Boston ranks high as a medical center, but among the worst areas in the nation for sensitive handling of crib deaths, according to this pediatrician, who has written many articles on the subject for professional journals.

No autopsy is performed in 70 percent of the crib deaths which occur here. Bereaved parents are left with guilt feelings, often convinced they have done something to contribute to the death of their child.

"Immediate and sustained grief reactions, well known to psychiatrists, are almost inevitable," says Dr. Bergman. "Family members may exhibit denial (inwardly refusing to believe that the event has occurred), anger, mild or severe depression, fear of 'going insane' or 'losing my mind' and vague somatic sensations such as 'heartache' or 'stomach pain.' "

Diana Shatz says it took her months to get over "hearing the baby cry at night." It was a long while before Anne Barr could drive an automobile in the evening. Yet, both young women say they had no reason to believe a psychiatrist could help.

"One woman in the group said she went to a psychiatrist and that he was so upset he spent the whole hour talking about a death in his family," Mrs. Shatz pointed out. She was disgusted.

But psychiatrists are not the only offenders.

"Uninformed family doctors and pediatricians have their own feelings to deal with," says Dr. Mandell. "They may feel guilty because this was a healthy child. They may wonder if they missed something when they checked the baby. The more understanding the doctor has, the better he can cope with this disease himself, and provide the family with information and understanding."

Writing in the current issues of the "American Family Physician" magazine, Dr. Bergman makes three major points after years of research on Sudden Infant Death Syndrome:

Death appears to occur from complete upper airway obstruction during sleep. Diagnosis can be rapidly made on the basis of a simple autopsy. Essential to the diagnosis is absence of obviously lethal lesions. In about 15 percent of cases of sudden unexpected infant death, a definite cause other than SIDS is found: for example, meningitis, subdural hemorrhage or myocarditis.

The physician should shield the family from police accusations or foul play or carelessness.

The family must be reassured that the death was in no way their fault or that of anyone else.

"It is ridiculous that families should have to explain to doctors, nurses, policemen, firemen, and medical examiners who investigate these cases what it is that the child died from," says Anne Barr, as she explained the goals of the Eastern Massachusetts Chapter.

The first purpose is to assist parents who have lost a child, and see that they are treated with respect and dignity, and are given the proper information.

Second, is sponsorship of proposed legislation heard before the Special Legislative Commission on Child Welfare which would make autopsy mandatory unless parents have religious or other objections, allocate funds to cover autopsy expenses, and make Sudden Infant Death Syndrome the sole cause of death on the death certificate.

Sudden Infant Death Syndrome has been "a big problem for medical examiners," says Dr. Michael Luongo, medical examiner of North Suffolk County. Before World War II, Luongo says almost all cases were attributed to "mechanical asphyxia."

"If a baby slept on its tummy, it was assumed it couldn't breathe. If it slept on its back, the baby was assumed to have aspirated milk."

Although no adequate anatomical explanation for death has yet been found, research has eliminated this theory which led mothers to unnecessary concern.

While Dr. Luongo admits that the term "acute pneumonitis" is only a euphemism for a "little bit of inflammation in the lungs" found in such cases, he believes that "Sudden Infant Death Syndrome" is another euphemism which, to him, "means only that the child has died."

However, he says "there is no legal reason why a medical examiner can't put it on the death certificate if it is going to make the parents feel better."

When there is no suspicion of violence in the case of a baby found dead, and the infant was "obviously in good, healthy and clean condition," he said the question of an autopsy depends "on the attitude of the medical examiner."

However, Dr. Luongo said he would not oppose mandatory autopsies, provided parents wanted them, so long as the state paid the bill "because the counties have limited budgets."

---

# HOUSE OF REPRESENTATIVES—*Wednesday, September 26, 1973*

The House met at 12 o'clock noon.

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

*Finally, brethren, whatsoever things are true, and honest, and just, and pure, and lovely, think on these things and the God of peace shall be with you.*—Philippians 4: 8, 9.

Eternal Spirit, amid the tumult of these trying times may we keep within our hearts a quiet place where Thou dost dwell, where Thy power can strengthen us, Thy grace forgive us, and Thy love permeate us. May our spirits, finding new life in Thee, be made ready for the responsibilities of this day and equal to the experiences which come our way.

We pray for our country that she may be steadfast in her devotion to truth, firm in her desire for peace, wise in her dealings with other nations, and faithful in her allegiance to justice and righteousness as the foundation of our national life.

Strengthen our leaders that they may walk with Thee in these critical days and encourage our people that they may learn to do justly, love mercy, and walk humbly with Thee.

In Thy holy name we pray. Amen.

## THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate proceeded to reconsider the bill (S. 1672) entitled "An act to amend the Small Business Act," returned by the President of the United States with his objections, to the Senate, in which it originated.

The message further announced that the said bill did not pass, two-thirds of the Senators present not having voted in the affirmative.

The message also announced that the Senate agrees to the amendments of the House to the bills of the Senate of the following titles:

S. 464. An act for the relief of Guido Bellanca; and

S. 2075. An act to authorize the Secretary of the Interior to undertake a feasibility investigation of McGee Creek Reservoir, Okla.

## SKYLAB II

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

Mr. FUQUA. Mr. Speaker, today we can take great pride in yet another brilliant achievement in our national space program—the return of the Skylab II astronauts. The achievements of Astronauts Alan L. Bean, Owen K. Garriott, and Jack Lousma are already being acclaimed. New firsts in space have again been achieved. To me the most significant aspect of this record voyage to the world's first space station has been the human accomplishment. Skylab II astronauts accomplished 150 percent of the planned mission. In doing their job in Earth resource surveys and other important experiments, the astronauts went beyond the high standards established for them prior to the flight. Today when achieving the norm is often the best that we can expect, it is good to see these outstanding Americans excel in Skylab II. I am confident that we can all join in saluting and congratulating the sterling accomplishments of Astronauts Bean, Garriott, and Lousma, and those who contributed to the flight of Skylab II, and look forward with confidence and anticipation to the flight of Skylab III.

## DIOGENES NEVER VISITED BALTIMORE

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

Mr. ANDERSON of California. Mr. Speaker, Diogenes never visited Baltimore, but if he had, I believe he would have found what he was looking for.

Our system of government and our system of justice—imperfect as it may be—rests on the theory that honest men are rational and just. And, if presented with facts in a court proceeding, can make a true determination of the guilt or innocence of accused persons.

Before we reject this principle and undertake an investigation of our own, we should certainly consider the depth of our faith in the American judicial process.

None of us are beneath the law, nor are we above it. It serves us all, hope-

fully, equally; and, if we are a government, as Lincoln said, of, by, and for the people—then our faith and confidence in the people's judgment should be beyond a doubt.

If, however, we reject the notion that our fellow countrymen are just and rational, then we certainly reject our democracy and our legal system—something that I will never do.

Our democracy and our system of justice have stood the test for almost 200 years, and our people have always—always—proven to be capable of self-government.

Rather than turn our backs on the people—our peers—I believe that we should express our confidence in their judgment, their honesty, and their rationality.

Certainly, Mr. Speaker, Diogenes would not have been disappointed had he visited Baltimore.

## FISCAL RESPONSIBILITY?

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

Mr. STRATTON. Mr. Speaker, I must say I find incomprehensible the action taken yesterday by the other body in adding to the 1974 defense authorization bill a $16 billion increase in military retired pay, with high-ranking retired generals and admirals getting the bulk of the increases.

This is the same body that says it is appalled at the inflated size of the 1974 defense budget. Indeed various Presidential candidates over there have been talking boldly of cutting from $6 to $10 billion out of it.

Yet that body now adds $296 million to the budget for 1974 and a total of $16.4 billion between now and the year 2000, because this add-on would become a part of the permanent and unchangeable portions of the Federal budget.

All this was done in spite of the fact that our present military retirement system is probably the fairest in the world. Since it went into effect in 1958 its benefits have increased by 68 percent while the consumer price index has risen by only 49 percent. Indeed since 1960 retired pay has risen from 11 percent of the total defense personnel budget to 30 percent.

And all this was done although the amendment adopted by the other body would add between $5,000 and $6,000 to the pay of retired generals who are already receiving between $24,000 and $29,000, and at the same time the Congress has cut off aviation incentive pay for thousands of colonels and generals who are on active duty.

Is this really fiscal responsibility?

Is this really the way to make intelligent cuts in the defense budget?

## VICE PRESIDENT AGNEW'S REQUEST SHOULD BE REJECTED

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

Mr. MADDEN. Mr. Speaker, the unprecedented, unheralded, and history-making action of Vice President AGNEW in requesting that the Congress hold hearings and investigation of the alleged charges by the U.S. attorney's office pertaining to some of his activities as Governor of Maryland 5 or 6 years ago is preposterous.

There is no authority in the U.S. Constitution or the rules of Congress by which the House of Representatives would appropriate money for an investigation of the activities of any Governor throughout the Nation.

Recently, the President of the United States, in answer to a news media question, stated that Vice President AGNEW's record during his period as Vice President has been outstanding and beyond criticism.

The petition of Vice President AGNEW is obviously a legal maneuver in his behalf, designed to burden the House of Representatives with his problems. If indicted by a court, the Vice President is entitled to a fair trial before a duly established Federal or State court and, of course, if convicted his situation might be of concern to the Congress.

The request made yesterday to the Speaker of the House appears to be premature at this time, and therefore, should be rejected.

## A FORUM APPROPRIATE FOR VINDICATION

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

Mr. WALDIE. Mr. Speaker, I hope the House will not accede to the Vice President's request for an inquiry. The Vice President is seeking vindication. He has the right at this very moment in time to waive the immunity that he maintains—although I believe mistakenly—attaches to his office as Vice President from responsibility for criminal acts. If he wants vindication in a forum, he can waive that immunity and not even assert it to the court. Then he can find a forum appropriate for vindication.

If, however, he is successful in his contention before the court that he is above the criminal acts of the United States of America and is not accountable for commission of crimes while sitting as a Vice President, then, Mr. Speaker, I believe the House should proceed with an inquiry but an inquiry under a resolution of impeachment.

## STATEMENT BY THE SPEAKER RELATING TO LETTER FROM VICE PRESIDENT

(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, I rise at this time merely to make an announcement to the House that in the press conference the Speaker made the following statement:

The Vice President's letter relates to matters before the courts. In view of that fact, I, as Speaker, will not take any action on the letter at this time.

## OFFERING PROTECTION FROM CHILD ABUSE

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

Mr. PEYSER. Mr. Speaker, today a number of Members of the House have joined me in listening to a presentation of a major problem in our country today, that of child abuse. It was very interesting to note that in a 3-week period 2,100 cases of child abuse were reported by 47 States. Many of these cases resulted in death.

Mr. Speaker, it seems to me that we have protected animals and we have protected our environment, and it is about time that we undertake positive steps forward to protect the lives of children who are subject to abuses and neglect as they have been in the past. We in the House will have an opportunity in this session to act on legislation that will offer the protection these children so badly need.

## HOUSE SHOULD NOT SUMMARILY REJECT REQUEST OF VICE PRESIDENT

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

Mr. McCLORY. Mr. Speaker, I do not believe the House should summarily at this time reject the request of the Vice President of the United States. It seems to me the request is reasonable and certainly one that merits study by this body before we take any negative action.

Certainly this House through its committees, the Judiciary Committee or some other committee of this House, perhaps a subcommittee of the Judiciary Committee, could determine what our constitutional prerogatives and responsibilities are in this case and determine whether or not there is any basis for such an investigation. We could of course at the end of that time reject the request and say this is something for the courts, but as I understand it a number of the innuendoes and inferences relate not only to events before he became Vice President but relate also to the period since he has become Vice President, and that would certainly put this in a different category from those cases referred to earlier.

Mr. Speaker, I want to add at this point that there appear to me to be three alternatives available to this House if we undertake this kind of investigation. First, we can investigate and determine whether or not there are any grounds for this House to take firmer action such as impeachment. Second, we could decide that the issues are such that they must be resolved exclusively by a court, or third, we could find that there are charges partly within the exclusive—and constitutional prerogatives of this House, and partly within the jurisdiction of our judicial system.

However, to reject the Vice President's request would seem to me to renounce both our rights and responsibilities as Members of this House of Representatives.

## MAJORITY WHIP JOHN J. McFALL SAYS PRESIDENT'S HOUSING PROGRAM SEEMS DESIGNED TO SPUR INTEREST RATE INCREASES

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

Mr. McFALL. Mr. Speaker, the major fault with President Nixon's housing program is that it does nothing to deal with the immediate and very pressing problem of tight credit.

The President continues to look to an already overstrained private money market as the first source of housing funds. There is serious question as to whether this tactic will make the money market or break it.

His program of so-called "forward commitments" is not new Federal money. It is simply an attempt to squeeze that much out of an already overburdened credit market.

Essentially, the program seeks to underwrite the availability of up to $2.5 billion in private housing money at 8½ percent interest. This is an ill-conceived attempt to lure funds from the money market; this plan offers little benefit either to the savings and loan industry or to the homebuyer.

The money would not be available now, when it is badly needed—but 6 months from now. It would cost savings-and-loan and other lending institutions an additional one-quarter of 1 percent.

That means that even if these heavily drained S. & L.'s agree to buy these "forward commitments", interest rates must rise beyond 8¾ percent before the S. & L. can make any profit.

In effect, the Federal Government is encouraging the S. & L. to gamble that interest rates will be that high or higher 6 months from now. Rather than easing the housing credit situation, President Nixon's "forward commitments" program seems designed to spur higher interest rates and less credit for the average homebuyer.

## PERSONAL EXPLANATION

Mr. JOHNSON of California. Mr. Speaker, on rollcall 476, the amendment offered by the gentlewoman from Oregon (Mrs. GREEN), which was offered yesterday, I was in the Chamber, placed my card in the box, but was not recorded.

Had I been recorded, I would have been shown as voting "nay."

## CALL OF THE HOUSE

Mr. MONTGOMERY. 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. 480]

| | | |
|---|---|---|
| Abzug | Blatnik | Brown, Mich. |
| Ashley | Boggs | Buchanan |
| Bevill | Bolling | Burgener |
| Blackburn | Brinkley | Burke, Calif. |
| Cederberg | Heckler, Mass. | Rhodes |
| Chisholm | Holifield | Riegle |
| Clark | Hosmer | Rinaldo |
| Clay | Howard | Roberts |
| Cotter | Hudnut | Roncallo, N.Y. |
| Culver | Johnson, Pa. | Rooney, N.Y. |
| Danielson | Long, La. | Ryan |
| Diggs | Lott | St Germain |
| Dingell | McEwen | Sandman |
| Dorn | Mann | Satterfield |
| Edwards, Ala. | Michel | Sikes |
| Esch | Mills, Ark. | Stanton, J. William |
| Evins, Tenn. | Minish | Stephens |
| Ford, William D. | Mitchell, Md. | Stubblefield |
| Gettys | Moorhead, Calif. | Taylor, Mo. |
| Gibbons | Moorhead, Pa. | Teague, Tex. |
| Gray | Nix | Tiernan |
| Gubser | O'Brien | Wiggins |
| Hanley | Patman | Wright |
| Hanna | Pepper | Wylie |
| Hansen, Wash. | Powell, Ohio | Young, Ga. |
| Harsha | Reid | |
| Hébert | Reuss | |

The SPEAKER. On this rollcall 355 Members have recorded their presence by electronic device, a quorum.

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

## GENERAL LEAVE

Miss HOLTZMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order of yesterday.

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

There was no objection.

## PERMISSION FOR COMMITTE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL SATURDAY, SEPTEMBER 29, TO FILE A REPORT ON H.R. 9681

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight Saturday to file a report on the bill H.R. 9681.

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

There was no objection.

## IMMIGRATION AND NATIONALITY ACT AMENDMENTS OF 1973

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 further consideration of the bill (H.R. 981) to amend the Immigration and Nationality Act, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 981 with Mr. ADAMS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the Clerk had read the first section of the Committee amendment in the nature of a substitute ending on page 14, line 6.

Mr. EILBERG. Mr. Chairman, am I correct that the title of the committee amendment in the nature of a substitute was read on yesterday?

The CHAIRMAN. The gentleman is correct.

The Clerk will read.

The Clerk read as follows:

SEC. 2. Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)) is amended to read as follows: "(ii) who is coming temporarily to the United States for a period not in excess of one year to perform other services or labor if the Secretary of Labor has determined that there are not sufficient workers at the place to which the alien is destined to perform such services or labor who are able, willing, qualified, and available, and the employment of such aliens will not adversely affect the wages and working conditions of workers similarly employed: *Provided*, That the Attorney General may, in his discretion, extend the terms of such alien's admission for a period or periods not exceeding one year;".

SEC. 3. Section 201 of such Act (8 U.S.C. 1151) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) Exclusive of special immigrants defined in section 101(a)(27), and immediate relatives of United States citizens as specified in subsection (b) of this section, (1) the number of aliens born in any foreign state or dependent area located in the Eastern Hemisphere who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence or who may pursuant to section 203(a)(7), enter conditionally, shall not in any of the first three quarters of any fiscal year exceed a total of forty-five thousand and shall not in any fiscal year exceed a total of one hundred and seventy thousand; and (2) the number of aliens born in any foreign state of the Western Hemisphere or in the Canal Zone, or in a dependent area located in the Western Hemisphere, who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, or who may, pursuant to section 203(a)(7), enter conditionally shall not in any of the first three quarters of any fiscal year exceed a total of thirty-two thousand and shall not in any fiscal year exceed a total of one hundred and twenty thousand.";

and

(2) by striking out subsection (c), (d), and (e).

SEC. 4. Section 202 of such Act (8 U.S.C. 1152) is amended—

(1) by striking out the last proviso contained in subsection (a) and inserting a period in lieu of the colon immediately preceding the proviso; and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) Any immigrant born in a colony or other component or dependent area of a foreign state overseas from the foreign state unless a special immigrant as provided in section 101(a)(27) or an immediate relative of a United States citizen, as specified in section 201(b), shall be chargeable for the purpose of the limitation set forth in section 201(a), to the hemisphere in which such colony or other component or dependent areas is located, and the number of immigrant visas available to each such colony or other component or dependent area shall not exceed six hundred in any one fiscal year.".

SEC. 5. Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking out "201(a)(ii)" each place it appears in paragraphs (1) through (6) of subsection (a) and inserting in lieu thereof in each such place "201(a)(1) or (2)";

(2) by striking out paragraph (7) of such subsection (a) and inserting in lieu thereof the following:

"(7) Conditional entries shall next be made available by the Attorney General, pursuant

to such regulations as he may prescribe and in an amount not to exceed 6 per centum of the limitation applicable under section 201(a) (1) or (2), to aliens who are outside the country of which they are nationals, or in the case of persons having no nationality, are outside the country in which they last habitually resided, who satisfy an Immigration and Naturalization Service officer at an examination in any non-Communist or non-Communist-dominated country that they (A) are unable or unwilling to return to the country of their nationality or last habitual residence because of persecution or well-founded fear of persecution on account of race, religion, nationality, membership of a particular social group or political opinion, (B) are not nationals of the countries in which their application for conditional entry is made, and (C) are not firmly resettled in any country: *Provided*, That not more than one-half of the visa numbers made available pursuant to this paragraph may be made available for use in connection with the adjustment of status to permanent residence of aliens who were inspected and admitted or paroled into the United States, who satisfy the Attorney General that they meet the qualifications set forth herein for conditional entrants, and who have been continuously physically present in the United States for a period of at least two years prior to application for adjustment of status.".

(3) by striking out the second sentence of subsection (e) and inserting in lieu thereof the following: "The Secretary of State shall terminate the registration of any alien who fails to apply for an immigrant visa within one year following notification to him of the availability of such visa, unless the alien establishes within two years following notification of the availability of such visa that such failure to apply was due to circumstances beyond his control. Upon such termination the approval of any petition approved pursuant to section 204(b) shall be automatically revoked.".

SEC. 6. Section 212 of such Act (8 U.S.C. 1182) is amended as follows:

(1) Paragraph 14 of subsection (a) is amended to read:

"(14) Aliens seeking to enter the United States, for the purpose of performing skilled or unskilled labor, unless the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (A) there are not sufficient workers who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place where the alien is to perform such skilled or unskilled labor, and (B) the employment of such aliens will not adversely affect the wages and working conditions of the workers in the United States similarly employed. The exclusion of aliens under this paragraph shall apply to preference immigrant aliens described in section 203(a)(3) and (6), and to nonpreference immigrant aliens described in section 203(a)(8). The Secretary of Labor shall submit quarterly to the Congress a report containing complete and detailed statements of facts pertinent to the labor certification procedures including, but not limited to, lists of occupations in short supply or oversupply, regionally projected manpower needs, as well as up-to-date statistics on the number of labor certifications approved or denied;".

(2) A new paragraph (9) is added to subsection (d) to read as follows:

"(9)(A) If the Secretary of State shall find that it is in the national interest that all, or any portion, of the members of a group or class of persons who meet the qualifications set forth in section 203(a)(7) be paroled into the United States, he may recommend to the Attorney General that such aliens be so paroled.

"(B) Upon receipt of a recommendation pursuant to subparagraph (A) of this paragraph and after appropriate consultation with the Congress, the Attorney General may parole into the United States any alien who establishes to his satisfaction, in accordance with such regulations as he may prescribe, that he is a member of the group or class of persons with respect to whom the Secretary of State has made such recommendation and that he is not firmly resettled in any country. The conditions of such parole shall be the same as those which the Attorney General shall prescribe for the parole of aliens under paragraph (5) of this subsection.

"(C) Any alien paroled into the United States pursuant to this paragraph whose parole has not theretofore been terminated by the Attorney General and who has not otherwise acquired the status of an alien lawfully admitted for permanent residence shall, two years following the date of his parole into the United States, return or be returned to the custody of the Immigration and Naturalization Service and shall thereupon be inspected and examined for admission into the United States in accordance with the provisions of sections 235, 236, and 237 of this Act.

"(D) Notwithstanding the numerical limitations specified in this Act, any alien who, upon inspection and examination as provided in subparagraph (C) of this paragraph or after a hearing before a special inquiry officer, is found to be admissible as an immigrant as of the time of his inspection and examination except for the fact that he was not and is not in possession of the documents required by section 212(a)(20) shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival in the United States.".

SEC. 7. (a) Notwithstanding the provisions of section 245 of the Immigration and Nationality Act and without regard to the numerical limitations specified in that Act, any alien who, on or before the effective date of this Act (1) has been granted by the Secretary of Labor an indefinite certification for employment in the Virgin Islands of the United States which has not subsequently become invalid, (2) has been inspected and admitted to the Virgin Islands of the United States, and (3) has continuously resided in the Virgin Islands of the United States for a period of at least five years as of the date of enactment of this Act, and the spouse and minor unmarried children of any such alien, may have his status 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, or may be issued an immigrant visa, if the alien (i) makes application for such adjustment of status or immigrant visa, (ii) is eligible to receive an immigrant visa, and (iii) is admissible to the United States.

(b) Upon approval of an application for adjustment of status under subsection (a) of this section, the Attorney General shall record the alien's lawful admission for permanent residence as of the date of the order of the Attorney General approving the application for adjustment of status.

(c) Applications for adjustment of status or for immigrant visas pursuant to the provisions of subsection (a) of this section may be initiated on or after the effective date of this Act, but not later than the last day of the third fiscal year beginning on or after the date of enactment of this Act. Applications for immigrant visas pursuant to the provisions of this section shall be considered in such order as the Secretary of State shall by regulations prescribe, except that not more than three thousand visas shall be issued in any one fiscal year.

(d) Except as otherwise provided herein, the definitions set forth in section 101 of the Immigration and Nationality Act shall be applicable.

SEC. 8. The Act entitled "An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes", approved November 2, 1966 (8 U.S.C. 1255, note), is amended by adding at the end thereof the following new section:

"SEC. 5. The approval of an application for adjustment of status to that of lawful permanent resident of the United States pursuant to the provisions of section 1 of this Act shall not require the Secretary of State to reduce the number of visas authorized to be issued in any class in the case of any alien who is physically present in the United States on or before the effective date of the Immigration and Nationality Act Amendments of 1973.".

SEC. 9. (a) Section 107(a)(27) of such Act (8 U.S.C. 1101(a)(27)) is amended by striking out subparagraphs (A) and by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D) respectively;

(b) Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by striking out "section 101(a)(27)(B)" and inserting in lieu thereof "section 101(a)(27)(A)".

(c) Section 212(a)(24) of such Act (8 U.S.C. 1182(a)(24)) is amended by striking out the language: "101(a)(27)(A) and (B)" and inserting in lieu thereof: "101(a)(27)(A) and aliens subject to the numerical limitations specified in section 201(a)(2)";

(d) Section 241(a)(10) of such Act (8 U.S.C. 1251(a)(10)) is amended by striking out the language in the parenthesis and inserting in lieu therof the following: "other than an alien described in section 101(a)(27)(A) and aliens subject to the numerical limitations specified in section 201(a)(2)";

(e) Section 244(d) of such Act (8 U.S.C. 1254(d)) is amended by striking out the following language: "is entitled to special immigrant classification under section 101(a)(27)(A), or";

(f) Section 349(1) of such Act (8 U.S.C. 1481(a)(1)) is amended by striking out "section 101(a)(27)(E)" and inserting in lieu thereof: "section 101(a)(27)(D)"; and

(g) Section 21(e) of the Act of October 3, 1965 (Public Law 89-236; 79 Stat. 921) is repealed.

