capitalization in 1971 was 58.8 percent for the gas pipelines, contrasted with only 29.5 percent in manufacturing, and 20.0 percent in motor vehicles and equipment—1972 not available, but these ratios do not vary much from year to year.

The average interest rate on bonds issued by natural gas pipeline companies rose from 3.83 percent in 1952 to 8.7 percent in 1971—1972 not fully available. The embedded debt cost of gas pipelines rose from 3.54 percent in 1953 to 6.38 percent in 1971; and this trend imposed upon the gas pipelines, during 1954–1971 inclusive, an increased interest cost estimated at $1,449 million. The average interest rate on public utility corporate bonds rose from 3.45 percent in 1953 to 7.55 percent in November 1972. From 1961 to November 1972, these interest rates rose 65.2 percent.

In this connection, we should not be misled by some salutary reductions in interest rates at various times during the past few years, or from month to month, which have not substantially negated the extremely upward long term trend. Nobody knows where interest rates will be going during the months and years ahead, and there are some indications now that they are rising. Far more important, the embedded debt costs imposed upon the utilities will continue to rise until their rates of interest on new borrowings are lower than their then-current embedded debt costs. This is not possible in the foreseeable future.

Although the FPC has made allowance from time to time for rising interest costs, it has made at best miniscule allowance for the rising cost of equity imposed upon the gas pipelines. In consequence, the traditional gap between what the pipelines pay for debt capital and what they pay for equity capital has been greatly narrowed, to the point where payments for equity capital are grossly inadequate in terms of its greater riskiness than debt capital. This, in turn, has reflected itself in adverse reaction on the part of investors in the equities of the pipelines, indicated in many ways, including sharply declining price-earning ratios.

This adverse investor reaction is forcefully illustrated by relative trends in stock prices. Among leading natural gas pipelines, for whom data are readily available, average common stock prices appreciated by 91.1 percent from 1960 to November 1972, compared with 141.9 percent for the stocks of 9 New York City banks, and 153.1 percent for 181 consumer goods stocks. The result of these comparatively adverse trends has already been a downgrading in the mar-

ket ratings of significant utilities, and more of the same is in prospect without drastic remedial action.

I shall now state the effects of these many adverse trends upon the dollars received by the pipeline companies, measured against the dollars they would have needed to perform adequate service today but for the supply shortage—and to be treated equitably in comparison with others in view of the general process of inflation—and the dollars they will need to perform adequate service in the future. The estimates I shall present in this connection have been developed by an independent expert, in studies prepared for the Independent Natural Gas Association of America.

For 1972, the actual operating income of the major gas pipelines is estimated at $1,129.6 million. In contrast, it is estimated, in the study referred to, that the appropriate number of dollars of operating income needed in 1972 was 1,252.0 million. This is derived by increasing operating income from 1961 to 1972 by allowing for first, actual increases in sales and second, increases in the Consumer Price Index from 1961 to 1972. It is found that 1961 is a fair year from which to begin, in that the comparative lag in prices received by the utilities started—as I stated earlier—circa 1961.

In 1977, assuming a 3.5 percent average annual increase in the Consumer Price Index from 1972 to 1977—a reasonable assumption on the basis of the historic record and recent trends—the major gas pipelines should receive 2,031.0 million dollars of operating income, with with service requirements much higher in 1977 than in 1972. Contrasted with this, if the regulatory processes made no allowance for inflation after 1972 in determining rates of return and prices received, the actual operating income available to the major pipelines in 1977 would be only 1,546.0 million dollars. Even if the legislation I am now proposing were promptly enacted and promptly applied, the major gas pipelines would receive only 1,837.0 million dollars of operating income in 1977. This would be 194.0 million dollars below, or more than 9.5 percent below, the needed amount. This exercise in itself demonstrates the extremely conservative nature of my proposal.

In 1980, again assuming from 1972 to 1980 a 3.5 percent average annual increase in the Consumer Price Index, and again allowing for growth in sales, the natural gas pipelines should receive $2,585 million of operating income. In contrast, the amount yielded by the 1980 volume of sales at 1972 prices received would be only $1,775 million. Even the formula I now propose would yield only $2,338 million of operating income in 1980. This would be $247 million below, or about 9.6 percent below, the needed level.

The primary significance of the above exercises is not that the pipelines would, under current regulatory practices, receive an inequitable amount of income during the years ahead; that is merely a hypothetical demonstration. For in reality, without changes in these regulatory practices, the pipelines would not be able to achieve adequate facilities and service in the public interest, and correspondingly would receive even less income than the deficient amounts stated above.

Essentially then, my proposal is designed, not only to yield to the natural gas pipelines industry in future a fair and reasonable participation in the progress of the U.S. economy generally, but also to gear them for adequate facilities and service, by bringing their prices received and incomes more into line with general trends. But never, not even during the period of absolute controls during World War II, did we fail to recognize the necessity for advancing those prices which were too low in terms of public need, even while seeking to maintain a generally stable price level, and forcing some prices downward. To be sure, if and only if inflation continues, enactment of my bill will require that the Federal Power Commission allow for this inflation in determining the prices received by the pipelines, and this will have some effect upon ultimate consumer prices. But this essential problem cannot be avoided by burying one's head in the sand. In the long run, the consumer will be hurt if prices received are insufficient to spark the amount of growth in investment required for optimum or even adequate service. To neglect this obvious principle would lead to the conclusion that it would be good for consumers to reduce the prices received by the utilities gradually toward zero.

The principle embodied in my bill is not only fair and necessary, but also in accord with current thought and action in increasingly significant portions of the national economy. Insurance companies are moving more and more toward the practice of adjustable benefits, taking account of the inflationary process and the declining purchasing power of the dollars. Interest rates on Federal obligations have been lifted for the same reason, and, despite some recent reductions, are still enormously higher than they were some years ago. To illustrate, the interest rate on long-term Federal bonds rose from 2.94 percent in 1953 to 5.50 percent in November 1972. Our social insurance systems, during the most recent years, have several times been adjusted specifically to reflect the declining purchasing power of the dollar. The practice of periodic wage adjustments, to take account of the rising cost of living, has now been firmly and unalterably established everywhere in the U.S. economy.

Still another example of the principle I advocate is the extent to which tax legislation by the Congress during the past decade has granted great benefits to the investment process. It is further illustrated by various actions of the Treasury, in enlarging depreciation allowances. Theoretically, some portion of these tax benefits granted during the past decade or so have applied to the regulated utilities. But in their case, unlike the case of others, these tax benefits have been largely counteracted by the disparate trends in prices received, and by the almost unique burden imposed upon the utilities by truly fantastic increases in the cost of money.

Most pertinent of all in this connection is the April 11, 1973, press release of the Federal Power Commission—No. 19144—relating to docket No. R–389–B, national gas rates, in which the Federal Power Commission proposes a single uniform national new gas rate for all producing areas.

In the first full paragraph of page 2 of this release, the Federal Power Commission states that—

> It is considering an annual review of rates prescribed so that current costs and market conditions will be reflected.

The Commission states that—

> It would consider, among other things, (1) changes in the Bureau of Labor Statistics' wholesale price index for industrial commodities, * * * and would then adjust, as required, either upward or downward, the rate previously applicable to gas from wells started since January 1, 1973.

This is exactly the same as the principle embodied in my bill, even though the expert who conducted the studies for the Independent Natural Gas Association of America concluded, and my bill so provides, that the use of the Consumer Price Index, rather than the wholesale price index for industrial commodities, is better suited and more equitable with respect to the natural gas pipelines.

From the viewpoint of the consumer, the conservative nature of my proposal is further illustrated by the comparatively low cost of gas to the consumer, with respect to heating the home. The data I shall now present are as of 1971, and have been supplied by the Independent Natural Gas Association of America; I am not aware that they have been seriously challenged elsewhere. In Brooklyn, N.Y., the cost of gas was exceeded by 3.8 percent for fuel oil, 80 percent for coal, and 162 percent for electricity. In Detroit, the cost of gas was exceeded by 65 percent for fuel oil, 71 percent for coal, and 277 percent for electricity. In Washington, D.C., the cost of gas was exceeded by 15 percent for fuel oil, and 85 percent for electricity, with coal data not available. In Seattle, the cost of gas was exceeded by 45 percent for fuel oil, 23 percent for coal, and 54 percent for electricity. In Memphis, the cost of gas was exceeded by 73 percent for electricity and 37 percent for coal. However, gas was 34 percent higher than fuel oil. In Atlanta, the cost of gas was exceeded by 45 percent for fuel oil, and 224 percent for electricity, with coal data not available.

Further, the adoption and application of my bill would not interfere with maintenance of a very wide margin of cost advantage to the consumer through the use of gas, as compared with other fuels. Even on the assumption of an annual increase of 3.5 percent in the Consumer Price Index from the base year 1972 through 1980, the average weekly cost to the consumer, spread over a period of 52 weeks, would rise from year to year by only 1.87 to 3.37 cents, depending upon the city. Thus, in 1980, the average weekly cost would be only 14.9 to 26.9 cents higher than in 1972.

The content of my bill has been indicated by what I have already said. Specifically, under the bill: From the end of 1972 forward, the Federal Pow-

er Commission, in determining the rate base of a regulated public utility, shall start with the actual legitimate cost of the utility plant existing as of December 31, 1972, less the accumulated reserve for depreciation as of such date. Then, this net investment in utility plant shall be adjusted for any decline in the purchasing power of the dollar, as measured by the Consumer Price Index, from December 31, 1972, to the date as of which the rate base is determined.

The conservative nature of my proposal is strongly demonstrated by the fact that its adjustment process would be applied only from the end of 1972 forward. Actually, as already stated, the serious lag in the prices received by the natural gas pipeline companies behind the inflationary process in general started about a decade before the end of 1972, and this, to date, has had a cumulative adverse effect upon natural gas pipeline companies. So my proposal goes only part of the way toward a completely equitable adjustment for the gas pipelines; it requires them to write off all past inequities in the form of lags in price treatment.

When the so-called "historic" original cost method was enunciated by Mr. Justice Brandeis in Southwestern Bell Telephone 50 years ago—1923—he assumed a declining trend in prices in the U.S. economy. This forecast has become completely refuted by developments since then. In December 1972, the price level, measured by the Consumer Price Index, was 149 percent higher than in 1923, and 155 percent higher than in 1950. The time is late for the regulatory processes to be brought into line with this reality.

Mr. Speaker, as I said more than 2 years ago, my proposal is fair, essential, and long overdue. I trust that it will receive full and careful consideration by the appropriate committees of the Congress, and be enacted this year. A great service would thus be rendered to a vital industry, to the consumer, to the economy at large, and to the entire public interest.

ESTABLISHMENT OF A SELECT HOUSE COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

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

Mr. PEPPER. Mr. Speaker, recent criminal and immoral acts apparently committed by employees of the Government of the United States, many in high places, have shocked, saddened, and shamed the Congress and the country.

To preserve this integrity of our Government, such wrongdoing must be fully exposed and appropriate action taken respecting those guilty of such conduct.

The House of Representatives, the body of the Congress closest to the people, cannot stand aside in the effort fully to explore such apparent criminal and immoral acts, recommend appropriate action with respect to such persons, and recommend legislation which will protect the integrity in the electoral process for the Presidency and Vice President of the United States and the integrity of the Government of the United States.

Accordingly, I have introduced today a resolution substantially the same as Senate Resolution 60, as amended, setting up a Select Committee of the House to conduct such an investigation, authorizing the Speaker to appoint a select committee of 7 Members of the House, 4 from the majority party and three from the minority party, to conduct an investigation and study of the effect, if any, to which illegal, improper, or unethical activities were engaged in by any person acting individually or in combination with others in the presidential election of 1972 or in the campaign canvassing or activity related to it. Such committee would be authorized to act separately or in cooperation with the select committee of the other body.

I also propose we adopt a resolution expressing the sense of the House that the President invite the president of the American Bar Association to submit three names of persons qualified to act as special prosecutor of all offenses related to the 1972 Presidential Campaign or constituting criminal conduct on the part of any person employed by the Government of the United States at the time of the commission of such offenses and that the President shall name one of such persons special assistant to the Attorney General of the United States with full authority to investigate thoroughly and to take appropriate action with respect to persons believed to be guilty of such offenses.

IN FAIRNESS TO PRESIDENT NIXON

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

Mr. WYMAN. Mr. Speaker, some reckless and extreme statements are being made these Watergate days about impeaching President Nixon. Some who ought to know better, including Members of Congress, would be well advised to remember a few things about President Nixon's record before talking of impeaching him for a cops-and-robbers exercise in futility on the part of an overzealous few who broke both the law and the rules of fairplay and got in deeper by trying to cover up.

Among things to be remembered during these trying days for the President are that this is the same President Nixon who took us out of the war in Vietnam and secured the return of American prisoners of war. This is the same President Nixon who took the huge political risk of journeying to Red China in the quest for world peace. It is the same President Nixon who went to the Soviet Union and announced the beginning of an era of negotiation in the interest of ending an era of confrontation. It is the same President Nixon who successfully negotiated an agreement with the Soviet Union on strategic arms limitations and has negotiations under way for further agreements of this nature, so the world can spend more of its time and resources on improving people's living standards instead of devising more and better ways to destroy mankind.

And, when all is said and done, just what did Watergate involve anyway? Here was no conspiracy to murder or even to rob. At most, it was an amateurish political spying operation motivated by an excess of zeal and partisanship, undertaken not by the Republican Party or its National Committee or constituent committees but by a small group of overzealous Presidential loyalists who ought to have known better but who, in both the act and the coverup, illustrated all the human frailties possessed by lesser men.

It is inconceivable that the President knew of or authorized Watergate in advance. It is doubtful that the President learned of it afterward, at least until the conclusion of the Sirica trial. When and if he did, it is certain that he was not a party to the coverup because in point of fact it has been established that the coverup was as much a coverup to keep the facts from the boss—President Nixon—as from a prosecution.

In these circumstances, those who now talk impeachment of a President who has done so much for this Nation and for mankind in general will live to regret the reckless extremity of their words—words which are bound to indicate to their respective constituencies that if they could go off the deep end once they could again and perhaps their constituents ought to have Representatives of better judgment.

THE WAR POWERS RESOLUTION OF 1973

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

Mr. ZABLOCKI. Mr. Speaker, today I am introducing a resolution entitled "The War Powers Resolution of 1973."

This measure was reported yesterday from the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, of which I am chairman, following hearings and extensive markup sessions.

This new resolution is being cosponsored by 8 members of the subcommittee who worked very hard to bring out the very best proposal possible. It is also being cosponsored by other distinguished Members of the House who have contributed much to the thinking on war powers which is reflected in this resolution.

As you know Mr. Speaker, the Subcommittee on National Security Policy and Scientific Developments has three times in the past two Congresses reported war powers legislation. Three times those measures were passed by the House by overwhelming votes—only to die because of Senate inaction or the inability to agree in conference.

The resolution which we have reported in this Congress is somewhat changed from those of the past. It would come to grips in a more direct way with the problem of finding an effective way for Congress to curb the excessive use of power by the President in committing American forces into armed conflict.

The new resolution provides a practical, effective and constitutional answer to this dilemma.

It does not shackle the President by limiting the circumstances under which he can commit forces to combat—as other war powers bills have done.

At the same time, however, it requires specific congressional approval of such commitments within 120 days or the actions must cease.

Or, if the Congress believes that the President has acted unconstitutionally or unwisely it can before 120 days has elapsed, order disengagement by the President through passage of a concurrent resolution of both Houses.

The safeguards provided by this legislation will, I believe, restore to the Congress its rightful role in the area of war-making, the role which was envisaged by our Founding Fathers when they wrote the Constitution.

It is my hope that prompt action on this proposal will be taken by the Committee on Foreign Affairs and by the House in order that we may demonstrate our commitment to our responsibilities as Members of Congress and representatives of the American people.

The text of the resolution follows:

H.J. RES. 542

Joint resolution concerning the war powers of Congress and the President

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This measure may be cited as the "War Powers Resolution of 1973".

CONSULTATION

SEC. 2. The President in every possible instance shall consult with the leadership and appropriate Committees of the Congress before committing United States Armed Forces to hostilities or to situations where hostilities may be imminent, and after every such commitment, shall consult regularly with such Members and Committees until such United States Armed Forces are no longer engaged in hostilities or have been removed from areas where hostilities may be imminent.

REPORTING

SEC. 3. In any case in which the President without a declaration of war by the Congress—

(1) commits United States Armed Forces to hostilities outside the territory of the United States, its possessions and territories;

(2) commits United States Armed Forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, replacement, repair, or training of United States Armed Forces; or

(3) substantially enlarges United States Armed Forces equipped for combat already located in a foreign nation;

the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating his action;

(B) the constitutional and legislative provisions under the authority of which he took such action;

(C) the estimated scope of activities;

(D) the estimated financial cost of such commitment or such enlargement of forces; and

(E) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

CONGRESSIONAL ACTION

SEC. 4. (a) Each report submitted pursuant to Section 3 shall be transmitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate on the same day. If Congress is not in session when the report is transmitted, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable, shall jointly request the President to convene Congress in order that it may consider the report and take appropriate action pursuant to this section. Each report so transmitted shall be referred to the Committee on Foreign Affairs of the House of Representatives and to the Senate Foreign Relations Committee for appropriate action, and each such report shall be printed as a document for each House.

(b) Within 120 calendar days after a report is submitted or is required to be submitted pursuant to Section 3, the President shall terminate any commitment and remove any enlargement of United States Armed Forces with respect to which such report was submitted, unless the Congress enacts a declaration of war or a specific authorization for the use of United States Armed Forces.

(c) Notwithstanding subsection (b), at any time that the United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or other specific authorization of the Congress, such forces shall be disengaged by the President if the Congress so directs by concurrent resolution.

CONGRESSIONAL PRIORITY PROCEDURE

SEC. 5. (a) Any resolution or bill introduced pursuant to section 4(b) at least 45 calendar days before the expiration of the 120-day period specified in said section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Senate Foreign Relations Committee, and shall be reported out by such committee, together with its recommendations, not later than 30 days before the expiration of the 120-day period specified in said section.

(b) Any resolution or bill so reported shall become the pending business of the House in question and shall be voted on within 3 legislative days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a resolution or bill passed by one House shall be referred to the appropriate committee of the other House and shall be reported out not later than 15 days before the expiration of the 120-day period specified in said section. The resolution or bill so reported shall become the pending business of the House in question and shall be voted on within 3 legislative days after it has been reported, unless such House shall otherwise determine by yeas and nays.

SEC. 6. (a) Any resolution introduced pursuant to section 4(c) shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Senate Foreign Relations Committee as the case may be, and shall be reported out by such committee together with its recommendations within 15 calendar days.

(b) Any resolution so reported shall become the pending business of the House in question and shall be voted on within 3 legislative days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a resolution passed by one House shall be referred to the appropriate committee of the other House and shall be reported out by such committee together with its recommendations within 15 calendar days and shall thereupon become the pending business of such House and shall be voted upon within 3 legislative days, unless such House shall otherwise determine by yeas and nays.

INTERPRETATION OF ACT

SEC. 7. Nothing in this resolution (a) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties;

(b) shall be construed to represent congressional acceptance of the proposition that Executive action alone can satisfy the constitutional process requirement contained in the provisions of mutual security treaties to which the United States is a party; or

(c) shall be construed as granting any authority to the President with respect to the commitment of United States Armed Forces to hostilities or to the territory, airspace, or waters of a foreign nation which he would not have had in the absence hereof.