SEC. 10. (a) The amendments made by this Act shall not operate to affect the entitlement to immigrant status or the order of consideration for issuance of an immigrant visa of an alien entitled to a preference status, under section 203 (a) of the Immigration and Nationality Act, as in effect on the day before the effective date of this Act, on the basis of a petition filed with the Attorney General prior to such effective date.

(b) An alien chargeable to the numerical limitation contained in section 21(e) of the Act of October 3, 1965 (79 Stat. 921) who established a priority date at a consular office on the basis of entitlement to immigrant status under statutory or regulatory provisions in existence on the day before the effective date of this Act shall be deemed to be entitled to immigrant status under section 203(a)(8) of the Immigration and Nationality Act and shall be accorded the priority date previously established by him. Nothing in this section shall be construed to preclude the acquisition by such an alien of a preference status under section 203(a) of the Immigration and Nationality Act, as amended by section 5 of this Act. The numerical limitation to which such an alien shall be chargeable shall be determined as provided in sections 201 and 202 of the Immigration and Nationality Act, as amended by this Act.

SEC. 11. The foregoing provisions of this Act, including the amendments made by such provisions, shall become effective on the first

day of the first month which begins more than sixty days after the date of enactment of this Act.

Mr. EILBERG (during the reading). Mr. Chairman, I ask unanimous consent that the balance of 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.

AMENDMENT OFFERED BY MR. RODINO

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

The Clerk read as follows:

Amendment offered by Mr. RODINO: Page 15, strike out lines 22 through 24 and insert in lieu thereof the following:

(1) by striking out both provisos contained in subsection (a) and inserting in lieu thereof the following: ": *Provided*, That the total number of immigrant visas and conditional entries made available to natives of any single foreign state under paragraphs (1) through (8) of section 203(a) in any fiscal year shall not exceed 35,000 in the case of any contiguous foreign state and shall not exceed 20,000 in the case of any other foreign state"; and

Mr. RODINO. Mr. Chairman, this amendment is very simple in nature and is designed to provide a maximum of 35,000 immigrant visas each for natives of our contiguous countries, Canada and Mexico.

As I have stated during the general debate on H.R. 981, I fully support the primary thrust of the legislation, but I am opposed to the numerical limitation of 20,000 for Canada and Mexico. I felt so strongly about this issue that I offered several amendments in full committee to provide special treatment for these two countries and when these amendments were rejected, I filed additional views with the report setting forth numerous reasons why special consideration is warranted for these two countries.

In preparing this amendment I gave detailed consideration to the question of whether the additional visas for Canada and Mexico should result in an increased ceiling for the Western Hemisphere. I have come to the conclusion, as did the committee, that H.R. 981 should not increase current immigration levels. Therefore, my proposed amendment, while increasing from 20,000 to 35,000 the numbers of visas for Canada and Mexico, does not alter the 120,000 ceiling on Western Hemisphere immigration.

First of all, I wish to emphasize that we live on the same continent and share extensive common borders with these countries. I concede that continuity and geography alone do not justify special immigration treatment for any country. But, as a result of these shared borders, we experience a wide variety of mutual problems and concern.

These mutual concerns are set forth at some length in my additional views and I do not wish to take the time of the House to restate them at this time.

I would, however, like to set forth a few brief examples of these mutual areas of concern. There are numerous reciprocal agreements between our countries concerning manufactured goods; many labor unions in the United States have locals in Canada and vice versa; many American firms have branches in Canada and Mexico and the opposite is also true. Furthermore, efforts have been consistently made to promote freedom of travel across our contiguous borders. In short, there are numerous cultural, social and economic ties between our countries and we cannot disregard that our relationship with Canada and Mexico is, in fact, "unique."

Over the years, the United States has made continuous efforts to develop special patterns of cooperation and understanding with our contiguous neighbors and these patterns have been mutually beneficial in promoting friendly foreign relations.

Certainly we must not fail to take into account the effect of our immigration policies on our foreign relations with other countries. In some historical context unjustifiable discrimination in our immigration laws has provoked resentment on the part of foreign countries which has been detrimental to our national interests. For example, the total exclusion of Japanese immigrants in 1924 had a serious impact on our relations with that country. Another example was the sharp reduction in immigration from Italy and other countries of Southern and Eastern Europe which resulted from the national origins quota system established by the 1924 legislation. I might add that it took over four decades to eliminate this repugnant concept and we were all pleased in 1965 when this system was finally eliminated. I do not intend to imply that the provisions contained in H.R. 981, as they affect Canadian and Mexican immigration, present as serious a problem as the 1924 legislation but I must stress the importance of avoiding even the appearance of discrimination against our contiguous neighbors. Since Mexico is the only country in the Western Hemisphere which would be adversely affected by the 20,000 limitation, it is entirely conceivable that the Government of that country—and many Mexican-Americans—might well regard this legislation as an affront to its people. Moreover, since most Mexican immigration is family oriented, a 20,000 limitation would seriously impede the reunification of families—which is the primary objective of our immigration laws.

In addition to jeopardizing our foreign relations with Mexico, this 50-percent reduction in lawful immigration may exacerbate the illegal alien problem which this committee and the Congress have worked so hard to eliminate by the passage of H.R. 982.

I might add that the concept of special treatment of Canada and Mexico was supported by the Departments of State and Justice and by almost all of the other witnesses who testified before the subcommittee. In addition, a Special Study Group on Illegal Immigrants from Mexico specifically recommended that "any changes in the system of numerical limitation should be made so as to prevent a significant reduction in the current rate of immigration from Mexico."

In order to prevent such a drastic reduction my amendment provides 35,000 visas for each of these countries and I believe the adoption of this amendment will strengthen H.R. 981 and will assure early enactment of this needed legislation.

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

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

Mr. GROSS. I thank the gentleman for yielding.

Must these immigrants from Canada and Mexico be native citizens of those countries, or can they be "retreads," that is, people who go to Canada to take out citizenship papers, and then come on into the United States?

Mr. RODINO. No. They must be natives of that country, because our immigration laws consider the country of birth as determining his quota chargeability.

Mr. GROSS. Are they native Canadians and native Mexicans?

Mr. RODINO. Yes; they would be native Canadians and native Mexicans.

The CHAIRMAN. The time of the gentleman has expired.

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

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

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

Mr. SEIBERLING. As I understand it, the gentleman's position is not that we should not eventually move to a 20,000-limitation for every Western Hemisphere country, but that to take the drastic step of cutting in half the existing legal flow of immigration from Mexico would be too harsh a step to take, in view of the economic and other pressures that exist?

Mr. RODINO. That is correct. I should like to point out that when we made changes in the immigration laws of 1965, we provided for an orderly transition of those countries that enjoy larger quotas. To do this at this time would be to result in a devastating effect, but I might point out, and especially in the case of Mexico, Mexican immigration is totally characterized as one of family reunion, and this would be a disruption of the family-reunion concept which has been at the base of all our immigration policies.

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

Mr. Chairman, the proponents of the proposed amendment to grant both Canada and Mexico 35,000 admissions per year argue that a uniform 20,000 per country limitation will seriously impair relations with our neighboring countries Mexico and Canada which, because of their geographic proximity, should receive favored treatment.

First. In response, I first suggest that we should not forget that our immigration law is designed to serve the interests of the United States—not to satisfy the desires of natives of foreign countries. Ours is a selective immigration system with two objectives: First, to reunify families through the admission of close relatives, and second, to attract skills which are needed in the United States because they are in short supply within our country; all this within the

limitations of a statutory annual numerical maximum of admissions. Our immigrations law is not designed to meet the demand—that is, to admit all who want to come—but to admit a selected limited number of aliens.

Second. Geographic proximity provides no logical basis for preferred treatment. The founders of the Nation came from across the seas, yet we give no preferred treatment to those countries of origin. In 1965 we abandoned forever the most favored nation concept. Let us not retreat to a discriminatory favoritism for Canada and Mexico, countries which incidentally give no preferred treatment to U.S. citizens who wish to emigrate.

Treatment of Canada and Mexico on the same basis as all other countries should have no harmful economic or diplomatic consequences for our country. For Canada, total immigration in 1973 was less than 9,000—of which fewer than 3,000 were chargeable against the hemispheric numerical ceiling since the parents, spouses and children of U.S. citizens are admissible from all countries without numerical limitation. So obviously a 20,000 per country maximum should not result in any reduction in the admission of Canadians desiring to immigrate. The application of the preference system to the Western Hemisphere will take care of the Canadians who have been somewhat disadvantaged by the current hemispheric situation. Now skilled Canadians seeking admission will be able to secure preference visas.

For Mexico a total of 43,511 natives chargeable to the hemisphere ceiling were admitted in 1973. Some 26,560 natives of Mexico were admitted as immediate relatives not chargeable to any numerical ceiling and would be unaffected by the provisions of H.R. 981. While a 20,000 limitation would appear to reduce Mexican immigration severely, this does not necessarily follow. It is the conclusion of the subcommittee which drafted the amended bill that a considerable number of the Mexican natives who apply for immigrant admission do so for economic reasons and without an intention to remain permanently. This apparently is borne out by the statistics revealing that aliens from Mexico have in past years had one of the slowest rates of naturalization.

Additionally, another section of this bill is designed to provide increased opportunities for natives of Mexico and others to enter temporarily to take employment. Section 2 of H.R. 981 will permit aliens to enter for periods of up to 1 year, with a 1-year renewable option, to take employment in permanent-type jobs whenever citizens will not be displaced or prevailing wage scales undercut. Thus workers will be available when needed to meet shortages in the labor market. It is anticipated that Mexican workers especially will be benefited by these provisions of the bill and a considerable portion of the economic pressure for admission to the United States will be met.

Finally, it should be made clear that to provide special treatment for Canada and Mexico, as proposed, means either a substantial increase in the total number of immigrants admitted to the United States or a reduction in the numbers available to other countries in the Western Hemisphere. In view of the unemployment situation in the United States today, I am confident the American people do not favor an increase in the present rate of immigration. In reference to this possibility, it is interesting to note that the report of the President's Commission on Population Growth recommended that immigration levels not be increased—a position reached after strong internal arguments that the present numerical ceilings be substantially cut. The increase proposed for Canada and Mexico by Mr. RODINO's amendment represents a 25-percent increase in the total hemisphere ceiling—from 120,000 to 150,000. I submit such an increase is not defensible on the ground of foreign relations when the national interest would be so gravely harmed.

The alternative, if the hemisphere ceiling is kept at 120,000, is that immigration from the other 24 hemisphere countries be reduced to a total of 50,000. More than half of the hemisphere ceiling for two countries, and less than half for all the remainder? The obvious discrimination—the obvious flagrant retreat to a most-favored-nation policy—is totally unacceptable.

I urge defeat of the proposed amendment.

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

(At the request of Mr. RODINO and by unanimous consent, Mr. KEATING was allowed to proceed for an additional 2 minutes.)

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

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

Mr. RODINO. Mr. Chairman, the gentleman stated that this is not in the best interests of the United States. Is the gentleman aware that both the Department of State and the Department of Justice have agreed and testified before the committee that they supported a ceiling of 35,000 for Canada and Mexico wholeheartedly?

Mr. KEATING. Mr. Chairman, I would say that I do not always find myself in agreement with the Department of State in its relations with foreign countries.

Let me expand on that and say that by discriminating in favor of the Mexican immigrant, we are also discriminating against other countries in the Western Hemisphere. I think that is a very significant matter. The whole thrust of this bill is to take one big step toward uniformity in our immigration policy the world over. It is, hopefully, to have one policy to rid ourselves of the national origin concept.

I firmly believe the uniformity of 20,000 limitation on each country will be effective and will serve better the interests of the United States and the other countries of the world.

Mr. RODINO. Mr. Chairman, if the gentleman will yield further, I merely want to point out that we talked about population growth and cited some data. I would like to point out a special study group on illegal immigrants from Mexico appointed by the President specifically recommended that committee changes in the system of numerical limitation should be made so as to prevent any significant loss in the current rate of immigration from Mexico.

All these studies frankly recognize that there should be an orderly flow of immigration; but nonetheless all these studies have recognized the concept of the uniqueness of both Mexico and Canada. This is the concept that is recognized by both the Department of State and the Department of Justice, and it is in our best interests to do this.

Mr. KEATING. Mr. Chairman, I know the outstanding work my distinguished chairman has done in the field of immigration, and I would respectfully suggest that the modifications in section 2 of this immigration bill provide some relaxation for the purposes of improvement. It is clear because of the economic conditions in this country that it is desirable for Mexicans to come here to work. Their slower rate of naturalization, I believe, has a tendency to indicate that they would rather work here than become naturalized citizens.

If we provide them that opportunity, we will be solving a lot of the questions raised.

Mr. EILBERG. Mr. Chairman, I rise in opposition to the amendment. I find myself today in the unenviable position of opposing my distinguished chairman. It is not often that I have disagreed with my chairman during the 5 years we have worked together on immigration problems. I was fortunate to serve under him when he was chairman of the Immigration Subcommittee and we closely collaborated on many legislative proposals designed to provide reasonable and equitable immigration policies. My opposition to his amendment today is based primarily on my firm belief that we should treat all individuals regardless of their place of birth on an equal basis.

In 1965 we repealed the pernicious national origins quota system which for four decades represented the concept that some individuals because of their ethnic background or native country are better than other individuals. In 1965 we repudiated this concept and established a first-come, first-served preference system for natives of the Eastern Hemisphere which emphasized family reunification and the admission of individuals who possess needed skills.

In the bill which we have presented to the House today we have extended these principles by establishing a preference system for the Western Hemisphere. In an effort to establish a uniform system of immigration, we have also provided a per country limitation of 20,000 immigration visas for every country in the world. In other words, this bill represents a reaffirmation and extension of the principle that the ability of a person to immigrate to this country should be based upon his family ties in the United States and his personal qualifications and not on his place of birth. In short, by establishing a uniform preference system and per country limitation, the committee bill attempts to

remove the last vestige of national origins discrimination.

It has been suggested that equal treatment for all countries discriminates against Canada and Mexico. I submit that special treatment for our contiguous neighbors—no matter what justification is presented—is discriminatory and may possibly create resentment among our other close allies—Italy, Great Britain, Ireland, Germany—who have not received favorable treatment under this legislation. Furthermore, this amendment would allow two countries in the Western Hemisphere to utilize the majority of visas allocated to that hemisphere; thereby, requiring the other 24 independent countries to compete for the remaining 50,000 visas.

It has been suggested that a 20,000 ceiling on Mexico would substantially reduce lawful immigration from that country and thereby may be considered as an affront to the people of that country, as well as Mexican Americans in the United States. These arguments should be rejected for two primary reasons. First of all, there was testimony before my subcommittee that Mexicans were not concerned with the numbers who were permitted to immigrate, but rather with the fact that natives of Mexico were treated differently than natives of countries in the Eastern Hemisphere. In other words, the resentment of Mexicans under the present immigration system is based upon the disparity in treatment between the two hemispheres. Their concern was not one of numbers, but of equality of treatment and this objection will be eliminated by the passage of H.R. 981.

Second, there is generally agreement that the vast majority of Mexicans who enter this country illegally or, in many cases legally, do not intend to reside permanently in the United States. This fact is demonstrated by the commuter program which enables over 40,000 Mexican natives who choose to reside in Mexico to commute daily to their jobs in the United States. Furthermore, the large numbers of Mexicans who participated in the old bracero program is additional evidence of the fact that the main desire of Mexicans is to work temporarily in the United States and then to return to their families in Mexico.

When Chairman RODINO and myself were in El Paso 2 years ago holding hearings on the illegal alien problem, we visited a detention center and spoke with a large number of illegal aliens who were about to be deported. During our discussions with these individuals we were surprised to learn that none desired to immigrate to the United States and that their sole desire was to enter temporarily for employment in order to send money back to their families in Mexico.

In addition, Mexican natives possess one of the lowest naturalization rates of any country in the world and this would seem to indicate that a substantial percentage of those who obtain immigrant visas return to Mexico after they have achieved some degree of economic stability. Further, the present restrictions on the admission of aliens for temporary employment has caused many Mexicans to seek a permanent residence visa when, in fact, they do not intend to remain in the United States.

I would also like to point out that notwithstanding a 20,000 limitation on Mexico, it will continue to be the primary source of immigration to this country for many years to come. Although they immigrated approximately 64,000 in fiscal year 1972, 23,000 of these individuals were immediate relatives and, therefore, would not be affected by the 20,000 limitation in this bill. In fact, I would estimate that, assuming a 20,000 limitation, approximately 40,000 to 45,000 natives of Mexico will immigrate to the United States in future years and this figure closely aproximates the average number of immigrants from Mexico for the last 8 years. In other words, this means that immigrants from Mexico will more than double the number from most other countries in the world even if a 20,000 ceiling is imposed.

Another primary reason for opposing special treatment for these countries is the simple fact that Canada and Mexico do not provide special treatment for U.S. citizens desirous of immigrating to those countries. Therefore, although geography and contiguity may be raised in support of favorable treatment, reciprocity cannot be asserted as such a justification.

Additionally, although it has not been expressly stated, it is apparent that increased ceilings for these countries, particularly Mexico, is an effort to respond to the socio-economic problems in these countries. I submit that immigration policies for this country should be designed to promote the interests of our citizenry and not to react to the problems of unemployment, poverty, and overpopulation in other countries. Certainly these are urgent matters which should be taken into consideration when preparing our foreign aid bills, but not when establishing our immigration policies. In other words, we should not attempt to solve international problems with immigration policy nor should foreign relations be the prime concern when considering amendments to our immigration laws.

Another matter which cannot be ignored in view of the extensive study which has been given to the illegal alien problem is the respect given to our immigration laws by natives of foreign countries. Because of our liberal granting of voluntary departure to Mexicans and the lax enforcement of our immigration laws, an attitude has developed in border areas that our immigration laws "are not to be taken seriously." Therefore, by giving special treatment to Canada and Mexico, we may contribute to this attitude that they are not subject to the provisions of the Immigration and Nationality Act to the same extent as natives of other countries. In 1965, in order to achieve a nondiscriminatory immigration policy, we did away with the national origins quota system, notwithstanding the fact that immigration from Ireland and Great Britain was sharply curtailed. This same reasoning should apply with respect to Canada and Mexico and the idea of a special relationship with these countries should be rejected in favor of the concept of equal and uniform treatment on a worldwide basis.

Mr. Chairman, I conclude by saying that no citizen in this world is better than any other citizen. The fact that he happens to reside in a country which is contiguous to our own should not give him any advantage whatsoever.

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

Mr. Chairman and Members of the Committee, I would like to associate myself with the remarks of the gentleman from Pennsylvania (Mr. EILBERG) and the gentleman from Ohio (Mr. KEATING). I oppose this amendment, and I believe the House should know that the amendment offered by our distinguished Chairman, the gentleman from New Jersey (Mr. RODINO) was thoroughly considered in the subcommittee chaired by the gentleman from Pennsylvania (Mr. EILBERG). It was thoroughly considered and voted on the full Committee on the Judiciary, and it was defeated.

Now, let us just consider for a moment what the bill does and what the amendment does. At the present time in the Eastern Hemisphere we have a 20,000-percent country annual limitation on immigration. We have a preference system based on skills and family ties primarily, and we have an overall ceiling of 170,000 people per year. In the Western Hemisphere, by contrast, we have no per-country limitation; we have no preference system. It is first come first served.

We do have a 120,000 overall limitation.

Mr. Chairman, what this bill does basically is to put the two hemispheres on the same basis. We apply the 20,000-per-country limitation in the Western Hemisphere which now exists in the Eastern Hemisphere. We apply the preference system which now exists in the Eastern Hemisphere to the Western Hemisphere, and we keep, however, in this bill and in the amendment offered by the gentleman from New Jersey (Mr. RODINO) the overall 120,000 limitation which presently exists in the Western Hemisphere.

Now, the only thing this amendment would do is to change the 20,000-per-country limitation to 35,000 in the case of two countries, Mexico and Canada.

It does not affect the overall ceiling. As a matter of fact, it is really an amendment to favor one country, and that is Mexico. The reason for that is that the Canadians do not come anywhere near using up the 20,000 per country limitation; they are nowhere close. It does not affect them as a practical matter. But the Mexicans always exceed it. They will get in about twice that many if you let them all come in and nearly twice that many under the amendment offered by the gentleman.

The question is, Why should we give this preferential treatment to Mexico? The whole thrust of our immigration law since 1965—and this bill carries it out—is to treat everybody in the same way. Now we are trying to treat the Western Hemisphere the same as the Eastern Hemisphere.

Surely the burden of proof is on anybody who wants to come in here and say that one country should have preferential treatment.

The next thing is, if you raise the overall ceiling, of course, you will have increased immigration with all of the problems that that entails in this country at this time. You do not do that under the amendment offered by the gentleman from New Jersey. So the necessary result is that there is less available for the other 24 countries in the Western Hemisphere.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. KEATING, Mr. DENNIS was allowed to proceed for 3 additional minutes.)

Mr. DENNIS. I thank the gentleman from Ohio.

What I want to say in conclusion before I yield is that this is an unfair amendment which goes back to the idea of favoring one country, and it hurts all of the other countries in the hemisphere.

The only alternative to that, if you wanted to go there, although this particular amendment does not, would be to increase the overall total, which I do not believe this House wants to do.

So I oppose the amendment.

I yield first to my chairman.

Mr. RODINO. I thank the gentleman for yielding.

I merely want to point out that prior to 1965, before we repealed the national origins system, Canada had as many as 37,000 or 38,000 visas, and thereafter that number was greatly reduced as a result of the changes we brought about and the requirements that were then incorporated in the new act at that time.

Mr. DENNIS. The gentleman will agree with me that the Canadians are not using anywhere near 20,000?

Mr. RODINO. That is correct at this time because the other countries are taking the numbers.

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

Mr. BELL. I thank the gentleman for yielding.

I will ask the gentleman, does he not believe that there is another overall problem here which is facing us, namely, the question of realism in our approach to international affairs. I do not think there is any question but what the most important area of our interest is the Western Hemisphere.

Just taking economics alone, our greatest trading partner is Canada. They are of vital importance to us. I know what happened in Cuba and Chile and other Latin American countries. A vote against the Rodino amendment would have an adverse effect on Canada's and Mexico's attitude toward us. I think it is important that we realize that more of our concentration of effort in international affairs should be dedicated to improving our relationships in our own hemisphere of Latin America and Canada. I support the Rodino amendment.

Mr. DENNIS. And I will say to the gentleman what we are doing is treating all of our hemisphere alike under the bill, but not under the amendment.

Mr. MAYNE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from New Jersey (Mr. RODINO).

Mr. Chairman, the author of the amendment, the gentleman from New Jersey (Mr. RODINO) went to great pains to talk about the common borders which we have with Canada and Mexico, and predicated a good deal of his appeal for this amendment on the need to treat our good neighbors, Canada and Mexico, in a more favored status than other countries.

As the gentleman from Indiana, Mr. DENNIS, has just pointed out, the inclusion of Canada in this amendment is really a sham because the Canadians have no interest in it. The Canadians are only using about 7,000 of the 20,000 which this bill provides. They have not gone over that in about the last 5 years. So that there is no benefit for Canada here.

This is an amendment to benefit one country only, to give special preferential treatment to the citizens of Mexico.

I certainly have the friendliest feelings toward the citizens of Mexico. I think that we are treating them very fairly under the bill. Not only will they be able to have 20,000 under the bill as it is written, but we are also admitting about 26,700 additional Mexican citizens every year because they are relatives of Mexicans already admitted to the United States. That means that we are admitting approximately 50,000 Mexicans each year to the United States. I do not see how by any distortion that can be interpreted into an anti-Mexican posture. We are being extremely generous with our good friends, the Mexicans, more so, I will say, than they are to us in the many discriminatory statutes which they have on their books against citizens of the United States. We are going more than half-way with them, and particularly at these times when we have a real concern about finding jobs for our own citizens already in this country, and where organized labor and others interested in the welfare of the working men and women find that there are not enough jobs to go around for our own citizens. So it seems to me that the bill before us which in effect lets approximately 50,000 Mexican citizens into the United States each year is generous enough, and the amendment offered by the gentleman from New Jersey (Mr. RODINO) should be defeated.

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

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

Mr. EILBERG. Mr. Chairman, will the gentleman from Iowa agree that a study was made of the matter of immigrants to this country by the President's Commission on Population Growth and the American Future and that the principal conclusion of that Commission was that the present immigration levels should be maintained and not increased?

Mr. MAYNE. Yes, I recall that. And there was also testimony before our subcommittee to that effect.

Mr. EILBERG. I thank the gentleman.

AMENDMENT OFFERED BY MS. ABZUG TO THE AMENDMENT OFFERED BY MR. RODINO

Ms. ABZUG. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Ms. ABZUG to the amendment offered by Mr. RODINO: Insert ", except that the number of aliens from Canada or Mexico above twenty thousand who in any fiscal year may be issued immigrant visas, who otherwise may acquire the status of an alien lawfully admitted to the United States, or who may, pursuant to section 203 (a) (7), enter conditionally shall not be considered in applying the ceiling imposed by section 201(a)(2) on the number of aliens from the Western Hemisphere who may be issued such visas, acquire such status, or so enter conditionally in any fiscal year."