EFFECTIVE DATE

SEC. 8. This resolution shall take effect on the date of its enactment.

NEIGHBORHOOD YOUTHS CORPS

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

Mr. HAWKINS. Mr. Speaker, within a few weeks millions of young men and women will be leaving school, dependent upon summer employment in order to return to school in the fall. In the past, the Federal Government has met this need with substantial assistance through the Neighborhood Youth Corps. This year, however, in spite of Mr. Nixon's statement that "the summer of 1973 is to be a time of expanded opportunity for young Americans," the summer of 1973 promises to be a time of anger, frustration and despair.

The administration has failed to allocate any funds whatsoever for the Neighborhood Youth Corps for fiscal year 1974. In addition, the President has requested the Congress to rescind the $256 million already appropriated for fiscal year 1973.

I believe the funding of this summer's youth employment program is a matter of serious and urgent concern. We must not only uphold the $256 million already appropriated, but must provide additional funds. The National League of Cities-U.S. Conference of Mayors has estimated the need for funding this summer to be $505.5 million to provide 1,018,991 jobs. In addition to funds already appropriated and $16.7 million which the administration plans to make available from other sources, at least $232 million must be included in the second supplemental appropriation which will be coming up within the next few days.

I sincerely hope that the President will recognize the compelling importance of this program and will press for adequate funding.

As chairman of the Subcommittee on Equal Opportunities, I will be introducing shortly legislation which will provide summer employment and recreation opportunities for disadvantaged youth. But we must not wait for action on this legislation before we respond to the critical situation we face this summer.

The need for prompt and forceful action in providing employment opportunities for young people is critical. As of March, young people between 16 and 19 were unemployed at a rate of 14.2

percent. Unemployment among minority youths was even more severe; the average unemployment for nonwhite youths in 1972 was 33.5 percent. The crisis level of unemployment can be expected to accelerate in the summer months.

On March 21 of this year, the administration announced that if local governments wished to provide job opportunities for young people, they could take funds out of an estimated $300 million under the Emergency Employment Act, thus forcing the cities to choose between jobs for unemployed adults or their teenage children.

There has been serious question, too, about the legality of using public employment program funds for the summer job program.

The basic requirements of EEA both in the nature of the work to be provided and in the target groups to be served are inconsistent with the requirements of the summer Neighborhood Youth Corps.

The $300 million in EEA funds includes $80 million earmarked for summer programs out of the Secretary of Labor's discretionary money. Under the Department of Labor's formula for distribution of the $80 million, many of the Nation's largest cities with urgent need for summer employment funds would receive nothing at all. Out of 212 cities, only 137 will receive any money from the EEA discretionary fund. Detroit, which last year received $6,801,930 in NYC funds; Los Angeles with $4,657,480 in 1972 NYC funds; San Francisco, which had $1,827,819 last year; New Orleans, with $1,090,870 in 1972; and Milwaukee, with a 1972 program of $1,058,700 will all receive nothing at all from the discretionary fund. Even for those cities which will benefit from the $80 million, the amount is pitifully small relative to the demand. Many cities have already allocated the funds which the administration has allowed for summer job programs to the PEP slots for which the money was appropriately intended. For those cities, particularly if they are not eligible for a share of the $80 million discretionary fund, there will be no summer job program at all.

The siphoning off of EEA funds would have a potentially disastrous effect on the already embattled public employment program. It has been estimated that if PEP continued at current levels with no replacements for those who terminate, funds for PEP would run out at the end of fiscal year 1974 with about 15,000 persons on the rolls who would have to be laid off at that time. If $300 million is used for summer jobs, funds would run out in October, and about 90,000 would have to be laid off.

Compared with the League of Cities estimated need of 1,018,991 jobs, the administration's proposals would yield a total of 776,000. The President has asserted that additional jobs will be forthcoming from the private sector, but it is likely that any new openings will go to regular employees who had been laid off. The National Alliance for Businessmen has set a goal of 175,000 slots, a goal which may be unrealistically high given the fund limitations of the NAB and the cutback by one-third of the number of NAB metropolitan offices throughout the country.

At a time when national unemployment is 5 percent and in many areas of the country, such as Watts in Los Angeles, is 18 percent or more—more funds, not less, are needed to provide employment opportunities. President Nixon's approach to the summer employment program places local officials in the agonizing position of having to terminate jobs for unemployed adults in order to provide summer employment for needy youth.

As Boston's Mayor Kevin White told the Subcommittee on Equal Opportunities on March 23:

> What the President is saying in regard to the PEP program he is saying in regard to revenue sharing. He is giving us the right to make decisions, but not sufficient money to provide for the needs we are faced with.

Congress must act now to assure that adequate funds will be available for both transitional employment in needed public services through the Emergency Employment Act and summer employment for disadvantaged youth through the Neighborhood Youth Corps. I strongly urge the President to take the leadership in this area and press for increased appropriations for summer youth programs, and to spend those funds which the Congress has appropriated.

TO COMPENSATE INNOCENT VICTIMS OF VIOLENT CRIMES

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

Mr. OWENS. Mr. Speaker, 2 days ago I introduced a bill to establish a national crime compensation program for innocent victims of violent crime and addressed the House to explain the purposes and provisions in that bill. I neglected one very important point, which is that my bill is comparable to a bill introduced into the Senate by the distinguished majority leader, MIKE MANSFIELD. It is an extremely important and significant piece of legislation, and I urge that the House give it their most careful consideration.

ANOTHER FAILURE FOR AN OEO-FUNDED COMMUNITY ACTION AGENCY

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, from Corvallis, Oreg., a report has arrived which suggests that once again another OEO-funded community action agency has failed to provide any substantive survices for the community.

In an editorial in the Corvallis Gazette Times the newspaper calls for an end to a program in which "very little seems to go for direct assistance to low-income people."

I ask unanimous consent that the following editorial be printed in the RECORD.

[From the Corvallis (Oreg.) Gazette Times, Feb. 21, 1973]

SPEED DEMISE OF BLEOC

Sudden death is often preferable, given a choice, to a lingering terminal illness. The distinction is germane applied to the Benton-Linn Economic Opportunity Council.

The sentence has been passed on all Office of Economic Opportunity grantees by the Nixon administration. The next of kin, in Congress and out, may wail but the patient has been in pitiful health during the eight years of its existence, if the Benton-Linn organization is a fair example.

The program has simply not worked out the way it was intended. In this two-county area alone, it has gulped hundreds of thousands of dollars while only nibbling at the problems of low-income people. Frequent emotional upheavals and disruptions have shattered the governing boards; evidence of careless handling and accountability of funds persists. There simply has to be a better way to meet the needs of the less fortunate among us.

At the Thursday night meeting, the BLEOC board put a crash formula on the back burner. It should have been flushed down the drain. It would have allocated almost all of the $62,381 received for 1973 to a concentrated public relations sell of the idea of providing services for low-income residents.

That administrative pork barrel probably will be scrapped now that funding until Dec. 31, 1973 has been assured by the regional office. Earlier work plans may be revived—like a free dental clinic for low income people, top priority with a $6,000 allotment; $3,000 for participation in planning an inner-city transportation system with Albany; another $6,000 for working with other community agencies in finding jobs for 200 low-income youth this summer.

As should be apparent, BLEOC funds are for planning and for seeking other grants or resources to implement proposals. Very little seems to go for direct assistance to low-income people. The Head Start program in Sweet Home, for instance, is funded directly by HEW; family planning ($38,000) and senior citizen assistance ($32,300) have been spun off to the Council of Governments.

Larry Callahan, Benton County Commissioner who serves on BLEOC, has suggested that since the counties had to authorize formation of the agency, they have the authority to revoke that authorization. He believes Rep. Edith Green, D-Third District, placed language in the congressional act that specifically permits revocation.

If the planning activities of BLEOC could be transferred to other county agencies and the agency phased out more rapidly, little would be lost. BLEOC personnel already are seeking other positions; it would be foolish of them not to. Phase-outs are always difficult, efficiency and achievements decline. A prompt demise, with relocation assistance for personnel and programs, might be the kinder, wiser course.

LAKE MICHIGAN'S STORMS AND EROSIONS ON NORTHERN INDIANA'S COASTLINE—A NATIONAL DISASTER

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

Mr. MADDEN. Mr. Speaker, Indiana citizens and all conservation organizations are alarmed at the terriffic erosions taking place annualy on Indiana's northern border by Lake Michigan's destructive winds and storms. Hundreds of residential and business properties have been undercut by the sand erosions

cutting into the dunes area and inflicting millions of dollars' worth of damage on property owners extending over distances of 25 miles on the south shore of the lake.

I have on several occasions requested the Army Engineers to take a survey of this destruction. If efforts are not made by the Federal Government to protect these beautiful dune shores, it will eventually jeopardize the Indiana Dunes National Park area which someday should be one of the great public recreational parks of the Nation.

Before adjournment the 1973 Indiana Legislature passed a resolution calling the attention of the people of the State of Indiana and the people of the Nation to this alarming threat to this section of the State of Indiana. I do hope that before too long the Army Engineers can submit a plan for our Congress to act upon to give the proper authority and appropriate sufficient funds to halt and terminate this devastation of land, property and scenic beauty of the Indiana-Michigan Lakeshore area.

Mr. Speaker, I include with my remarks the resolution passed by the Indiana Legislature:

HOUSE RESOLUTION No. 25

Whereas, the continuing flooding conditions along the Indiana shores bordering on Lake Michigan are further aggravating an already critical erosion problem, and

Whereas, particularly in and around the towns of Long Beach, Michiana Shores and Dunesland Beach, the situation has reached near catastrophic proportions and

Whereas, the town of Long Beach has exhausted all of its resources and has gone into debt attempting to protect its water supply from flooding contamination and trying to keep access roads open so that the residents do not become isolated, and

Whereas, the general destruction of property and disruption of services is endangering the health and safety of all of the residents of the area, and

Whereas, the conditions are such that it is imperative that the State of Indiana take official action. Therefore be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

Section 1. That we respectfully request Governor Bowen, that because of the flooding conditions he officially declare and designate the Indiana lake shore area bordering on Lake Michigan as a disaster area.

Section 2. That he communicate that fact to the responsible federal officials and urge them to take appropriate action, forthwith, in accordance with federal disaster relief laws which, among other things, would make it possible for the residents of the strickened area together with the towns, to obtain low interest loans to repair the damages to the residents' property, in particular, and the entire area in general.

Section 3. Be it further resolved that the Clerk of the House forward copies of this resolution to the Indiana Senators and Representatives in the Congress of the United States.

Adopted by the Indiana General Assembly, 1973 Regular Session.

BUFFALO-AMHERST RAIL RAPID TRANSIT SYSTEM

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

Mr. KEMP. Mr. Speaker, there must be a national commitment to an efficient transportation system in this country. And efficiency in our urban areas does not necessarily mean the private auto and more highways. Efficient urban travel for Buffalonians may be different than efficient urban travel for Washingtonians or New Yorkers or San Francisans. It is these differences that are taken into account by the Senate version of the Federal-Aid Highway Act of 1973.

I supported the Anderson amendment in the House as it provided a choice to State and local planners. I felt, should these planners decide that more highways are needed to solve their city's transportation problems, they can build highways. Should they find that transit buses or rail cars are viable transportation alternatives to their congested highways, they should be allowed to fund public transportation modes. The Senate bill also provides these choices.

The Anderson amendment was narrowly defeated in the House, obtaining support from 47 percent of the Members present. Now the House and Senate versions must be reconciled in conference.

The Interstate System continues to completion, the rural program remains intact. The beauty of the Senate version is that it permits options for urban planners. It is no longer a matter of build highways or lose your trust fund money.

The 100 percent of the trust fund is still available for highway purposes. With the passage of the Senate version, 12 percent may be used for other transportation systems that will, in the long run, make highway driving even more efficient for all Americans.

Mr. Speaker, I view with alarm the fact that the Senate conferees have not yet been appointed, the current Federal-aid highway program will expire on June 30, 1973, and Rules Committee hearings on the Urban Mass Transportation Assistance Act of 1973 have been postponed indefinitely. Even though the Anderson amendment was defeated in the House, I hope the spirit of compromise develops in the House and invades the Senate in order that a conference committee might begin meetings promptly.

Mr. Speaker, the Common Council of the City of Buffalo recently adopted a resolution urging Congress to pass legislation allowing the use of highway tax moneys for multiple transportation benefits, and I would like to have the text of the resolution reprinted at this point.

Also, I would like to include my correspondence with Thomas Lazzaro relating to the mass transit needs of Amherst, N.Y.

The material follows:

No. 190

Re: Highway Trust Fund
For Mass Transit

Whereas, The Federal Highway Trust Fund established years ago is generating tax revenues in excess of reasonable needs for the sole purpose of building roads, and

Whereas, the Highway Trust Fund is the only example of taxing and funding area where the amount of money spent on a public need is determined by the amount of money collected rather than the amount of money needed, and

Whereas, the United States Senate has already passed legislation authorizing the use of portions of this fund to assist cities and states in improving bus and rapid transit facilities as well as operating subsidies to improve service, now, therefore, be it

Resolved, that this Common Council memorialize the United States House of Representatives to pass similar legislation so that the tax paying public may enjoy multiple transportation benefits from its highway tax dollars, and be it further

Resolved, that this Common Council respectfully request Congressmen Dulski, Kemp, Smith, Hastings and Conable to support this proposed federal legislation, and, be it further

Resolved, that copies of this resolution be sent to the aforementioned Congressmen, to the Chairman of the House Public Works Committee, Chairman of the House Finance and Taxation Committee, and the House Majority and Minority Leaders.

AMHERST, N.Y.,
April 17, 1973.

Hon. JACK KEMP,
Member of the U.S. Congress,
Washington, D.C.

DEAR MR. KEMP: There is a general concern of the residents of Amherst relative to certain design characteristics of the proposed mass transit system. The residents immediately adjacent to the proposed system feel that any proposal looking towards the future growth of Amherst should not destroy the existing environment, lower their property values, take away valuable tax producing properties and isolate the Eggertsville area from the rest of the Town of Amherst by an open-cut or overhead transit system.

For these reasons, our constituents are asking you to support a mass transit system that could be constructed without disturbing the present environment. This procedure can be accomplished by a "mole" procedure totally underground. The one general liability to using this procedure appears to be the initial construction cost. This certainly should not be the issue that forces a disastrous decision for the locality involved.

If the "mole" procedure were studied further, it may be the most effective and efficient way to accomplish the full aims of the NFTA and satisfy the present and future needs of the growing Amherst community.

The "mole" method would be a mechanical deep tunneling method which would get rid of any cut and cover and also eliminate the requirements for blasting which is very detrimental in a developed area. This method has been reported to be used in London, Paris, Moscow and Montreal. Also, it has been reported that the United States Government has stated that the mechanical deep tunneling method is the least costly method of construction of a mass transit system.

Sincerely,

THOMAS A. LAZZARO.

P.S. We are looking forward to you appearing in our immediate area at a public hearing.

CONGRESS OF THE UNITED STATES,
Washington, D.C., April 18, 1973.

THOMAS A. LAZZARO,
Amherst, N.Y.

DEAR TOM: I wish to reemphasize my assurance that members of the public will continue to be consulted at formal public and informal meetings in regard to environmental, aesthetic and other concerns relating to the design and construction of the Buffalo-to-Amherst rapid rail transit system.

My desire, for thorough public expression and input, is shared by others, including officials of the Urban Mass Transportation Administration, Buffalo, Erie County, Amherst, the Niagara Frontier Transportation Authority, the Area Transportation Committee and New York State.

These officials and I made certain, at our

April 10 meeting with UMTA Administrator Frank Herringer, that he understood our support for full public participation in decision-making aspects of the system. Mr. Herringer, in turn, expressed his full support for such participation, in concert with UMTA and Department of Transportation polices.

The purposes of the meeting were to impress upon Mr. Herringer the importance of the rapid rail transit system as it relates to a balanced, less polluted transportation system, the systems beneficial effects to community and economic development, including greater employment opportunities, projected benefits to the inner city in terms of revitalization, more economical transportation for area residents, better access to hospitals, institutions of higher learning, places of employment and shopping, and very important, the absolute necessity of timely, federal funding assistance to assure not only ongoing progress on the system but also possible additions in costs which may result from necessary design requirements, inflation and other factors.

Along with others who attended the meeting, I came away quite pleased with Mr. Herringer's assertion that the federal government considers our system one of the four most important systems now planned or underway in the United States. I considered it a distinct honor and a sign that the Administration holds our project in very high regard that the administrator accepted our invitation to meet with us.

The format of the meeting, involving presentations by the officials, was necessarily tight because of the limited time (less than an hour and one-half) Mr. Herringer could spend with us. It was not a meeting in which specific design matters could be adequately aired.

As you probably noted from press accounts, there was no decision made as to final alignment nor design for controversial sections of the project, nor were such decisions scheduled at the meeting.

I do wish to point out that I represent sections of Erie County in which the transit system will be built and many constituents who will benefit from the system's construction.

Additionally and very important, is my desire to stress that rapid rail transit systems, such as the system planned for our community, are key elements in our fight to curb pollution, help restore our environment and to meet the needs of a balanced transportation system.

Finally, and coincidentally, the House this week will consider amendments to allocate a portion of Highway Trust Fund monies for mass transit systems. I have long been on record in support of allowing urban areas to use their share of the Highway Fund for mass transit and will speak out in support of, and vote for, if the opportunity is provided, the diversion of Trust funds.

I am deeply aware of the concerns you and others have in regard to the final design of our system. Such concerns, I believe, are constructive and in the best tradition of community involvement.

Sincerely,

JACK KEMP,
Member of Congress.

SELECT COMMITTEE ON AGING

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

Mr. EDWARDS of Alabama. Mr. Speaker, President Nixon has proclaimed the month of May as Senior Citizens Month, 1973. I am taking this opportunity to concur in this proclamation by introducing a resolution to create a select committee on aging in the House of Representatives.

There are over 20 million Americans in the United States age 65 or older. In my own First District of Alabama, there are over 40,000 senior citizens. These citizens are still making a significant contribution to our Nation. It is important that we maximize their contribution. It is important that we benefit from their wisdom, their experience, and their know-how. We must also recognize the great contribution they have made in earlier years to the success of our Nation. We must improve efforts by the Federal Government to insure these citizens a comfortable, dignified retirement with proper medical care.

I believe a select committee on aging would help achieve these goals by bringing together all the threads of programs and proposals which run through the legislative process. The current situation finds programs for the aged scattered among several committees, producing inevitable overlap and duplication. A select committee on aging, without infringing on the jurisdiction of existing committees in any way, could provide focus to problems of our senior citizens. It could hold hearings on recommendations by the White House Conference on Aging, by the various senior citizen groups, and by individual older Americans. The select committee would make recommendations for action by the House of Representatives to improve programs for senior citizens.

Mr. Speaker, we all know that the challenges facing this body which involve senior citizens are many and varied. Better employment opportunities, including the abolition of work disincentives found in the social security laws, must be provided. Better housing and better medical care are needed. Several Members of Congress, including myself, have introduced legislation to improve the private pension system. We must see to it that increases in social security benefits do not result in decreases in other benefits, as specified in my bill, H.R. 475. We must consider ways to relieve the burden which high property taxes place on many older Americans. Nutrition projects and comprehensive service programs are needed.

And we cannot forget the importance to older Americans of controlling Federal spending. Runaway Federal spending fuels inflation, which hits hardest at a retired person on a fixed income. Control of Federal spending and in turn the control of inflation are crucial so that the incomes of older Americans will provide the purchasing power and independence they deserve.