Ms. ABZUG. Mr. Chairman, the purpose of my amendment to Mr. RODINO's amendment is to deal with the question of the disadvantage that accrues to the rest of the countries in the Western Hemisphere by giving Canada and Mexico special privileges. The debate thus far indicates that the increase of the quotas for Canada and Mexico could leave on the face of it only 50,000 more places for all of South and Central America and the Caribbean islands. I think that would work a very severe hardship on these peoples.

I suggest that the increase for Canada and Mexico not be given at the expense of the other countries in the hemisphere.

If we increase Mexico's and Canada's quota from 20,000 to 35,000 at the expense of the 20,000 and 120,000 limitation, we would be hurting these other countries. The fact is that in many areas of the country, and particularly in the area from which I come, there is a large immigration into the country from other countries in South America and Central America and such as from the Dominican Republic and the other Caribbean islands.

I believe it to be inequitable to enlarge the entry limitation of 2 countries at the expense of 24 other countries.

Under my amendment the first 20,000 of Mexico and Canada would be under the 20,000 and 120,000 limitation, and the additional 15,000 would not come out of the 20,000 that each of the other countries is entitled to, but would be 15,000 and 15,000, namely, 30,000 above the 120,000. If there is any justification to the position taken by Mr. RODINO in his amendment—and there may be because of the larger number of people coming in from Mexico than some of the other countries—then certainly my amendment to his amendment makes it much more equitable.

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

Ms. ABZUG. I yield to the gentleman from Indiana.

Mr. DENNIS. If I understand the gentlewoman correctly, what she is doing is saying that the extra 15,000 in the case of each of these two countries does not count against the 120,000?

Ms. ABZUG. That is correct.

Mr. DENNIS. Therefore, the gentlewoman is letting in 30,000 more people or in effect raising the 120,000 overall limitation to 150,000; is that correct?

Ms. ABZUG. That could be the effect.

On the other hand, we have just heard some debate that it would depend upon actually what the numbers are. If it were 15,000 above in each case, yes; if it were not, then that 15,000 would not go into effect; but in any case it would not come from the amount that each country is entitled to, the 20,000 or the 120,000.

Mr. DENNIS. The gentlewoman takes the extra 15,000 from each place and adds them on the top?

Ms. ABZUG. That is correct.

Mr. DENNIS. Making the 120,000 limit 150,000?

Ms. ABZUG. That is correct.

The CHAIRMAN. The time of the gentlewoman has expired.

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

Mr. Chairman, I would observe that under the gentlewoman's amendment all she does in effect is raise the maximum possible immigration for the Western Hemisphere from 120,000 to 150,000. This is very interesting. I will advise the Members that there are 118 Eastern Hemisphere countries and only 26 Western Hemisphere countries. Her proposal would depart from the committee position that immigration levels should not be increased.

The Western Hemisphere, Mr. Chairman, exclusive of the United States, contains only 9 percent of the world's population; yet it receives 41 percent of the visas which are allocated worldwide. In other words, the population ratio between the Eastern and Western Hemispheres would seem to justify a reduction, not an increase, in the Western Hemisphere ceiling.

The committee ultimately—and it might be in the next Congress—is desirous of eventually establishing a numerically unified worldwide ceiling. Therefore, increased immigration from the Western Hemisphere now would ultimately lead to a higher worldwide ceiling. Obviously, this is not the mood of the country or the Congress.

There is no way, Mr. Chairman, to estimate the demand for immigration from the Western Hemisphere under a preference system. We should wait and see what the experience of the Western Hemisphere will be under the preference system before deciding what hemispheric and worldwide ceilings are warranted.

And if, in the next Congress, assuming that this bill becomes law, there seems to be need for what the gentlewoman is recommending, we can take it up at that time along with legislation which might provide a worldwide ceiling on immigration.

Mr. KEATING. Mr. Chairman, I rise also in opposition to the amendment offered by the gentlewoman from New York to the amendment offered by the gentleman from New Jersey. I would like to associate myself with the remarks of my subcommittee chairman, the gentleman from Pennsylvania (Mr. EILBERG). The amendment to the amendment is clearly discriminatory. The Western Hemisphere is getting greater and better treatment as it is even now under the immigration procedure. This only compounds that problem.

Mr. Chairman, I would not belabor the issue except to say I support my subcommittee chairman in opposition to this amendment to the amendment.

SUBSTITUTE AMENDMENT OFFERED BY MR. GONZALEZ FOR THE AMENDMENT OFFERED BY MR. RODINO

Mr. GONZALEZ. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from New Jersey (Mr. RODINO).

The Clerk read as follows:

Substitute amendment offered by Mr. GONZALEZ for the amendment offered by Mr. RODINO: Page 15, strike out lines 22 through 24 and insert in lieu thereof the following:

(1) by striking out both provisos contained in subsection (a) and inserting in lieu thereof the following: ": *Provided*, That the total number of immigrant visas and conditional entries made available to natives of any single foreign state (other than Mexico) under paragraphs (1) through (8) of section 203(a) shall not exceed 20,000 in any fiscal year; and"

Mr. GONZALEZ. Mr. Chairman, I had originally intended to offer this as a separate amendment but in view of the nature and content of the Rodino amendment and the subsequent amendment offered by the distinguished gentlewoman from New York to the amendment, I am compelled to offer this as a substitute.

I would also like to have the opportunity to comment on some of the statements that have been made on both sides and particularly some made by the distinguished chairman of the subcommittee which reflect malinformation, misinformation, and egregious error and ignorance about some conditions that exist in our country particularly in the southwestern United States.

But with respect to my amendment this simply makes it possible to issue the greatest number of visas to the country where there is the greatest demand, namely Mexico. Mexico is a special case and whether we deplore preferential visas or not, history is preferential and conditions are preferential. They are not theories.

I cannot understand this distinguished committee, having acted as long as it has on these amendments, coming out with this amendment in the form it has, and having the audacity to say it is predicating its argument in behalf of the amendment on equality of treatment. Nothing could be further from the truth.

The managers of this bill say that by giving every country a ceiling of 20,000 immigrant visas, every country is receiving equal treatment. I say this is balderdash. This flat ceiling discriminates flagrantly against countries such as Mexico and bigger countries and it tilts in favor of the smaller countries. Under the 20,000 limitation Iceland with a population of 210,000 would get a visa for 1 out of every 10 of its citizens; Mexico with a population of 51 million would get 1 visa for every 2,500 of its citizens; or Brazil would get just 1 visa for every 5,000 of its citizens. In fact I would like to underscore that Panama would get 20,000 visas for its population of 1.5 million.

And Brazil, 20,000 visas for its population of 100 million. If this is equality, I am afraid I just do not recognize the meaning of that word. Where is the equality here? A 20,000 ceiling is a rank discrimination against a country such as Mexico where the need is the greatest and where the committee has abysmally lost the realism of the facts.

Some of the remarks made by the chairman of the subcommittee remind me of the remarks printed in committee hearings back in the 1920's when we had some committees in the Congress and the country, discussing this question of immigration and referring to the Mexican, where borders have been nonexistent as late as 1923, where a citizen could cross either border merely by just putting in 5 cents for the bridge toll.

There was no such thing as a visa at that time. There was still the historical heritage of our common border. We are talking about a country that had a tremendous amount of real estate in the United States. This is history. This is not true in Canada; this is not true of any other nation, and this inexorable fact is absolutely inescapable, in my judgment. To talk about the Mexican, as the chairman of the subcommittee said, is to repeat what his fellows were saying in their ignorance in 1923, that the Mexican was unassimilable and therefore his entry should be restricted and prohibited. This was said in 1923. The gentleman in 1973—the gentleman from Pennsylvania is saying—and I do not know where he gets his statistics, but they sure ought to be looked over—but the lowest rate of immigration for assimilation is among the Mexicans. Let me point out to this man and every other Member of this House, that if they want to see how well assimilated those of us of Mexican descent have become, cross the border and look at the cemeteries dotted with the names of Mexican aliens who died in Vietnam. Look at the cemeteries containing Mexican aliens who died in Korea. The first man to fall in battle in Korea was a constituent of mine by the surname of Jiminez.

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

(By unanimous consent, Mr. GONZALEZ was allowed to proceed for an additional 3 minutes.)

Mr. GONZALEZ. Mr. Chairman, for this committee to record at this juncture in our history and ask for a diminution and reduction in what is now available is absolutely unthinkable. I cannot reconcile it with the realism of the facts. The chairman's amendment would raise the 15,000, but still be below the actual number Mexico has been obtaining every year since 1965, and also compounds the crass error that the country committed in 1965 in that exalted and much bragged about 1965 Immigration Act, which I did not vote for because I said then and I predicted then that we were adopting a principle that would bring mischief in the future with respect to the Western Hemisphere.

This silly notion that we are going to equate a country the size of Panama with a country the size of China or Japan or Switzerland or France is absolutely flying in the face of logic and reason. At least at this time, my amendment would

simply restore the status quo with respect to visas with respect to Mexico, period, because to throw in Canada is just a largesse in order to try to offer some sop of logic to the Rodino amendment.

But, the truth is that it should not be included. Canada does not absorb even its present quota. The need is elsewhere, and it is singular and it is realistic and it is what the facts reveal, not the fancies of some pseudodemographic expert who has not bothered to even check the facts.

To further compound the presentation it was said as an argument that the Mexican alien seeking legal admission indigenously to this country, like our forefathers, should be denied that opportunity he has now, because they say the record shows, and this is the argument I heard astoundingly, that he has not assimilated, that he has the lowest assimilation factor of any immigrant group. That not only is a canard, it is an insult and it flies fully in the face of our history, the facts and the statistics.

I hope, if nothing else, regardless of the outcome of this substitute, that the chairman of the subcommittee will go back.

I do not know what language the gentleman used in talking to these people he said were in concentration camps getting ready to be shipped back to Mexico. I do not know what language he used, but I do not think in whatever language they spoke to him he gathered the real sentiment, the real feeling that throbs in the hearts and minds of these people. They want one thing, a chance to come to this country like our forefathers, to earn an honest livelihood by hard work and rear a family, if possible.

One thing that was a grievous insult under the bracero program was that in effect the concept was to bring the Mexican alone, the male, without his family, use him and ship him back.

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

(On request of Mr. TEAGUE of California, and by unanimous consent, Mr. GONZALEZ was allowed to proceed for 1 additional minute.)

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

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

Mr. TEAGUE of California. I would like to ask the gentleman what effect he believes his amendment would have on the availability of farm labor in the Southwest?

Mr. GONZALEZ. As the gentleman may know, it may not have a direct impact, but an indirect one. Under the present laws we do have, I think that, regardless of the visa, legal resident permissions given would depend upon the interpretaton under our present law that the officials in the administrative branch of the Government and the Labor Department give.

In other words, this is one reason why I have opposed the special type of restoration of legislation like the bracero law, because I do not think we have to have a law. I think that if there is a legitimate need it should so be established by the proper administrative officials; and then the growers could have a chance, at least, under the law to legally use the labor that at this time is abundant in Mexico; so I do not know that there would be a direct impact.

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

Mr. Chairman, I would say to the gentleman from Texas (Mr. GONZALEZ) that he has misunderstood some of the words I said previously.

I would first like to say I do not have a copy of the amendment he proposes, but from listening to it I gather what he is recommending is that there be no quota for Mexico. That means unlimited numbers. I am not going to attempt at this time to repeat all the arguments already made against such a proposition. We maintain that every country should be limited to 20,000 visas. Others say 35,000. The gentleman from Texas suggests unlimited emigration from Mexico.

Somehow he has gotten into his mind a concept that I regard or the subcommittee regards Mexicans as inferior citizens. That concept is certainly not correct and I want to correct that point emphatically at this point.

Yes, we were in Mexico and El Paso, Tex. We spoke to a great many deportable Mexicans who had been apprehended.

I would say to the gentleman that those people we spoke to—the chairman of the full committee, myself, and other members of the subcommittee—were as fine people as we could find anywhere. The 20,000 limitation has nothing to do with the personalities or ethnic background of these individuals. Our objective is simply one of equality and uniformity.

Mr. Chairman, the question we are considering here, however, is the number of Mexicans that should be legally permitted to enter the United States each year. I suggest that the reason for the great pressures for people coming from Mexico is economic.

We learned and the subcommittee learned when we went to Mexico that unemployment south of the border is 25 to 50 percent, and obviously they want to find some jobs some place where they can work and send money back to their families. That is exactly what the great bulk of them were doing in the United States. The fact is that we had a great many commuters coming back and forth, which is evidence that they do not want to live in the United States. They could; they are permanent resident aliens, but they do not want to live in the United States.

We take further into consideration that the pressure for admissions from Mexico is economic, and we expand the H.R. 2 provision making it possible for more Mexicans to come to this country. This recognizes the economic situations as they exist.

Mr. Chairman, there was nothing in what I said or in what we intended to do that should be construed as disrespect for the character or personality or friendship of our great neighbors to the south. We simply maintain that the problem is basically an economic one, and there is no reason why Mexico should be given a greater opportunity than any other country in the world.

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

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

Mr. GONZALEZ. Mr. Chairman, I have asked the gentleman to yield, because did he not say in his presentation that—and this was one of the arguments against an increase in the allowance—the record showed that the Mexican alien had the lowest rate of integration? Is that not the word the gentleman used?

Mr. EILBERG. No, sir. What I said was that he had the lowest rate of nationalization. I have a chart which indicates 2 percent, which is the lowest figure in that regard for any country in the entire world.

Mr. GONZALEZ. Mr. Chairman, let me say that I believe that figure is subject to very serious revision and study.

Let me say again that if the gentleman were familiar with the history of that territory, he would understand why it is the lowest figure.

There is an historical fact behind it, and it is not a question of any disinclination on the part of any alien members to want to live in the United States.

Mr. Chairman, may I ask the gentleman this: How does he think that I happen to be here as a Member of Congress if my parents did not want to stay in this country?

Mr. EILBERG. Mr. Chairman, I have no doubt that the gentleman, as well as his parents, desired to remain in this country.

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

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

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

I would just like to point out that I have the greatest respect for the gentleman from Texas or any other Member who speaks from the heart as he spoke. However, I think the House should consider what this amendment proposes. It leaves the 120,00 overall Western Hemisphere ceiling, and it says that every other country in the hemisphere has a 20,000-per-country maximum except Mexico, and it has none. It is not 35,000 under this amendment, as proposed by the chairman. It is unlimited. They could take the entire 120,000.

Mr. Chairman, I just put the question to the committee whether that is a fair proposition. I understand the gentleman's feeling. I do not blame him for introducing the amendment, but that is what it does.

I will ask, is that what we want to do?

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

Mr. Chairman, I would just like to raise one point and restate something that I said earlier.

The purpose of our immigration system is to reunify families through the admissions of close relatives and to attract skills which are needed in the United States, because they are in short supply within our country, all this within the limitations of a statutory annual

numerical maximum number of admissions.

Our immigration law as it is presently is not designed to meet the demand that is present to admit all who want to come, but to admit a selected number of aliens. So what this means really is that we are talking about a change in the whole philosophy of immigration.

The per country maximum of 20,000 annually has apparently had no adverse effect in the Eastern Hemisphere if special treatment is warranted for any country because the demand exceeds the 20,000 ceiling then the Philippines should be given special treatment. There is a backlog of more than 200,000 applicants in the Philippines waiting for visas but no special treatment is recommended.

So I would say we have a similar situation, and I think we are just starting a series of causes and effects which will trigger a reaction among other nations where the demand is as great as or greater than that of Mexico.

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

Mr. KEATING. I yield to the gentleman.

Mr. HINSHAW. Mr. Chairman, regardless of any merit contained in H.R. 981, it seems paradoxical that time be given here today to consider legislation having to do with legal aliens when the country, and particularly southern California and the southwest region, is being overrun with illegal aliens due to an almost total breakdown in the capacity of the Immigration and Naturalization Service to enforce immigration laws.

H.R. 981 will: First, extend to the Western Hemisphere the seven category preference system and the 20,000 per country limit on the number of immigrant visas available annually, which is currently in effect for the Eastern Hemisphere; second, expand the present refugee provisions of the Immigration and Nationality Act to include conditional entry for political refugees from any country in the world, which has the effect of extending to Western Hemisphere refugees the benefits which present law gives only to the Eastern Hemisphere; and third, amends the labor certification provisions of existing law to exclude certain categories of aliens unless the Secretary of Labor certifies the need for the kind of labor they can perform.

INS records show that "more than a million" illegal aliens are pouring into this country each year. This, of course, can be nothing more than an estimate. But, considering its source, it is probably a reliable estimate. This condition is, I am convinced, brought about by failure of the Department of Justice and the Office of Management and Budget to recognize the importance of the Immigration and Naturalization Service and the vital need for INS to adequately perform its functions.

I happen to be a member of the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations. Two years ago this month our chairman, the Honorable WM. J. RANDALL, asked the General Accounting Office to review the operations of the Immigration and Naturalization Service with a view to determining the economy, efficiency, and effectiveness of that Agency's operations.

When I came to Congress this year I was assigned to the Legal and Monetary Affairs Subcommittee and our first order of business was a hearing concerning the Immigration and Naturalization Service. Coming from Orange County, Calif., I was, of course, well aware of the illegal alien problem. In fact, there are estimates that just about one-half of the illegal aliens in the United States are located in Southern California.

As our hearings progressed it became quite evident to me that the failure of the Immigration and Naturalization Service to effectively cope with the illegal alien problem in the Southwest is a condition that exists to some extent or other at all United States ports of entry as well as in the various INS districts located throughout the interior of the United States.

The Legal and Monetary Affairs Subcommittee has now conducted about 10 days of hearings on INS weaknesses which have led to the mushrooming problem of illegal aliens. The General Accounting Office has compiled two well documented reports on this problem. The subcommittee staff is still conducting an extensive investigation of procedures followed by the Immigration and Naturalization Service, the Agency charged with enforcing immigration laws. Two on-site investigatory trips have been made to Texas, Arizona, and California. Our files are bulging with verified information as to INS weaknesses, and conditions that have led to the inability of that Service to perform at an adequate level; information that has been provided without solicitation but with sufficient documentation as to leave little or no doubt as to its correctness.

INS witnesses have provided the subcommittee with detailed records of their requests for manpower, equipment and money with which to perform their duties. They have told us of the cuts made in these requests by the Department of Justice, within which INS operates, and then further cuts by the Office of Management and Budget before the requests reach the Congress. One example: since 1964 INS has asked for 3,921 new positions to enable the Service to do a better job. They have been given only 966 new positions. Another example: between 1964 and 1973 appropriations for INS have increased from $69 million to just under $136 million. More than $40 million of this increase has had to be used for classified and cost-of-living pay raises. Inflationary pressures in other areas of INS expenditures have made such inroads as to indicate that the effective budget increase during this 10-year period is only $20 million. In 1964, 85,000 illegal aliens were found in the United States. In 1972, 472,000 were found—an increase of more than 500 percent in the number of apprehensions, but with only 3 percent more money and 22 percent more manpower.

The General Accounting Office has informed the Legal and Monetary Affairs Subcommittee that INS records are in a seriously substandard condition; that identification documents and entry permits are so lacking in built-in security precautions as to make them readily and easily counterfeitable. GAO has also indicated serious lack of cooperation by other Government agencies—local, State and Federal—with the INS that would enable the Service to do a better job. Notable in this respect is failure of the Treasury Department to collect taxes from aliens being expelled who are able to pay. Also notable is the extent to which officials at all levels have been willing to look at need rather than entitlement in handing out welfare funds.

Our subcommittee staff has developed information as to lack of communication equipment, motor vehicles in serious state of inefficiency, inadequate office machinery and other deficiencies in the tools needed by INS to function properly.

INS and Border Patrol personnel have volunteered information to the subcommittee and provided substantiation for their allegations concerning voluminous complaints that have never been acted upon, cessation of area control activities because there are no facilities for detention and no money for deportation.

Only this morning the subcommittee staff received photostatic documentation of a case in which permission for entry into the United States was given, on August 21, 1973, to an alien subject who had previously served a prison term in this country for attempted rape; he had been charged with bigamy while here illegally but had fled the country before prosecution and he had been the subject of deportation proceedings following illegal entry into this country 11 times since 1946. Furthermore, the Public Health Service report on this individual indicated that he had an active case of syphilis.

Although I have not decided how I will vote on H.R. 981 on final passage, I am not strongly persuaded as to the propriety of considering such legislation as this when no visible effort is being made at any level of government to stem the tide of illegal aliens whose presence in this country threatens the integrity of the comparatively very few of their countrymen who have taken the time and gone through the trouble to enter the United States legally. It may well be that, to those classes of aliens who will benefit by H.R. 981, this is highly important legislation. But on this side of the border where new horror stories are developing everyday in connection with the growing presence of illegal aliens, it seems to me that we are dealing with the wrong aspect of the immigration problem.

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

Mr. KEATING. I yield to the distinguished gentleman from Texas (Mr GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I rise only to point out one thing here. If my substitute amendment were to be adopted, it would not make an unlimited visa allowance possible for Mexico. You would still have the overall hemispheric limitation. All it does is maintain the status quo for the Republic of Mexico,

but it does not remove your hemispheric limitation of 120,000.

Mr. KEATING. We still have the 120,000 limitation. Is that correct?

Mr. GONZALEZ. That is right.

Mr. KEATING. And your substitute amendment, as I understand it, is unlimited as far as Mexico is concerned.

Mr. GONZALEZ. No. If you look at the part of the bill that is amended——

Mr. KEATING. Unlimited up to 120,000, I mean.

Mr. GONZALEZ. No. In effect that is what you have indicated, but it only maintains the status quo.

Mr. KEATING. What it means is Mexico could eventually use up the 120,000 for the whole Western Hemisphere.

Mr. GONZALEZ. But the gentleman recognizes it could do so now, but it has not and will not. All this does is preserve the status quo with respect to Mexico.

Mr. KEATING. I thank the gentleman.

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

It seems to me this has been a very informative dialog because it brings out the two possible extremes, one of which is to take a rigid pattern and try to stretch the body politic, so to speak, to fit it, and the other is to make an exemption which completely eliminates any restriction as far as Mexico is concerned.

I am a member of the subcommittee and was with them when they took the trip to the border areas between Mexico and Texas. I think we all shared the same feeling that we have a very serious problem of relationships with a neighbor country which is suffering from severe economic problems, including severe unemployment.

To take a 20,000 person limitation and impose it in a way that would cut the existing flow of legal immigrants in half is simply to fail to recognize that we have a special problem because we share a common border with Mexico. However, I do not think the way to resolve that is to go to the other extreme and impose a limitation on every country in this hemisphere except Mexico, because by so doing we would exacerbate our relations with the others.

It seems to me Chairman RODINO has offered a way out and a way that the Department of Justice and the Department of State support and a way that recognizes our relationships with Mexico and our special problem on the Mexican border and which does not create a possibility of preempting immigration from the other countries of the Western Hemisphere.

For that reason I am inclined to oppose the substitute amendment offered by the gentleman from Texas and to support the amendment offered by the gentleman from New Jersey (Mr. RODINO).

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

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

Mr. EILBERG. The gentleman stated what we are doing is cutting the possible immigration in half. I think what he is referring to is the figures only for the last fiscal year. In fiscal year 1972 there were 64,000 and of that 64,000, 23,000 were immediate relatives. Going back 2 years before that there were 44,000. So I suggest to the gentleman that if we allow 20,000 plus the immediate relatives, taking into consideration the size of the families, we can approach 45,000 which is approximately the average Mexican immigration for the last 8 years. Therefore, we will not do substantial harm to Mexican immigration at all.

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

Mr. SEIBERLING. I yield to the chairman of the committee, the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I would like to point out again to the chairman of the subcommittee that when we wanted to eliminate the national origins quota and take in the 20,000 per country in the Eastern Hemisphere, and none for the Western Hemisphere, we were careful in insuring that there would be a transition so that the countries which enjoyed a higher quota would not be hurt drastically by suddenly taking away from them all their visas. We therefore provided for a 3-year transitional period. As a matter of fact, I asked for a 5-year period, and history and experience proves that I was correct because there were inequities that continued for a period of 5 years.

That is the reason why it would be terribly unjust to treat Mexico and Canada other than the way I suggest.

Mr. SEIBERLING. I would also like to point out that the effect of the committee bill without the Rodino amendment would have been to cut all immigration from Mexico last year from 64,000 to 41,000, which is at the very least a 33⅓-percent cut; in fact, it would actually cut in half the number of immigrants from Mexico who come in under the preference system. Therefore in the category it is more than a 50-percent cut. And it pressures inside Mexico at a time when we ought to be trying to help them get out of their predicament. I would think that the amendment offered by the chairman, the gentleman from New Jersey (Mr. RODINO) is a logical middle ground, and one that recognizes the facts of life as they exist on the border, instead of trying to fit them into a rigid scheme, desirable as it is as an overall pattern.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. ABZUG) to the amendment offered by the gentleman from New Jersey (Mr. RODINO).

PARLIAMENTARY INQUIRY

Mr. KEATING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KEATING. Mr. Chairman, will the vote be on the amendment offered as a substitute by the gentleman from Texas to the amendment offered by the gentleman from New Jersey (Mr. RODINO)?

The CHAIRMAN. The Chair will state that there is a perfecting amendment to the amendment offered by the gentleman from New Jersey (Mr. RODINO). The first question occurs on the perfecting amendment to the amendment. Thereafter the vote will occur on the amendment offered by the gentleman from Texas (Mr. GONZALEZ), as a substitute for the amendment offered by the gentleman from New Jersey (Mr. RODINO).

If the substitute amendment is agreed to, the vote will recur on the original amendment, as amended. If the substitute fails, the vote will then occur on the amendment offered by the gentleman from New Jersey (Mr. RODINO) in the form in which it was offered.

Mr. KEATING. I thank the Chairman.

The CHAIRMAN. The Chair will restate the question.

The question is on the amendment offered by the gentlewoman from New York (Ms. ABZUG) to the amendment offered by the gentleman from New Jersey (Mr. RODINO).

The question was taken; and on a division (demanded by Ms. ABZUG) there were—ayes 14, noes 61.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Texas (Mr. GONZALEZ) to the amendment offered by the gentleman from New Jersey (Mr. RODINO).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. RODINO).

The question was taken; and on a division (demanded by Mr. EILBERG), there were—ayes 40, noes 50.

RECORDED VOTE

Mr. RODINO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 203, not voting 57, as follows:

[Roll No. 481]

AYES—174

| | | |
|---|---|---|
| Abzug | de la Garza | McCormack |
| Adams | Dellums | McFall |
| Anderson, Calif. | Denholm | McKay |
| Andrews, N. Dak. | Dent | Macdonald |
| Annunzio | Derwinski | Madden |
| Archer | Diggs | Mahon |
| Aspin | Dingell | Maraziti |
| Badillo | Eckhardt | Martin, Nebr. |
| Bafalis | Edwards, Calif. | Mathis, Ga. |
| Bell | Fascell | Meeds |
| Bergland | Fisher | Melcher |
| Biester | Flynt | Metcalfe |
| Bowen | Foley | Mezvinsky |
| Brademas | Fraser | Mink |
| Brasco | Fuqua | Mitchell, Md. |
| Breaux | Gibbons | Moakley |
| Brooks | Ginn | Moss |
| Brotzman | Goldwater | Murphy, Ill. |
| Brown, Calif. | Gonzalez | Murphy, N.Y. |
| Burke, Fla. | Gunter | Obey |
| Burke, Mass. | Hamilton | O'Neill |
| Burleson, Tex. | Hammer-schmidt | Patten |
| Burton | Harrington | Perkins |
| Byron | Hawkins | Pettis |
| Carey, N.Y. | Hinshaw | Pickle |
| Carney, Ohio | Holifield | Pike |
| Casey, Tex. | Horton | Poage |
| Chappell | Hosmer | Preyer |
| Chisholm | Hungate | Price, Ill. |
| Clausen, Don H. | Jarman | Price, Tex. |
| Clay | Johnson, Calif. | Pritchard |
| Cleveland | Jones, N.C. | Railsback |
| Collins, Ill. | Jones, Okla. | Rangel |
| Collins, Tex. | Jordan | Rees |
| Conlan | Karth | Reid |
| Conyers | Kazen | Rodino |
| Corman | Kluczynski | Rogers |
| Crane | Koch | Roncalio, Wyo. |
| Cronin | Kyros | Rooney, Pa. |
| Daniels, Dominick V. | Landrum | Rosenthal |
| Davis, Ga. | Leggett | Rostenkowski |
| Davis, S.C. | Lehman | Roush |
| | Lujan | Roy |
| | McCloskey | Roybal |
| | McCollister | Runnels |
| | | Ruppe |

| | | |
|---|---|---|
| Sandman | Steelman | Veysey |
| Sarbanes | Steiger, Ariz. | Waggonner |
| Satterfield | Stokes | Waldie |
| Schroeder | Stuckey | Whalen |
| Sebelius | Studds | White |
| Seiberling | Sullivan | Wilson, Bob |
| Shipley | Symington | Wilson, |
| Sisk | Talcott | Charles H., |
| Skubitz | Taylor, N.C. | Calif. |
| Smith, Iowa | Teague, Calif. | Wilson, |
| Staggers | Teague, Tex. | Charles, Tex. |
| Stanton, | Thompson, N.J. | Yates |
| James V. | Thornton | Young, Tex. |
| Stark | Ullman | Zablocki |
| Steed | Van Deerlin | Zwach |

NOES—203

| | | |
|---|---|---|
| Abdnor | Froehlich | Mollohan |
| Addabbo | Fulton | Montgomery |
| Alexander | Gaydos | Morgan |
| Anderson, Ill. | Giaimo | Mosher |
| Andrews, N.C. | Gilman | Myers |
| Arends | Goodling | Natcher |
| Armstrong | Grasso | Nedzi |
| Ashbrook | Green, Oreg. | Nelsen |
| Baker | Green, Pa. | Nichols |
| Barrett | Griffiths | O'Hara |
| Bauman | Gross | Parris |
| Beard | Grover | Passman |
| Bennett | Gubser | Peyser |
| Biaggi | Gude | Podell |
| Bingham | Guyer | Powell, Ohio |
| Boland | Haley | Quie |
| Bray | Hanrahan | Quillen |
| Breckinridge | Hansen, Idaho | Randall |
| Broomfield | Harsha | Rarick |
| Broyhill, N.C. | Harvey | Regula |
| Broyhill, Va. | Hastings | Robinson, Va. |
| Buchanan | Hays | Robison, N.Y. |
| Burlison, Mo. | Hechler, W. Va. | Roe |
| Butler | Heinz | Rose |
| Camp | Helstoski | Rousselot |
| Carter | Hicks | Ruth |
| Cederberg | Hillis | Ryan |
| Chamberlain | Hogan | Sarasin |
| Clancy | Holt | Saylor |
| Clark | Holtzman | Scherle |
| Clawson, Del | Huber | Schneebeli |
| Cochran | Hudnut | Shoup |
| Cohen | Hunt | Shriver |
| Collier | Hutchinson | Shuster |
| Conable | Ichord | Sikes |
| Conte | Johnson, Colo. | Slack |
| Coughlin | Johnson, Pa. | Smith, N.Y. |
| Daniel, Dan | Jones, Tenn. | Snyder |
| Daniel, Robert | Kastenmeier | Spence |
| W., Jr. | Keating | Steele |
| Davis, Wis. | Kemp | Steiger, Wis. |
| Delaney | Ketchum | Stratton |
| Dellenback | King | Symms |
| Dennis | Kuykendall | Thomson, Wis. |
| Devine | Landgrebe | Thone |
| Dickinson | Latta | Tiernan |
| Donohue | Lent | Towell, Nev. |
| Downing | Litton | Treen |
| Drinan | Long, Md. | Vander Jagt |
| Dulski | Lott | Vanik |
| Duncan | McClory | Vigorito |
| du Pont | McDade | Walsh |
| Edwards, Ala. | McKinney | Wampler |
| Eilberg | McSpadden | Ware |
| Erlenborn | Madigan | Whitehurst |
| Esch | Mailliard | Whitten |
| Eshleman | Mallary | Widnall |
| Evans, Colo. | Martin, N.C. | Williams |
| Findley | Mathias, Calif. | Winn |
| Fish | Matsunaga | Wolff |
| Flood | Mayne | Wyatt |
| Flowers | Mazzoli | Wydler |
| Ford, Gerald R. | Michel | Wyman |
| Forsythe | Milford | Yatron |
| Fountain | Miller | Young, Alaska |
| Frelinghuysen | Minshall, Ohio | Young, Fla. |
| Frenzel | Mitchell, N.Y. | Young, Ill. |
| Frey | Mizell | Zion |

NOT VOTING—57

| | | |
|---|---|---|
| Ashley | Ford, | Minish |
| Bevill | William D. | Moorhead, |
| Blackburn | Gettys | Calif. |
| Blatnik | Gray | Moorhead, Pa. |
| Boggs | Hanley | Nix |
| Bolling | Hanna | O'Brien |
| Brinkley | Hansen, Wash. | Owens |
| Brown, Mich. | Hébert | Patman |
| Brown, Ohio | Heckler, Mass. | Pepper |
| Burgener | Henderson | Reuss |
| Burke, Calif. | Howard | Rhodes |
| Cotter | Jones, Ala. | Riegle |
| Culver | Long, La. | Rinaldo |
| Danielson | McEwen | Roberts |
| Dorn | Mann | Roncallo, N.Y. |
| Evins, Tenn. | Mills, Ark. | Rooney, N.Y. |
| St Germain | Stubblefield | Wright |
| Stanton, | Taylor, Mo. | Wylie |
| J. William | Udall | Young, Ga. |
| Stephens | Wiggins | Young, S.C. |

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WHITE

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

The Clerk read as follows:

Amendment offered by Mr. WHITE: On page 14, strike lines 7 through 19 and insert the following as section 2 of the bill:

SEC. 2. (1) Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii) is amended to read as follows: "(ii) who is coming to the United States under a specific, individual contract of labor to perform other services or labor of a temporary or seasonal nature if the Secretary of Labor has determined that there are not sufficient workers at the place to which the alien is destined to perform such services or labor who are able, willing, qualified and available, and the employment of such alien will not adversely affect the wages and working conditions of workers similarly employed in the United States and subject to the conditions that—

"(a) 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;

"(b) such alien will not perform services or labor not reasonably specified, nor an employer not named, nor during a time period not included in the contract of employment without the approval of the Secretary of Labor;

"(c) the petitioning employer shall comply with regulations relating to minimum housng facilities, medical care, and other conditions of employment in accordance with fair employment practices and where the alien is not covered under existing laws to protect the alien employee from exploitation or abuse as a result of such employment;

"(d) the person who intends to employ such alien shall petition the Attorney General and Secretary of State for temporary visa as herein provided after certification has been furnished by the Secretary of Labor in accordance with the conditions of this subparagraph;

"(e) upon termination of said contract of employment, such alien shall, unless the contract and visa has been renewed by appropriate procedure and authority, present himself to authorities of the Immigration and Naturalization Service for return to his native country within a period of two weeks plus reasonable traveling time from the date of work termination, not to exceed two additional weeks. Failure of said alien to so present himself shall constitute a felony offense punishable by imprisonment in a Federal correctional institution up to five years. Such alien 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."

(2) Section 214(a) of the same Act (8 U.S.C. 1184 (a)) is amended to read as follows: "The admission to the United States of any alien as a nonimmigrant shall be for such time and under such conditions as prescribed by law and as the Attorney General may by regulations prescribe, including when he deems necessary the giving of a bond with sufficient surety in such sum and containing such conditions as the Attorney General shall prescribe, to insure that at the expiration of such time or upon failure to maintain the status under which he was admitted, or to maintain any status subsequently acquired under section 1258 of this title, such alien will depart from the United States.'

(3) Section 214(c) of the same Act (8 U.S.C. 1184(c)) is amended by addition of the following new paragraph: "The status of an alien admitted to the United States under section 101(a)(15)(H)(ii) of this Act (8 U.S.C. 1101(a)(15)(H)(ii)) as herein amended shall terminate when the employment with the petitioning employer of such alien ends. Said employer shall within three days after the alien ceases such employment notify the Attorney General in writing that the employment of such alien has ceased and shall provide the date of termination to the same. Said employer shall in addition provide two weeks notice of work termination to such alien. 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, upon conviction thereof, be fined not in excess of $200 or be imprisoned not more than thirty days, or both."

(4) Section 214 of the same Act (8 U.S.C. 1184) is amended by redesignating subparagraph (d) as (e) and by inserting the following new subparagraph as (d):

"(d) RENEWAL OF PETITION OF IMPORTING EMPLOYER.

"The question of renewing or obtaining approval of a subsequent admission of an alien under section 101(a)(15)(H)(ii) (8 U.S.C. 1101(a)(15)(H)(ii)) shall again be determined in accordance with the same provisions and conditions. In addition, upon such petition as provided therein, the Secretary of Labor shall determine if the terms of the expiring or previous contract of employment under such category were met by both parties of said contract and in accordance with fair employment practices. If the Secretary of Labor determines that such petitioning employer had materially failed to comply with such contract terms or regulations as issued by the Secretary within the preceding five years, the Secretary shall make such finding and approval of such labor certification or renewal of labor certification shall be prohibited to said employer for a period of five years from the date of such noncompliance."

5) The table of contents of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184, subch. II, ch. 12) is amended to read as follows:

"214. Admission of nonimmigrants.

"(a) Regulations.

"(b) Presumption of status; written waiver.

"(c) Petition of importing employer.

"(d) Renewal of petition of importing employer.

"(e) Issuance of visa to fiancee or fiance of citizen."

(6) Sixty days after enactment of this Act, the Secretary of Labor shall submit to the Congress for review by the appropriate committees of the House and Senate such regulations as referred to in section 101(a)(15)(H)(ii)(c) (8 U.S.C. 101(a)(15)(H)(ii)(c)) and section 214(d) (8 U.S.C. 1184(d)) as herein amended. Not later than ninety days of continuous session of Congress, after submission of such regulations, the appropriate committees of Congress shall notify the Secretary of Labor of their recommendations for acceptance or rejection of the proposed regulations.

(7) The provisions of section 2 of this Act shall become effective upon approval by the Congress of the above-mentioned regulations.

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 flood of illegal aliens into this country is reaching dangerous proportions. My amendment seeks to cure this particular problem. Section 2 of H.R. 981 is most certainly a giant step forward in solving our domestic labor shortages and in providing a means for aliens to decide they wish to make the United States their home.

But the bill does not spell out the procedures or alternatives.

I offer by this amendment to control temporary, needed, and unavailable labor. Employers will not hire aliens if there is a feasible controlled system to get labor. Aliens are less likely to illegally enter if there is a proper way to get jobs.

Mr. Chairman, I offer this amendment to further specify the conditions of entry under the H–2 category and to provide certain safeguards in behalf of the employer, the U.S. worker, and the alien.

First, in the bill before us there is an ambiguity as to the number and limitation of extensions and renewals under the bill. My amendment sets a limit of 5 aggregate years under this category, but only for 1 year maximum at any one time.

Secondly, my amendment provides that certain conditions of employment must be met by the employer, including the approval by the Secretary of Labor of a specific individual contract of employment between the petitioning employer and the alien.

By the way, Mr. Chairman, I must point out to the Members that on the majority and the minority desks there is a summary of the bill. I would urge that the Members look at the list of the provisions of this particular amendment to satisfy themselves as to the particularities.

The conditions of such a contract, as approved by the Secretary of Labor, include minimum housing, medical facilities, and other basic needs of the alien who comes temporarily into the United States, and where such protections and minimum living and working standards are not already contained in existing law. This is for the protection of the alien in this country to prevent him from being exploited. These minimum standards of employment are to be issued by the Secretary of Labor, after approval by the appropriate committees of the House and the Senate.

In other words, they must come back with these conditions to us in order to have them reviewed.

Third, my amendment requires the employer to notify the Attorney General and the alien when the employment is terminated. Such a provision would allow the appropriate government agency to terminate a visa when the employment is terminated.

This is not provided in the instant bill.

There are innumerable cases of aliens who enter as immigrants with labor certifications for approved employment who quit, and who move into the interior of the United States to take a job away from an American worker—one which would not have been approved by the Department of Labor. This amendment would, therefore, serve to protect both the U.S. employer and the U.S. worker.

Fourth, my amendment requires that the alien present himself to the immigration authorities upon termination of his country, and it provides penalties for employment for return to his native failure to do so. This is not a provision in the instant bill. We must have some provision for him to return.

Mr. Chairman, the amendment I have presented further stipulates that the conditions of employment must have been met on the previous H–2 visa and must be agreed to for renewals of similar petitions by the same employer.

If the employee, however, does not fulfill the terms provided by the Secretary of Labor, he does not remain in the employment of the employer for a period of 5 years.

Mr. Chairman, I have lived on the border all my life and have given many years of serious study, along with other colleagues of mine from Texas and others in California, to the problems associated with and derived from domestic labor shortages and immigration laws which have been wrongly expanded and restricted in other areas in order to meet the shortage.

That is why we have so many illegal aliens in this country, working in this country today.

Mr. Chairman, I am most assuredly in favor of the concept reflected in the bill. I feel certain procedures and regulations must be included in the law to protect the American employer, the American worker, and the alien.

The procedures called for in my amendment will mean that the employer can be better assured that the alien he hires will remain in his employment until the end of the desired term, that the alien can be better assured of fair working conditions, that the American worker cannot legally have his job taken away from him, and that deserving aliens who wish to live permanently in the United States will not have a "green carder" take up a slot in the quota system and thereby unnecessarily prolong their waiting period for admission.

The CHAIRMAN. The time of the gentleman from Texas (Mr. WHITE) has expired.

(On request of Mr. TEAGUE of California and by unanimous consent, Mr. WHITE was allowed to proceed for 1 additional minute.)

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

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

Mr. TEAGUE of California. Mr. Chairman, does not the gentleman believe that if his amendment were adopted, it would tend to very greatly reduce the number of illegal or "wetback" entrants that we are now experiencing?

Mr. WHITE. Absolutely. If aliens have a way to come into this country properly, they will come in legally, and if employers have a legal way of hiring labor, they will use that means. The gentleman from California knows employers are not desirous of breaking the law, but the fact is that there is not available labor in certain fields. The Secretary of Labor would control this under my amendment.

Mr. TEAGUE of California. I would strongly support the gentleman's amendment. I think one of the principal arguments in support of this is the wetback situation.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. FISHER, Mr. WHITE was allowed to proceed for 1 additional minute.)

Mr. FISHER. I, too, want to commend the gentleman from Texas for offering this amendment, which, as I understand it, is something like the old system we had where these aliens were brought in under contract with very strict conditions under which their living conditions and wage levels and insurance and all of those things were provided for. Is that correct?

Mr. WHITE. It does give them protection. It is not a group type of contrasting, but it is for individual contracts.

Mr. FISHER. I understand. In the old system it applied to the individual, and this would, also.

Mr. WHITE. This would apply to the individual worker.

Mr. FISHER. We know from experience that when we had the almost similar system in the past the illegal aliens and wetbacks were practically nonexistent. It was only after that system was repealed and tossed out that we had the influx of illegals. So if the gentleman's amendment is adopted, we are really making a frontal attack on the massive overflow of illegal aliens in this country.

Mr. WHITE. That is true. I heard an estimate that there were 3 million illegal aliens who have come into this country in the last few years.

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

Mr. Chairman, in January 1973 there was a Presidential special study group which reported on a program for effective and humane action with regard to illegal Mexican immigrants. I have a report of that committee in front of me. One of the recommendations is that the institution of a new bracero program or other system for legal importation of substantial numbers of Mexican workers for temporary employment is not recommended.

I submit notwithstanding all that has been said by my friend from Texas, this is a new bracero program. I think one of the principal evils in the amendment is that it permits a nonimmigrant to work in the United States for a period of up to 5 years and during that period of time the nonimmigrant can build up substantial equities which can be used as a basis to justify the granting of permanent resident status.

My friend seems to suggest there is some ambiguity in the language presently which would extend the H–2 section in our bill, but that provides for a maximum of 2 years.

It seems there is some reason for that. We have shortages of labor in many parts of the country that cannot be filled by local labor. It seems to me that it is something entirely different, but 5 years is entirely too long and out of order, in my opinion.

I might add that similar amendments have been offered by the gentleman from Texas on many occasions and have been defeated on each occasion.

I suggest that the provision in the bill H–2, which appears on page 14 of the bill, will substantially meet the problem addressed in Congressman WHITE's amendment.

Mr. KEATING. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Texas (Mr. WHITE). I wish to associate myself with the remarks of the gentleman from Pennsylvania (Mr. EILBERG), my subcommittee chairman.

Mr. PRICE of Texas. 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 Texas (Mr. WHITE). The other gentleman on the committee certainly have their reasons, and I am not trying to tear up the bill, but I do know the needs of the people not only in my area, but all over the United States with regard to the Bracero program.

Looking back at the bracero program, I think it was the kind of program that had substantial appeal to those who are involved in it. The U.S. farmer and ranchers liked it because it helped them meet their labor demands by supplying steady and dependable help.

The Mexicans who participated in the program liked the program because it enabled them to make significantly more money doing agricultural work in the United States than they were able to earn doing similar work in Mexico. The Government of Mexico favored the program because it provided an additional means of obtaining U.S. dollars, and it partially helped Mexico's domestic employment problems. In fact, the only primary dissatisfactions with the bracero program stemmed from certain liberal politicians and organized labor representatives who viewed the program in the light of misguided idealism at the best, and union organization needs at the worst.

I regretted the termination of the bracero program, and I have viewed with interest the varied attempts the detractors of the program have made to find a workable substitute.

To date nothing has been really developed to meet this need. 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 saw this despite the fact that the Department of Labor claims that there are workers available in general, and in northwest Texas in particular. I say this because I know that they are not available there. Go out and ask any of the farmers and ranchers, anyone doing farm work today, and they will tell you they are getting help. And around the rosey we go. Check with the district unemployment office, or any other State office, and they will say there is help available. Go to the Labor Department and they say go back and check with the people down there. And around the rosey you go again. And still there is no help to produce the food and fiber we have asked them to produce in this country.

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

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

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

Mr. Chairman, I think that it should be emphasized and thoroughly understood, and I think this will answer a lot of the objections to this amendment if the Members will listen to it, and that is that under the contract system no alien can be brought in under contract unless and until the Secretary of Labor himself certifies that there is a shortage of labor in the vicinity where that man is to work as an individual. Not only that, but under the contract system no labor is allowed to come in unless and until the Secretary of Labor certifies that he is going to be paid the prevailing wage for that kind of labor in that vicinity.

I say that those are two important and essential things that made the whole system work so well, and that prevented the great avalanche of wetbacks and illegals from swarming into this country, with which we are plagued today because we repealed the old system.

Mr. PRICE of Texas. Mr. Chairman, I thank the gentleman, my colleague from Texas (Mr. FISHER).

Mr. Chairman, I say this despite the fact that the Department of Labor also claims there are workers available in general, and because I know from bitter experience what other farmers and ranchers know, namely, that the chronically unemployed cannot do the needed jobs on the farms and ranches.

They just cannot do the work. The simple fact of the matter is farmwork is hard work. There is no real time-clock. Work is governed more by the light of the sun and the state of the weather.

In this regard, as I and other farm-State members have often stated, the level of food prices in the marketplace depends more on distribution and packaging costs than they do on farm production costs.

Mr. Chairman, the present welfare system and the 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 by either working part time or not working at all. This is the type of system we are promoting in this country.

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. They need it desperately, and they need it now.

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

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

Mr. Chairman, the Congress has done away with the bracero program, and perhaps properly so, the way it was operating. That does not cure the fact, though, that we need manpower in this country. We have tried to solve the shortage in some ways and have not been able to reach any accord.

We had a bill before us a month or two ago which made it illegal to knowingly hire an illegal alien and, in turn, to not make it possible for an illegal alien to receive welfare benefits, and that was a good, substantive approach to a very pesky problem. That still leaves us where we cannot get the needed manpower that we ought to have in this country.

The Department of Labor can handle this matter administratively, if the Secretary of Labor would issue these work permits, if he would let these workers come in, if we knew where they were, who they were, and under what conditions they could come to work; but the Secretary of Labor, for political reasons, will not budge an inch. He is afraid to move. At least he does not do it, and that still leaves us no answer to this problem of where we are going to get the needed manpower.

It seems to me the gentleman from Texas (Mr. WHITE) has an amendment that does say these people can come in under contract for a specified time to do certain types of work at certain locations. I am wondering what is the difference between his amendment and what the committee is offering. It just seems to me the gentleman spells out procedures a little more clearly and tries to obtain action by the Department of Labor.

Will the gentleman tell me the difference between what his approach is and what the committee is trying to do?

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

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

Mr. WHITE. I thank the gentleman for yielding.

My amendment is a refinement of what is in the bill. Neither the bill nor my amendment is a bracero program. The bracero program is a treaty program for a group contract.

My amendment provides a contract for 1 year at a time. So does the bill. My amendment provides for an aggregate of 5 years, but for only 1-year maximum at any one time. The committee provision is for a period of 1 year, but it can be interpreted as of no limit actually.

My amendment provides for protection for the aliens as to medical facilities and housing. The bill is silent as to protection for aliens coming in.

My amendment provides penalties for employers who do not comply with the provisions for employment. The bill is absolutely silent as to making the employer observe the provisions.

My amendment provides for the ending or termination of a contract and for penalties against the aliens for not leaving the country. The bill is silent as to this penalty.

My amendment provides the criteria

for the entry of these aliens and that the contract provisions must be reviewed by the Congress. The bill is silent about this and does not state that the Congress will review them.

Those are the differences between my amendment and the bill.

In other words, I spell out the procedures but it does not alter, except perhaps in the term of 5 versus 2 years, the procedures, so that the Secretary of Labor will know what he is supposed to do and on what terms he is to let these aliens in.

Mr. PICKLE. I would like to ask the gentleman from Pennsylvania, the chairman of the subcommittee, how does he plead in answer to these very reasonable observations?

Mr. EILBERG. Mr. Chairman, if the gentleman will yield, in the last year or two the rate of immigration for Mexico has increased by leaps and bounds. There obviously has been a substantial increase in unemployment. There is a very desperate economic situation which exists there. Notwithstanding that, we felt that as far as permanent immigration policy was concerned we should not make an exception, as we did not for Germany and Britain and Ireland in earlier years.

I suggest we go to look at section 2, which is not ambiguous. It provides for a 1-year extension, an additional extension up to a second year. We do not think that is ambiguous but if this legislation passes, which will exist until the next Congress, it will serve to take care of this sudden increase from Mexico and we can take another look at it again if necessary.