Our senior citizens are responsible for the success which our Nation enjoys today. They have provided us with the foundation for many more accomplishments tomorrow. There is no more important task facing our Government than to insure older Americans a meaningful, productive, and independent life. A select committee on aging is a good place to start to achieve stronger, more effective programs for older Americans.

NATIONAL FLOOD PLAIN POLICY

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

Mr. BLACKBURN. Mr. Speaker, today I am introducing a bill to establish a national flood plain policy and to authorize the Secretary of the Interior, in cooperation with Federal agencies and the States, to encourage the dedication of the Nation's flood plains as natural floodways, to protect, conserve, and restore their natural functions and resources.

The flood plains of this Nation's rivers serve a function of floodwater detention and regulation of our ground-water supply. These bottomlands produce hardwood timber and serve in the production of fish and wildlife. In conserving soil and reducing sediment production, they lengthen the life of downstream reservoirs, channels, harbors, and estuarine areas. Also, they provide open space, areas of scenic and other outdoor recreational attractions, and sites for scientific and educational ecological purposes. These functions and values deserve full recognition in the planning and development of the Nation's land and water which are not presently provided, because of the emphasis placed on economic development.

My bill would declare that flood plains have the above values to the Nation; would direct Federal agencies constructing, sanctioning, or assisting the construction of water and land development works which affect flood plains to give priority consideration to their preservation. Moreover, it would require such agencies to acquire, support, and encourage the acquisition of flood plains at Federal cost, with the administration optionally vested in the States, and would require the perpetual use of such acquired lands for such purposes as are compatible with purposes of the bill, including fish and wildlife habitat, outdoor recreation, timber production, natural areas preservation, and the like, as well as established conforming economic uses.

The bill would require Federal planning and construction agencies to conduct public hearings and to obtain and publish the views of the Secretary of the Interior prior to implementing plans in the Nation's flood plains. It would insure consistency of administration of the bill's provisions with other acts through development of guidelines by the Water Resources Council. Use of eminent domain would be limited where valid and effective land use regulations are in effect.

One of the main objectives of the bill is to encourage selection of nonstructural alternatives by Federal flood control and

flood prevention planners in the interest of natural area preservation and maintenance of environmental quality. Planners would be given the option of analyzing the benefits and costs of flood plain as an alternative to channelization or other flood protection and prevention measures. Where this alternative demonstrated a better or competitive cost-benefit ratio, this alternative would be used.

The proposal is in harmony with the declarations and purposes of the National Environmental Policy Act of 1969 (83 Stat. 852), the Fish and Wildlife Coordination Act (48 Stat. 401), as amended, the National Flood Insurance Act of 1968 (82 Stat. 572), and the Wild and Scenic Rivers Act (82 Stat. 906), as well as a number of other acts.

It would supplement and round out existing water development planning authorities. It would be a logical corollary of the Fish and Wildlife Coordination Act which provides that fish and wildlife shall be equally considered with other features in water resource development planning. In many cases, fish and wildlife, as well as outdoor recreation and flood control, could be best served at lowest cost by outright acquisition of flood hazard areas. Further, the bill compliments the provisions of section 103 of the National Environmental Policy Act of 1969 which requires review of present statutory authority, regulations, policies, and procedures which prohibit full compliance with purposes and provisions of that act followed by the proposal of corrective, conforming measures.

Since the proposal anticipates least-cost solution of flood management with coincident natural area and environmental quality preservation, savings in flood control and flood prevention costs as well as in social costs are expected.

LEGISLATION TO AID CIVILIAN DEFENSE WORKERS AFFECTED BY BASE CLOSINGS

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

Mr. O'NEILL. Mr. Speaker, I take this time to inform my distinguished colleagues in this Chamber of the importance of the bill I am introducing today, the Emergency Manpower and Defense Workers Assistance Act of 1973.

The members of the Rhode Island and Massachusetts House delegation have joined me in cosponsoring this necessary legislative effort as a result of the Defense Department decision to close the Boston Navy Yard and the Westover Air Force Base in Massachusetts, and the Quonset and Newport bases in Rhode Island.

The closing of more than 274 defense installations in 32 States will have a harsh and doleful impact on more than 28,000 civilian defense employees who stand to lose their jobs. In addition, some 13,000 others will experience adverse relocation difficulties as they are forced to leave their neighborhoods, relatives, and friends. And so many of these are older workers who have been employed on these bases during the major part of their professional careers.

As I introduce this measure today, I call upon all Members who have base closings in their districts to join with your colleagues from Massachusetts and Rhode Island to enact this bill which would provide the following benefits to all those workers malevolently affected by the defense closings:

Guarantee a readjustment allowance for 1 year to each worker unemployed as a result of this action.

This allowance will fill the gap between unemployment benefits or pensions and 75 percent of the worker's average weekly wage in the year prior to termination.

Continue health plans now available to these workers with the Government paying at least 75 percent of the cost for a period of up to 3 years following termination unless they obtain employment before that period.

Provide early retirement with benefits to workers 60 and older with 10 years of work on their jobs, or to workers 55 and older with 15 years of employment on this base, or to workers 50 and with 20 years of previous employment.

Make eligible to communities where these bases are located to reemploy the workers in public agencies under the Emergency Employment Act.

Direct the Secretary of Labor to make available additional funding through existing manpower training programs to provide manpower training and job counseling for the affected individuals.

I strongly believe that these benefits accruing to the several thousands of workers who will lose their jobs as a result of the Defense Department decision to close the 274 installations are initial steps which the Federal Government must take to ease their economic and social burden. But, I might add that we are introducing this legislative relief in the event that all our other efforts fail to impress upon the Defense Department the necessity for reassessing these base closings.

I am dismayed over the abrupt and callous closing of the Boston Naval Shipyard—the important defense facility in my district. I have written to the President requesting that the Members of the Massachusetts and Rhode Island delegations be given an opportunity to discuss in person the effect which this decision will have upon the New England economy.

I have also introduced legislation along with other members of the New England delegation which would, if enacted, establish a commission to review the proposed closing of any military installation. The commission would be charged with the responsibility of evaluating any decision to close bases and would be required to report any closing to the Congress within 90 days after notification from the Defense Department that it intends to close any military installation. The provisions of this measure would apply to any base closed on or after April 1, 1973.

In Massachusetts alone, some 13,000 jobs are directly affected by the decision of the Defense Department. This parallels similar employment situations in other States where installations will close down.

So, I urge all Members to support us in this endeavor, for I feel it is imperative that we act immediately and decisively to help those civilian employees who are forced to bear the unjust burden of the Defense Department's insensitive action.

MORE MILES PER GALLON

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

Mr. VANIK. Mr. Speaker, amid the complex issues which combine to create our energy crisis, I am concerned that the interests of the American consumer are being neglected and trampled in a high level shell game between Government and industry. I see this in the new system of import controls on petroleum which inflate fuel prices to the consumer all to protect an already pampered domestic industry; I see this in the President's recommendation to deregulate the price of natural gas—a move which could cost the consumer billions of dollars annually in higher gas bills; I see this in the administration's proposal to extend more tax advantages to the oil industry.

In short, the energy crisis could merely serve as a pretext to gouge the consumer and provide windfall profits to the energy industry.

In the months ahead a gasoline shortage threatens to cripple the country. Gas rationing, while not yet begun, is certainly being contemplated by the administration. For his part, the consumer has been manipulated into a situation over which he has little control. As gasoline prices accelerate and shortages become more widespread, the ordinary citizen will have little choice but to buckle under to the pressure.

The automobile has become an important American institution. Direct gasoline consumption by cars represents 13 percent of our total energy budget.

In 1970 more than 95 percent of urban passenger traffic and 85 percent of intercity traffic was carried by the automobile. The auto has become the major cause of the congestion which chokes our cities. At the same time it is responsible for almost one-half of the emissions by weight which pollute our air. Between 1950 and 1970 automobile travel increased threefold to 900 billion vehicle miles. During the same period per capita auto travel increased by 85 percent. And there is no indication to show these trends slowing in the future: Detroit is now predicting

an output of 934,300 units for May, the largest monthly total in history.

Unfortunately, the auto industry should have seen long ago that the national interest would best be served by a cleaner, safer, more efficient automobile. But the industry is slow to move without a stimulus. A case in point is the automakers' reluctance to assume responsibility for the pollution their product contributes to our air. On the well-publicized effort of the auto companies to meet the requirements of emission control in the Clean Air Act, the National Academy of Sciences commented:

It is unfortunate that the automobile industry did not seriously undertake such a program on its own volition until it was subjected to governmental pressure. A relatively modest investment, over the past decade, in devlopmental programs related to emissions control could have precluded this crisis that now prevails in the industry and the nation.

Only now, as a response largely to foreign competition, the automakers are beginning to realize that economy in automaking is a marketable commodity. But the trend toward smaller cars began several years ago. In 1969, the V-8 engines were equipped in 88.8 percent of new car sales; in 1971 this figure dropped to 78.8 percent. Again, however, the industry has been painfully slow in responding adequately to national needs.

Mr. Speaker, as a response to these developments, today I am introducing legislation to promote the interests of the American consumer in the long-term problem of gasoline supply and to prod the industry into changing its ways. With crude oil becoming increasingly precious, our Nation cannot afford to keep on manufacturing cars which guzzle gasoline at a rate of under 10 miles per gallon. The large gas consuming automobile is becoming extinct in its own time. We must recognize this vital fact, for the only person who really suffers from a gasoline shortage is the consumer.

Under the proposal I am submitting today, the American people can become aware of the vast costs involved—to himself, to his neighbors, to the entire Nation—of buying an oversized, inefficient automobile. This bill will impose a Fuel Economy Excise Tax based on the fuel consumption characteristics of automobiles, as measured by the Environmental Protection Agency.

MAJOR PROVISIONS OF THE FUEL ECONOMY ACT OF 1973

There are three important features of the tax scheme I am proposing. The key factor in the tax is its timing. The initial rate structure will not go into effect until July 1, 1976, which will be in time for the 1977 model year. There will be ample time for automakers to assess the impact of this tax on their design, manufacturing, and marketing strategies. I want to stress that this tax is not intended to hammer-lock the industry. It instead provides an essential incentive to manufacture a more efficient automobile—for the benefit of the American consumer.

The second important characteristic of this proposal is that the excise tax is graduated. Those cars which are more inefficient pay more tax. Under this legislation an interim rate structure will be in effect for a period of 5 years. Any car with over 20 miles per gallon, as determined by the EPA, will be assessed no tax. The full schedule is printed below:

If fuel economy (in miles per gallon) is—	The tax rate between 1976–81
Over 20	0.00
Over 19 but not over 20	1.00
Over 18 but not over 19	1.50
Over 17 but not over 18	2.00
Over 16 but not over 17	3.00
Over 15.5 but not over 16	4.00
Over 15 but not over 15.5	6.00
Over 14.5 but not over 15	8.00
Over 14 but not over 14.5	12.00
Over 13.5 but not over 14	16.00
Over 13 but not over 13.5	24.00
Over 12.5 but not over 13	32.00
Over 12 but not over 12.5	40.00
Over 11.5 but not over 12	48.00
Over 11 but not over 11.5	56.00
Over 10.5 but not over 11	64.00
Over 10 but not over 10.5	80.00
Over 9.5 but not over 10	96.00
Over 9 but not over 9.5	114.00
Over 8.5 but not over 9	128.00
Over 8 but not over 8.5	160.00
Over 7.5 but not over 8	192.00
Over 7 but not over 7.5	224.00
Not over 7	256.00

TAX SCHEDULE SHIFTS TO INCREASE FURTHER THE BURDEN ON THE INEFFICIENT AUTOMOBILE

[After 5 years]

Miles per gallon	Tax after July 1, 1981
Over 20 (no tax)	
Over 19, under 20	8.00
Over 18, under 19	12.00
Over 17, under 18	16.00
Over 16, under 17	24.00
Over 15.5, under 16	32.00
Over 15.0, under 15.5	40.00
Over 14.5, under 15.0	48.00
Over 14, under 14.5	56.00
Over 13.5, under 14	64.00
Over 13, under 13.5	80.00
Over 12.5, under 13	96.00
Over 12, under 12.5	114.00
Over 11.5, under 12	128.00
Over 11, under 11.5	160.00
Over 10.5, under 11	192.00
Over 10, under 10.5	224.00
Over 9.5, under 10	256.00
Over 9, under 9.5	320.00
Over 8.5, under 9	384.00
Over 8, under 8.5	448.00
Over 7.5, under 8.0	512.00
Over 7.0, under 7.5	640.00
Under 7.0	768.00

FUEL ECONOMY: WHAT IS IT?

Many factors have an impact on the rate at which an automobile consumes fuel. But EPA has found that the weight of the vehicle is the primary determinant of fuel consumption. Put quite simply, a 5,000-pound car consumes twice as much gas as a vehicle half its weight.

However, there are other characteristics which effect the fuel economy of a vehicle. The most publicized has been the controversial emission control systems manufacturers have had to install in order to comply with the Clean Air Act of 1970. The EPA has found that these devices depress the full economy of the average car by only about 8 percent. I say only because, for example, air conditioning will decrease the efficiency of the automobile by about 9 percent. Automatic transmissions represent a fuel penalty of 5–6 percent. And according to Dr. David Rose of MIT, the use of radial tires may increase the fuel efficiency of the automobile by as much 10 percent through the reduction of road friction. It appears that the impact of emission controls on fuel consumption has been distorted by the manufacturers.

There are also more subjective factors affecting fuel economy: A "hard" driver—one who accelerates quickly and drives above recommended limits—will consume more gas than a driver who is more careful. Vehicle design also contributes to the efficiency with which a vehicle consumes gas.

All these factors—vehicle weight, accessories, design, driving habits—must be considered in defining the fuel economy of a vehicle. Under my legislation, the Administrator of the EPA is instructed to establish a standard procedure for testing fuel economy. Important work in this direction has already been done by the Society of Automotive Engineers, and it should be no problem to devise such a procedure.

With a standard procedure in hand, the EPA will test each manufacturer's proposed line of vehicles for the coming model year. The EPA will rate each vehicle and include in its calculations the following factors: the weight of the vehicle with a standard load, the impact of accessories such as air conditioning and automatic transmission, the recommended gasoline and the difference in an urban and a highway driving cycle. Once the testing procedure is completed, the EPA will compile the results, and it will be on this basis that the Secretary of the Treasury will impose the excise tax. In addition, the EPA's report will be made available to consumers through the Government Printing Office.

Smaller cars have been popular in Europe for many years. This popularity does not grow from European fascination with the small car. Rather, there are in Europe serious restraints to the large car: the highways are neither as wide nor as well designed as our super highway system; fuel costs are high—as ours will soon become—and there is usually a heavy tax imposed on the weight of the vehicle. In short, Europeans have very pragmatic reasons for buying smaller, more efficient automobiles.

THE HIGH COSTS OF GASOLINE TO YOU

I have compiled a table illustrating the costs of various automobiles with various fuel economies. According to data compiled by the Motor Vehicles Manufacturers Association, the average passenger car travels 10,000 miles per year. The following statistics are compiled on that basis. An increase in that distance would tend to spread the difference between the low efficiency vehicle and high-efficiency vehicle, while an annual distance of less than 10,000 miles would tend to narrow the difference.

The table follows:

COST OF DRIVING A CAR FOR 1 YEAR (ASSUME 10,000 MILES)

Price per gallon	Miles per gallon													
	32	30	28	26	24	22	20	18	16	14	12	10	8	6
$0.37	115.62	123.32	132.13	142.30	154.18	168.17	185	205.57	231.25	264.37	308.32	370	462.50	616.68
$.38	118.75	126.65	135.70	146.15	158.35	172.71	190	211.13	237.50	271.43	316.65	380	475.00	633.35
$.39	121.88	129.99	139.27	149.99	162.51	177.26	195	216.68	243.75	278.58	324.99	390	487.50	650.01
$.40	125.00	132.32	142.84	153.84	166.68	181.80	200	222.24	250.00	285.72	333.32	400	500.00	666.68
$.41	128.13	136.65	146.41	157.67	170.85	186.35	205	227.80	256.25	292.86	341.65	410	512.50	683.35
$.42	131.25	139.99	149.98	161.53	175.01	190.89	210	233.35	262.50	300.01	349.99	420	525.00	700.01
$.43	134.38	143.32	153.55	165.30	179.18	195.44	215	238.71	268.75	307.15	358.32	430	537.50	716.62
$.44	137.50	146.65	157.12	169.22	183.35	199.98	220	244.46	275.00	314.29	366.65	440	550.00	733.35
$.45	140.63	149.99	160.70	173.07	187.52	204.53	225	250.02	281.25	321.44	374.99	450	562.50	750.02
$.46	143.75	153.32	164.27	176.92	191.68	209.07	230	255.58	287.50	328.58	383.32	460	575.00	766.68
$.50	156.25	166.65	178.55	192.30	208.35	227.25	250	277.80	312.50	357.15	416.65	500	625.00	833.35
$.60	187.50	199.98	214.26	230.76	250.02	272.70	300	333.36	375.00	428.58	499.98	600	750.00	1,000.02

Some interesting conclusions can be made from this chart. In a choice between a large luxury car with a fuel economy of 8 miles per gallon and a smaller economy car, the difference in gasoline costs over the year can be considerable.

Economy car:
24 miles per gallon regular gas at
$ .42/gallon ---------- $175.01
Luxury car:
8 miles per gallon premium gas at
$ .44/gallon ---------- 550.00

Assuming the same distance of 10,000 miles driven over the year the difference in cost to the owner is about $375. Over the life of the car—say 5 years—the difference in fuel costs ranges to $1,875. It is likely the costs will be even higher, however, because fuel costs themselves are almost certain to rise.

From the above table the consumer can calculate his fuel costs for the various choices he has before him. As fuel costs rise, the difference between the low-efficiency automobile and the high-efficiency automobile will grow. Taking the example above with a fuel cost for both cars of 60 cents a gallon, the difference between the two in annual fuel costs zooms to $500.

CONCLUSION

My bill is a consumer protection bill. But its impact goes beyond. Due in large part to its voracious appetite for energy, our country is facing the likelihood of significant trade imbalances from our energy needs. The net foreign exchange burden may be as high as $10 billion by 1980. We owe it to ourselves—to our national security—to eliminate wasteful consumption of precious petroleum. If America's 92.7 million passenger cars could increase in efficiency from 12 miles per gallon to 18 miles per gallon, the Nation could save over 25 billion gallons of gasoline per year—a significant savings in view of our present overreliance on foreign petroleum supplies.

The bill is not a restrictive bill; it does not ban the large car. Rather, it provides an incentive to economize. The fact that the legislation does not go into effect until model year 1977 allows the manufacturers to readjust their marketing strategies.

The enormous "gas-guzzling" automobile has become obsolete in our own time. More efficient automobiles will not only alleviate the skyrocketing demand for gasoline, but also will work to lessen the contribution of pollution. We must take positive steps immediately toward the goals of conservation and clean air. Any other course can only invite further crisis.

POLISH CONSTITUTION DAY—1973

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

Mr. ANNUNZIO. Mr. Speaker, on May 3, 182 years ago, Poland adopted its first democratic constitution. This is a stirring and momentous event not only for the people of Poland, but for the entire world, for it must be remembered that Poland adopted this constitution only a few years after our own democratic Nation was founded. At that time, such freedoms as detailed in the Polish Constitution were almost unknown in most parts of the world. The Polish Constitution of 1791, the French Constitution of 1792, and the American Constitution are among the great landmarks in the growth and development of constitutional law the world over.

When the historical circumstances of Poland in 1791 are taken into consideration, the adoption of this precious document is all the more remarkable for its foresight and vision, for only 4 years after this declaration of a sovereignty which derives "from the will of the people," Poland was partitioned and conquered by several powerful and autocratic neighbors.

The 1791 constitution made Poland a constitutional monarchy with a responsible cabinet form of government. Ancient class distinctions and privileges were wiped out, and the government was strengthened by bringing the peasantry under the protection of the law. What is perhaps even more significant for those days and that part of the world was the fact that the constitution guaranteed absolute religious freedom. In this and other ways, the Polish Constitution was in the vanguard of democracy's advance into Central and Eastern Europe.

Throughout the years, there have come to our land millions of men, women, and children of Polish birth. They have brought to this country the rich heritage of their own culture along with the passionate love of freedom and order under law which was their birthright. These traditions and qualities have been amalgamated into the tradition that we call American. America has been enriched and Western civilization has been enriched by this process.

Mr. Speaker, the 500th anniversary of the birth of Copernicus makes 1973 the "Year of Poland" throughout the world. Because of unfortunate geographical circumstances, Poland as a nation has not been able to forge its democratic ideals into a viable, practical system of government. The brave history of this nation, however, with its long tradition of enlightened and humane thinkers, such as Copernicus; artists, such as Chopin; research scientists, such as Madame Curie; and idealistic freedom fighters, such as Kosciuszko and Pulaski; is proof enough that the Polish people, whether in their homeland or in their adopted countries, cling to the lofty principles of human dignity and liberty.

Mr. Speaker, as we join in this tribute to Poland on this anniversary, the United States of America is indebted to Poland for its many contributions to our progress and well-being. It is indebted to Poland for the millions of its citizens who came to this country to help build it into the greatest Nation of all time. The same zeal and warm desire for freedom, that same determination to develop itself through the ages, has been a dominant factor in the growth and development of our great Nation.

This annual commemoration of the Polish constitution in this American House of Representatives provides a forum through which we pay tribute to the men who forged the inspiring document and also to those brave souls who through the years have sacrificed their lives so the ideals embodied in the Constitution of 1791 might take root and prosper.

In my own city of Chicago, a commemoration of the May 3, 1791 Constitution of Poland is being sponsored on Sunday, May 6, by the Polish National Alliance. Vice President Helen M. Szymanowicz is the general chairman of the Constitution Day celebration.

Chicago area residents of Polish heritage will attend a solemn mass, the principal celebrant of which will be the Reverend Casimir Czaplicki, pastor of Holy Trinity Catholic Church. A parade to Humboldt Park will feature marchers dressed in Polish costumes, bands, drum and bugle corps, and floats whose theme will be historical events in the life of

famed Polish astronomer Nicolaus Copernicus.

Following the parade, ceremonies will be held in Humboldt Park at the foot of the Thaddeus Kosciuszko monument. Aloysius A. Mazewski, president of the Polish National Alliance and the Polish American Congress, will be master of ceremonies.

Mr. Speaker, as Americans of Polish ancestry all over the country commemorate the 182d anniversary of Polish Constitution Day, I join with the tens of thousands of Polish-Americans in my own city of Chicago and the 11th Congressional District of Illinois, which I am proud to represent, in a tribute to those who have struggled and are continuing to struggle in order to transform into a living, working, everyday reality the noble ideals expressed in the Polish Constitution of May 3, 1791.

LEGISLATION RESTORING THE MENOMINEE TRIBE TO FEDERAL RECOGNITION

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

Mr. MEEDS. Mr. Speaker, I am pleased to cosponsor the legislation introduced yesterday which would repeal the act which terminated Federal recognition of the Menominee Indian Tribe of Wisconsin.

In most cases where the Federal Government has committed a great wrong against the Indian people, the remedial approach generally taken and, indeed, sometime the only remedy available has been to make a monetary compensation for the wrong.

We are, in this case, fortunate to have an opportunity to right a great wrong which was done to the Menominee Indians by substantially restoring them to their former status, largely intact. In 1954, the Federal Government said to these Indians, with a callous disregard for the impact that it would have upon them and their lives and future, "You are no longer Indians." In 1954, this tribe was making great strides in improving the condition of its members and was leading the way to real "self-determination without termination." After the 1954 act, they were destroyed as a people and, in large part thrown upon the public welfare roles. We are fortunate to be able to say to them, "You are Indians."

I would hope, Mr. Speaker, that this is just the first step on the part of this Congress to begin a concerted effort to relieve the injustices which have been and are being done to the American Indian people. As chairman of the Subcommittee on Indian Affairs, I am firmly committed to that goal.

But, Mr. Speaker, enactment of the legislation ought also to be viewed as a symbolic act to give substance to repeated statements in the Congress and the executive branch that termination is no longer the policy of the Federal Government in the administration of Indian affairs. I consider introduction of this legislation and a commitment to speedy action on its passage as a signal to the Indian people—and I firmly hope that they view it as such—that this Congress in its acts and in its legislative program for Indians will not accept termination as a rational solution to the many problems which overwhelm and frustrate Indian people. I want the Indian people across this country to be assured that the leadership in the House is not only antitermination in its rhetoric, but is antitermination in its deeds and acts. Speedy action on the passage of legislation of this nature will, in a most concrete manner, bring this assurance home to the Indians.

I must say that there are a few provisions in the bill with which I do not agree. But I would hope that this is just the beginning of a dialog on this bill and on the whole area of termination as a dead policy.

For my part, I do not intend to let this dialog end here. I have already planned field hearings in Wisconsin on May 25, 26, and 27 to take up the Menominee legislation. We will have an opportunity to take testimony from the people, Indian and non-Indian, most directly affected by the 1954 termination act and this legislation correcting that injustice.

I also intend to use that opportunity to hold general oversight hearings into the severe problems of Indian health and education.

Mr. Speaker, I strongly support the thrust of the Menominee restoration legislation and hope for speedy passage.

MINISTERS AND SOCIAL SECURITY

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

Mr. ROUSH. Mr. Speaker, today I am introducing a bill, with cosponsors, to provide for voluntary agreements between ministers and their churches to treat ministers as employed persons thereof.

I first introduced this bill last year and prior to doing so I contacted 300 clergyman in the congressional district I represent, the Fourth District of Indiana. In fact, it was a minister who had asked me to introduce just such a bill.

Clergymen from many denominations and churches responded, including representatives from the Protestant, Catholic, and Jewish faiths. Some few objected to being considered as employed persons under social security, mainly because they feared that additional redtape would be involved. The vast majority were eager to see such legislation passed.

The bill that I have introduced and am now reintroducing defines ministers so as to cover all religious faiths. Another important feature of this bill is the fact that it provides for a change for clergymen from the status of self-employed to employed only where there is a voluntary agreement on the part of the clergyman and the church involved. The purpose is, of course, to reduce costs for the average minister who finds a rather meager salary in today's world rapidly being eroded by additional costs.

I do not believe that this change would bring undue expense to the churches and I do believe that ministers deserve this consideration. I am convinced that most congregations and churches would be willing to make provision for this additional expense and they would not have to do so, if they chose not to.

Sometimes we forget that clergymen often have the same family expenses that the rest of us have, with less expectation of financial remuneration. They must maintain homes and educate their families and contend with inflation, just like the rest of us. While in no way can they be fully compensated for the kind of work they do, the service they perform, the dedication and sacrifice they experience, we can make it a bit easier for them financially in this simple way, by lessening the amount they must pay for the retirement needs we all face. I believe this Congress recognizes how profoundly clergymen deserve our support and assistance.

In the past few weeks I have received letters from people outside my district who have heard of this legislation and approve of it. Today I received a letter from the wife of a minister pointing out that their income is about $8,000 yearly, that they have a family of five, with the oldest in college. She suggests that this social security amendment "would at least give us a little more income to use." That is the exact purpose of this proposal.

OPPOSE MILITARY FUNDING REQUEST

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

Mr. ADAMS. Mr. Speaker, as I am sure my distinguished colleagues know, the President has requested a transfer of $500 million in supplementary appropriations to continue military combat operations in Southeast Asia. This request is in direct conflict with the stated policy of the House Democratic Caucus.

This morning, the Democratic Steering and Policy Committee adopted a resolution recommending that a special Democratic Caucus be convened on May 9. This resolution urges the caucus to approve an amendment to the second supplemental appropriation for fiscal year 1973 that would block the administration from further military operations in or over Indochina by denying the funding request.

I remind my colleagues that on January 2, 1973, the Democratic Caucus declared:

> No further public funds be authorized, appropriated, or expended for U.S. military combat operations in or over Indochina, and that such operations be terminated immediately subject only to arrangements necessary to insure safe withdrawal of American troops and the return of American POWs.

Mr. Speaker, these conditions have been met, but the bombing goes on. If it continues, we are going to be dragged into another war that nobody wants, but apparently nobody in the administration knows how to stop.

None of the present bombing operations have been authorized or approved

by the Congress. In fact, the caucus has indicated it would not support any kind of military operations in Indochina after the prisoners were returned and the troops withdrawn.

It seems to me that the only way to end these actions is to turn off the spigot. Money—or the lack of it—is one language this administration understands.

The administration has asked for what amounts to another Gulf of Tonkin resolution. I urge all of my colleagues to join in stopping—now—all further military operations in Southeast Asia.

THE ADMINISTRATION'S "TAX REFORM" PROPOSALS

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

Mr. REUSS. Mr. Speaker, the administration's "tax reform" proposals this week lose revenue when we need to raise revenue, and open loopholes when we need to close them. In the upcoming fiscal year starting July 1, 1973, they will cost the Treasury $600 million. The administration has left undone those things which it ought to have done, and has done those things which it ought not to have done, and there is no health in it.

The following examples show how the administration proposals would operate to benefit wealthy individuals:

First. Taxpayer A, a 66-year-old retired executive with $400,000 invested in bonds and stocks, has an income of $20,000 a year. A owns an $80,000 house, on which he pays $1,500 in annual property taxes. A, although worth $400,000, receives a tax credit of $250.

Second. Taxpayer B earns $30,000 a year, and is the parent of four school-age children. He sends two daughters to Miss Hall's—$1,600 each for tuition—and two sons to Lawrenceville—$2,300 each. Despite an annual income which classifies him in the upper 5 percent of Americans, B receives a tax credit of $200 for sending his children to these private schools.

Corporations, many of which already do not pay anything like the nominal 48 percent, would also benefit from some of the administration's proposals:

First. The oil industry will get an exploratory drilling credit of between 7 and 12 percent to add to its impressive string of existing preferences. Exxon, to name one company, which paid $210,727,000—or 7.7 percent of its net income—to the U.S. Government in 1971, would have saved $13,510,000 in taxes if the administration's provision had been in effect. Since Exxon's exploratory costs have risen by almost one-third in the past year, its tax saving will be even greater now.

Meanwhile, the totally senseless depletion allowance and deduction of intangible drilling costs on U.S.-owned wells in Libya, Saudi Arabia, and elsewhere overseas, continues undiminished. The new loophole, as drafted, should prove as futile in encouraging domestic exploration as the old. But at least the administration might have repealed the old to pay for the new.

Second. The minimum taxable income proposal, designed to tighten the current ineffective minimum tax, does not apply to corporations. ITT, for example, paid 4.2 percent of its net income in U.S. taxes in 1970, 4.9 percent in 1971. The administration's proposal does nothing to tighten the corporate loophole.

Serious tax reform, if it comes, will come in spite of the administration.

TOWARD A NEW CARIBBEAN POLICY

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

Mr. FASCELL. Mr. Speaker, last Saturday evening I had the privilege of addressing a distinguished group of scholars, businessmen, and journalists who had assembled in Miami for a jointly sponsored University of Miami-American Assembly conference on "The United States and the Caribbean." Because of the importance which I firmly believe the United States should attach to the area, I would like to take this opportunity to include in the CONGRESSIONAL RECORD the prepared text of my remarks.

In making the speech, I stressed three points which I increasingly am conviced must be the foundation of our policy toward the developing areas of the world and hence a general framework within which a more constructive Caribbean policy should be evolved. The first of these points is that classical economic development theories have so far failed more than they have succeeded in improving the lot of men and women in the developing world and consequently we must join with them in seeking new solutions. Secondly, it is increasingly clear that the U.S. high consumption economy is not a realistic economic model for most of the developing countries. Finally, these two points lead to a third conclusion: that the United States can no longer allow U.S. business to be the flag carrier of American foreign policy.

The text follows:

TOWARD A NEW CARIBBEAN POLICY FOR THE UNITED STATES

Ladies and Gentlemen, I am honored to be here this evening. The American Assembly of Columbia University in the short time since its founding in 1950 has rapidly become, without any doubt, one of our country's most prestigious and important forums for the discussion of issues of great importance to the United States.

Likewise our own University of Miami, whose bright future I had the good fortune to foresee, and which I had the good judgment to attend, has emerged in only a few years from its obscure beginning to become one of the nation's most distinguished universities. The joint sponsorship of this great conference on the United States and the Caribbean by two such distinguished institutions is, I believe, of particular significance, especially since it is the second such conference since 1970. It demonstrates clearly the paramount importance which both institutions attach to the relationship between the Caribbean and the United States. I share your view of the importance of the Caribbean and of the United States policy toward the area.

The Caribbean is a vast area, some five million miles, including hundreds of islands bordered by thousands of miles of shoreline of the United States, Mexico, Central and South America. It is an area so large in size and so diverse in its inter-reactions with the lands surrounding it that it is difficult to precisely define exactly what is meant by the Caribbean region. I will not attempt to provide such a precise definition here tonight. Suffice it to say that most of my remarks will be directed to the islands of the area, independent nations, associated states, or territories, be they of British, Dutch, French, or Spanish extraction. Lest anyone be offended, please feel free to add or subtract any other bordering countries or areas that you feel should properly be included as a part of the Caribbean.

Perhaps the loudest cry in Western Hemisphere political circles is that the United States under its present administration has no policy toward Latin America. That charge dramatically highlights what is wrong with our Caribbean policy for it implies two things: First, that we once had an effective Latin American policy and now we don't; second, that Caribbean policy is a part of our Latin policy. The tragedy is that both are true. We in the United States have not had a separate meaningful Caribbean policy. What little policy we did have was an offshoot of our Latin American policy. Today we seem to have no clear policy at all toward Latin America as a region and hence almost no policy at all toward the Caribbean. Perhaps, in the short run, that is a blessing in disguise for no policy may be better for the Caribbean than the wrong policy. In the long run, however, the United States must stop its rudderless drift across the Caribbean and face up to the emerging new realities of the Caribbean and develop a clear, coherent policy toward the area.

Some may find it a surprise to hear me suggest that the United States has not had a Caribbean policy. After all, there is the Monroe Doctrine and an endless list of places where our soldiers and marines have landed to help secure independence, preserve public order, or accomplish some task we deemed in our national interest. But, I submit, the sum of our actions on behalf of the defense of our own security against threats, real or perceived, is hardly a Caribbean policy—it is a policy of self preservation which this nation and every nation will continue to practice wherever and whenever it feels it must, hopefully, with a great amount of discretion and judgment.

Surely the United States has had and will continue to have a great interest in the Caribbean for strategic and military reasons. At the same time, we must adjust the strategic component of our Caribbean policy to the realities of the 1970's—that our primary potential enemy already has a major Caribbean ally and is unlikely to want another expensive client state—that other powers external to the Hemisphere are withdrawing from the area, not advancing into it, and lastly—that technology increasingly makes it unnecessary for a potential enemy to have a base near to the United States. What this means is that while military consideration remain important to U.S. policy they are not likely to become of overriding concern.

What then is there to impel U.S. concern for the area? First of all, because we ourselves are there. The United States is not just near the Caribbean, it is directly a part of it. Puerto Rico and the U.S. Virgin Islands are in the Caribbean. Our interests in the Panama Canal are intimately intertwined with the whole area. In addition, there is the obvious importance of $3 billion worth of U.S. investments in the area—investments in, among other things, bauxite which sup-

plies 40% of our need for aluminum and oil to ease our energy crisis. The Caribbean is also a market for almost $1 billion of our products.

Less obvious ties include the tens of thousands of Caribbean residents who have come to the United States to stay on to earn money to help less fortunate members of their families. One reporter speculated, for example, that if all the Barbadian nurses in New York left, the city's hospitals would have to close. In sharp contrast to this, there is the growing importance of the Caribbean to the average American's lifestyle. Surely our affluent lifestyle would lose something of its attraction if a Caribbean vacation were no longer a part of it.

The second fundamental reason which compels our interest in the Caribbean is that we have no other real alternative. We cannot, ostrich like, ignore the area. Whether we like it or not the old order has changed and unloosed forces which will leave us no opportunity but to adjust to change. The only prudent and realistic course for the United States is to recognize that there is a new Caribbean, to recognize that we cannot be indifferent, to recognize that if the area is to be viable and to provide a better life for its people, the active, generous and sensitive concern of our own people will be needed.

If we now have no meaningful policy other than what results from the sum of our policies toward the independent states of the area, and if we should have a policy, the obvious question then is what should our policy be? First, let me discuss for a few moments the concepts I believe must underlie any successful U.S. policy toward the Caribbean.

Clearly, our policy must be grounded in the realities of the area. It must recognize that on islands where 25% of the labor force is unemployed and 50% underemployed, the needs of people, while miniscule by standards of a country as large as the United States, are immense with respect to the islands' resources—and that other developed countries are either unwilling or unable to provide needed capital and technical assistance.

A successful policy, likewise, must recognize the peculiar nature of the region's most economic problems. The Caribbean is a unique area in the world. Its native population was all but totally replaced by a colonial system designed not to build self sustaining colonies but to serve a distant motherland. This legacy of economic servitude to other nations increasingly is unacceptable to the people of the region whether they live in an old or newly independent nation. It will not be enough to simply offer the states the opportunity to become a part of our economy. Recognizing that their economies will always be tied closely to other nations, they want and should have the right to insist that the prime concern of their own economies should be the welfare of their own people.

Similarly, we must realize that the sheer size and force of our impact on the relatively weak and developing nations of the Caribbean is such that we can inflict great damage or provoke deep resentment without even being aware of it. This fact must be taken into account or we risk failure of any long term effort to build cordial and mutually constructive relations with our Caribbean neighbors. This will require, on our part, the development of great sensitivity to the needs and feelings of the Caribbean and a tailoring of our own methods of doing business to the vital requirements of their countries. It also means that the United States should play a supporting and not a participating role in regional organizations.

Finally, if our policy of constructive involvement is to have any chance of helping the Caribbean peoples achieve a proud and rewarding place in the life of the Hemisphere the United States must gear its policies to strongly supporting Caribbean initiatives toward regional cooperation. Many of the separate nations of the area are still looking for their own national identities. Some have found them. But while it is all but inevitable that the sense of community that defines nationhood in a psychological and political sense will be different on each island, it is equally clear that in economic terms the islands will, for the most part, be able to become successful only in full cooperation with larger economic groups. The only realistic way to insure political, economic and social viability thus appears to be regional economic cooperation between autonomous political units.

Having reviewed in a general way the framework for a new, more positive and constructive U.S. Caribbean policy, I would like to turn to a discussion of some specific steps which I believe the United States should take.