The CHAIRMAN. The time of the gentleman from Texas (Mr. PICKLE) has expired.

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

Mr. PICKLE. Mr. Chairman, it would seem to me then that what the committee is trying to do is to prevent a limited number of Mexicans from coming into the country. You are not so concerned about them coming under contract to do special work. You do not want any more Mexicans coming in, as the gentleman says would be the case if we increase it. The gentleman from New Jersey (Mr. RODINO) had such an amendment a little while ago and it was defeated. So what we are trying to do is put a double limit on it. You are saying you want to keep the Mexicans from coming into the country. It seems to me we ought to have a way for them to come into the country legally so they can come in and work and then at the proper time return. That is it seems to me a more proper way than just to say we do not want them coming into the country.

Mr. EILBERG. Mr. Chairman, the gentleman might not have the bill in front of him. Assuming he does not have the bill in front of him, let me read from section 2 on page 14, which says:

> who is coming temporarily to the United States for a period not in excess of one year to perform other services or labor if the Secretary of Labor has determined that there are not sufficient workers at the place to which the alien is destined to perform such services or labor who are able, willing, qualified, and available, and the employment of such aliens will not adversely affect the wages and working conditions of workers similarly employed: *Provided*, That the Attorney General may, in his discretion, extend the terms of such alien's admission for a period or periods not exceeding one year;".

Mr. Chairman, that it seems to me answered the gentleman's problem.

Mr. PICKLE. If that is the intent of the committee, why do you not go ahead and specify the conditions under which these people might come in? That is what the gentleman from Texas is trying to do. If we do not do that, we are in the same box as now and the Secretary of Labor will sit on his hands. We could provide for this on a legal basis.

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

Mr. Chairman, I do not appear before the Members to defend the provision in the committee bill. I think perhaps it goes too far and I am quite certain that the provision my friend, the gentleman from Texas, has offered goes much, much too far. The committee bill provides that persons can be admitted for the purposes of performing services or labor after certification. The gentleman from Texas would propose they can only be admitted when they have been hired by a particular employer. It further provides that is the only person they can work for when they get to this country unless they get special permission of the Secretary.

It further provides that if at any time they leave that particular employ, they are then subject to deportation. If they do not get out of the country inside of 2 weeks after leaving the employer who contracted to bring them in, they are subject to prosecution and imprisonment for the commission of a felony.

In other words, if you come to work under a contract for a particular employer, you had better do what he says; you had better behave yourself and you had better not raise any complaints about the wages or the working conditions, because if you do, bango, right back to Mexico. If you do not get back within 2 weeks, you can be arrested, charged with a crime, and prosecuted.

This brings back an element of involuntary servitude that I do not think this House is ready to approve.

Mr. Chairman, I urge the committee not to go beyond the provisions of the committee bill and provide the kind of compulsion that the amendment offered by the gentleman from Texas would provide.

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

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

Mr. WHITE. Mr. Chairman, under the provisions of my amendment, it is true that if a man leaves the employment he has to leave the country within 2 weeks, plus 2 weeks' travel time, so he has 4 weeks. The present procedure is for an alien to come to this country and then disappear.

If we do not have this provision, we are going to have a continued situation where an alien comes in and remains here illegally without any fear. We want them to leave when their terms are over.

Now, under the provisions of the committee bill it can be interpreted that he can come to this country and leave his place of employment. We are trying to say that with control he has to have an offer to work before he comes to this country.

An employer cannot say, "You go work for somebody else." The employer has got to abide by the very specific terms passed on by this Congress. If he does not, he is subject to penalty. If he cannot use the alien, the temporary visa alien should go back to his own country.

Mr. O'HARA. But, my fundamental objection is that he has to continue working for that employer. If he ever leaves him, he has to get out of the country. He has 2 weeks to leave and another 2 weeks to get there. If he does not get out of the country, he is subject to prosecution for the commission of a felony.

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

Mr. O'HARA. I yield to my colleague from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, I would like to commend my colleague from Michigan for his statement in opposition to the amendment.

I felt when we formed this country, we got rid of all contracts for involuntary servitude, and this is basically what this amendment would create.

You may hide behind the provision to grant several weeks of notice and travel time—but the end result is guilt at the employers discretion. The person would then end up in prison. I urge the defeat of this very objectionable amendment.

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

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

Mr. WHITE. Mr. Chairman, the amendment does not do any different in that respect than the committee bill, but he has to be certified; the alien has to be certified for a labor shortage or he cannot come in. There are some other places where there may not be a labor shortage. He must come for that specific reason and zone and then leave. This is a protection for the American worker. It is not involuntary servitude.

Mr. O'HARA. Yes, but under the committee bill, if he finds the conditions of his employment intolerable or he finds something else that makes him decide he does not want to stay with that employer, he can go to a different employer. He is not bound by any particular contract of employment.

Mr. Chairman, I hope the amendment will be defeated.

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

Mr. Chairman, I should like to inquire about section 2 of the bill with respect to refugees. The section deals with aliens, however, the entire statute with respect to this is not set forth in the committee amendment.

This country has become the depository for thousands upon thousands of refugees, and a refugee, I must assume, is an alien. At the present time, and the movement is just getting underway, the United States is becoming the depository or haven for Asians who were in Uganda

and were kicked out of that country when the present army general and dictator took over.

Are these refugees and others going to be located in the Southwest part of the country? That seems to be the issue with respect to this amendment. Are these alien-refugees going to be sent to labor-short areas or are they going to be located willy-nilly over this country where there may be heavy unemployment?

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

Mr. GROSS. I am glad to yield to the gentleman from Pennsylvania.

Mr. EILBERG. I cannot answer the gentleman as precisely as he would like or I would like; but I do know this, that I have been in touch with the State Department. As these people are brought over, they are taken by voluntary agencies. They are carefully placed as best the voluntary agencies can in cooperation with the State Department in those parts of the United States where jobs are available, where suitable arrangements can be made, where they can be assimilated as rapidly as possible. I do know that effort is being made, Mr. Chairman.

Mr. GROSS. Most of these people are merchants, as I understand it. Is that not true?

But let me ask a question that I want to get covered before my time runs out. By what authority are they coming into this country? Congress has not taken official notice of the Ugandan refugee situation. By what authority are they coming here?

Mr. EILBERG. Mr. Chairman, under the existing law there is a parole provision.

Mr. GROSS. A parole provision?

Mr. EILBERG. A parole provision that enables the Attorney General to admit individuals under emergency situations.

This language in the present law which applies to the Eastern Hemisphere is construed to be worldwide in operation. It has been the basis for the admission of refugees to this country.

The bill presently before us, H.R. 981, clearly and specifically clarifies and validates that procedure.

In the seventh preference refugees are clearly defined and the procedure for parole is clearly defined; so that we are not dependent solely upon the determination that an emergency situation exists somewhere in the world.

Mr. GROSS. Is the gentleman saying under the terms of this bill we will be validating or expanding the power of the Attorney General of the United States to approve the entrance of refugees from any place in the world into this country?

Mr. EILBERG. No, sir. I do not believe that we are expanding or giving any additional authority to the Attorney General that he is not presently exercising. We are simply recognizing as a fait accompli what the Attorney General is doing.

Mr. GROSS. Then he has too much authority now on his own. Without coming to Congress, these and other refugees can be brought into this country in unlimited numbers and perhaps located in areas of critical unemployment any place in this country.

Mr. EILBERG. What this bill does is take the language of the United Nations protocol to which the United States is a party.

Mr. GROSS. Here comes the United Nations again and another example of the power we have delegated to that Tower of Babel.

Mr. EILBERG. I am not using this as a super authority. I am simply saying that the language in the U.N. protocol to which we have acceded is the language incorporated in this bill.

Mr. POAGE. Mr. Chairman, I move to strike the last six words.

Mr. Chairman, I think that we have gone a long way from the issues before us. The issue is rather simple.

The gentleman from Texas (Mr. WHITE) has offered an amendment that would substitute, at least in a good many cases, a legal admission for an illegal admission.

Mr. Chairman, we can talk all day here about what we would like to have in the way of immigration from Mexico or for any other country, but we are faced with a bunch of facts, none of which are very desirable. We are faced with the fact that there are a number of illegal citizens of the Republic of Mexico here now. I believe the gentleman says the figure is about 3 million, and I suppose that is about right.

Now, it is a bad thing to have 3 million illegal citizens of any country here. I have no grudge against Mexican citizens. I believe they make some of our best citizens. I recognize that some of our outstanding American citizens are of Mexican origin. However, I do not want illegal Mexicans, I do not want illegal Frenchmen, I do not want illegal Chinese in the United States.

There is a place for a considerable number of Mexicans coming into the United States. They are our closest neighbors who want to come here. There are very few Canadians who want to come. However, I want to accord the same privileges to the Canadians that we accord to the Mexicans.

They want to come into the United States, and the gentleman from Texas is providing a legal way by which they may come in and a way by which we may keep track of their activities.

Mr. Chairman, the gentleman from Michigan says, in effect, that we should not keep track of them, because that would tie them down. He wants them to be free to come in to harvest fruit in California and immediately leave the fruitpicking and go into Los Angeles and get to work in the airplane factories. I do not think that is a good idea, but I believe that is what the gentleman from Michigan is suggesting when he says that he does not want them "tied down."

Now, of course, there are some theoretical objections to saying that a man can only come in and work for the man that he agreed to work for. But those theoretical objections do not seem to me to be nearly as important as the practical objections to allowing them to come in here to pick fruit and then allow them to go to Los Angeles and work in an airplane factory.

This certainly invites alien workers to seek jobs in industries where they are not needed, regardless of what the Secretary of Labor may do.

Under the proposal offered by the gentleman from Texas, we have a control. We have the Department of Labor being able to determine whether or not we need these people. If we do not have that control, then we may get people in here for all purposes, any purpose, and have the same situation that the gentleman from Iowa was describing when he spoke about the so-called parole refugees.

Mr. JOHNSON of Colorado. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. Mr. Chairman, the gentleman's statement is perfectly true and it is accurate with respect to my district in northern Colorado, but the feature about this amendment that disturbs me is that it says that we have a 5-year penitentiary offense for one of these workers, and most of these people would have no idea about their legal rights. However, they would be subject to a 5-year jail sentence for staying here.

Mr. POAGE. Mr. Chairman, I get the point that the gentleman is making. We have that situation now. We have 3 million illegal entrants who are subject to criminal penalties now, and we send them back over the border and pay their way.

Mr. JOHNSON of Colorado. Yes; but they are not subject to a criminal offense and a sentence of 5 years in jail. are they?

Mr. POAGE. I do not know what the penalty is, but it is a criminal offense now for them to be here. However, instead of putting them in jail, we carry them across the border a distance of 150 miles at Government expense and drop them over there instead of just across the border, because we are afraid they will come back.

Mr. Chairman, it seems to me that it makes perfect sense that we should try to prevent that sort of thing rather than encourage the violation that the gentleman suggests.

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

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

Mr. WHITE. Mr. Chairman, in response to the question asked by the gentleman, the fact is that in the case of any individual alien, he would know what the conditions of his entry would be, because those conditions would be specified to him and undoubtedly explained to him by his employer and through his contract.

If the penalty disturbs the gentleman, it would be agreeable to me to change that figure. We felt that staying in this country illegally is an offense. If the penalty provided is the problem, we could change it. I do point out, however, that the alien would know these things when he comes in.

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

Mr. Chairman, I would like to continue the colloquy with the gentleman from Texas (Mr. WHITE), if I might.

I think the gentleman is not being realistic when he talks about the nature of informing these people of their rights. I have seen a great number of these people, because I have been a prosecutor in northern Colorado, where we have a large number of them, and I know that most of them do not understand English and it is difficult to explain their rights to them. This is a provision that might be misused, I feel. Would the gentleman have an objection to imposing a penalty instead on the employer who kept somebody in the country and requiring him to see that they went back across the border from whence they came?

Mr. WHITE. If the gentleman will yield, there is a provision in the bill for penalties, but if the gentleman wants to equalize the penalty on employers and employees, to see that aliens do return to their native country, I think that is satisfactory.

Mr. JOHNSON of Colorado. I will say to the gentleman if you really want him to leave the country, then place the penalty and the felony on the individual who hires him in the first place. Make it his responsibility.

Mr. WHITE. There is a responsibility that is on the part of the employer, too, to notify the Immigration Service. If the gentleman wants to place penalties on the employer also that is fine. However, we felt at the time we drafted it that the penalties were realistic. If the gentleman feels otherwise, I do not feel it is so hidebound that it could not be changed. But the basic thing is to give the protection to aliens and to make sure they go back.

Mr. JOHNSON of Colorado. I do not have any objection to that and believe it is a sound feature.

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

Mr. Chairman, I want to reiterate once more that I think the important feature of this amendment and the reason why it should be adopted is that it cannot help but cut down very materially on the number of illegal so-called wetbacks now entering this country. It was a well-designed amendment.

I do object to and find some difficulty in accepting the penalty features. Therefore I have an amendment which I now wish to offer.

AMENDMENT OFFERED BY MR. TEAGUE OF CALIFORNIA TO THE AMENDMENT OFFERED BY MR. WHITE

Mr. TEAGUE of California. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. TEAGUE of California to the amendment offered by Mr. WHITE, of Texas: Amend section (e) of the amendment by striking the second sentence beginning with the words "Failure of said alien—"

Mr. TEAGUE of California. Mr. Chairman, I shall not take the 5 minutes.

The only purpose of this amendment to the amendment is to strike the felony provision, the criminal provision, from the amendment, which I think is otherwise an excellent amendment.

I, too, have some fault to find with accepting the criminal penalty. The amendment I am offering will simply strike that penalty feature in Mr. WHITE's amendment.

Mr. EILBERG. Mr. Chairman, I rise very briefly in opposition to the amendment offered by the gentleman.

Basically the amendment does not change the nature of, or the main thrust of the amendment. We are providing for a bracero program here, and I submit we do not want that kind of a program.

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

Mr. Chairman, I briefly rise to state I support the amendment offered by the gentleman from California (Mr. TEAGUE) to my amendment and urge its adoption.

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

Mr. Chairman, the effect of the amendment offered by the gentleman from California (Mr. TEAGUE) to the amendment offered by the gentleman from Texas (Mr. WHITE) would be to slightly improve a bad amendment. It would take away the 5-year felony provision, but if the Teague amendment to the White amendment was agreed to, the White amendment would still mean that if you left an employer who had you under contract, for any reason, justified or not, you are subject to deportation. It would provide a very strong hold on that worker, that should not be provided indiscriminately to contact employers.

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

The question was taken; and on a division (demanded by Mr. EILBERG) there were—ayes 56, noes 17.

Mr. EILBERG. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment to the amendment was agreed to.

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

The question was taken; and on a division (demanded by Mr. WHITE) there were—ayes 42, noes 48.

RECORDED VOTE

Mr. WHITE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 70, noes 310, not voting 54, as follows:

[Roll No. 482]

AYES—70

| | | |
|---|---|---|
| Alexander | Burleson, Tex. | Conlan |
| Breaux | Camp | Davis, Ga. |
| Broomfield | Casey, Tex. | Davis, S.C. |
| Buchanan | Chappell | de la Garza |
| Burke, Fla. | Collins, Tex. | Dickinson |
| Fisher | Landrum | Shuster |
| Flynt | Lujan | Spence |
| Ginn | McCormack | Steelman |
| Goldwater | McSpadden | Steiger, Ariz. |
| Gubser | Mahon | Symms |
| Gunter | Martin, Nebr. | Teague, Calif. |
| Haley | Mathias, Calif. | Teague, Tex. |
| Hammer-schmidt | Mathis, Ga. | Thornton |
| | Milford | Treen |
| Hicks | Montgomery | Vander Jagt |
| Hinshaw | Murphy, N.Y. | Veysey |
| Jarman | Pickle | Waggonner |
| Johnson, Colo. | Poage | White |
| Jones, Ala. | Price, Tex. | Whitten |
| Jones, N.C. | Rarick | Wiggins |
| Kazen | Rousselot | Wilson, Bob |
| Ketchum | Runnels | Young, Tex. |
| King | Sebelius | Zwach |
| Landgrebe | Shoup | |

NOES—310

| | | |
|---|---|---|
| Abdnor | Derwinski | Keating |
| Abzug | Devine | Kemp |
| Adams | Dingell | Kluczynski |
| Addabbo | Donohue | Koch |
| Anderson, Calif. | Downing | Kuykendall |
| | Drinan | Kyros |
| Anderson, Ill. | Dulski | Latta |
| Andrews, N.C. | Duncan | Leggett |
| Andrews, N. Dak. | du Pont | Lehman |
| | Eckhardt | Lent |
| Annunzio | Edwards, Ala. | Litton |
| Archer | Edwards, Calif. | Long, Md. |
| Arends | Eilberg | Lott |
| Armstrong | Erlenborn | McClory |
| Ashbrook | Esch | McCloskey |
| Aspin | Eshleman | McCollister |
| Badillo | Evans, Colo. | McDade |
| Bafalis | Evins, Tenn. | McFall |
| Baker | Fascell | McKay |
| Barrett | Findley | McKinney |
| Bauman | Fish | Macdonald |
| Beard | Flood | Madden |
| Bell | Flowers | Madigan |
| Bennett | Foley | Mailliard |
| Bergland | Ford, Gerald R. | Mallary |
| Biaggi | Forsythe | Maraziti |
| Biester | Fountain | Martin, N.C. |
| Bingham | Fraser | Matsunaga |
| Blatnik | Frelinghuysen | Mayne |
| Boland | Frenzel | Mazzoli |
| Bowen | Frey | Meeds |
| Brademas | Froehlich | Melcher |
| Brasco | Fulton | Metcalfe |
| Bray | Fuqua | Mezvinsky |
| Breckinridge | Gaydos | Michel |
| Brooks | Giaimo | Miller |
| Brotzman | Gibbons | Mink |
| Brown, Calif. | Gilman | Minshall, Ohio |
| Brown, Ohio | Gonzalez | Mitchell, N.Y. |
| Broyhill, N.C. | Goodling | Mizell |
| Broyhill, Va. | Grasso | Moakley |
| Burke, Mass. | Green, Oreg. | Mollohan |
| Burlison, Mo. | Green, Pa. | Morgan |
| Burton | Griffiths | Mosher |
| Butler | Gross | Moss |
| Byron | Grover | Murphy, Ill. |
| Carey, N.Y. | Gude | Myers |
| Carney, Ohio | Guyer | Natcher |
| Carter | Hamilton | Nedzi |
| Cederberg | Hanrahan | Nelsen |
| Chamberlain | Hansen, Idaho | Nichols |
| Chisholm | Harrington | Obey |
| Clancy | Harsha | O'Hara |
| Clark | Harvey | O'Neill |
| Clausen, Don H. | Hastings | Parris |
| | Hawkins | Passman |
| Clawson, Del | Hays | Patten |
| Clay | Hechler, W. Va. | Perkins |
| Cleveland | Heinz | Pettis |
| Cochran | Helstoski | Peyser |
| Cohen | Henderson | Pike |
| Collier | Hillis | Podell |
| Collins, Ill. | Hogan | Powell, Ohio |
| Conable | Holifield | Preyer |
| Conte | Holt | Price, Ill. |
| Conyers | Holtzman | Pritchard |
| Corman | Horton | Quie |
| Coughlin | Hosmer | Quillen |
| Crane | Huber | Railsback |
| Cronin | Hudnut | Randall |
| Daniel, Dan | Hungate | Rangel |
| Daniel, Robert W., Jr. | Hunt | Rees |
| | Hutchinson | Regula |
| Daniels, Dominick V. | Ichord | Reid |
| | Johnson, Calif. | Robinson, Va. |
| Davis, Wis. | Johnson, Pa. | Robison, N.Y. |
| Delaney | Jones, Okla. | Rodino |
| Dellums | Jones, Tenn. | Roe |
| Denholm | Jordan | Rogers |
| Dennis | Karth | Roncalio, Wyo. |
| Dent | Kastenmeier | Rooney, Pa. |

| | | |
|---|---|---|
| Rose | Snyder | Waldie |
| Rosenthal | Staggers | Walsh |
| Rostenkowski | Stanton, James V. | Wampler |
| Roush | Stark | Ware |
| Roy | Steed | Whalen |
| Roybal | Steele | Whitehurst |
| Ruppe | Steiger, Wis. | Widnall |
| Ruth | Stokes | Williams |
| Ryan | Stratton | Wilson, Charles H., Calif. |
| Sandman | Stuckey | Wilson, Charles, Tex. |
| Sarasin | Studds | Winn |
| Sarbanes | Sullivan | Wolff |
| Satterfield | Symington | Wyatt |
| Saylor | Talcott | Wydler |
| Scherle | Taylor, N.C. | Wyman |
| Schneebeli | Thompson, N.J. | Yatron |
| Schroeder | Thomson, Wis. | Young, Alaska |
| Seiberling | Thone | Young, Fla. |
| Shipley | Tiernan | Young, Ill. |
| Shriver | Towell, Nev. | Zablocki |
| Sikes | Udall | Zion |
| Sisk | Ullman | |
| Skubitz | Van Deerlin | |
| Slack | Vanik | |
| Smith, Iowa | Vigorito | |
| Smith, N.Y. | | |

NOT VOTING—54

| | | |
|---|---|---|
| Ashley | Hanley | Pepper |
| Bevill | Hanna | Reuss |
| Blackburn | Hansen, Wash. | Rhodes |
| Boggs | Hébert | Riegle |
| Bolling | Heckler, Mass. | Rinaldo |
| Brinkley | Howard | Roberts |
| Brown, Mich. | Long, La. | Roncallo, N.Y. |
| Burgener | McEwen | Rooney, N.Y. |
| Burke, Calif. | Mann | St Germain |
| Cotter | Mills, Ark. | Stanton, J. William |
| Culver | Minish | Stephens |
| Danielson | Mitchell, Md. | Stubblefield |
| Dellenback | Moorhead, Calif. | Taylor, Mo. |
| Diggs | Moorhead, Pa. | Wright |
| Dorn | Nix | Wylie |
| Ford, William D. | O'Brien | Yates |
| Gettys | Owens | Young, Ga. |
| Gray | Patman | Young, S.C. |

So the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Amendment offered by Mr. ROYBAL: Page 14, strike out lines 7 through 19.

Redesignate the succeeding sections and all references thereto accordingly.

Mr. ROYBAL. Mr. Chairman, this amendment would delete the H–2 program as expanded by this legislation and maintain our present policy in this area.

The law at the present time makes it possible for employers to bring into this country individuals to fill temporary jobs.

If section 2 is adopted it will provide that the same people who now come in to take on temporary jobs will be able to take on permanent jobs.

I have offered this amendment because I do not believe that it provides adequate protection to the wages and working conditions of American workers or safeguards opportunities for employment.

Section 2 contains a multitude of uncertainties. First of all, we do not know what possible adverse effect this legislation will have on U.S. labor.

The committee has already indicated that this provision will have an impact in the urban areas, particularly in the service-oriented industries. We do not know the nature of the extent of this impact.

This puts us in a position of passing legislation whose impact on the labor market will have adverse effects that have not been adequately studied.

Further, this provision could create a form of indentured servitude. The alien worker admitted under this program would be at the mercy of the employer. This situation will certainly discourage the American workers from seeking better working conditions and better salaries.

The employer holds the power to fire the worker. He also holds the power to return him to his home country.

I would like to point out again that this legislation opens the door to alien workers to fill permanent jobs available in the United States. It is no wonder that the AFL–CIO opposes this legislation.

It is no wonder that American workers throughout the United States are at the moment looking to Congress to see what is going to be done with regard to an individual being permitted to come to the United States and to take on permanent employment.

The committee will no doubt argue that this is needed. I agree with the committee to some extent. The legislation at the present time meets that need and makes it possible for these people to come in to work on temporary jobs, but not on permanent jobs.

Mr. Chairman, the committee has already opposed opening up the gates for people to come into the United States when they opposed an amendment increasing the 20,000 limitation. It seems to me that if this is correct, then the committee should also take the position that another door should not be opened, permitting people to come in without the benefit of the 20,000 limitation, to take on permanent jobs.

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

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

Mr. RAILSBACK. Mr. Chairman, I have been listening to the gentleman, and I would share his concern except it is my understanding that under the section that he seeks to strike out, people can come in for up to 1 year only, and even then only when there is a labor certification that there is a shortage of that particular type of labor, and then I believe it can be extended for a period not to exceed 1 additional year.

I do not believe it is a case of permanency, a situation where they are coming in permanently.

Mr. ROYBAL. Mr. Chairman, the gentleman is correct. It is not a case of permanency, but it is a case of an individual coming in to take on a permanent job for a period of 2 years. Under the present law that same individual can come in to take on a temporary job.

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

Mr. Chairman, I would be putting it mildly to say that the sponsor of the amendment is one Member who has been working very vigorously to bring in—I do not wish to belabor this point—as many Mexicans as he can and I believe that conduct is very proper on his part. I am somewhat startled to find him taking a position which would restrict the temporary admission of so many people from Mexico whom we want to help.

Now, I would say, in commenting on an identical proposal in the past Congress, that the Department of Justice took this view and stated as follows:

The purpose of this change is to enlarge the opportunities for American employers to obtain needed temporary labor through lawful processes, with safeguards to American labor. Although this change would entail greater vigilance on the part of consular and immigration officers to determine whether the beneficiaries of H–2 petitions are bona fide non-immigrants, it would provide flexibility in fulfilling the needs of American employers, and in diminishing the incentive to use workers who are illegally in the United States.