First, no new coherent policy of the kind which is needed will emerge solely as the result of deliberations here, in the Congress or in any other forum. Such a policy must be deliberated by and agreed to by the President and, where necessary, concurred in by the Congress. So the first order of business must be action by the President to review options and to initiate a new policy, hopefully through a direct Presidential statement. As a contribution to this process the Inter-American Affairs Subcommittee, building on this and other conferences, plans to conduct a series of Congressional hearings this summer on U.S. Caribbean policy.

Second, as a measure of our concern and an indication of our interest the Secretary of State should at the first opportunity take action to raise the level of consideration of Caribbean issues within the U.S. government by designating a separate Deputy Assistant Secretary whose sole responsibility would be Caribbean affairs. Currently the responsible official at that level must divide his time between Mexico, Central America and the Caribbean. Furthermore, consideration should be given to forming an interagency coordinating group, chaired by the State Department, to focus attention on Caribbean issues.

Third, the United States should continue and expand its efforts within the OAS and other Hemisphere and world organizations to see that needed attention and resources are devoted to the Caribbean.

Fourth, we should intensify the level of U.S. support for regional institutions of all kinds. In particular we should immediately approve the furnishing of an additional $12.5 million to the Caribbean Development Bank and, in view of the region's relatively small needs in terms of our own resources, provide such additional funds as may be needed based on the Bank's competence and the ability of the region to effectively absorb capital inputs. To complement this policy, the United States should, in so far as possible: divert bilateral aid into multilateral channels, and restrict bilateral aid to technical assistance.

Fifth, we should review our policies of support for U.S. investment to see whether, in the Caribbean context, different U.S. government rules and regulations should apply. For example, we cannot ignore the possible long term negative repercussions of rapidly accelerating U.S. control of the best waterfront land on many of the islands.

Sixth, a complete review of the current United States sugar quota system should be made to insure that it operates in a manner which truly benefits both producer and consumer.

Seventh, we can and should put our own house in order by facing up to the serious problems in our own Virgin Islands and by giving to Puerto Rico the political power it needs to have its views effectively made know on matters which concern the commonwealth.

Eighth, we can and should stay out of the domestic affairs of the Caribbean. Intervention can only be legitimate when there is a clear and present danger to our survival. Anything else would constitute unjustified meddling by us and probably be counter productive in the long run.

Ninth, in providing direct or indirect assistance to the islands, and in reviewing the operations of our private sector, we should stress social development, i.e., meaningful change in the lives of individuals. This will require, among other things, more attention to agricultural reform, an increased rate of return on tourist dollars, and more skillful use of available funds.

Tenth, the United States should not refrain from suggesting new areas for regional cooperation, such as development of a re-regional capital market to increase the productivity of locally available resources—establishment of an institute to maximize employment by rediscovery of past technologies appropriate to areas with abundant labor, and mutual efforts to properly explore and utilize the area's common heritage, the sea itself.

Clearly, the steps I have outlined are not a comprehensive list of all the elements appropriate to a constructive U.S. Caribbean policy. It is my hope, however, that these remarks have made a useful contribution to what all of us, have tried to do at this meeting—to define new ways in which, working together, the peoples of all our countries can insure a better tomorrow for future generations.

GOVERNOR REUBIN ASKEW ADDRESSES GOVERNORS' DINNER

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

Mr. DORN. Mr. Speaker, it was my great honor to be present for the address the Honorable Reubin O'D. Askew, Governor of Florida, delivered before the ninth annual South Carolina Governors' Dinner. An overflow, enthusiastic audience heard the Governor's speech, including our own revered Governor, Hon. John C. West, former Governor Robert McNair, Senator EARNEST HOLLINGS, and my colleagues, Representatives TOM GETTYS, JAMES MANN, and MENDEL DAVIS.

Mr. Speaker, Governor Askew's address follows:

REMARKS OF REUBIN O'D. ASKEW, GOVERNOR OF FLORIDA, AT THE NINTH ANNUAL GOVERNORS' DINNER

First, let me express my appreciation for the interest you've shown in the State of Florida.

It's a personal honor for me to be here, but doubly so since your speaker last year was my good friend and fellow Floridian, Senator Lawton Chiles.

That makes two years in a row for Florida . . . something we regard as a special token of friendship and warmth on your part.

Be assured that the Democrats of Florida return that friendship.

We're gathered here tonight neither to dwell nostalgically on the glories of our predecessors, nor to mourn a great Party that has lost its mission.

But rather we're here to celebrate the continued health and vitality of the Party of the people.

And well we should.

Because the fact is those who say the Democratic majority is dead in this country are about as accurate as those who said the Republicans were destroyed in 1964.

Democrats are very much alive and well and numerous in the South, in the North,

among blacks, among whites, in our rural areas, in our cities, among workers and professionals, and among wealthy and middle-class Americans as well as the poor.

And this is good and healthy . . . not because you and I are Democrats but because we're Americans. We're freedom-loving people who have opposed one-man rule since the day King George was confronted with the signatures of four South Carolinians and 51 other patriots on a document known as the Declaration of Independence.

We're people who have thrived under a delicate system of checks and balances ever since four South Carolinians joined other Americans to write the basic document that governs this land.

And we're people who love liberty and cherish the genius of our Founding Fathers and the patriotism of their successors in devising and preserving a way that liberty can be maintained for our children.

And so I say to you that no administration, today, yesterday, or tomorrow, should go unchecked in this country by a strong, loyal, and determined opposition.

And it's up to Congress and the party out of power, more than anyone else, to see that no executive forgets that basic tenet of American political thought.

This is one reason why dedicated and capable leaders like Fritz Hollings and Lawton Chiles, and Sam Ervin from your sister State to the north, have been fighting so hard in Washington.

This is one reason why a strong two-party system is essential to the survival of democracy as we know it.

And this is one reason why the current battle of Washington is just as important as that struggle against old King George 200 years ago.

It's not a matter of politics, but of power, and the dangers involved when too much of it is concentrated in the hands of one person.

Fortunately, we now have a better remedy for concentrated power than was available in 1776.

We have the Constitution and its guarantees on separation of power.

And as a citizen observing from nearly a thousand miles away, I'm proud that Democrats in Congress are insisting that those guarantees be upheld.

I'm also reassured by the wisdom of the people in attempting last November to see that Democrats in Congress would be strong enough to face up to a landslide President.

This is not to say that we should always have a Republican Congress when a Democrat is President, or a Democratic Congress when a Republican is President . . . or that there is anything wrong when a candidate for President receives a substantial vote of the people . . . because every Presidential candidate seeks it.

But it *is* to say that we should have an independent Congress when *anybody* is President.

The two-party system has given us that.

And I'm hopeful that with its help and our support, and with the President's statement this week, both the Executive and Congress will continue to function as the Constitution intended, with neither encroaching on the prerogatives of the other, but with both sharing their powers and responsibilities for the good of the people.

But if *Congress* reflects the continued strength of the Democratic Party and the two-party system in this country, so do our statehouses.

No less than 31 of our 50 Governors today are Democrats.

No less than 8 new Democratic Governors, as compared to 4 new Republicans, were elected last fall, despite the Nixon landslide.

Here again, I believe the country is the beneficiary. The Governors represent another loyal opposition to the Executive although in a slightly different way.

While a Democratic Congress is the best hope for *checking* a landslide President of the opposite party, Democratic Governors are in the best position to improve upon that President's domestic policies and provide sensible alternatives.

I think many of our Governors have been doing just that.

It's my feeling, in fact, that Governors of today like your own John West have helped to create a general renaissance in State Government over the past few years, a renaissance that crosses the entire country and makes the new federalism of which the President speaks a very real possibility.

State government seems to have come to the end of a long and sleepy age from which many of us thought it might never recover.

It's beginning to show independence, imagination, and responsiveness again, the qualities that made historians at one time refer to the nation's state capitols as "laboratories of democracy."

We have governors throughout the country who've been eagerly awaiting the decentralization of power, money, and responsibility of which the President so often speaks, because those governors agree that Washington has become too cumbersome and too distant to effectively deal with many problem's of the people.

Those governors want to continue the search for a better day for all people. They're ready, able and eager to help with the battle for a new federalism.

And they want to relieve the taxpayer of waste and inefficiency without removing compassion and human concern from the national purpose.

And I think they can do so. If the federal Government truly "shares" its responsibilities with the States, as implied by the rhetoric of the season.

But they can't do it if Washington flatly abdicates its responsibilities, as seems to be the case in many critical areas . . . only time will tell whether this is so.

They can't do it if revenue sharing turns out to be little more than buck passing, if decentralization is only an excuse for Government to take from the average citizens and give to the privileged few. And they can't do it if "up" is actually "down" in a topsy-turvey world of Government by rhetoric and confusion.

And so those of us who constitute the loyal opposition within the States to the party in power in the White House have a responsibility nearly as awesome as our colleagues in Congress. We must see that the people aren't deceived—that they get what they're told they're getting, and that some very good ideas born of clever sloganeering don't die of benign neglect.

In other words, we must see that those who promise a new partnership for the people make good on that promise, or answer for their failure to do so.

Which brings us to the responsibility that all of us face as a party.

No national political party can really remain very effective for long if it consistently fails to win the White House itself.

We've failed twice consecutively, largely because we practiced the politics of exclusion.

In 1968, we excluded reform elements and allowed party stalwarts to select our nominees.

In 1972, we excluded the stalwarts and allowed the reformers and various interest groups to select our nominees.

There are some who say we've been excluding the South for years and allowing other sections to select our nominees.

Ladies and gentlemen, we must now practice the politics of "inclusion" in Democratic Party . . . for the good of the party . . . and for the good of the country . . . for in our very diversity we will find the real source of our strength.

Only by standing together can Democrats win a national election. That's the way it is, the way it always has been, and the way it always will be.

Fortunately, our national chairman is well aware of that.

Bob Strauss is making every effort to see that Democrats of all pedigrees and persuasions participate in the highest councils of the party.

As you know, he has formed a new Democratic Policy Council that includes among its members the two Georges of the past campaign—Wallace and McGovern.

I think it's a healthy sign that both of these men are serving on that council, thereby indicating their commitments not only to be Democrats, but to be active, working Democrats as well.

And I know there are those who say that this is an unlikely partnership, born only of political expedience. And obviously these two gentlemen have their differences but to answer whether Wallace and McGovern have anything in common, we need only to point to the one major issue of last year's campaign that the Republican administration is trying very hard to forget—and that's the burning desire of the people of this country for true tax reform.

Both of the Georges called for sweeping changes in our Federal tax laws, as did virtually every other Democrat in the primaries, and the people responded with their votes every time.

Yet the issue seems to have been forgotten.

And it may well stay forgotten, along with many other issues directly affecting the pocketbooks and the health and well-being of ordinary hard-working Americans, as long as we Democrats remain divided against ourselves.

And so let us promise ourselves then not to permit the division of the past to continue.

Let us teach one another that we can stand for progress without renouncing all that came before us, and all that is treasured tradition.

Let us remember that ideological warfare is folly in the party that has always thrived as America's marketplace of ideas.

Let us remember that this party believes in the free enterprise system, and led it out of the depression to a prosperity of unprecedented magnitude. This party believes in America, and led her to victory over tyranny in World War II. And this party believes in human decency, and responded to its requirements in the decade just past.

Let us also remember that this is a party of which we have every right to be proud, every reason to cherish, and every obligation to pull it back into the mainstream of American politics . . . where it must remain if the two-party system is to continue in this country.

And let us remember that that system, and the participation of the widest variety of people within it, give our government the stability and continuity which have made it the envy of the world.

Southern Democrats, of all people, must appreciate the value of a two-party system. We haven't had one for very long. Yet in that time, our own politics has matured considerably. Our governments have grown more responsive, our public officials are more alert, and our participation in the national electoral process is no longer perfunctory.

Let us see then, that we retain this competition in the south, and not simply trade a one-party system of one label for a one-party system of another label.

Let us be aware at all times that this game of politics is not a game at all. It is the central thread in the achievements and failures of man. And how we weave that thread might well determine whether we'll survive as a free nation dedicated to indi-

vidual liberty and devoted to the pursuit of happiness for all people.

Thank you.

LAW DAY 1973

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

Mr. DORN. Mr. Speaker, we commend the American Bar Association for annually sponsoring Law Day on May 1. Our concept of constitutional government is based on government by law, not government by men, and it is fitting and proper that this be reemphasized, especially on May Day. We are all familiar with the sight of Chairman Brezhnev, Premier Kosygin, President Podgorny, and Marshall Grechko reviewing the May Day Parade in Red Square, a parade traditionally designed to glorify the supremacy of the state and the party over the individual. This is the era of public relations and salesmanship, Mr. Speaker, and the totalitarian world is making shrewd and sometimes successful efforts to sell government-by-decree and worship of the state. It is up to us to draw the contrast with our system, a system based on individual dignity, liberty, freedom and worth of the individual. Ours is a government based on the inalienable right to liberty and the pursuit of happiness.

This legacy of freedom and individual dignity has been defended, protected, and preserved by the American legal profession. I shudder to think whether real freedom and justice would remain today without the legal profession, who at the grassroots are guaranteeing and protecting the rights of the people. In totalitarian states, on the contrary, the academic, legal, and religious community are among the first targets of those who would control the minds of men. They are even among the first in some cases to be liquidated, as the totalitarian state bends individual freedom and dignity to the will of the state.

This is no time to undermine the courts and legal institutions of the Nation. Should we lose our constitutional right to a fair trial by jury in open court, we lose the very foundation stone of our heritage of freedom.

Mr. Speaker, on this Law Day, 1973, I commend the bar association for a major contribution to preservation of our democratic society and I commend the entire legal profession for its emphasis on the worth and dignity of the individual.

A DISILLUSIONED CITIZEN

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I would like to talk today about a matter which I believe strikes to the core of representative democracy in this country. We find ourselves in the incredible situation where we must doubt the honesty of the President of the United States. I speak not as a partisan Member of this body, but as a frankly disillusioned citizen. When the facts first came to light last fall, I was sure that the President's campaign committee only would bear the full burden of guilt. I attributed their espionage against the "free" election process to be motivated by overzealousness alone. It was incomprehensible that the Office of the President could have been a knowing participant.

Now we have mounting evidence that the closest associates and political advisers of President Nixon did plan the bugging of the Watergate offices of the Democratic Party as well as other illicit acts of political espionage. The men who actually carried out the Watergate crime have been convicted. But who planned it? Mr. Nixon has portrayed himself as an innocent bystander who knew nothing of its execution or of its coverup. But now we wonder. We must wonder now when we learn that he ordered John Ehrlichman to conduct a secret White House investigation of Daniel Ellsberg—independent of the Justice Department.

That secret investigation carried out by two Watergate felons, resulted in the burglary of the files of Mr. Ellsberg's psychiatrist.

And now we are told that John Ehrlichman last month summoned the judge in the Ellsberg case to the Western White House to tell him he was being considered for a high position. During this visit, the judge talked to the President. I am sure this was not an accident. As for the job offer, we are told it was the directorship of the FBI, one of the most coveted posts in our country.

There are all kinds of "carrots" available as we know—money, influence, position. We have already learned that the Nixon campaign had plenty of money to throw around—suitcases of it in $100 bills. But in this case, it was position. A decision to offer the judge a position has the merit of leaving no evidence of wrong doing. So last month, the presiding judge, U.S. District Court Judge W. Matt Byrne, Jr., was invited to call at the Western White House at San Clemente. That standing alone would be bad enough, but what's worse is Judge Byrne talked to Ehrlichman a second time.

I cannot imagine by what enticement Judge Byrne agreed to meet with Ehrlichman twice. But we do know that one does not just bump into the President in the hall. His was not a casual conversation at a cocktail party. He went to San Clemente at the request of Ehrlichman and while there talked to the President, however briefly, it was the final stamp of approval of the conversation with Ehrlichman, which was reconfirmed by a second visit between these two men.

President Nixon has already demonstrated his abundant contempt for the legislative branch of Government. His closest aides have ignored the well thought-out advice from leaders of his own congressional party. He has chosen not to spend money appropriated by Congress. He has illegally ordered the closedown of OEO. Further, Nixon's former attorney general, Richard Kleindienst, recently proclaimed a sweeping doctrine of executive privilege whereby every Federal employee from every clerk on up could choose not to testify before Congress. This is a contemptuous defiance of the Congress.

President Nixon we know has conducted his foreign policy with neither our advice nor our consent. What have we left? Only the courts. The American people have always had great faith in a fair and unbiased judicial system. The Supreme Court and the judiciary was our last hope. And the Senate only recently fought and won two battles against confirmation of men who lacked the stature for service on this great institution of justice.

And now we find that President Nixon has used the prestige of his office to interfere with the fair and impartial administration of justice as well. He has compromised our judicial system. I am mortified that the President of our representative democracy—that we hold to the world, not to mention our children, to be a model for all humankind—could act in any way to cast a cloud upon the right of a person to a fair and unbiased trial.

The White House involvement in the Ellsberg case tells us—pious statements notwithstanding—that President Nixon was not above calling for private and secret investigations. We certainly cannot now turn our heads to the possibility that the President may have had prior knowledge of the plans to bug the Watergate as well. We cannot now turn our heads to the possibility that the President in apparent distrust of our electoral processes, may have chosen to sidestep the system by permitting spies and thieves within his organization. We cannot turn our heads to such an arrogant disregard for law and order. We cannot shut our eyes to the lies which were proclaimed in the name of the President by merely declaring that those previous statements are now inoperative.

If we champion our freedom, it must be by insisting that all persons, including the President, now be made to tell the American people the whole truth. As the President himself stated on April 30, he holds a sacred trust. I believe this trust has been breached.

The present occupant of that office owes all of us an explanation. Only the whole truth will suffice, aired in public to all the people, not in statements made behind closed doors to grand juries or special investigators, where we cannot hear for ourselves what the facts are. Failure to come forward now will only further erode the people's confidence in the office of the President.

President Nixon cannot go back to business as usual. His most important business is the people's trust which he holds as a sacred obligation. This trust now calls for all the truth to be told. President Nixon must put aside all personal loyalties to his friends and associates. From what is already known he cannot continue to reiterate his confidence in them.

Now is time for him to have the courage to confront the truth. This is the only way to protect the office he holds from irreparable damage.

GEN. WILLIAM R. PEERS, COURAGEOUS ARMY INVESTIGATOR OF MYLAI: ANOTHER BLACK EYE FOR THE ARMY

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

Mr. STRATTON. Mr. Speaker, last April 13 the press reported the impending retirement from the Army of Lt. Gen. William R. Peers, currently deputy commander of U.S. forces in Korea. General Peers, as Members will recall, was the Army's top investigator of the Mylai incident. He did an outstanding and courageous job, and his forced retirement now, though claimed to be made necessary by the demands of "Secretarial policy" on Army retirement, can only show that the Army is still determined to put itself in the worst possible light in the Mylai massacre case.

In an Army hierarchy dedicated to covering up the real facts of Mylai, General Peers was a welcome breath of fresh air, candor, and hard-hitting integrity, and whatever excuses may be given for his early retirement, it can only be regarded as retaliation from the "club" for having conducted an honest investigation of a few of West Point's fair-haired boys. After all, General Peers came into the Army through the Reserve.

As one who has followed this whole Mylai case carefully over the years, I wrote the President last month asking him to hold up General Peers' retirement and personally to review the Army's decision not to promote General Peers to full general.

Mr. Speaker, I felt then and still feel that something is seriously wrong when the Army refuses to promote the man who did the most to dig out the facts about Mylai, while at the same time the State Department pushes feverishly to promote the top Foreign Service officer involved in the coverup of Mylai.