In commenting on the same subject, the Department of State asserted as follows:

The Department does recognize that these will be occasions in which there is a legitimate need for the temporary services of such aliens due to a temporary unavailability of qualified workers, either regionally or on a nationwide basis.

In each of these cases, however, the Departments of State and Justice deferred to the Department of Labor for their views.

Mr. Chairman, I would like to say that during our illegal alien hearings we found a large number of illegal aliens were employed in occupations for which American workers could not be found. We found this not only in our hearings, but in our everyday activities in the Congress of the United States. Many of my colleagues were coming to me and telling me about the need for busboys, waiters and waitresses, bartenders, cooks, dishwashers, carhops, maids, parking lot attendants, janitors, cowboys and ranchhands, counter workers, woodcutters, auto mechanics and repairmen, seamstresses, laundry workers—and I could go on and on. My colleagues have been telling me that there are not American workers at the places in their districts to fill the jobs that are so necessary to be filled.

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

Mr. EILBERG. I am happy to yield.

Mr. MATSUNAGA. What is the present law?

Mr. EILBERG. The present law, Mr. Chairman, is that one may be admitted temporarily for a temporary job, and what we are proposing here is to eliminate the second "temporary," meaning that the job need not be temporary and the stay may be up to 1 year and there may be additional extensions not exceeding a total of 2 years.

Mr. MATSUNAGA. Is there a time limitation under the present law?

Mr. EILBERG. No, there is no time limitation.

Mr. MATSUNAGA. Is the limitation only that the foreign employee must occupy a temporary position?

Mr. EILBERG. That is right. And the result of that is, because most jobs that are temporary do have a temporary duration, we are not able to fill a great many of these jobs that remain unfilled unless we have illegals filling them. What we are engaged in here is trying to find some outlet for those economic pressures confronting people of Mexico and other countries.

Mr. MATSUNAGA. Then, there is no time limitation. Let us assume there is housing construction going on in Guam, where temporary employees of the Philippines are required for labor work. If the job takes 2 or 2½ years, under the present law an American contractor in Guam may hire these Filipinos to fill those temporary jobs, may he not?

Mr. EILBERG. Indeed. The gentleman is correct. But I add the fact that recently the subcommittee visited the Far East and Guam and certainly one of the most urgent pleas in Guam was that the existing law was entirely unsatisfactory in meeting their needs in industries where they feel it is essential. Our present law is totally inadequate in meeting their needs in Guam.

Mr. MATSUNAGA. It appears to me that the answer to the question I put to the gentleman would indicate there would be no difficulty. What difference would there be other than the filling of permanent jobs?

Mr. EILBERG. We agree with that. That is what the amendment provides.

Mr. MATSUNAGA. What type of permanent jobs, for example, in Guam, are now crying for employees?

Mr. EILBERG. We would like to provide service people for the hotels and help develop their agricultural industry and their fishing industry. We conducted a full day's hearings over there. Their need is just so great, and they cannot meet it under existing law.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. CHARLES H. WILSON of California, Mr. EILBERG was allowed to proceed for 2 additional minutes.)

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

Mr. CHARLES H. WILSON of California. I gather from the statement of the gentleman that the effect of Mr. ROYBAL's amendment would be that it would prevent illegal aliens from getting jobs from Americans. Is that true?

Mr. EILBERG. That is not correct at all. We are not for illegal aliens taking any jobs that might be filled by American citizens. What we are asking for is that citizens of other countries may come to this country on a temporary basis for up to a year and possibly with extensions up to 2 years. We also provide that the jobs they come to may be permanent in nature. Now they cannot come to jobs unless it has an automatic termination, such as the completion of a building or a work of art.

Mr. CHARLES H. WILSON of California. Will the gentleman yield further?

Mr. EILBERG. I yield to the gentleman.

Mr. CHARLES H. WILSON of California. I am surprised that the gentleman is not supporting the amendment, because it seems that this is the very thing we have been supporting here in the House for some time, that is, the principle of preventing illegal aliens from coming in and getting the jobs that we need so badly in this country.

Mr. EILBERG. The problem, Mr. Chairman, is—and perhaps the gentleman is not listening——

Mr. CHARLES H. WILSON of California. I thought I was.

Mr. EILBERG. I would say to you or any individual that since I have served as chairman of the subcommittee I have received evidence by Members of this House saying that they cannot get a maid or laundry worker or parking lot attendants.

Mr. CHARLES H. WILSON of California. You say you can only get illegals.

Mr. EILBERG. No, the gentleman keeps saying illegal. We want them legally for a very limited period, until the crisis passes, and until we find American workers to fill the job. This is for temporary admission, it is not the 5-year admission that the gentleman from Texas (Mr. WHITE) was referring to.

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

(By unanimous consent, Mr. EILBERG was allowed to proceed for 3 additional minutes.)

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

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

Mr. RAILSBACK. Mr. Chairman, I simply want to strongly reaffirm what the chairman, the gentleman from Illinois (Mr. EILBERG) has said based on the experiences we had in Guam. The example before us relates to Guam. One afternoon we had probably 30 witnesses that appeared before us urging us to adopt legislation like this which would permit some of the Filipinos to come in and work, instead of just on one temporary job, like some kind of a construction job, but would also let them hold any job where it was of vital need.

In Guam they are expanding their tourism, and for various reasons they are unable to get employees to come in and hold down some of these necessary jobs. They were able to get Filipinos and the Filipinos were willing to come in because the wages were higher there than they were being paid in their own country. Yet the Labor Department apparently would not certify them. The idea is that this section 2 will make legal what they feel is a very important need to them as far as their tourism industry is concerned.

I think every single witness we heard on the island of Guam spoke very strongly for this section.

As I say, I just wanted to reaffirm what the chairman has said.

Mr. EILBERG. Mr. Chairman, I would also like to say that American labor is protected under what we are trying to do here since this provision specifically requires a labor certification, thereby vesting the decision making process in the Department of Labor. Incidentally, present regulations require a labor certification, but this provision codifies this requirement.

We presume that the Department of Labor will implement this provision in a reasonable and flexible manner so as to provide alien labor after an employer has made diligent but unsuccessful efforts to find American workers. We will also expect the Department of Labor to closely monitor this alien program in order to insure that alien workers are not subject to exploitation by being paid less than the prevailing wages, and providing substandard working conditions.

Also, Mr. Chairman, the hearings on Guam indicated a serious nonavailability of local labor, and the admission of alien labor to fill jobs which are permanent in nature was felt vital to Guam's economy.

It should be noted that the 1-year admission period and the 1-year extension are maximum periods if, for example, a laborer is admitted for a period of 3 months, each extension is then limited to this initial period of 3 months up to a maximum of 1 year with four extensions. It is anticipated that the Immigration and Naturalization Service would consult with the Department of Labor concerning labor market conditions before granting any extension.

And it is expected that the Department of Labor will issue regulations to prevent exploitation.

Mr. Chairman, I think this provision is absolutely essential.

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

Mr. Chairman, I would like to associate myself with the statements made by the gentleman from Illinois (Mr. RAILSBACK) and the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. EILBERG).

The committee has worked very diligently in trying to develop a method by which we can permit workers to come in, temporary workers, to come in to permanent jobs, to take those jobs which American labor will not do, and which are open.

There is no reason why this is not a good provision, and why it is not essential in some areas of this country, particularly in the Southwest, to fill such jobs by these immigrants, these aliens who will come into the country for the sole purpose of doing a job that is necessary to be done, and cannot be otherwise filled.

It does require labor certification. It does require some modification to the present law. It relaxes it somewhat. It makes more sense. I think the committee has done a good job, and it is supported by the evidence that the committee has developed during hearings across the country, and particularly in Guam this past summer.

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

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

Mr. ROYBAL. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct that all of these safeguards that he has outlined are provided not only in the legislation before us at the moment, but most of them are provided in existing law. The only thing that my amendment does, or the only objection I have to the proposal of the committee is that it permits an alien to come in to take a permanent job; in other words, it erases "temporary," and now it says he can come in and take a permanent job.

We have absolutely no objection to the

law as it now exists. The only provision, again repeating, is the matter of the permanent job that is to be occupied by actually an illegal alien.

Mr. KEATING. No; it is not an illegal alien at all.

That is not correct; but the gentleman is correct that a temporary worker is taking a permanent job for 1 year, which is a relaxation—which is the proper one—in those jobs protected by labor certification in those areas where labor cannot be found to take that particular job. It is a justified position based upon and supported by the evidence that we have had in all of the hearings across this country.

But the gentleman is incorrect in calling him an illegal alien, because he will be coming in properly.

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

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

Mr. DENNIS. I thank the gentleman for yielding.

Is it not a fact that really the only difference between the bill and the present law is that the present law says that these people can be admitted temporarily to do temporary work where no American is available, and the bill says that where no American is available in the locality who can do the work and it is so certified by the Secretary of Labor, that he can be admitted temporarily to do a job which in its nature might be a permanent job, but he is still admitted temporarily?

Mr. KEATING. For 1 year.

Mr. DENNIS. For a maximum of a year.

Under the present law we might bring somebody in to harvest a crop. That would be a temporary job. But he could not take a job as a ranch hand because that is a permanent job.

Under this he could take it for a year. It goes part way to meet what Mr. WHITE wanted.

Mr. KEATING. In the committee bill it does do that, yes.

Mr. DENNIS. It goes part way only. I opposed the White amendment, but to fail to go this far is just special-interest legislation in the other direction. This is an effort to give a reasonable amount of relief to a situation; and these people will not be illegal. They are now, but they will be legal under this special dispensation if they can get the necessary labor certification.

So the bill is a good bill, and Mr. ROYBAL's amendment is regressive. It is going backward where we do not want to be.

Mr. KEATING. It certainly is regressive. As the gentleman pointed out, the ability to work in a permanent job as a ranch hand or on some farms and ranches in the Southwest is certainly warranted. I think the bill meets that problem.

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

Mr. KEATING. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. I thank the gentleman for yielding.

As I understand it, the labor organizations, in particular the AFL–CIO, are opposed to section 2 of the committee bill. Does the gentleman know of the reason why the labor organizations are opposed to this section?

Mr. KEATING. My understanding, which may be correct or incorrect, is that they are opposed to workers coming from outside of the country to take any job in the United States. Our position is that there are some jobs that simply will not be taken by American workers.

Mr. MATSUNAGA. But, as I understand it, American labor organizations are not opposed to the present law which permits the taking of temporary jobs by aliens with temporary visas.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. MATSUNAGA, and by unanimous consent, Mr. KEATING was allowed to proceed for 1 additional minute.)

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

Mr. KEATING. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, the question of extension of time was raised. As I understand it, section 2 would permit an extended period of 1 year at a time and this could go on for 2 or 3 or 5 years?

Mr. KEATING. No. It is 1 year with the right of renewal for 1 additional year, period. It says "not exceeding" and those are the words contained in the bill.

Mr. MATSUNAGA. May I read the language to the gentleman. It says here:

*Provided*, That the Attorney General may, in his discretion, extend the terms of such alien's admission for a period or periods not exceeding one year.

Mr. KEATING. That is the second year and that is the limitation and that is the way the bill is interpreted and that is exactly what it is, a maximum of 2 years, including a period or periods not exceeding 1 additional year.

Mr. MATSUNAGA. In the initial part of the section it says:

who is coming temporarily to the United States for a period not in excess of one year to perform other services or labor . . .

Mr. Chairman, I would take it that if we were to abide by the actual reading of the language, the Attorney General has power to extend for periods not exceeding 1 year at a time.

Mr. KEATING. No. I respectfully suggest that the gentleman's interpretation of the language contained in the statute itself and also in the report is inaccurate. It clearly establishes 1 year and a period of 1 year in which it can be extended, and it can be extended for a period or periods not exceeding 1 year.

Mr. MATSUNAGA. It means then that the total extension must not exceed 1 additional year?

Mr. KEATING. That is correct.

Mr. MATSUNAGA. I thank the gentleman.

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

Mr. Chairman, what this bill says in its present form is:

who is coming temporarily to the United States for a period not in excess of one year to perform other services or labor if the Secretary of Labor has determined that there are not sufficient workers at the place to which the alien is destined to perform such services or labor who are able, willing, qualified, and available, and the employment of such aliens will not adversely affect the wages and working conditions of workers similarly employed.

Now the gentleman from Hawaii has said the labor unions are against this and that may well be true. But let me suggest that they are making a mistake. Their opposition is what gets us amendments such as the White amendment, which I opposed, because they will not stand for a reasonable amendment such as this. We have got to have a certification from the Labor Department, which is certainly not adverse to any of the unions, that there is nobody in the locality who is ready and able and willing to do the work and that it will not hurt the other fellows' working conditions. It is not unreasonable to give the ranchers and farmers that much help. When the unions say they will not do even that, I suggest they will be biting their noses off to spite their faces. They will get an amendment such as the White amendment. They had better stick with the committee.

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.

Mr. ROYBAL. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ANDERSON OF CALIFORNIA

Mr. ANDERSON of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of California: Page 16, immediately after line 19 insert the following:

(2) by inserting immediately before the period in paragraph (1) of subsection (a) the following: ", or who are persons who have served honorably at any time in the Armed Forces of the United States for a period or periods aggregating three years, and who, if separated from the service, were never separated except under honorable conditions";.

Page 16, line 20, strike out "2" and insert in lieu thereof "3".

Page 17, line 23, strike out "3" and insert in lieu thereof "4".

Mr. ANDERSON of California. Mr. Chairman, under current law, special categories are created in order to allow certain people to immigrate to this country on a priority basis.

For example, brothers, sisters, and children of U.S. citizens, spouses and unmarried children of permanent residents, talented professionals, and workers to fill a labor shortage—all receive special preference.

However, there is no special treatment for those aliens who courageously served as members of the U.S. Armed Forces—those who fought under our flag, under our commanders, side-by-side with American men are not extended the same privileges given other aliens.

While I certainly have no argument with the groups of people who are covered by the preference categories, I am distressed that those aliens who served

with the U.S. Armed Forces are not given any special preference for receiving immigrant visas.

Veterans have a special place in the hearts of Americans. We all recognize the debt of gratitude that we owe those who served in the Armed Forces to protect and preserve this great land. But we have been remiss in paying that debt to the aliens who have served honorably as members of our Armed Forces. As an example under current law it means nothing that a man or woman served for several years with the U.S. Army during World War II when he or she applies for an immigrant visa number. This is wrong, and it is high time that we corrected this injustice.

To correct what I believe is an oversight in the law, this amendment would extend first preference category privileges—the same privileges extended unmarried children of United States citizens—to those persons who have served at least 3 years as members of the U.S. Armed Forces and have been honorably discharged.

If adopted, those who put their lives on the line in the service of our country would be on an equal footing with the other groups who receive special preference status.

As a matter of justice, Mr. Chairman, those who chose to defend our Nation and who answered the call at our time of need, certainly deserve to be given the same rights as others who wish to enter this country if they so choose.

Some may suggest this proposal should be studied. I say time is running out, and we should act now—before all of those who may be eligible are no longer with us on this earth.

To put this in perspective, let me cite one instance that was brought to my attention.

Mr. Gerardo Barbero served 4 years with the U.S. Army, under General MacArthur, during World War II and was honorably discharged in 1946. He entered the United States as a visitor in 1966 to visit his brothers—both U.S. citizens—in Minnesota and California. To permit him to remain in this country, Congressman Reinecke introduced a bill in his behalf in 1967 and again in 1969.

At that time, simply the introduction of a bill would temporarily prevent the deportation of an individual.

Mr. Barbero was employed as a machine operator, was supporting himself, was contributing to the community, and would have been an outstanding citizen.

However, the regulations which temporarily prevented deportation were changed and thus, the passage of legislation in Congress to allow him to stay was essential.

In 1971, as Mr. Barbero had moved into my congressional district, I introduced legislation to permit him to become a lawful permanent resident.

The Judiciary Committee held a hearing on this proposal at which I testified arguing the case in Barbero's behalf. The committee, however, denied his request to remain in the country for which he fought.

At the time, I was convinced that this was inequitable, and today my conviction remains firm.

Mr. Barbero, and those like him who served our country, should be permitted to enter this country and make their contribution to our society.

I ask for an aye vote on this proposal.

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

Mr. Chairman, the gentleman is a veteran of World War II and I share the pride with every other Member of this Congress who has been a U.S. veteran of any world war.

We are talking basically about the Philippines.

The Philippines—the one country in the Eastern Hemisphere which reaches the maximum 20,000 per country limitation—would be the principal beneficiary of this amendment in view of the fact that the armed forces of the Philippines were incorporated into the U.S. Army during World War II and numbered over 76,000 at the end of that war. In addition 115,000 Philippine guerrillas would be potential beneficiaries. Presently, there are over 14,000 Filipinos serving in the U.S. Navy and another 6,000 who have served in the Navy since World War II. Assuming that only a third of them would desire to take advantage of such preference, and allowing for an average family of three, a conservative estimate of the number of those eligible for admission to the United States under this amendment would be 211,000. Thus, placing them in the first-preference category would have the effect of closing immigration from the Philippines for the next 10 years for any other preference category. No spouse or child of a resident alien would be able to enter the United States and no doctor or nurse—of a backlog of 90,000 applicants in this category presently exists in the case of the Philippines—and no brother, sister, married son or daughter of U.S. citizens could enter.

Section 329 of the Immigration and Nationality Act provides that an alien who has served honorably in an active-duty status in the U.S. military forces during prescribed periods, World War I, World War II, Korea, and the Vietnamese situation, beginning February 28, 1961, can apply for expeditious naturalization if: First, at the time of enlistment or induction such alien was physically in the United States; or second, at any time subsequent to enlistment or induction such alien shall have been lawfully admitted for permanent residence.

The act of August 16, 1961, provides that no person shall be enlisted in the military forces unless he is a citizen of the United States or is lawfuly admitted for permanent residence. However, an alien in the United States was subject to the Selective Service Act.

The only persons serving in the U.S. military forces who are not enlisted or inducted in the United States are the Filipino enlistees who are recruited in the Philippine Islands and enlisted in the Philippine Islands.

Notwithstanding, if a Filipino reenlists in the Navy while stationed in the United States, that reenlistment, by virtue of a court decision is held to be the same as an original enlistment and thus does not qualify him for expeditious naturalization under the provisions of section 329 of the Immigration and Nationality Act.

Consequently, the thrust of the amendment is to put the Filipino enlistees within the first-preference category, thus for all intents and purposes affording an opportunity to be admitted to the United States so that they can benefit from the provisions of section 329, as mentioned.

I oppose this amendment, principally because it is premature.

A special subcommittee discussed the issues surrounding the Filipino enlistees with officials of the Department of the Navy, including the commander in chief of the Pacific area in Hawaii, and continued discussions with Navy officials in the Philippines who were in charge of the Filipino enlistment program. The special subcommittee has requested further information regarding the number of Filipinos now serving in the military forces, as well as the future plans of the Navy to enlist additional Filipinos. When the committee is in possession of all the necessary information, a proposal such as that just offered can be fully evaluated, but at this time I firmly believe that the amendment is premature and is not supported by adequate information.

In addition, legislation has been introduced by the Honorable JOHN MCFALL, H.R. 7565, which is similar to the amendment which has been offered here today by Congressman ANDERSON of California. Department reported have been requested on this legislation and any action prior to the receipt of these reports would be premature.

Mr. Chairman, I oppose the amendment, only because we simply do not have enough information. We had a special committee go out to Hawaii and Manila for this very purpose. We do not have the answers yet. This House will have the benefit of the information as soon as it is available.

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

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

Mr. KEATING. I also am opposed to the amendment. I think the gentleman from Pennsylvania has very adequately and thoroughly explained it and there is nothing I can add at this time.

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

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

Mr. ANDERSON of California. Mr. Chairman, I was quite interested in the reference in which the gentleman said a third of these people would take advantage of it, and I was wondering how the gentleman arrived at that one-third estimate.

I believe it was in San Francisco, that a U.S. district judge, when he granted citizenship to a Filipino, under similar circumstances, at that time, estimated there were 250,000 who would be eligible,

and that not more than 10 percent would probably take advantage of it. That would be in toto.

If we spread that over a period of 10 years—because those who would like to come are not all going to want to come at once—we would have 2,500 a year.

So I wondered where the gentleman got the figure of one-third, when I believe 10 percent is more accurate.

Mr. EILBERG. Mr. Chairman, it is based on the present demand.

If the gentleman would look at the number of applications for visas and preferences, the Philippines are probably way ahead of us and way ahead of any other country. We have many demands for third-preference applications and highly qualified individuals, and we want them. We want the veterans, too.

Mr. ANDERSON of California. But we are not getting the veterans, are we?

Mr. Chairman, I do not want to exclude those professionals; I merely want to place the veterans of our Armed Forces on an equal footing and permit them the same privileges afforded others.

Mr. EILBERG. Mr. Chairman, any veteran who reenlists while he is in the United States can become a citizen immediately, and as I said in my remarks, we simply do not know the numbers of veterans or servicemen that we are talking about in this amendment.

I really do not know how the gentleman can press me any further. I have told him we specifically went to the Far East, and this was one of the major questions we had to consider.

It is a question we are considering, and we will bring the answers to the floor of the House when the information is available.

Mr. ANDERSON of California. Mr. Chairman, I believe the gentleman is doing an outstanding job and I commend him for his efforts as chairman of this important subcommittee, but this situation has been going on since 1946. I believe that we ought to have the information soon.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ANDERSON).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BADILLO

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

The Clerk read as follows:

Amendment offered by Mr. BADILLO: Page 23, immediately after line 24 insert the following:

SEC. 10. (a) The Attorney General, acting through hte Immigration and Naturalization Service, shall conduct a study (1) to determine the number of nationals of the Dominican Republic who are aliens in the United States in violation of the Immigration and Nationality Act, and (2) to determine the professional background, qualifications in the trades, and other employment skills of such aliens. For the purposes of this subsection, the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

Page 24, line 1, strike out "10" and insert in lieu thereof "11".

Page 25, line 1, strike out "11" and insert in lieu thereof "12".

Mr. BADILLO. Mr. Chairman, when one mentions illegal aliens, all too often attention is given to Mexican citizens who enter the United States at numerous locations in the American Southwest. While Mexicans do represent the vast majority of illegal aliens—according to information from the State Department and the Immigration and Naturalization Service—the fact remains that in other parts of the United States, most of those classified as illegal come from other nations of Central and South America and the Caribbean. While exact figures are unavailable, it is believed that the greatest single number of illegal aliens in the Northeast are from the Dominican Republic. It has been estimated, for example, that there are more than 200,000 illegal Dominicans in the New York City area alone and I have heard even higher figures. Most of them have come to the United States in recent years.

Whatever their numbers or nationalities, these hapless men, women, and children are not only the victims of unscrupulous employers and landlords, but are also the victims of punitive and discriminatory tactics used by the Immigration and Naturalization Service. Throughout the New York area there have been countless dragnets in which anyone who may speak with a Spanish accent, who appears to be of Latin background to the immigration inspector or who may otherwise present a "foreign" or Latin appearance is apprehended and forced to present some proof of American citizenship. There is little question, but that these raids violate the basic civil liberties and human rights of citizens and aliens alike.

What is particularly tragic is the fact that no agency—either the State Department or the Immigration and Naturalization Service—seems to be interested in the factors precipitating this great desire to emigrate to the United States, whether legally or illegally. Rather, they only appear to be interested in developing policies and engaging in practices to increase their questionable activities and to harass and intimidate Latin Americans. From what I am able to gather, there just seems to be no real desire to ascertain what meaningful efforts can be made to humanely and effectively resolve the problem.

Affirmative action to come to grips with the situation is long overdue and we simply cannot condone further mass arrests.

Let there be no mistake, I do not condone the illegal entry of any alien into this country. However, as long as we are confronted with this problem, it seems to me that we have an obligation to deal with it on a compassionate and substantive basis. This is not possible, however, if we do not have the basic facts and information with which to work. In order to deal with the situation effectively and humanely, we simply must know more about it. Rather than taking steps which do nothing more than aggravate the problem and which often result in needless domestic and international tensions, I feel it would make a great deal more sense for us to investigate the specific nature of the problem and do what we can to provide some remedies.

My amendment proposes, therefore, that a comprehensive study of the Dominican migration situation be conducted. Such a study would not only include a general examination of the problem and the development of some realistic facts and figures on the number of illegal and legal Dominicans now in the United States, but it would also focus on what can be done to stem the flow of illegal Dominican nationals. Also, these investigations would propose courses of action which can be taken jointly with the Dominican Government in resolving those factors which are apparently forcing many Dominicans to migrate and in formulating economic programs, similar to those conducted in Puerto Rico to relieve similar problems two decades ago. As I noted in my "Dear Colleague" letter, a study such as this is fully consistent with our efforts to aid other nations experiencing economic problems and it will also benefit our various governmental agencies in properly and compassionately dealing with the illegal Dominican alien situation.

In mid-July, during the markup of H.R. 981, I urged the chairman of the Judiciary Committee, Mr. RODINO, to include a provision for a complete and comprehensive Dominican migration study. Unfortunately, my proposal was not accepted. Thus, it is necessary for me to offer this amendment.