Unfortunately, the White House turned down my request for special review and reconsideration. This is, I believe, a serious error. The Army has had a very serious problem of credibility ever since the Mylai case—not unlike the Watergate case—was first forced out into the open by those outside the Army rather than those from within the Army.

In fact the whole record of the Army and some of its top officers in the ensuing investigations and courts martial is a discouraging and sickening chronicle of missing documents, repeated inability to remember the facts, and shocking dereliction of duty. Only one person in all this mess actually was convicted, although two top generals—as a result of congressional emphasis on the floor of the House of the sorry record of these generals—were disciplined and reprimanded.

Thus the only really bright spot in this sorry, sordid picture was the performance of General Peers. Yet all the Army can do for him now for doing a difficult job then without complaint or pulling any punches—and after he was given to understand he would receive better treatment—is to leave him to the not very tender mercies of impersonal "Secretarial" retirement policies.

I am disgusted.

Mr. Speaker, under leave to extend my remarks, I include the exchange of correspondence with the White House and also an article from the New York Times of April 13, 1973, and an editorial from the Times of April 18, 1973:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 13, 1973.

DEAR MR. PRESIDENT: I am greatly disturbed by the press reports this morning that Lt. Gen. William R. Peers, who headed the Army's hard-hitting investigation of the My Lai affair, is being retired.

Whatever may be the real reasons, his retirement short of 4 stars gives the public impression that he is being retaliated against for his no-holds-barred investigation and report.

All of us on the Hébert subcommittee felt General Peers did a tremendous job in a tough situation; in addition to that he was a topnotch field commander in Vietnam.

As one who has been close to the whole My Lai situation, and who has long felt that the greatest damage came from the "cover up" at the top—both in the Army and in State—I would strongly urge you as Commander-in-Chief to hold up General Peers retirement and personally review the desirability of promoting him to full general.

Cordially,

———, ———.

THE WHITE HOUSE,
Washington, D.C., April 19, 1973.

Hon. SAMUEL S. STRATTON,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. STRATTON: The President has asked me to reply to your letter of April 13, 1973 regarding the retirement of Lieutenant General William R. Peers.

The President appreciates your concern over this retirement and any possible relationship it may have to General Peers' role in the investigation of the My Lai affair. General Peers' retirement occurred under provisions of a policy established by the Secretary of the Army in the summer of 1972. That policy provides that officers serving in the grade of Lieutenant General will retire on reaching the age of 59. (Prior to 1972, that retirement age had been set at 60.) General Peers will reach 59 on June 14 and his retirement is, therefore, the result of the application of this Secretarial policy. May I also point out that there have been no exceptions to the application of this policy since its inception last summer.

I do hope that this information will be helpful to you. If there is anything further I can do, please call.

Sincerely,

BRENT SCOWROFT,
Brigadier General, U.S. Air Force, Military Assistant to the President.

[From the New York Times, Apr. 13, 1973]

NIXON MOVE URGED OF A MY LAI ISSUE— LAWYER FAVORS RETENTION OF INVESTIGATING GENERAL

(By Seymour M. Hersch)

WASHINGTON, April 12.—A civilian lawyer who aided in the Army's investigation of the My Lai 4 massacre said today that the pending retirement of Lieut. Gen. William R. Peers, who headed the inquiry, was "simply incredible." He termed it a move adding to "the impression that the Army was not really serious about punishing those responsible."

Jerome K. Walsh, Jr., of New York, who served as a counsel to the high-level official investigating team in 1969 and 1970, urged President Nixon to intervene with the Pentagon to prevent General Peers' retirement. The Army announced yesterday that the general, who is now deputy commander of the Eighth Army in South Korea, would retire in June.

Similar criticism of the retirement was voiced by Representative Clement J. Zablocki, Democrat of Wisconsin, who said in a statement. "It is incredible to me that the leaders of the Pentagon are prepared to allow General Peers to retire from active duty at this point in our history."

Maj. Gen. Winant Sidle, the Army's chief spokesman, said, however, that General Peers' retirement was routine and added that his "reputation is still outstanding in the Army because of My Lai."

"The real issue," Mr. Zablocki said, "is whether the action of the Army in sidelining General Peers will cause future officers to shy away from calling them as they see them."

Mr. Zablocki said General Peers had been assured by top Army officials after his report was completed that he would be promoted to full general before retirement. Another source subsequently confirmed the arrangement, but added that something happened.

FOURTEEN OFFICERS CHARGED

Asked about this, General Sidle said, "I have not heard that rumor and I am in a pretty good position to hear rumors."

General Peers assembled a staff or more than 90 officers and enlisted men in December, 1969—at the height of the outcry over the My Lai massacre—and began his comprehensive inquiry. Mr. Walsh and another New York lawyer, Robert Maccrate, were assigned as counsel.

The group's 260-page report, which is still secret, concluded four months later that the two generals of the Americal Division, parent unit of the infantry company that attacked the hamlet on March 16, 1968, had committed more than 40 acts of omission or misconduct in connection with the initial field investigations of the massacre, in which more than 100 Vietnamese civilians were killed.

Fourteen officers were charged with aiding the coverup, including Maj. Gen. Samuel W. Koster, who was the Americal Division commander in March, 1968, and was serving as superintendent of the United States Military Academy at West Point at the time he was cited by the Peers Report.

Only one of the officers, Col. Oren K. Anderson, stood court-martial in the ensuing months, and he was acquitted.

Mr. Walsh criticized the Army's failure to prosecute the officers named in the Peers report and the Army's refusal to release the report as additional factors behind what he called the "impression" that the military was unable to discipline itself.

In a telephone interview, he said General Peers "unhesitantly applied the highest standards of responsibility and accountability to brother officers who had been his friends and comrades for many years. And when the facts showed that they had failed to meet those standards, he said so in plain language."

[From the New York Times, Apr. 18, 1973]

UNWANTED GENERAL

In 1969, when the nation was still in a state of shock over the wanton killing of

women and children by American soldiers in Mylai, a major note of hope was the appointment of Lieut. Gen. William R. Peers to head an inquiry into the tragic affair. General Peers carried out a vigorous and unsparing investigation, and in 1970 established that "a tragedy of major proportions" had indeed occurred in the ill-fated Vietnamese hamlet.

It now appears that General Peers is to be quietly retired from active service at the age of 58. The Army insists that the general's exit is routine. But the departure of this officer who stood for fair but unsparing efforts to expose the Mylai atrocities and prevent their recurrence seems of a piece with the Pentagon's almost totally negative response to the Peers panel's findings.

Only one of fourteen high-ranking officers charged by the inquiry with complicity in a cover-up of the massacre was brought to trial, and he was acquitted. Charges against the others were dropped for alleged lack of evidence, but the 260-page report which contains the charges in question is still classified "secret."

Two civilian lawyers, who served as special counsel to the Peers panel, have long been critical of the Pentagon's peculiar apathy. Robert MacCrate characterized the quick dismissal of charges as a "failure to recognize the Army's responsibility to the public at large." Now, Jerome K. Walsh, Jr. has charged that General Peers' retirement will add to "the impression that the Army was not really serious about punishing those responsible" for the Mylai cover-up. It most certainly will.

General Peers, an officer with a distinguished command record that included action in Vietnam, probably never fitted into the military establishment's concept of an investigator. When he accepted the assignment, he said he "deliberately avoided selecting a group of senior colonels and general officers" because he wanted "young combat-experienced officers who had seen war and who knew the trials, the pressures and the tribulations of combat first-hand."

The general's tough, unorthodox approach to an unpleasant task raised the hopes of many Americans that exposure of a terrible wrong committed by the military would be a first step toward full accountability by the responsible echelons of command. Yet, except for the conviction of Lieut. William Calley and administrative censure of some officers, little has been done to use the Peers report for the only purpose that matters—to determine what went wrong and to give assurance that the Army can discipline itself properly in the future. This purpose has not been accomplished.

Gen. Peers' premature retirement indicates that the Pentagon has managed to rid itself of the unwelcome presence of anyone who might remind America's conscience of this still shamefully unfinished business.

SELECT COMMITTEE ON CRIME

(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 Thursday, April 19, 1973, the Select Committee on Crime completed its second week of hearings entitled, "Reduction Of Juvenile And Adult Recidivism Through New Correctional Approaches" as part of the committee's 3-week series of hearings on street crime in America.

The committee heard testimony from experts in the field of juvenile corrections from all areas of the United States. The committee, as well as the witnesses, are well aware of the direct connection between violent street crimes in the United States and the problem of juvenile delinquency, since a large portion of street crimes are commited by this Nation's young adults. The problem of street crime in this country cannot be dealt with without an indepth review of juvenile corrections programs that are being implemented throughout this country. The ultimate reduction in street crime in this Nation will only be accomplished when the people become totally committed to the reduction of juvenile delinquency.

Although there are many causes of juvenile delinquency and juvenile criminal activity, one of the principal contributing factors toward this tragic state of affairs is the current state of juvenile corrections throughout the majority of the States in the United States.

The committee heard witnesses from States that are committed to a system of juvenile corrections that is both enlightened and humane, but unfortunately, we are unhappy to admit that these States do not represent the majority of the States in the United States.

The committee heard from witnesses who are implementing or who advocate new approaches in the juvenile corrections field, and it is our fervent hope other States will soon follow their example.

Dr. Jerome Miller, director of Family Services for the State of Illinois, and formerly commissioner of the Department of Youth Services in the Commonwealth of Massachusetts, opened this session of hearings with a knowledgeable and forthright presentation of his views of juvenile corrections as exemplified by his outstanding achievements in the Commonwealth of Massachusetts.

Dr. Miller came into Massachusetts and was met with a system of juvenile corrections that originated in the early part of the 19th century, which remained substantially unchanged until the tenure of Dr. Miller. In his brief tenure in Massachusetts, Dr. Miller closed the antiquated and outmoded correctional institutions, replacing them with community-based facilities such as halfway houses and group homes that are geared toward rehabilitating the juvenile back into society rather than incarceration and isolating that juvenile from the community from whence he came.

The committee had the benefit of testimony from five young people who had been through the old system of juvenile corrections in Massachusetts as well as the group home approach instituted by Dr. Miller. These individuals presented to the committee a vivid example of what the new approaches in juvenile corrections can do for the individual.

Mr. Kenneth Schoen, commissioner of corrections for the State of Minnesota, testified before the committee on community-based juvenile corrections programs that are currently proliferating throughout the State of Minnesota. Schoen described Minnesota's probation offenders rehabilitation and training program—PORT—which began in 1969. He stated that statistical data compiled by his office since 1969 evidences that PORT has affected a dramatic drop in the crime rate in the three counties that PORT serves. PORT is a community-based facility which is funded by Minnesota and the counties involved and significantly, by charging 10 percent of the cost of the inmate's treatment to the inmate himself.

Judge Lindsey Arthur of the Minneapolis Family Court, who is also president of the National Council on Juvenile Court Judges, also appeared before the committee. Judge Arthur commented on the need for continuing education for juvenile court judges, which is being accomplished by the National Council on Juvenile Court Judges' College in Reno, Nev.

Judge Arthur also advised the committee on various programs that the Minneapolis Family Court has instituted, which it is felt are helping to reduce juvenile crime. One of these programs is called "Operation De Novo," whose mission it is to pick up the hard-core juveniles before they get to court. According to Judge Arthur, the program has had significant success in Minnesota.

Appearing also before the committee was Mr. Oliver J. Keller, director of the Division of Youth Services, State of Florida. Mr. Keller testified on various programs currently being implemented throughout Florida in the juvenile corrections field. Florida is one of the leading States in this vital area of concern. It has accepted the thesis that juvenile institutions where the juvenile offender is merely located, as in an institution isolated from the community, is a system that has failed and has created more problems than it has solved.

According to Mr. Keller, Florida now has 26 community-based halfway houses located throughout the State, as well as wilderness camps that are part of the juvenile corrections system in that State. Of special note is the program whereby the Department of Youth Services has contracted with marine installations in Florida whereby young juvenile offenders are educated in various aspects of boating, scuba diving, sailing, and other marine-related activities.

Joseph R. Rowan, executive director of the John Howard Association of Chicago, Ill., graciously accepted an invitation to appear before our committee, and he testified and commented on various juvenile correctional programs throughout the United States in which the John Howard Association has been involved. The John Howard Association has instituted intensive studies and evaluations on juvenile corrections programs in Florida, Wisconsin, Michigan, and Maryland, as well as other States throughout the Union.

Mr. Rowan was formerly head of the Minnesota Youth Conservation Commission and was a consultant and western director of the National Council on Crime and Delinquency.

Dr. Rosemary Sarri, director of the National Assessment of Juvenile Corrections of the University of Michigan, Ann Arbor, testified on the program of which she is codirecting with Dr. Robert D. Vinter.

Sarri presented to the committee some of the early returns gathered from the national assessment.

Mr. Paul Isenstadt, the senior field director of the national assessment, elaborated on Dr. Sarri's testimony by giving firsthand accounts of programs that he has visited throughout the country.

The committee next turned its attention to the State of Kansas, a Midwestern State, with unique problems of a small State.

Dr. Robert Harder, director of the Kansas Department of Social Welfare, represented the State of Kansas, and he commented on the trends of juvenile corrections in his State. Specifically, he told the committee that Kansas is moving in the direction of community-based juvenile correctional facilities, as exemplified by the statement of the Governor of Kansas to the State Legislature, wherein he indicated his support for community-based programs in Kansas.

By executive order Governor Docking has scraped plans to construct more large scale juvenile institutions in Kansas.

Mr. Harder testified that the "Achievement Place" program in Lawrence, Kans., played a significant role in shaping the juvenile corrections policy in Kansas.

The committee was pleased to have representatives from "Achievement Place" appear before the committee to explain the program in detail.

Dr. Dean Fixsen and Dr. Montrose Wolf appeared before the committee and presented the committee with a slide view of "Achievement Place," as well as their detailed explanations of the programs, including the "Teaching Parents" concept that has been instituted at the University of Kansas in conjunction with "Achievement Place."

The final day of our hearings on juvenile corrections began with testimony from Judge Keith Leenhouts, a former Municipal Court judge in Royal Oaks, Mich., who is currently president of a volunteer organization called "Volunteers for Probation." Leenhouts explained to the committee the concept of "Volunteers for Probation" and how it is being implemented throughout the country.

Following Leenhouts, former Governor of New Jersey, the Honorable Richard J. Hughes, chairman of the American Bar Association Commission on Correctional Facilities and Services, and Mr. Daniel L. Skoler, staff director of that American Bar Association Commission, appeared before the committee and testified on various adult correctional programs throughout the United States which the commission has studied; especially in the areas of treatment and rehabilitative approaches that must be fostered and modernized if our correctional system is to achieve what it so desperately needs—a better success rate.

The hearings concluded with a showing of the film, "Children in Trouble," narrated by Mr. Howard James, the author of a book of the same title.

The final series of our hearings on street crime in America will begin on Tuesday, May 1, and will focus on the courts and the prosecutors—what they are doing to reduce crime in our streets through new programs and procedures.

PRESIDENT NIXON'S NEW STEPS IN PHASE III PRICE CONTROL PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, for the information of the House, I place in the RECORD the full text of President Nixon's statement of May 2 regarding new steps in the phase III price control program:

STATEMENT BY THE PRESIDENT

The Congress has passed and I have signed into law an extension of the Economic Stabilization Act. This legislation will permit continuation of a constructive and orderly program to restore price stability and I congratulate the Congress on its action.

After 18 months of great progress against inflation, prices soared again in February and March. Most of the increases were in the price of food, an area that strikes home for each of us every day. In these circumstances the temptation was strong to go for the superficially simple solution—to freeze prices across the board or even roll them back. We carefully considered that alternative. We firmly concluded, however, that such a move, taken at this time, would have created more problems for the average American than it would solve.

If, on the one hand, the freeze had been brief, the country would soon have confronted all the old problems again with even greater urgency when the freeze expired. But if, on the other hand, the freeze were planned to last for an extended period, then our present rising prosperity would have ground to a halt and the controls system would eventually have broken down.

Concerned as we are about the rise of prices, we must also recognize that there are some cases in which necessary supplies will not be available if prices are frozen or rolled back. We are seeing this now with oil and gas products. Similiarly, if we had forced the prices of meat back to their January levels, as some have suggested, customers would not be boycotting meat today but would instead be storming supermarkets to be the first in line for the scarce supply of meat.

There are times, of course, when a price-wage freeze is necessary. August of 1971 was such a time.

But the situation is very different today. The American economy is operating much closer to capacity than in the summer of 1971. As a result, there are many more cases today where freezing prices would cause shortages. More than that, today we have a flexible price and wage control system already in existence. If conditions require firmer action, generally or selectively, we are already well-equipped to take it.

The price-wage control system is part of a larger anti-inflation program, the cornerstone of which is a responsible budget policy. The healthy expansion of our economy, which is creating more jobs and better wages today, could be transformed into a dangerously inflationary boom tomorrow if the rise in Federal spending accelerates. We must not let that happen.

At the same time that we are following fiscal and monetary policies to restrain excessive demand in the marketplace, we also are acting to increase supplies, the best of all ways to fight rising prices.

One area of special concern, of course, is food prices. We have been working in many ways to increase the supply of food. We have greatly increased the acreage of land available for raising crops and grazing livestock. We have sold the Government-owned stocks of wheat and feed grains. We are no longer subsidizing the export of food, and we have acted to increase imports of meat, dried milk and cheese. These measures cannot immediately offset the food shortages we have recently experienced—including those caused by the blizzards and floods of the last few months. However, what has been done, together with the spontaneous response of farmers to the present high prices, will have the effect of increasing food supplies and thus holding down prices. In fact, retail food prices have been rising less rapidly in recent weeks than earlier this year. We will continue to explore every possible way to meet the food inflation problem.

We are also seeking to increase supplies of industrial materials by selling off stocks held in the Government's strategic stockpile that are no longer required for national security. I have sent to the Congress the legislation necessary to effect this disposal and I urge its prompt enactment. I have also sent to the Congress a request for authority to suspend tariffs or other restrictions on imports where such action would be useful to restrain inflation; I hope this legislation will also be promptly and favorably considered.

The third element in the Government's anti-inflation program, in addition to checking the expansion of demand through appropriate fiscal and monetary policies and stimulating the expansion of supply, is the price-wage control system, now known as Phase III.

In Phase III the Government has set forth standards of desirable price and wage behavior which are essentially the same standards used during Phase II. In some areas—food processing and distributing, construction and medical care—observance of these standards is mandatory just as it was in Phase II. For the rest of the economy, compliance is on a self-administering basis unless the Government, through the Cost of Living Council, finds mandatory control necessary. As I have said before, Phase III will be as voluntary as it can be and as mandatory as it has to be.

Since Phase III began, we have taken a number of steps to ensure the achievement of its goals. Mandatory price control has been imposed on the larger oil companies. Ceiling prices have been set for beef, pork and lamb. Those wage agreements that have appeared inconsistent with price stabilization have been held up pending further study. The Internal Revenue Service is checking on some 500 large companies to be sure that their pricing procedures conform with the standards of Phase III. The Cost of Living Council is meeting with representatives of a number of large industries to gain a better understanding of the causes of their recent price increases.

So that the Government can administer the Phase III price control program more effectively, I have directed the Cost of Living Council to take several further steps.

First, it will obtain from the largest firms a full and detailed report on price changes that have been put into effect since the beginning of Phase III, so that it may order reduction of increases that have exceeded the standards.

Second, a new system of prenotification will be instituted. If a major firm intends to raise its average prices more than 1.5 percent above the January 10 authorized level, it must notify the Cost of Living Council 30 days in advance. This will give the Cost of Living Council an opportunity to determine whether or not the use of its authority to stop the increase, or some other action, is warranted.

Third, firms not exceeding the 1.5 percent limit will still be required to report their actions quarterly, so that their conformity to the cost-justification standards may be checked.

Fourth, additional resources will be assigned to ensure that these strengthened efforts are carried out fairly and effectively.

The Cost of Living Council will provide the details of these actions.

This Administration will continue to do everything it can to fight inflation, but others must also do their part if we are to succeed. Everyone has an interest in restoring reasonable price stability without ending the present prosperity and without rigid suppression of free markets and free collective bargaining.

Our great need is for more production. Only with more production can we fight inflation while still providing the goods and services people want.

Today I address the call for more production particularly to the Nation's farmers, because it is the price of food more than anything else that now blocks the return of price stability. There are many grounds on which such an appeal can be based. Prices are high, world demand is strong, and economic conditions are such that farmers will improve their incomes by producing more. This is especially true of animal products—meat, dairy products and eggs. Continuously rising food prices, on the other hand, would create greater pressure for controls, pressures which could be hard to resist even though the controls would hurt consumers as well as farmers.

The country needs more food, and American farmers have never failed to deliver when the country needed them. Although our farmers have had to contend with miserable weather conditions in recent months, their productive capacity is still not fully utilized.

Labor and management also can contribute to the fight against inflation by continuing to improve productivity. Rising productivity attacks inflation both by increasing supplies and by holding down costs. Progress on this front to date has been encouraging. Since the summer of 1971, output per man-hour has risen 50 percent faster than it has over the long-term. It is imperative that we continue this excellent performance, even though it will become more difficult to do so as the economy reaches higher levels.

Labor and management have also been contributing to our stabilization efforts through responsible collective bargaining. The average size of increases in collective bargaining agreements was lower in the first quarter of 1973 than before the New Economic Policy began. I am also encouraged by the record to date in maintaining industrial peace. In short, the cooperation of American labor and management in the stabilization effort has been outstanding.

The American people look to labor and management to continue constructive behavior.

Although I believe that prices will not rise as much in the months ahead as they did in February and March, price increases will probably be higher than we would like for some months. We should be mature enough to recognize that there is no instant remedy for this problem. We are dealing with a condition that is world-wide in scope and indeed has been less severe and more effectively confronted here than in most other countries. Working together, the American people will solve the problem of inflation, but that process will require patience, cooperation and understanding from us all.

Meanwhile, let us not overlook the great strengths of our economy. We have more people at work than ever before, earning higher real incomes and consuming more goods and services per capita than at any time in our past. Inflation is a potential danger to all and a present hardship for some but nevertheless the American people are enjoying the fruits of an extraordinary effective economic system. Any superficially appealing actions that would disrupt or abandon that system would ultimately cause far more damage than they would repair.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEINZ (at the request of Mr. ARENDS), for today, on account of official business.

Mr. JONES of Tennessee (at the request of Mr. MCFALL), for today, on account of illness.

Mr. MCSPADDEN (at the request of Mr. MCFALL), for today through May 7, on account of official business.

Mr. VANDER JAGT (at the request of Mr. GERALD R. FORD), through May 12, on account of official business.

Mr. WOLFF (at the request of Mr. MCFALL), for today through May 10, on account of official business.

Mr. BUCHANAN (at the request of Mr. GERALD R. FORD), through May 12, on account of official business.

Mr. CONTE (at the request of Mr. GERALD R. FORD), for today, to attend burial services of personal friend.

Mr. FRELINGHUYSEN (at the request of Mr. GERALD R. FORD), through May 12, on account of official business.

Mr. GUYER (at the request of Mr. GERALD R. FORD), through May 12, 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. COCHRAN) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 15 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. MIZELL, for 5 minutes, today.

Mr. LOTT, for 60 minutes, May 9.

Mr. DERWINSKI, for 60 minutes, May 9.

Mr. BLACKBURN, for 5 minutes, today.

(The following Members (at the request of Mr. GINN) to revise and extend their remarks and include extraneous material:)

Mr. O'NEILL, for 5 minutes, today.

Mr. VANIK, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MEEDS, for 5 minutes, today.

Mr. ROUSH, for 5 minutes, today.

Mr. ADAMS, for 5 minutes, today.

Mr. REUSS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FINDLEY and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $15,300.

Mr. RODINO to include extraneous matter in the remarks he made today in committee.

(The following Members (at the request of Mr. COCHRAN) and to include extraneous material:)

Mr. LENT in two instances.

Mr. FREY.

Mr. SYMMS.

Mr. HUNT in three instances.

Mr. SEBELIUS.

Mr. TAYLOR of Missouri.

Mr. KEMP in two instances.

Mr. WALSH.

Mr. SPENCE.

Mr. DERWINSKI in three instances.

Mr. EDWARDS of Alabama.

Mr. THOMSON of Wisconsin in two instances.

Mr. WYMAN in two instances.

Mr. BOB WILSON in three instances.

Mr. MCCLORY.

Mr. BEARD.

Mr. CONTE.

Mr. STEIGER of Wisconsin.

Mr. KETCHUM.

Mr. CARTER in three instances.

Mr. HUBER.

Mr. MCKINNEY.

Mr. HOSMER in two instances.

Mr. HARVEY.

Mr. SHOUP.

Mr. VEYSEY in five instances.

Mr. YOUNG of Alaska.

(The following Members (at the request of Mr. GINN) and to include extraneous matter:)

Mr. WOLFF.

Mr. VANIK.

Mr. DINGELL in two instances.

Mr. EILBERG in 10 instances.

Mr. ROONEY of New York.

Mr. MCSPADDEN in three instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. BOLAND.

Mr. BRINKLEY in two instances.

Mr. LITTON.

Mr. HUNGATE.

Mr. ADAMS.

Mr. HALEY.

Mr. DAVIS of South Carolina.

Mr. WALDIE in two instances.

Mr. MOORHEAD of Pennsylvania in five instances.

Mr. DRINAN.

Mr. DELLUMS in three instances.

Mr. MAZZOLI.

Mr. KYROS.

Mr. UDALL in seven instances.

Mr. SYMINGTON.

Mr. ECKHARDT.

Mr. MURPHY of New York in two instances.

Mrs. CHISHOLM.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 755. An act to provide 4-year terms for the heads of the executive departments; to the Committee on Post Office and Civil Service.

S. 795. An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes; to the Committee on Education and Labor.

S. 1264. An act to authorize and direct the Secretary of the Treasury to make grants to Eisenhower College, in Seneca Falls, N.Y., out of proceeds from the sale of silver dollar coins bearing the likeness of the late President of the United States, Dwight David Eisenhower; to the Committee on Banking and Currency.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3841. An act to provide for the striking of medals in commemoration of Roberto Walker Clemente; and

H.J. Res. 393. Joint resolution to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 51. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week"; and

S.J. Res. 93. Joint resolution to provide a temporary extension of the authorization for the President's National Commission on Productivity.

ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, May 7, 1963, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

852. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations and for other purposes; to the Committee on Armed Services.

853. A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs) transmitting a draft of proposed legislation to amend title 10, United States Code, with respect to certain sections relating to strengths for the Army, Navy, Air Force, and Marine Corps; to the Committee on Armed Services.

854. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Income and Franchise Tax Act of 1947 to provide a property tax credit to certain senior citizens, and for other purposes; to the Committee on the District of Columbia.

855. A letter from the Director, District of Columbia Bail Agency, transmitting the 1971 annual report of the agency, pursuant to 23 D.C. Code 1307; to the Committee on the District of Columbia.

856. A letter from the Assistant Secretary of State for Economic and Business Affairs, transmitting the 25th report on operations under the Mutual Defense Assistance Control Act of 1951 (Battle Act); to the Committee on Foreign Affairs.

857. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to section 112(b) of Public Law 92-403; to the Committee on Foreign Affairs.

858. A letter from the Chairman, Federal Power Commission, transmitting copies of publications entitled "Steam-Electric Plant Construction Cost and Annual Production Expenses, 1971" and "Hydroelectric Power Resources of the United States, Developed and Undeveloped, 1972"; to the Committee on Interstate and Foreign Commerce.

859. A letter from the Chairman, National Mediation Board, transmitting the 38th annual report of the Board, pursuant to 45 U.S.C. 154, together with the report of the National Railroad Adjustment Board, pursuant to 45 U.S.C. 153; to the Committee on Interstate and Foreign Commerce.

860. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the Act [8 U.S.C. 1182(d)(6)]; to the Committee on the Judiciary.

861. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended [8 U.S.C. 1254(c)(1)]; to the Committee on the Judiciary.

862. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 23, 1973, submitting a report, together with accompanying papers and an illustration, on Bayport Channel and Harbor, Fla., authorized by section 112 of the River and Harbor Act approved July 3, 1958; to the Committee on Public Works.

863. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated March 1, 1973, submitting a report, together with accompanying papers and an illustration, on Mills Creek, Fla., authorized by section 206 of the River and Harbor Act approved July 3, 1958; to the Committee on Public Works.

864. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 23, 1973, submitting a report, together with accompanying papers and illustrations, on Pond River Basin, Ky., requested by resolutions of the Committee on Public Works, U.S. Senate and House of Representatives, adopted May 28, 1966 and May 5, 1966, respectively; to the Committee on Public Works.

865. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing the leasing of space to house activities of the National Oceanic and Atmospheric Administration in the Fort Lincoln Urban Renewal Area, Washington, D.C., pursuant to 40 U.S.C. 606; to the Committee on Public Works.

866. A letter from the Administrator of Veterans' Affairs, transmitting the 1972 annual report of the Veterans' Administration, pursuant to 38 U.S.C. 214; to the Committee on Veterans' Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

867. A letter from the Comptroller General of the United States, transmitting a report on problems in meeting military manpower needs in the all-volunteer force; to the Committee on Government Operations.

868. A letter from the Comptroller General of the United States, transmitting a report on ways to improve the effectiveness of rural business loan programs administered by the Farmers Home Administration, Department of Agriculture; to the Committee on Government Operations.

869. A letter from the Comptroller General of the United States, transmitting a report on the need for improved inspection and enforcement by the Department of Transportation in regulating the transportation of hazardous materials; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee on Appropriations. H.R. 7447. A bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes; (Rept. No. 93-164). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 7445. A bill to amend the Renegotiation Act of 1951 to extend the act for 2 years; (Rept. No. 93-165). 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 Mrs. GRIFFITHS (for herself and Mr. SCHNEEBELI):

H.R. 7445. A bill to amend the Renegotiation Act of 1951 to extend the act for 2 years; to the Committee on Ways and Means.

By Mr. DONOHUE (for himself, Mr. MANN, Mr. DANIELSON, Ms. JORDAN, Mr. THORNTON, Mr. BUTLER, Mr. FISH, and Mr. MOORHEAD of California):

H.R. 7446. A bill to establish the American Revolution Bicentennial Administration, and for other purposes; to the Committee on the Judiciary.

By Mr. MAHON:

H.R. 7447. A bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. ADAMS (for himself, Mrs. BOGGS, Mr. WAGGONNER, Mr. LONG of Louisiana, Mr. BREAUX, Mr. MITCHELL of Maryland, Mr. HOGAN, Mr. BURTON, and Mr. YOUNG of Alaska):

H.R. 7448. A bill to provide for the continued operation of various Public Health Service hospitals; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI (for himself and Mr. KYROS):

H.R. 7449. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a Formulary Committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

H.R. 7450. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

H.R. 7451. A bill to amend the Internal

Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals of 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

H.R. 7452. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for optometrists' services and eyeglasses; to the Committee on Ways and Means.

H.R. 7453. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. BLACKBURN (for himself and Mr. PEPPER):

H.R. 7454. A bill to establish a national flood plain policy and to authorize the Secretary of the Interior, in cooperation with Federal agencies and the States, to encourage the dedication of the Nation's flood plains as natural floodways, to protect, conserve, and restore their natural functions and resources, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROWN of Ohio:

H.R. 7455. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

By Mr. BURLESON of Texas:

H.R. 7456. A bill to amend the Natural Gas Act to provide that, in fixing rates for the transportation of natural gas in interstate commerce or for the sale in interstate commerce of natural gas for resale, the Federal Power Commission shall reflect changes in the purchasing power of the dollar after December 31, 1972, in determining the utility plant and related reserve for depreciation components of rate base for natural gas pipeline companies; to the Committee on Interstate and Foreign Commerce.

By Mr. DANIELSON (for himself, Mrs. BOGGS, Mr. RAILSBACK, Mr. MAZZOLI, Mr. SEIBERLING, Mr. MCKAY, Mr. MATSUNAGA, Mr. PEPPER, Mr. HUNGATE, Mr. MEZVINSKY, Mr. CLAY, Mr. ROYBAL, Mr. ALEXANDER, Mr. MANN, Mr. GRAY, Mr. BURLISON of Missouri, Mr. SARBANES, Mr. PETTIS, and Mr. EILBERG):

H.R. 7457. A bill to create a Federal Disaster Insurance Corporation to insure the people of the United States against losses due to major natural disaster, and for other purposes; to the Committee on Banking and Currency.

By Mr. DELLUMS:

H.R. 7458. A bill to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. DENHOLM:

H.R. 7459. A bill to establish a special commission of inquiry to investigate alleged criminal irregular, or wrongful conduct in the presidential election campaign of 1972, and to publish recommendations and reports to safeguard the election process and procedures relating thereto; to the Committee on the Judiciary.

By Mr. DENT (for himself, Mr. EILBERG, Mr. ROONEY of Pennsylvania Mr. NIX, Mr. GAYDOS, Mr. YATRON and Mr. BURTON:)

H.R. 7460. A bill to require that a percentage of U.S. imports be carried on U.S. flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. DORN (by request):

H.R. 7461. A bill to provide for the conversion of Servicemen's Group Life Insurance to Veterans' Group Life Insurance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ERLENBORN (for himself, Mr. BIESTER, Mr. HANRAHAN, Mr. HARRINGTON, Mr. MURPHY of New York, Mr. PARRIS, Mr. RAILSBACK, Mr. RONCALLO of New York, and Mr. WON PAT):

H.R. 7462. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. ERLENBORN (for himself, Mr. BIESTER, Mr. COUGHLIN, Mr. FOUNTAIN, Mr. HASTINGS, Mr. HEINZ, Mr. RONCALLO of New York, and Mr. UDALL):

H.R. 7463. A bill to amend the Freedom of Information Act to require that all information be made available to Congress except where Executive privilege is invoked; to the Committee on Government Operations.

By Mr. FRASER (for himself and Mr. ZABLOCKI):

H.R. 7464. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. FULTON:

H.R. 7465. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

H.R. 7466. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the armed forces; to the Committee on Armed Services.

H.R. 7467. A bill to promote public health and welfare by expanding and improving the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7468. A bill to promote public health and welfare by expanding and improving the family planning services and population sciences research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA:

H.R. 7469. A bill to authorize the Secretary of the Interior to conduct a study with respect to the feasibility of establishing the Bartram Trail as a national scenic trail; to the Committee on Interior and Insular Affairs.

By Mrs. HECKLER of Massachusetts:

H.R. 7470. A bill to increase the duty on rubber filament; to the Committee on Ways and Means.

H.R. 7471. 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. HORTON (for himself, Mr. ERLENBORN, Mr. ANDERSON of Illinois, Mr. FASCELL, Mr. FAUNTROY, Mr. HANSEN of Idaho, Mr. HEINZ, Mr. PARRIS, Mr. RIEGLE, Mr. ROONEY of Pennsylvania, Mr. RUPPE, and Mr. THOMPSON of New Jersey):

H.R. 7472. A bill to amend section 552 of title 5 of the United States Code to limit exemptions to disclosure of information, to establish a Freedom of Information Commission, and to further amend the Freedom of Information Act; to the Committee on Government Operations.

By Mr. HOSMER (for himself, Mr. ABDNOR, Mr. ADDABBO, Mr. BAFALIS, Mr. BRASCO, Mr. BUCHANAN, Mr. CARNEY of Ohio, Mr. CONYERS, Mr. CORMAN, Mr. DAVIS of South Carolina, Mr. DIGGS, Mr. ESCH, Mr. ESHLEMAN, Mr. GERALD R. FORD, Mr. FROEHLICH, Mrs. GRASSO, Mr. GROSS, Mr. HALEY, Mr. HINSHAW, Mr. HOWARD, Mr. JONES of North Carolina, Mr. LOTT, Mr. MATHIS of Georgia, Mr. MICHEL, and Mr. MCCLORY):

H.R. 7473. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOSMER (for himself, Mr. NICHOLS, Mr. REGULA, Mr. ROBISON of New York, Mr. STUDDS, Mr. SPENCE, Mr. SLACK, Mr. SEIBERLING, Mr. STEELE, Mr. SYMMS, Mr. TEAGUE of Texas, Mr. THOMSON of Wisconsin, Mr. TREEN, Mr. BEVILL, Mr. WHITEHURST, Mr. PICKLE, Mr. ROUSSELOT, Mr. FASCELL, Mr. EDWARDS of Alabama, Mr. MIZELL, Ms. ABZUG, Mr. WALSH, and Mr. GAYDOS):

H.R. 7474. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNGATE:

H.R. 7475. A bill relating to payments to producers for participation in the 1973 feed grain program; to the Committee on Agriculture.

By Mr. HUNT:

H.R. 7476. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other persons; to the Committee on Interstate and Foreign Commerce.

By Mr. JARMAN:

H.R. 7477. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KARTH:

H.R. 7478. A bill to provide that respect for an individual's right not to participate in abortions contrary to that individual's conscience be a requirement for hospital eligibility for Federal financial assistance; to the Committee on Interstate and Foreign Commerce.

H.R. 7479. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LEGGETT:

H.R. 7480. A bill to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care; to the Committee on Armed Services.

By Mr. LEHMAN:

H.R. 7481. A bill to increase the contribution of the Government to the costs of health benefits for Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MACDONALD:

H.R. 7482. A bill to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar", and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MCCLORY (for himself and Mr. YOUNG of Illinois):

H.R. 7483. A bill to amend the National Flood Insurance Act of 1968 to extend coverage under the flood insurance program to include losses from the erosion and undermining of shorelines by waves or currents of water; to the Committee on Banking and Currency.

By Mr. MORGAN (by request):

H.R. 7484. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. TIERNAN, Mr. ST GERMAIN, Mr. BOLAND, Mr. BURKE of Massachusetts, Mr. DONOHUE, Mrs. HECKLER of Massachusetts, Mr. CRONIN, Mr. DRINAN, Mr. CONTE, Mr. STUDDS, Mr. MOAKLEY, Mr. MACDONALD, and Mr. HARRINGTON):

H.R. 7485. A bill to provide readjustment allowance, opportunities, early retirement benefits, health benefits, public service employment and job counseling and training opportunities, and relocation benefits to adversely affected workers separated from their employment because of defense installation and activity realinements; to the Committee on Education and Labor.

By Mr. O'NEILL (for himself, Mr. BURKE of Massachusetts, and Mr. MOAKLEY):

H.R. 7486. A bill to authorize the establishment of the Boston National Historical Park in the Commonwealth of Massachusetts; to the Committee on Interior and Insular Affairs.

By Mr. OWENS:

H.R. 7487. A bill requiring congressional authorization for the reinvolvement of American forces in further hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. PATTEN:

H.R. 7488. A bill to extend the National Foundation on the Arts and the Humanities Act; to the Committee on Education and Labor.