Mr. Chairman, I have personally discussed this situation with the very distinguished and able President of the Dominican Republic, Dr. Joaquin Balaguer, and I can tell you that he is deeply concerned about it. He, too, is seeking solutions to the problem and is anxious to stem the flow of migrants which is sapping the lifeblood of his nation's economy.

The results of a comprehensive Dominican study will surely provide no easy answers and cannot be viewed as any sort of panacea. However, it will indicate where we are at and where we are going in terms of the flow of Dominican migrants. It will provide us with the facts and information on which we can base future actions and on which we can proceed in an orderly, just, and meaningful manner. A helter-skelter approach cannot be justified and we must know the precise nature of the problem before fair and equitable solutions can be developed.

I urge the adoption of this amendment and welcome your support.

Mr. EILBERG. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York.

I want to direct your attention to this amendment which directs the Immigration and Naturalization Service to determine the number of nationals of the Dominican Republic who are illegally in the United States as well as determining their background and employment skills.

The gentleman from New York in July of this year wrote the chairman of the Committee on the Judiciary and requested that we undertake a comprehensive study of the Dominican Republic migration situation. Upon receipt of this letter, which was referred to the Subcommittee on Citizenship and Interna-

tional Law, which I happen to chair, the Immigration and Naturalization Service was requested to investigate the problem of Dominicans illegally in the United States. I hold in my hand a report of those illegal aliens who have been located here in the United States. The report was received from the service, which I will be glad to submit for incorporation in the RECORD for the information of the House and the gentleman from New York:

*Dominican aliens apprehended in New York City*

| | | |
|---|---|---|
| Fiscal year | 1973 | 1,917 |
| Fiscal year | 1972 | 1,093 |
| Fiscal year | 1971 | 1,669 |
| Fiscal year | 1970 | 1,634 |
| Fiscal year | 1969 | 1,401 |

IMMIGRATION FRAUDS BY DOMINICAN ALIENS

As early as 1969, the Service became concerned over the heavy increase noted in fraudulent documentation being utilized by Dominican nationals entering, or attempting to enter, the United States. Such documentation includes fraudulent Puerto Rican birth certificates, fraudulently obtained United States Passports, altered or fraudulently used Dominican Passports, counterfeit or altered United States nonimmigrant visas and altered or fraudulently used Forms I–151 (Alien Registration Receipt Card). All Service offices were alerted to the problem and instructed that when such cases are encountered each person found to be involved should be carefully interrogated to fully develop the source of the documentation. They were also instructed to strongly urge the criminal prosecution of such persons for violations of 18 U.S.C. 371 (conspiracy) and/or 18 U.S.C. 1546 (fraud), where the facts developed so warrant. The San Juan office was designated on July 23, 1969, as the coordinating office for all fraud investigations relating to the activities of Dominican nationals, and copies of all reports prepared in such cases by other Service offices were to be forwarded directly to that office. Close liaison is being maintained with the Department of State both on a local and seat of government level. In addition thereto, the San Juan office is maintaining liaison with the American Embassy, Santo Domingo.

I submit that the amendment he proposes is totally unnecessary since the committee has already done the following: First, asked the Immigration and Naturalization Service to commence the investigation, which they are doing, and we have a preliminary report from them; Second, we conducted a hearing on sweep operations, 2 days of hearings on them, and we will be glad to provide the gentleman with reprints of those hearings conducted by the Service. That does not mean that we condone or approve anything they have done in connection with the illegal alien problem. As I said, the hearings will be printed shortly.

Mr. BADILLO. Will the gentleman yield?

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

Mr. BADILLO. The problem, Mr. Chairman, is that the report from the Immigration and Naturalization Service merely lists the number of illegal aliens who have been apprehenеded in New York City. For example, it says in 1973, they apprehended 1,917. That has nothing to do with what I am talking about. What I am talking about is how many illegal aliens there are and how many have come in the past few years and why they have come. I want to know will the problem increase or decrease in the years to come. Is there a way that we can meet the problem by dealing with the problems in the Dominican Republic.

That has nothing to do with the actual number of people who may be illegally apprehended. That is what I am addressing myself to, and that is a fundamental study that will address itself to the basic causes of the problem and give us the information to begin to deal with it. Merely telling us how many people have been arrested does not lead to information that is useful to us.

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

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

Mr. FLOWERS. Mr. Chairman, I thank my chairman of the subcommittee, the gentleman from Pennsylvania, for yielding to me.

Mr. Chairman, I do not see how we could embark upon anything like that which the gentleman from New York (Mr. BADILLO) suggests in his amendment. If we did, it would inevitably be a sweep operation. The estimation of the number of illegals by the Immigration and Naturalization Service would be by operation of law and they would be commanded to arrest and deport each one of these people. All this would do would be to ask for a sweep operation which would call for the deportation of all of these illegal aliens. And I think that is not really what the gentleman from New York (Mr. BADILLO) wants to happen.

Mr. Chairman, I ask for the defeat of the amendment.

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

Mr. EILBERG. I yield to the ranking minority member on the subcommittee, the gentleman from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Chairman, I want to compliment the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. EILBERG) on his command and approach on this amendment. I oppose the amendment. I do not think that I need say anything further on the matter.

Mr. EILBERG. Mr. Chairman, I would like to add one further comment.

The subcommittee is paying particular attention to and is exercising its oversight jurisdiction. We have had hearings regarding the administration of the Immigration and Nationality Act by the Department of State, and the Immigration and Naturalization Service. Furthermore, there is a continuing investigation as part of our oversight investigation into the principal visa issuing posts, one of which is Santo Domingo.

One factor in the flow of illegals from the Dominican Republic is the existing Western Hemisphere immigration system which imposes long waiting periods on applicants seeking to join relatives already in the United States in legal status. These people come illegally rather than wait their turns on the waiting list. H.R. 981, the present bill before us, and which I hope will be rapidly passed by the other body, and be signed by the President, will eliminate or reduce significantly this problem by establishing a preference system for the Western Hemisphere, thus enabling the relatives to immigrate legally rather than illegally.

I suggest that the enactment of H.R. 982 should go a long way toward reducing hiring of illegal aliens, even possibly eliminating the problem.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. BADILLO, and by unanimous consent, Mr. EILBERG was allowed to proceed for 1 additional minute.)

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

Mr. EILBERG. I will be happy to yield to the gentleman from New York.

Mr. BADILLO. Mr. Chairman, what I am suggesting here, and the only reason I am doing this, is to warn the Members of the situation that exists, and that everyone, I feel, is closing their eyes to. What I am suggesting here is the same kind of a study that was done with respect to the Mexican situation. The gentleman from Pennsylvania quoted from that only recently. We need to have a comprehensive study, because the problem is not going to go away simply because we do not act on it, and most people do not want to consider it. The fact is there has been a great increase in the number of illegal aliens coming into the country. It is important that we face up to it now, because if we do not we are going to have to face up to it in the years from now when the problem will be much more severe, and perhaps much more difficult to resolve.

Mr. EILBERG. Mr. Chairman, I suggest to the gentleman from New York, with regard to his suggestion, that the subcommittee is working on this matter, and that it is of great concern to the subcommittee, but that it does not require a special amendment or legislation on this floor to impress the committee with the importance of the subject matter which the gentleman is presenting. The very fact that the gentleman has offered his amendment certainly will encourage the subcommittee to proceed more diligently in trying to find the answers to the questions with which the gentleman is so deeply concerned.

The Immigration Subcommittee made an intensive study of illegal aliens generally in 1971–72. This study was not aimed at illegals from any particular country but an overall problem. No special study of one element of overall problems seems required nor appropriate.

The House has already expressed its judgment as to the appropriate solution of the illegal alien problems by enacting H.R. 982 and should now await Senate action on that bill and the eventual results of its implementation after Senate enactment rather than complicating the situation with proposed action such as in the present amendment.

H.R. 982, known as the illegal alien bill, passed the House on May 3, 1973, and is presently pending in the Senate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BADILLO).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ROYBAL

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

The Clerk read as follows:

Amendment offered by Mr. ROYBAL: Page 15, line 17, strike out "thirty-two" and insert in lieu thereof "forty-five".

Page 15, line 18, strike out "one hundred and twenty" and insert in lieu thereof "one hundred and seventy".

Mr. ROYBAL. Mr. Chairman, I should like to point out the fact that we are here to try to create a memorable and a humanitarian immigration policy, one which treats the Western Hemisphere with equal treatment, and one which gives recognition to the special historical ties and the cooperative arrangements between this country and other Western Hemisphere nations. It is this recognition which has been a cornerstone of our lives and of our policy of friendship with Canada, with Mexico, and with the countries in Latin America.

I believe that it should also be fundamental doctrine of our immigration law.

The argument, Mr. Chairman, will be made that there are more European countries than there are Latin American countries, or more countries in the Eastern Hemisphere than there are in the Western Hemisphere. This is true. On the other hand, there are more people in the United States here illegally from the Western Hemisphere than there are from the Eastern Hemisphere. It seems to me that by increasing the limitation from 120,000 to 170,000 and making everyone equal, that this may be the vehicle that can be used to solve the problem before us.

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

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

Mr. Chairman, the Western Hemisphere has just a fraction of the population of the Eastern Hemisphere. We have 26 independent countries in the Western Hemisphere. We have 118 independent countries in the Eastern Hemisphere.

The gentleman's suggestion is that preferences be given to the Western Hemisphere which could only affect our relationship with countries in the Eastern Hemisphere. I think patently the suggestion is not a factual one and is not one that could be worked out in a fair fashion as far as the whole world is concerned.

I emphasize, Mr. Chairman, this is the first of a two-step operation in which we are engaged. We hope to provide a Western Hemisphere preference system now and then, hopefully, we will look over the situation and provide a worldwide system.

I think the gentleman's amendment does not go in the direction of either step.

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

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

Mr. KEATING. I thank the gentleman for yielding.

Mr. Chairman, I wish to indicate my support for the gentleman's position and in opposition to the amendment and point out that even at 120,000, which is the amount allocated to the Western Hemisphere, it is disproportionate both in population and in countries as it now stands. I, therefore, oppose the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYBAL).

The amendment was rejected.

Mr. HOGAN. Mr. Chairman, I am pleased to support this bill to bring needed improvements to our immigration law.

As a former member of the Immigration, Citizenship and International Law Subcommittee, I had ample opportunity to study our immigration problems when we had hearings around the country on the illegal alien issue, and extended hearings in Washington on immigration developments under the Immigration Act of 1965.

I wish to congratulate the chairman of the Committee on the Judiciary and Mr. EILBERG, the subcommittee chairman, for bringing to the floor this bill to provide the Western Hemisphere with a preference system for the issuance of visas, as well as the illegal alien bill, H.R. 982, which has already passed the House. These two bills deal with the two most pressing problems in the field of immigration.

This bill corrects an omission in the 1965 act. In applying the same preference system and per country numerical ceiling to both hemispheres, H.R. 981 brings to our immigration law uniformity of treatment for all aliens seeking admission regardless of the place of his birth. I support this change. Our immigration law should give favored treatment to no country and to no nationality—there must be equal, uniform treatment for all aliens with no discrimination. The preference system and 20,000 per country maximum ceiling established for the Western Hemisphere are the same system and numerical ceiling applied since 1965 to all Eastern Hemisphere aliens. It has proved successful, and with one minor exception, brought applications of qualified aliens to a current basis so there is no significant backlog. I believe this same system will work well in the Western Hemisphere. Accordingly, I will oppose any change which would give more favored treatment or special privilege to aliens from any country or countries.

I am pleased also to see that H.R. 981 also will provide a measure of relief to our employment needs when temporary shortages occur in some areas. Section 2 of the bill will make it possible to meet such needs with the temporary admission of nonimmigrant workers whenever the Department of Labor determines such laborers are needed. Border areas both in the Southwest and near Canada as well as in Guam will benefit from this change.

I urge prompt passage of H.R. 981. It is a good bill that will improve our system of immigration.

Mr. FREY. Mr. Chairman, passage of the Immigration and Nationality Amendments Act (H.R. 981) will go a long way toward relieving considerable anguish and hardships suffered by many Cuban refugees. Heretofore, Western Hemisphere immigrants have been granted visas on a first-come, first-served basis unless they have immediate relatives who are citizens of the United States. The ceiling of 120,000 in conjunction with the Cuban airlift have resulted in a waiting period of 21 months or more for all Western Hemisphere immigrants.

These restrictions have divided families; many have fled to European countries for temporary refuge, particularly Spain, where they are not allowed to work and are thus forced to depend on what little financial assistance their friends or families already in this country can afford to send. Their stories are heartbreaking.

In May of 1972 one of my constituents asked my help in securing visas for his relatives who had fled from Cuba. The father was the half brother of my constituent's wife and did not qualify as an immediate relative. Since they could not enter the United States immediately, the family fled to Madrid, Spain, and even this was possible only after 7 years of effort.

All my attempts to help have been of little avail. First we were told that either parent would have to obtain labor certification based on a job offer in the United States. But had the son not been over the age of 16 he might have been able to establish a priority date on the Western Hemisphere waiting list independently of his parents, based on an affidavit of support and the fact that he would be entering the United States to attend school. If this could have been accomplished, when his date was reached his parents could have been paroled into the United States if they qualified in all other respects. Another hope dashed.

The family did establish a priority date on the nonpreference waiting list for Great Britain since the father was British born. Sadly, the father died in July of 1972 and his wife was no longer eligible for the British number.

The wife has now received a priority date of June 12, 1972, and in view of the fact that the State Department is now processing applications for visas with priority dates in 1971, she might be granted a visa by June 1974. But it will still be necessary for her son to obtain a labor certification since he would still be ineligible for parole into the country even when a visa becomes available for his mother.

The son did get an offer of full-time employment as a live-in domestic employee, but first the Labor Department needed proof that he had worked full time in this capacity for 1 year. Other job offers he has received have been disapproved by the Department of Labor and the latest information is that he should seek employment as a lathe operator—but, once he receives his labor certification, he must still wait approximately 2 years for entry. In the meantime, they are not allowed to seek employment in Spain and depend on their relatives in the United States for financial help.

The futility of my efforts and my feeling of helplessness to do anything about

this tragic situation have made this one of the most frustrating experiences I have ever had.

H.R. 981 will give top priority to reuniting families by applying the Eastern Hemisphere preference system to Western Hemisphere immigrants.

It will exempt from the ceiling Cuban refugees already in the United States on the date of enactment who adjust their status to permanent residents. This provision will affect over 50,000 Cubans who have already applied for status adjustment and probably many others who are eligible, but have not applied. And this provision will permit the entry of additional Cubans. The bill also establishes a limitation of 20,000 on each country in the Western Hemisphere and provides for more liberal and humane parole procedures. Even the slight revisions in the labor certification provisions will be helpful to those in circumstances similar to those I have just described.

I welcome this action by the House and urge my colleagues in the Senate to move quickly on the legislation. It is particularly important to those Cuban exiles who, in their search for freedom, found themselves in the desperate situation in Madrid dubbed "The Mousetrap." Once in this country they can begin rebuilding their lives and again become productive and industrious.

Ms. HOLTZMAN. Mr. Chairman, I am delighted to vote in favor of final passage of H.R. 981 which will regularize and improve our system of immigration for the Western Hemisphere. It is with great regret, however, that I oppose the amendment offered by the distinguished gentleman from New Jersey and the learned chairman of the House Judiciary Committee which seeks to increase the quotas of Mexican and Canadian immigrants from 20,000 to 35,000 each.

As a member of the Subcommittee on Immigration, Citizenship, and International Law, I am very familiar with the arguments both in favor and against this amendment. And although under most circumstances I would defer to my chairman, I feel in this circumstance that I cannot support his amendment.

Under the present bill every country in the world would be treated the same—no country would be able to send more immigrants to the United States than any other. To grant a preference to Mexico and Canada smacks of the national quota system that we fought so long to abolish. In addition, it would reduce the number of immigrant visas available for people from other Western Hemisphere countries.

Also, the evidence available demonstrates that many of the immigrants from Mexico do not seek to become American citizens, but seek rather to work here. For that reason it is unfair to reduce immigration from other Western Hemisphere countries to accommodate people who seek only to work in the United States.

Mr. EDWARDS of California. Mr. Chairman, I am forced to vote against final passage of H.R. 981 as it has been amended here today. Basically, I am in agreement with the philosophy of immigration inherent in the preference system established by this bill. I feel it is desirable that the United States have a worldwide immigration system which emphasizes the reunification of families and encourages the employment of alien labor to meet specific domestic needs. These ideas are consistent with the American tradition of welcoming those who seek a better life in the United States and with our present ability to provide jobs, housing, and education for a growing population.

However, I feel that this bill also has a serious deficiency. It ignores both the historical relationship between the United States and Mexico, and it discriminates against the present needs of the American Chicano community. Historically, Mexico has had a unique connection with the United States. For years the distinction between Mexican and American real estate was indistinct; the border was open and undefined; and languages, people, and cultural traditions mingled freely. Now thousands of people of Mexican heritage are citizens and permanent residents of the United States. Each year over 40,000 of their relatives immigrate to join parents, children, brothers, and sisters. This bill would flatly discriminate against Mexican immigration, cutting it in half by limiting it to only 20,000 per year. While claiming to equalize immigration for all countries in the Western Hemisphere, it actually works against the goal of reunion of Mexican families, the major purpose of the preference system. For these reasons, I cannot support this legislation which does not contain provisions raising the limitation on immigration from Mexico.

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

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair (Mr. ADAMS), 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. 981) to amend the Immigration and Nationality Act, and for other purposes, pursuant to House Resolution 545, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 336, nays 30, not voting 68, as follows:

[Roll No. 483]

YEAS—336

| | | |
|---|---|---|
| Abdnor | Diggs | Kemp |
| Abzug | Dingell | Ketchum |
| Adams | Donohue | King |
| Addabbo | Downing | Kluczynski |
| Alexander | Drinan | Koch |
| Anderson, Ill. | Dulski | Kuykendall |
| Andrews, N.C. | Duncan | Kyros |
| Andrews, N. Dak. | du Pont | Landgrebe |
| Annunzio | Eilberg | Landrum |
| Archer | Erlenborn | Latta |
| Arends | Esch | Leggett |
| Armstrong | Eshleman | Lehman |
| Aspin | Evans, Colo. | Lent |
| Badillo | Evins, Tenn. | Litton |
| Bafalis | Fascell | Lott |
| Baker | Findley | McClory |
| Barrett | Fish | McCloskey |
| Bauman | Flood | McCollister |
| Beard | Flowers | McCormack |
| Bell | Foley | McDade |
| Bennett | Ford, Gerald R. | McFall |
| Bergland | Forsythe | McKay |
| Biaggi | Fountain | McKinney |
| Biester | Fraser | McSpadden |
| Bingham | Frelinghuysen | Macdonald |
| Blatnik | Frenzel | Madden |
| Boland | Frey | Madigan |
| Bowen | Froehlich | Mailliard |
| Brademas | Fulton | Mallary |
| Brasco | Fuqua | Maraziti |
| Bray | Gaydos | Martin, Nebr. |
| Breaux | Giaimo | Martin, N.C. |
| Breckinridge | Gibbons | Mathias, Calif. |
| Brooks | Gilman | Mathis, Ga. |
| Broomfield | Ginn | Matsunaga |
| Brotzman | Goldwater | Mayne |
| Brown, Calif. | Goodling | Mazzoli |
| Brown, Ohio | Grasso | Meeds |
| Broyhill, N.C. | Gray | Melcher |
| Broyhill, Va. | Green, Oreg. | Metcalfe |
| Buchanan | Green, Pa. | Mezvinsky |
| Burke, Fla. | Griffiths | Michel |
| Burke, Mass. | Grover | Milford |
| Burlison, Mo. | Gubser | Miller |
| Butler | Gude | Mink |
| Byron | Gunter | Minshall, Ohio |
| Camp | Guyer | Mitchell, N.Y. |
| Carey, N.Y. | Haley | Mizell |
| Carney, Ohio | Hamilton | Moakley |
| Carter | Hammer-schmidt | Mollohan |
| Casey, Tex. | Hanrahan | Montgomery |
| Cederberg | Hansen, Idaho | Morgan |
| Chamberlain | Harrington | Mosher |
| Chappell | Harsha | Murphy, Ill. |
| Chisholm | Harvey | Murphy, N.Y. |
| Clancy | Hastings | Myers |
| Clark | Hawkins | Natcher |
| Clausen, Don H. | Hechler, W. Va. | Nedzi |
| Clawson, Del | Heinz | Nelsen |
| Clay | Helstoski | Nichols |
| Cleveland | Henderson | Obey |
| Cohen | Hicks | O'Hara |
| Collier | Hinshaw | O'Neill |
| Collins, Ill. | Hogan | Parris |
| Conable | Holifield | Passman |
| Conlan | Holt | Patten |
| Conte | Holtzman | Perkins |
| Conyers | Horton | Pettis |
| Coughlin | Hosmer | Peyser |
| Crane | Huber | Pickle |
| Cronin | Hudnut | Pike |
| Daniel, Dan | Hungate | Powell, Ohio |
| Daniel, Robert W., Jr. | Hunt | Preyer |
| Daniels, Dominick V. | Hutchinson | Price, Ill. |
| Davis, S.C. | Jarman | Price, Tex. |
| Davis, Wis. | Johnson, Calif. | Pritchard |
| Delaney | Johnson, Colo. | Quie |
| Denholm | Johnson, Pa. | Railsback |
| Dennis | Jones, N.C. | Randall |
| Dent | Jones, Okla. | Rangel |
| Devine | Jones, Tenn. | Rees |
| Dickinson | Jordan | Regula |
| | Karth | Reid |
| | Kastenmeier | Robinson, Va. |
| | Keating | Robison, N.Y. |
| | | Rodino |

| | | |
|---|---|---|
| Roe | Spence | Veysey |
| Rogers | Staggers | Vigorito |
| Roncalio, Wyo. | Stanton, | Waggonner |
| Rooney, Pa. | James V. | Walsh |
| Rosenthal | Stark | Wampler |
| Rostenkowski | Steed | Ware |
| Roush | Steele | Whalen |
| Rousselot | Steiger, Wis. | Whitehurst |
| Roy | Stokes | Whitten |
| Ruppe | Stratton | Widnall |
| Ruth | Stuckey | Wiggins |
| Ryan | Studds | Williams |
| Sandman | Sullivan | Wilson, Bob |
| Sarasin | Symington | Wilson, |
| Sarbanes | Talcott | Charles H., |
| Satterfield | Taylor, N.C. | Calif. |
| Saylor | Teague, Calif. | Wilson, |
| Schneebeli | Teague, Tex. | Charles, Tex. |
| Schroeder | Thompson, N.J. | Winn |
| Sebelius | Thomson, Wis. | Wyatt |
| Seiberling | Thone | Wydler |
| Shipley | Thornton | Wyman |
| Shriver | Tiernan | Yatron |
| Shuster | Towell, Nev. | Young, Alaska |
| Sisk | Treen | Young, Fla. |
| Skubitz | Udall | Young, Ill. |
| Slack | Ullman | Zablocki |
| Smith, N.Y. | Vander Jagt | Zion |
| Snyder | Vanik | Zwach |

NAYS—30

| | | |
|---|---|---|
| Anderson, | Edwards, Calif. | Rarick |
| Calif. | Fisher | Roybal |
| Ashbrook | Flynt | Scherle |
| Burleson, Tex. | Gonzalez | Steelman |
| Burton | Gross | Steiger, Ariz. |
| Cochran | Ichord | Symms |
| Collins, Tex. | Kazen | Van Deerlin |
| Corman | Long, Md. | White |
| Dellums | Mahon | Young, Tex. |
| Derwinski | Moss | |
| Eckhardt | Poage | |

NOT VOTING—68

| | | |
|---|---|---|
| Ashley | Hébert | Riegle |
| Bevill | Heckler, Mass. | Rinaldo |
| Blackburn | Hillis | Roberts |
| Boggs | Howard | Roncallo, N.Y. |
| Bolling | Jones, Ala. | Rooney, N.Y. |
| Brinkley | Long, La. | Rose |
| Brown, Mich. | Lujan | Runnels |
| Burgener | McEwen | St Germain |
| Burke, Calif. | Mann | Shoup |
| Cotter | Mills, Ark. | Sikes |
| Culver | Minish | Smith, Iowa |
| Danielson | Mitchell, Md. | Stanton, |
| Davis, Ga. | Moorhead, | J. William |
| de la Garza | Calif. | Stephens |
| Dellenback | Moorhead, Pa. | Stubblefield |
| Dorn | Nix | Taylor, Mo. |
| Edwards, Ala. | O'Brien | Waldie |
| Ford, | Owens | Wolff |
| William D. | Patman | Wright |
| Gettys | Pepper | Wylie |
| Hanley | Podell | Yates |
| Hanna | Quillen | Young, Ga. |
| Hansen, Wash. | Reuss | Young, S.C. |
| Hays | Rhodes | |

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Sikes.
Mr. Rooney of New York with Mr. Howard.
Mr. Cotter with Mr. William D. Ford.
Mr. Podell with Mr. Mann.
Mr. Bevill with Mr. Riegle.
Mr. Wolff with Mr. Roberts.
Mr. Minish with Mr. Young of South Carolina.
Mr. Moorhead of Pennsylvania with Mr. Wylie.
Mr. Stubblefield with Mr. J. William Stanton.
Mr. Nix with Mr. Waldie.
Mrs. Burke of California with Mr. Yates.
Mr. Hanley with Mr. Young of Georgia.
Mr. Gettys with Mr. O'Brien.
Mrs. Boggs with Mr. Lujan.
Mr. Hanna with Mr. McEwen.
Mr. Long of Louisiana with Mr. Quillen.
Mr. Culver with Mr. Dellenback.
Mr. Danielson with Mr. Rhodes.
Mr. Brinkley with Mr. Moorhead of California.
Mr. Stephens with Mr. Taylor of Missouri.
Mr. Dorn with Mr. Brown of Michigan.
Mrs. Hansen of Washington with Mr. Edwards of Alabama.
Mr. Jones of Alabama with Mr. Shoup.
Mr. Mills of Arkansas with Mr. Rinaldo.
Mr. St Germain with Mr. Blackburn.
Mr. Ashley with Mrs. Heckler of Massachusetts.
Mr. Davis of Georgia with Mr. Roncallo of New York.
Mr. de la Garza with Mr. Hillis.
Mr. Hays with Mr. Owens.
Mr. Pepper with Mr. Rose.
Mr. Reuss with Mr. Mitchell of Maryland.
Mr. Patman with Mr. Runnels.
Mr. Smith of Iowa with Mr. Wright.