By Mr. QUIE (for himself, Mr. ASHBROOK, Mr. ERLENBORN, Mr. DELLENBACK, Mr. HANSEN of Idaho, Mr. FORSYTHE, Mr. KEMP, and Mr. TOWELL of Nevada):

H.R. 7489. A bill to delete the termination date for title II of the Manpower Development and Training Act of 1962, as amended; to the Committee on Education and Labor.

By Mr. RODINO:

H.R. 7490. A bill to provide for the appointment of a special prosecutor to prosecute any offenses against the United States arising out of the "Watergate Affair"; to the Committee on the Judiciary.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mrs. BURKE of California, Mr. BURTON, Ms. CHISHOLM, Mr. CONYERS, Mr. CORMAN, Mr. DANIELSON, Mr. DIGGS, Mr. EDWARDS of California, Mr. HARRINGTON, Mr. HAWKINS, and Mr. HECHLER of West Virginia):

H.R. 7491. A bill to permit the advertising of drug prices and to require retailers of prescription drugs to post the prices of certain commonly prescribed drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. KOCH, Mr. MCCORMACK, Mr. MOAKLEY, Mr. PODELL, Mr. REES, Mr. RIEGLE, Mr. ROYBAL, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, and Mr. WON PAT):

H.R. 7492. A bill to permit the advertising of drug prices and to require retailers of prescription drugs to post the prices of certain commonly prescribed drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mrs. BURKE of California, Mr. BURTON, Ms. CHISHOLM, Mr. CONYERS, Mr. CORMAN, Mr. DANIELSON, Mr. DIGGS, Mr. EDWARDS of California, and Mr. HARRINGTON):

H.R. 7493. A bill to amend the Federal Food, Drug, and Cosmetic Act so as to require that in the labeling and advertising of drugs sold by prescription the "established name" of such drug must appear each time their proprietary name is used, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. KOCH, Mr. LEHMAN, Mr. MCCORMACK, Mr. MOAKLEY, Mr. PODELL, Mr. REES, Mr. RIEGLE, Mr. ROYBAL, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, Mr. VEYSEY, Mr. WHITE, and Mr. WON PAT):

H.R. 7494. A bill to amend the Federal Food, Drug, and Cosmetic Act so as to require that in the labeling and advertising of drugs sold by prescription the "established name" of such drug must appear each time their proprietary name is used, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mr. BUCHANAN, Mrs. BURKE of California, Mr. BURTON, Ms. CHISHOLM, Mr. CONYERS, Mr. CORMAN, Mr. DANIELSON, Mr. DIGGS, Mr. EDWARDS of California, Mr. HARRINGTON, and Mr. HAWKINS):

H.R. 7495. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. KOCH, Mr. MCCORMACK, Mr. MOAKLEY, Mr. PODELL, Mr. REES, Mr. RIEGLE, Mr. ROYBAL, Mr. SEIBERLING, Mr. STOKES, Mr. SYMINGTON, Mr. WHITE, Mr. WON PAT, and Mr. STARK):

H.R. 7496. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mr. BURTON, Ms. CHISHOLM, Mr. CONYERS, Mr. CORMAN, Mr. DIGGS, Mr. EDWARDS of California, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. KOCH, Mr. MCCORMACK, Mr. MOAKLEY, Mr. PODELL, Mr. REES, Mr. ROYBAL, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, and Mr. WON PAT):

H.R. 7497. A bill to amend title 35 of the United States Code to provide for compulsory licensing of prescription drug patents; to the Committee on the Judiciary.

By Mr. ROUSH (for himself, Mr. ANDERSON of Illinois, Mr. BINGHAM, Mr. BROWN of California, Mr. BUTLER, Mr. EILBERG, Mr. FORSYTHE, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. MELCHER, Mr. MIZELL, Mr. MOAKLEY, Mr. O'BRIEN, Mr. RHODES, Mr. RIEGLE, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. THONE, Mr. WHITEHURST, Mr. WON PAT, Mr. YOUNG of South Carolina, and Mrs. GREEN of Oregon):

H.R. 7498. A bill to amend title II of the Social Security Act to provide for voluntary agreements between ministers and their employers to treat ministers as employed persons; to the Committee on Ways and Means.

By Mr. ROUSSELOT:

H.R. 7499. A bill to amend the Par Value Modification Act, and to amend the Gold Reserve Act of 1934 to permit U.S. citizens to buy, hold, sell, and otherwise deal with gold; to the Committee on Banking and Currency.

By Mr. SAYLOR (for himself, Mr. DON H. CLAUSEN, and Mr. TEAGUE of California):

H.R. 7500. A bill to terminate, and to direct the Secretary of the Interior and Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California; to explore Naval Petroleum Reserve No. 4, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. HALEY, Mr. HOSMER, Mr. CAMP, Mr. TREEN, and Mr. UDALL):

H.R. 7501. A bill to amend the Outer Continental Shelf Lands Act and to authorize the Secretary of the Interior to regulate the construction and operation of deepwater port facilities; to the Committee on Interior and Insular Affairs.

By Mr. SHOUP:

H.R. 7502. A bill of establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of New York:

H.R. 7503. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 7504. A bill to provide for the appointment of a special prosecutor for offenses against the United States arising out of the 1972 Presidential campaign; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 7505. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7506. A bill to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. DEVINE) (by request):

H.R. 7507. A bill to amend the Natural Gas Act to extend its application to the direct sale of natural gas in interstate commerce, and to provide that provisions of the act shall not apply to certain sales in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. SYMINGTON (for himself, Mr. JONES of North Carolina, Mr. BEVILL, Mr. HELSTOSKI, Mr. EILBERG, Mr. GROVER, Mr. WON PAT, Mr. STARK, Mr. WRIGHT, Mr. LEHMAN, Mrs. CHISHOLM, Mr. PARRIS, Mr. PREYER, Mr. MOAKLEY, Mr. BROWN of California Mr. CORMAN, and Mr. DE LUGO):

H.R. 7508. A bill to protect the public health and safety by assisting local fire protection districts and departments maintain and improve their firefighting and rescue operations; to the Committee on Science and Astronautics.

By Mr. TALCOTT:

H.R. 7509. A bill to authorize equalization of the retired or retainer pay of certain members and former members of the uniformed services; to the Committee on Armed Services.

H.R. 7510. A bill to amend the National Labor Relations Act to require a vote by employees who are on strike, and for other purposes; to the Committee on Education and Labor.

H.R. 7511. A bill to amend title I of Public Law 874, 81st Congress, to provide financial assistance to local educational agencies for the education of children of migrant agricultural employees; to the Committee on Education and Labor.

H.R. 7512. A bill to establish a universal food service and nutrition education program for children; to the Committee on Education and Labor.

H.R. 7513. A bill the Consumer Agricultural Protection Act of 1973; to the Committee on Education and Labor.

H.R. 7514. A bill to designate certain lands in San Luis Obispo County, Calif., as the Lopez Canyon Wilderness, and to establish the Lopez Canyon Scenic Area; to the Committee on Interior and Insular Affairs.

H.R. 7515. A bill to amend the act of June 15, 1912, to permit an exchange of lands in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 7516. 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.

H.R. 7517. A bill to amend titles 37 and 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under servicemen's group life insurance for such members and certain members of the Retired Reserve up to age 60, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 7518. A bill to authorize the distribution of a portion of the Federal tax revenue to the States for elementary and secondary education purposes; to the Committee on Ways and Means.

H.R. 7519. A bill to require imported foodstuffs to meet standards required by the Federal Government for domestic foodstuffs; to the Committee on Ways and Means.

H.R. 7520. A bill to amend section 213 of the Internal Revenue Code of 1954 to provide that certain expenses of child adoption shall be treated as medical expenses; to the Committee on Ways and Means.

H.R. 7521. A bill to amend the Internal Revenue Code of 1954 to restore the provisions permitting the deduction, without regard to the 3-percent and 1-percent floors, of medical expenses incurred for the care of individuals 65 years of age and over; to the Committee on Ways and Means.

H.R. 7522. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to unremarried widows and widowers, and individuals who have attained age 35 and who have never been married or who have been separated or divorced for 1 year or more, who maintain their own households; to the Committee on Ways and Means.

H.R. 7523. A bill to amend title II of the Social Security Act to provide that an individual who in any month is eligible for a disability determination or for disability insurance benefits but does not file application therefor within the specified time may nevertheless (upon subsequently filing application) obtain such determination or become entitled to such a benefit, regardless of the length of time which has elapsed, if he was theretofore incapable of executing the application by reason of a physical or mental condition; to the Committee on Ways and Means.

H.R. 7524. A bill to impose import limitations on prepared or preserved strawberries and paste and pulp of strawberries; to the Committee on Ways and Means.

H.R. 7525. A bill to amend the Internal Revenue Code of 1954 to authorize a tax credit for certain expenses of providing higher education; to the Committee on Ways and Means.

H.R. 7526. A bill to amend the Internal Revenue Code of 1954 to authorize a deduction from gross income for certain contributions to the support of an aged parent or divorced mother who is not gainfully employed; to the Committee on Ways and Means.

H.R. 7527. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of advanced education (including certain limited travel) undertaken by them, and to provide a uniform method of providing entitlement to such deduction; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (for himself and Mr. MOSHER):

H.R. 7528. A bill to authorize appropriations to the National Aeronautics and Space Administraiton for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Astronautics.

By Mr. TOWELL of Nevada:

H.R. 7529. A bill to assure the imposition of appropriate penalties for persons convicted of offenses involving heroin or morphine, to provide emergency procedures to govern the pretrial and posttrial release of persons charged with offenses involving heroin or morphine, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7530. A bill to promote the employment of unemployed Vietnam veterans; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 7531. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, to provide for public disclosure of the fuel consumption rate of every new automobile, and for other purposes; to the Committee on Ways and Means.

By Mr. WIDNALL:

H.R. 7532. A bill to amend laws relating to the Federal National Mortgage Association; to the Committee on Banking and Currency.

By Mr. FRASER:

H.J. Res. 539. Joint resolution relating to nationwide gasoline and oil shortages; to the Committee on Ways and Means.

By Mr. GONZALEZ (for himself, Mr. BADILLO, Mr. CAREY of New York, Mr. CONYERS, Mr. DE LUGO, Mr. DUNCAN, Mr. MITCHELL of Maryland, Mr. MOAKLEY, and Mr. WON PAT):

H.J. Res. 540. Joint resolution proposing an amendment to the Constitution of the United States to require each State to provide its citizens with an opportunity for elementary and secondary education; to the Committee on the Judiciary.

By Mr. KEMP:

H.J. Res. 541. Joint resolution to appoint a special prosecutor; to the Committee on the Judiciary.

By Mr. ZABLOCKI (for himself, Mr. FOUNTAIN, Mr. FRASER, Mr. BINGHAM, Mr. FASCELL, Mr. DAVIS of Georgia, Mr. CHARLES WILSON of Texas, Mr. FINDLEY, Mr. DU PONT, Mr. BIESTER, Mr. NIX, Mr. BROOMFIELD, Mr. PEPPER, Mr. HAYS, and Mr. HOLIFIELD):

H.J. Res. 542. Joint resolution concerning the war powers of Congress and the President; to the Committee on Foreign Affairs.

By Mr. KEMP:

H. Con. Res. 211. Concurrent resolution expressing the sense of Congress that U.S. Route 219 should be designated as part of the Interstate System; to the Committee on Public Works.

H. Con. Res. 212. Concurrent resolution to establish a select joint committee to review Federal campaign spending law and make recommendations to Congress for such legislation as it deems appropriate; to the Committee on Rules.

By Mr. EDWARDS of Alabama:

H. Res. 375. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. FUQUA (for himself and Mr. FASCELL):

H. Res. 376. Resolution expressing the sense of the House that a special prosecutor be appointed; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H. Res. 377. Resolution to appoint a special prosecutor; to the Committee on the Judiciary.

By Mr. KOCH:

H. Res. 378. Resolution to appoint a special prosecutor; to the Committee on the Judiciary.

By Mr. LEGGETT (for himself, Mr. BADILLO, Mr. FRASER, Mrs. BURKE of California, Mr. RODINO, Mr. REES, Mr. COTTER, Mr. WALDIE, Mr. DRINAN, Mr. ROSENTHAL, Mrs. CHISHOLM, Mr. DANIELSON, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. BROWN of California, and Mr. BURTON):

H. Res. 379. Resolution directing the Secretary of Defense to furnish certain information; to the Committee on Armed Services.

By Mr. PEPPER (for himself and Mr. RANGEL):

H. Res. 380. Resolution to establish a select committee of the House of Representatives to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass, or other activity related to it; to the Committee on Rules.

H. Res. 381. Resolution requesting the President to appoint a special prosecutor with respect to offenses related to the Presidential campaign of 1972 from among three individuals to be named by the President of the American Bar Association; to the Committee on the Judiciary.

By Mr. WALDIE:

H. Res. 382. Resolution disapproving Reorganization Plan No. 2; to the Committee on Government Operations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

182. By the SPEAKER: A memorial of the House of Representatives of the State of Florida, relative to faith in the honesty and integrity of the Vietnam prisoners of war; to the Committee on Armed Services.

183. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to the Education for All Handicapped Children Act; to the Committee on Education and Labor.

184. Also, memorial of the Legislature of the State of Colorado, relative to water rights; to the Committee on Interior and Insular Affairs.

185. Also, memorial of the Legislature of the State of Colorado, relative to the use of diethylstilbestrol (DES) in cattle and sheep; to the Committee on Interstate and Foreign Commerce.

186. Also, memorial of the Legislature of the State of Oklahoma, requesting the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States concerning the assignment of students to public schools; to the Committee on the Judiciary.

187. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to Federal financial assistance for the Veterans' Service program; to the Committee on Veterans' Affairs.

188. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to Veterans' Administration pension payments; to the Committee on Veterans' Affairs.

189. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to the importation of shoes and the exportation of cattle hides; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FULTON:

H.R. 7533. A bill for the relief of Charles R. Davis, Glena R. Faris, James E. Lampley, Rubin Leskoff, Joseph R. Loller, Barry M. Murphy, Claude T. Pearce, William V. Pippin, Wesley Richards, Robert D. Ridley, and Berry E. Skinner; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 7534. A bill for the relief of Col. John H. Awtry; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 7535. A bill for the relief of Faustino Murgia-Melendrez; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

200. By the SPEAKER: Petition of the city council, Wasco, Calif., relative to an amendment to the Constitution of the United States dealing with the assignment of students to public schools; to the Committee on the Judiciary.

201. Also, petition of James Forbes and others, Philadelphia, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

202. Also, petition of Clarence W. Walker, Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

203. Also, petition of the city council, Los Angeles, Calif., relative to Federal revenue sharing; to the Committee on Ways and Means.

204. Also, petition of the County Legislature, Monroe County, N.Y., relative to allowing State departments of social services access to Federal income tax records; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

MACHINIST MATE SENIOR CHIEF RAYMOND B. HOOD, RECRUITER OF THE YEAR

HON. MENDEL J. DAVIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1973

Mr. DAVIS of South Carolina. Mr. Speaker, at a time when the armed services of the United States are coming in for much criticism and lack of public support, the accomplishments of one of my constituents in the First Congressional District of South Carolina should stand as a good example of the high caliber of performance turned in by the overwhelming majority of our servicemen.

I am speaking today of Machinist Mate Senior Chief Raymond B. Hood, the recruiter in charge of the U.S. Navy Recruiting Branch Station at Charleston, S.C. Chief Hood has recently been named "Recruiter of the Year" for the Columbia District and will now be eligible for the title of Navy "Recruiter of the Year" in South Carolina.

Chief Hood enlisted in the U.S. Navy in 1954 and has served on several destroyers and for the last 12 years has been in the submarine service on nuclear-powered submarines. He reported for recruiting duty in Charleston in 1970.

Since reporting aboard the recruiting station, the Charleston recruiting branch station has been named "Station of the Year" for fiscal years 1970, 1971, and 1972.

In June 1972, the Charleston Recruiting Branch Station enlisted an all-city recruit company, known as the "Charleston Company," which was very successful during recruit training. While at recruit training, the "Charleston Company" carried the city of Charleston flag as its company colors, and upon graduation, it was selected as honor company of the recruit brigade. The city of Charleston, because of the exploits of the "Charleston Company," received much favorable publicity across the Nation.

Chief Hood was instrumental in the enlistment of members of the "Charleston Company" and received a letter of commendation from the Third Recruiting Area Director for his diligent work in this task.

In May 1970, Chief Hood helped the Navy League Chapter in Charleston provide the coordinate transportation for the Navy League's national convention. For his support, Chief Hood received a letter of appreciation from Rear Adm. Herman J. Kossler, Commandant of the Sixth Naval District, and a letter of appreciation from the Navy League Chapter.

A Navy recruiter's task is not simply to enlist young men and women in the service. He must also take an active part in the affairs of his community, and Chief Hood has an admirable record in this respect.

He has visited high schools all over his recruiting area urging young people to stay in school and complete their education before starting out in their careers. He has also been very active in the youth programs of the James Island area of Charleston County, where he lives, coaching football for 3 years and assisting with baseball for 4 years. He has also worked with the Boy Scouts.

A native of Edgefield, S.C., Chief Hood is married to the former Rosa L. Wilson of Johnston, S.C., and they have three children: Kenneth, 12; Lori, 10; and Patti, 7.

Chief Hood, in my opinion, is the personification of the kind of servicemen we have in our Armed Forces today and the type person we hope to attract to them in the future. His record of accomplishment speaks for itself, but I wish to add the observation that he is highly deserving of the honor bestowed upon him and certainly deserving of any honors the Navy might bestow in the future.

The Navy certainly could find no better representative of its high standards and devotion to duty than Chief Raymond B. Hood.

THE OHIO CREDIT UNION LEAGUE REAFFIRMS SUPPORT OF H.R. 7

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1973

Mr. PATMAN. Mr. Speaker, this past weekend it was my privilege to address the annual meeting of the Ohio Credit Union League at Columbus.

The meeting was one of the largest credit union affairs that I have attended and was one of the best run.

My remarks to the meeting concerned mainly H.R. 7, the so-called credit union bank bill. This is legislation that I have introduced along with other Members of the Congress that would establish a banking facility for credit unions similar to that operated by the Federal Reserve System and the Federal Home Loan Bank Board. It is much-needed legislation so that credit unions in times of tight money situations will not have to depend on outside sources to obtain funds.

It was most gratifying to me that following my speech the Ohio Credit Union League voted 223 to 81 to ratify its board of directors' position in favor of the legislation adopted last February.

Mr. Speaker, credit unions are one of the most democratic organizations in our country. This fact was reaffirmed last weekend in Ohio. The credit union bank bill is one of the most important pieces of legislation ever to effect credit unions, and because of this, the Ohio Credit Union League spent a great deal of time adopting its position on the legislation. In fact, more time was spent discussing H.R. 7 than on any other piece of legislation brought before the meeting. In some organizations the leadership merely tells its membership what it wants and the membership rubber stamps the leadership's position. However, in credit union organizations this is not the case, and, in fact, it is the general membership that adopts the positions rather than the leadership.

During the next few months other credit union leagues across the country will be holding their annual meetings and will also consider action on H.R. 7.

These leagues will be contacting their congressional delegations following their votes in order to keep their representatives advised of their positions. Because many members of the House will be contacted by the credit unions, I am including in my remarks for the daily CONGRESSIONAL RECORD a copy of my speech made to the Ohio Credit Union League so that members will be able to gain a better understanding of the pro-