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 and include extraneous material on the bill just passed.

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

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 8825, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SPACE, SCIENCE, VETERANS' APPROPRIATIONS, 1974

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes, with Senate amendments thereto, further disagree to the amendments of the Senate, and agree to the further conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. BOLAND, EVINS of Tennessee, SHIPLEY, ROUSH, TIERNAN, CHAPPELL, GIAIMO, MAHON, TALCOTT, MCDADE, SCHERLE, RUTH, and CEDERBERG.

## REQUEST OF THE VICE PRESIDENT FOR HOUSE INVESTIGATION OF CHARGES

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

Mr. MILFORD. Mr. Speaker, yesterday the Vice President of the United States asked this House to conduct an investigation of certain charges that had apparently been made against him.

The Vice President's request would involve the House in some serious constitutional and legal ramifications. This request could also have some dangerous secondary involvements in other pending legal contests in which the American people have a vital interest.

Mr. AGNEW has accused Government prosecutors of being the source of "a constant and ever-broadening stream of rumors, accusations and speculations" aimed at him. Indeed, as every Member knows, the entire national press has printed accusations of alleged misconduct and/or criminal acts—in the total absence of any judicial indictment.

On the other hand, legal scholars in this House will immediately recognize numerous ways wherein such an investigation, requested by the Vice President, could be misused in a way that could totally prostitute real justice.

I have absolutely no intention of either defending the Vice President's request nor declining it. In all honesty, I think I am in company with many other Members in that my knowledge is not sufficient at this time to make a fair and rational decision.

As individual Members, we are each limited to our own peculiar knowledge—whether it be in law, farming, or weather forecasting. However, collectively, this House possesses a vast store of knowledge encompassing the entire spectrum of life.

The House of Representatives is known internationally as the most representative forum in the world. Even though no two Members will have the same political philosophy, each possesses an inherent sense of fairness. While emotions may occasionally rise to a fist-fight pitch, this never minimizes the individual Member's desire to further our national aims and commitments.

While this House has absolutely no mandate, nor even a duty, to comply with the Vice President's request, we are morally and legally bound to give full and fair consideration to his plea. I do not think any Member would have the slightest desire to do otherwise.

However, due to the complexities involving deep questions of law and due to the possibility that political rather than judicial motives may be involved, I would ask that the House take no action until each Member has time to consider the full ramifications.

Mr. Speaker, I would ask that the Vice President's letter be allowed to lie on your desk for at least 10 legislative days. During this period of time, I urge each Member to publish in the CONGRESSIONAL RECORD their opinions, questions, answers, and discussions of the complex ramifications that are involved in the Vice President's request.

## SELECT COMMITTEE ON VICE PRESIDENT

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

Mr. FINDLEY. Mr. Speaker, today I am introducing a resolution calling for the appointment of a select committee to recommend whether the House shall undertake impeachment proceedings against the Vice President of the United States as provided in article 11, section 4 of the Constitution.

Although some would rather see the Vice President first twist slowly in the winds of an indictment and trial, the Nation cannot afford such uncertainty. If the Vice President truly believes he is innocent of wrongdoing, he may not

resign even if he is indicted, even if he goes to trial, even if he is convicted of a criminal offense, conceivably even if he goes to jail, until he has exhausted his constitutional right of appeal. Such a laborious road could take years to travel. A Federal appeals court judge in Illinois, Otto Kerner, has taken just this tack. Convicted of bribery and conspiracy, he has refused to resign his position, and continues to draw his salary until his appeal has been decided. It has already been almost 2 years since Kerner was indicted, and there is still no end in sight.

The people of the United States cannot afford to have such uncertainty surrounding the man who is only a heartbeat away from the Presidency. Suppose during the long period from indictment to trial to appeal that President Nixon should meet with an untimely death. Could the Vice President assume the incredibly heavy burden of the Presidency in the midst of his own criminal trial? We are faced with the absurd possibility that the Vice President might be called to administer the Nation from his jail cell as he awaits an appeals court decision.

The House of Representatives owes it to the Nation to remove such uncertainty. If the Vice President is guilty of high crimes or misdemeanors, then he should be impeached and removed from office. If he is not guilty, then the cloud hanging over him should be removed so that he can fulfill his constitutional role.

Only the U.S. House of Representatives can perform this essential function by carrying out its own constitutional role. If the Vice President is impeached and found guilty of some crime, there will be adequate time later for a grand jury to indict him and for Federal prosecutors to bring him to trial. But impeachment proceedings should proceed immediately—not for the good of the Vice President, but for the preservation of the Nation.

Furthermore, Vice President AGNEW has pledged his full cooperation in any such proceedings. I presume that this means that he will voluntarily appear personally before the House Committee, and before the House itself, to answer fully any and all questions put to him. Thus, the committee's recommendation regarding impeachment need not be a long dragged-out affair like the Watergate hearings. A decision whether to impeach the Vice President could be reached before the end of this session of Congress.

Therefore, I urge the Speaker to assist the House to perform its constitutional role at the earliest possible moment. This is not a time for temerity on the part of House Members. This is a time for the House to perform its unique role as "the grand inquest of the Nation."

## PASSING THE BUCK

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

Mr. RANDALL. Mr. Speaker, it is interesting to behold how President Nixon and also our former colleague, now White House counselor, Mel Laird, indulge in almost unbelievable comment on fuel shortages as reported in the Washington Post. When they both agreed "We may not be able to wait for action from the Congress. We may have to go forward with a program for this area—mandatory allocation of fuels."

Well, well, well, I remember Mel Laird as a very able and responsible legislator when he served in the House. But now all dear old Mel would have to do to straighten out his thinking, is to turn to Public Law 93–82, section 2, which was signed into law April 30, 1973. There he could read that the President "may provide for the establishment of priorities for systematic allocations of petroleum products."

Elsewhere in the paper, Mel is quoted from his television appearance on "Face the Nation," that—

> Since the House has not been able to agree on a plan, it will be necessary for the executive branch to do so on its own.

The question all of us should ask Mr. Nixon and Mr. Laird is, "What are you waiting on?"

Today I introduced a bill quite similar to Chairman TORBERT MACDONALD'S allocation measure which will hopefully reach the floor of the House in the next week or 10 days.

The only difference between the House bill and Public Law 93–28 is that the latter carries language "may allocate" while the proposed House bill has the language "shall allocate."

Yes, the President certainly has the present authority to establish mandatory allocations. It is pure hogwash for he and Mr. Laird to say that they are waiting on the Congress. Yet if the House acts in the next few days then the words "shall allocate" will leave the administration no option or alternative except to act on a mandatory allocation program unless, of course, the President chooses to veto the legislation.

Today our hard-pressed farmers watch helplessly as their mechanized implements stand idle and in the fields for lack of gasoline and fuel.

Let me predict that if an allocation system is not inaugurated in the next few weeks there will be a reduced yield of feed grain crops because there is no fuel to harvest them. If that happens we have never yet seen food prices as high as they will be in the not too distant future.

Mr. President and Mr. Laird, please read Public Law 93–28. Stop passing the buck.

## AMENDING THE SMALL BUSINESS ACT

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

Mr. WIDNALL. Mr. Speaker, yesterday the other body sustained the President's veto of S. 1672, the amendments to the Small Business Act. As I noted in my remarks here during the debate on the conference report on that bill there were a number of provisions in it that were questionable and invited the President's action. At the same time I pointed out that other provisions of the bill were good and desirable extensions and amendments to the ongoing small business assistance programs and are badly needed. For that reason I am today introducing a bill which contains those desirable provisions which enjoyed bipartisan support and omits those sections of legislation to which the President objected. I hope it will be possible to obtain early action on this bill.

I would like to point out all of the provisions of the bill which I am introducing today were the subject of hearings before the Banking and Currency Committee when it considered H.R. 8606. House Report 93–290 on that bill explains the need for the increase in ceiling authorizations and other amendments to the SBA program. I urge Members who have questions about this bill's provisions to refer to this report.

What this bill omits are sections 4 and 6 of H.R. 8606 dealing with disaster loans and loans for erosion assistance.

These are the costly provisos to which the President objected as did we in the minority when the bill was initially reported. I would point out again today as I have in previous debates that the President has submitted a program for disaster assistance which is before the Committee on Public Works. I understand they are planning to have hearings in the near future—November—and we believe it is proper that these disaster loan provisos should be considered in conjunction with a well-rounded disaster assistance program, which is contemplated in that legislation. To do so is the essence of a logical legislative progress.

In the meantime it is imperative that the SBA ceiling increases be authorized if the well-run program of that Agency is to continue uninterrupted. I hope all Members will agree with me that prompt action on this legislation is imperative and support our efforts to see to it that SBA's vital assistance is continue.

## SUFFRAGE FOR DISTRICT OF COLUMBIA

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

Mr. GUDE. Mr. Speaker, arguing on behalf of Negro suffrage, Abraham Lincoln in 1854 declared:

> Allow all the governed an equal voice in the government, and that, and that only, is self-government.

Echoing this great statement, Rutherford B. Hayes in 1877 said in his inaugural address:

> It must not be forgotten that only a local government which recognizes and maintains inviolate the rights of all is a true self-government.

Warren Harding, whose administration was destroyed by misdeeds, was nevertheless a forward looking man in some areas of social progress. Speaking of local government, he said:

> Every governmental unit must be as nearly as possible a miniature of the ideal state which all hope to realize, capable of standing on its own bottom and managing affairs as best serves the public welfare.

Calvin Coolidge said in Arlington, Va., in 1925:

Our country was conceived in the theory of local self-government . . . It is the foundation principle of our system of liberty. It makes the largest promise to the freedom and development of the individual. Its preservation is worth all the effort and all the sacrifice it may cost.

In an address to Congress the same year, Coolidge restated this belief:

Local self-government is one of our most precious possessions. It is the greatest contributing factor to the stability, strength, liberty, and progress of the nation.

The Republican platform of 1888 spoke of "the sacred American principle of local self-government."

The platform of 1893 declared:

The Republican party has always been the champion of the oppressed and recognizes the dignity of manhood, irrespective of faith, color, or nationality; it sympathizes with the cause of home rule in Ireland and protests against the persecution of the Jews in Russia.

As regards America's territories, the platform said, "the right of self-government should be accorded."

By the 1940s, the Republican Party's great traditional drives for local self-government and for suffrage for all had become quite specific regarding the city of Washington:

We favor self-government for the residents of the Nation's Capital.

Restated in subsequent platforms, self-government for the District of Columbia remains the policy of the Republican Party—a policy that carries forward the party's traditional views and principles.

Because of this tradition, which is the lifeblood of the Republican Party, I hope all Republicans will give their best consideration to the District of Columbia self-government legislation which will soon be considered here.

The present times are not easy ones for Republicans. I believe we must reassert our traditional beliefs and values, and demonstrate their value. One good way to do this is through support of the practical form of self-government that would be provided by the pending legislation.

## VICE PRESIDENT SPIRO T. AGNEW

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

Mr. DEVINE. Mr. Speaker, yesterday the Vice President of the United States made a very courageous move. He came to the Speaker of the House and presented a letter which now appears in the September 25 RECORD at page 31368.

In my opinion, Mr. Speaker, Vice President AGNEW demonstrated unusual confidence in the integrity and objectivity of this body, expressing his willingness to have the House undertake a full inquiry into the charges leveled against him.

Since the sanctity of the secrecy of grand jury proceedings has seriously eroded, plus leaks from the Justice Department, this Vice President has been all but tried, convicted and executed by the media, and his constitutional right of a fair trial and presumption of innocence are in serious jeopardy.

Much of Mr. AGNEW's dilemma has been compounded by some segments of the broadcast and printed media in their hysteria to ruin a respected public official. They insist on quoting faceless, nameless sources for all kinds of charges, imaginary and otherwise.

Just this morning, NBC's Ray Scherer gratuitously pronounced "AGNEW asked the House to bail him out and save him from the Courts." Obviously this is yellow journalism at its worst and a typical cheap shot at a very decent guy.

I am not sure the freedom of the press guaranteed by the Constitution encompassed the right to serve as a lynchmob, or run like a pack of jackals snapping at the heels of the man that earlier had the audacity to suggest the media was not always fair and unbiased.

Mr. Speaker, if the Vice President is willing to risk his whole future in the hands of this body, dominated by members of the opposite political faith, I feel we should accept the responsibility, appoint a select committee, and get on with an objective inquiry to either confirm the allegations made against, or vindicate the Vice President of the United States.

## SOME MAJOR OBJECTIONS TO H.R. 9682, THE HOME RULE BILL

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

Mr. NELSEN. Mr. Speaker, we will soon be called upon to consider the home rule bill reported out by the House District Committee. This bill does not accommodate the provisions of our Constitution, which in article I, section 8, clause 17, sets forth the following directive:

The Congress shall have Power . . . To exercise exclusive Legislation in all Cases whatsoever, over such District . . . the seat of the Government of the United States.

The proposed home rule bill, H.R. 9682, would create a virtually autonomous city-State, a municipal corporation with broad State powers and yet not a State, that does not protect the legitimate interests of the Federal Government. Rather, it establishes an elected local government free to interefere with and obstruct the Federal interests, which is contrary to the express provisions of the Constitution.

In 1783 the Capitol was moved from Philadelphia, because of conflicts of administration between the local and Federal establishments. That is why the Constitution clearly prescribes guidelines to safeguard the Federal interest. The framers of the Constitution clearly intended that the Federal interest be predominant in the Nation's Capital, and that the application of the principle of self-government, as it was intended to apply in other parts of the country, must be limited in the District.

The powers of the local government under H.R. 9682 would be virtually unlimited. Nearly all enactments of the city council would become law immediately and could repeal, amend, or supercede Acts of Congress; and neither the Congress nor the President would have an effective check with which to protect the Federal interest. The logical complement of the appropriation of Federal funds is congressional oversight. However, under this bill the President could only comment on the city's requested Federal payment, and the Congress could not participate in determining line-items in the District budget—only "a lump sum unallocated Federal payment" could be appropriated. There is also a delegation of authority to local officials to totally control the Metropolitan Police Department which now provides protection to the President, the Congress, and the Federal Establishment.

The President, in his second state of the Union address, endorsed the Nelsen Commission recommendations as deserving of careful consideration, because they would "strengthen the capability and expand the authority of the city's government and moderate the Federal constraints over its operation." The fact that some of the Commission's recommendations are tied to this highly controversial bill should not persuade us to support legislation that is undesirable. This is especially true when the recommendations are included, as they are, in an altered and unsatisfactory form.

With these thoughts in mind, I am including at this point in my remarks for the RECORD a listing of some of the major objections of H.R. 9682, the bill which was reported out of the House District Committee. I cannot help but conclude that we should keep an open mind on this issue with a view toward considering an alternative approach to H.R. 9682.

SOME MAJOR OBJECTIONS TO H.R. 9682

An analysis of H.R. 9682, the "home rule" bill, indicates the following, among other, principal points of opposition to the bill:

Statehood authority—virtually all executive, judicial and legislative authority—is transferred to a local municipal government without statehood responsibility.

Delegation of authority to the local government to amend, repeal, or supersede Acts of Congress is an infringement on the Constitutional authority of the Congress.

Reservation of the power of the Congress to repeal acts of the City Council offers little protection of the Federal interest in the Nation's Capital, as "repeal" legislation is very difficult to enact.

Transfer of total authority over the Metropolitan Police Department to local control leaves the Federal government dependent for protection upon the D.C. government.

Elimination of Presidential appointment of judges in the District of Columbia courts is unprecedented.

Transfer of broad authority to the Council permits misdemeanors and felonies under the D.C. Criminal Code to be prosecuted by the Corporation Counsel instead of by the U.S. Attorney and is a limitation on traditional Presidential authority.

Exemptions to the Hatch Act for Federal employees could serve as a precedent and lead to a return of the "spoils system" in the government service.

Elimination of Congressional line-item appropriation control (only a lump-sum unallocated Federal payment may be appropriated) over D.C. spending—which includes a substantial amount of the Nation's taxpayers' money—is an abdication of the responsibility of Congress to control and account to taxpayers for Federal spending.

Removal of the President's degree of control over the D.C. budget would be virtually

eliminated by the restriction of his authority to merely "commenting" on the city's request for an annual Federal payment.

Provision for a city accounting system that would not be required to meet any professionally accepted standards (such as those of the General Accounting Office or the Municipal Finance Officers Association) would tend to inhibit full disclosure to the public and the Congress.

Delegation of unlimited reprogramming authority to the City Council over all funds, with no requirement for Congressional notification or approval, permits the local government to nullify actions of Congress for previously appropriated funds.

Provision that the D.C. Zoning Commission would not be required to follow recommendations of the National Capital Planning Commission (NCPC) endangers the Federal interest in that the city could alter the Comprehensive Plan adopted by NCPC.

Loopholes for proceeding the city's "14 percent formula" in the matter of capital indebtedness would jeopardize its ability to meet its fiscal obligations, and Congress would inevitably be asked to "bail out" the District to make up deficiencies.

Procedural rules of the House of Representatives are dictated with respect to Congressional resolutions pertaining to certain salary increases and amendments to the charter.

Use of city funds to establish a number of neighborhood advisory councils could be authorized at a minimum annual cost of $400,000 with no limitation on the maximum cost or method of financing.

Penalties are not provided for exceeding apportionments of funds (Anti-Deficiency Act), although the District would be spending large amounts of Federal funds.

Delegation of such broad legislative authority as to be unconstitutional or permit excessive "experimental" local legislation is included.

## THE CASE OF VALERY PANOV

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

Mr. KOCH. Mr. Speaker, tonight begins the Jewish New Year, Rosh Hashanah, the year 5734. It is one of the holiest days celebrated by Jews throughout the world. It is a day of meditation spent at prayer in a synagogue. The prayers of Jews throughout the world include a special prayer for our Soviet Jewish brethren held hostage in the Soviet Union. I should like to bring to the attention of the House the plight of the Panov family:

Of all the Russian Jews forcibly detained in the Soviet Union, I feel the closest personal tie to Valery Panov. Last November, a member of my staff befriended Panov while visiting the Soviet Union. In addition, I have recently become acquainted with Mr. Panov's best friend, the eminent museum curator Dr. Leonid Tarassuk. Dr. Tarassuk was successful in escaping Russian repression and is continuing to work tirelessly for the freedom of his friend and other Soviet citizens. My exposure to first-hand accounts of Panov's tragic situation has given me a very personal incentive to offer some help to this very special man.

Valery Panov is a ballet dancer—one of the greatest in the world. He and his 23-year-old wife were members of the Kirov Company in Leningrad when they applied for exit visas for Israel. Panov was immediately dismissed from the Kirov, harassed, and forbidden to dance anywhere. His wife Galina was demoted to the lowest echelon of the Kirov.

Before Leonid Brezhnev visited the United States last June, the Panovs were assured that they would get their visas if they refrained from publicizing their case during the summer months. On August 9 that commitment was officially confirmed to an American visitor in Moscow, Robert Abrams, Borough President of the Bronx, N.Y. A Soviet deputy interior minister named Viktorov, with other high officials present, told Abrams that Panov "will positively be able to leave." The Panovs complied with the stated condition.

Last month the authorities again rejected the Panovs' visa applications. Two weeks ago Panov was told that he might be allowed to leave, but only after leaving Galina behind. He declined the offer.

It has now been 1 year since Valery Panov last appeared on a public stage. At 34 he should be at the peak of his career. Each day of public inactivity makes his former greatness more difficult to retrieve. He has no mail service, no phone service, and he is repeatedly subject to harassment during his infrequent excusions from his tiny apartment. He has no income whatsoever; he and his wife exist on small gifts from friends.

Panov complains that his western sympathizers do not fully understand his situation. They offer him material necessities, but do not appreciate his need for spiritual sustenance. This man is an artist with complete devotion to the ballet. The denial of his right to dance is the denial of his right to live. At the age of 34, he feels his life force draining away. As he told Anthony Lewis the New York Times:

> I have a little more strength left to fight. I must get out or my life is over; there is no more me.

Clive Barnes of The Times has led the American artistic community in a determined effort to free the Panovs. Barnes has recognized that this case presents something more than another vicious denial of individual liberty. The Soviet denial of the Panovs' right to emigrate robs the world of two renowned international talents. Greatness in the arts is so rare that its value is infinite. The detention of the Panovs is an affront to the right of people the world over to appreciate and preserve their few truly creative artists. In the case of the Panov family, one need not be completely altruistic to be outraged. The loss is our own.

I ask the Members of this Congress to keep in mind the Panov family when they consider the Jackson-Mills-Vanik trade amendment. I ask you to give some thought to the notion that war between nations does not exhaust the idea of violence. Surely the enforced isolation of the Panovs is as much an act of violence as any clash of arms. If we shrink now from our moral responsibility to assist the Soviet Jews by failing to support Jackson-Mills-Vanik, we will thereby give tacit approval to the violence done to individuals like the Panovs. Detente yes; but not at the price of the dignity and freedom of Soviet Jews.

## BILINGUAL JOB TRAINING IS ESSENTIAL TO AID THOSE PERSONS NOT PRESENTLY BENEFITING FROM MANPOWER PROGRAMS

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

Mr. BADILLO. Mr. Speaker, since the enactment of the Manpower Development and Training Act over a decade ago, some success has been achieved in furnishing employment security to those persons lacking adequate training and preparation for a wide variety of employment opportunities. We have seen the successes of numerous institutional and on-the-job training efforts, by various components of the poverty program and by certain cooperative ventures between the private sector and the Federal Government.

Although there have been significant accomplishments in this field, I believe far too many Federal manpower programs are failing to reach many persons who urgently require occupational training because of language and cultural barriers. Because most of the manpower programs are conducted solely in the English language, the services offered simply do not reflect the needs of those for whom many are intended. These well-intentioned job training efforts frequently fall far short of the mark because of the failure to recognize the fact that the participants' mother tongue—the language which they use in their daily lives—is other than English. It must be understood that Spanish-speaking Americans and other foreign-language speaking persons want to achieve success while retaining pride in their own rich cultural heritages and institutions. Unfortunately, however, these individuals are often penalized in counseling, job referral, institutional training and the various other basic components of current manpower programs simply because they do not speak or have limited abilities in English.

In many cases English is an ingredient of manpower development and training programs. However, they are almost always pre-vocational and just allow the participant to learn enough English to be trained in conventional English-language courses. It has been most aptly observed that, under this situation, the Spanish-speaking, French-speaking or other foreign-language speaking person is forced into a holding pattern before he is even able to undertake the occupational training he desperately needs and wants.

There is a critical need for bilingual job training in New York City, particularly when you consider the number of persons whose mother tongues—the language most frequently spoken in the home and in the neighborhood—is other than English. These men, women and children are already being seriously short-changed by many public education programs and we must not continue to relegate them to this second-class citizenship in job training programs.

This situation is particularly critical in the Spanish-speaking community. Consider the fact that the average me-

dian income of Spanish-speaking families is almost $3,000 below the average for the rest of the Nation or that 1 out of every 5 adults of Spanish-speaking background has completed less than 5 years of formal education as compared with only 1 out of 25 for all other groups. The current unemployment crisis has hit the Spanish-speaking community particularly hard and in many instances it has reached depression proportions. In New York City, for example, the jobless rate among Puerto Ricans was 6.7 percent a short time ago while the unemployment rate for all whites in the city during the same period was only 4.0 percent. Similar statistics can certainly be cited for Mexican Americans in the Southwest and for other Spanish-speaking persons throughout the country.

Manpower programs are essential in order that Spanish-speaking and other foreign-language speaking citizens can develop the necessary skills and talents in order to fully and equitably compete with other Americans in business and industry. However, they must be made more responsive to the needs of those they are designed to aid. Action must be taken to establish bilingual manpower training programs to fully involve those qualified persons whose mother tongue is other than English. Meaningful steps must be taken to fill this significant void in our national manpower and employment policies.

I am today introducing legislation—the Bilingual Job Training Act of 1973—to aid bilingual persons to close the gap between their own ability and that of others caused by language and culture. This long-overdue measure places emphasis upon the individual needs of the trainee rather than upon some particular training technique or method. Under this legislation the Labor Department would grant assistance to States, local public schools and nonprofit private organizations to support the establishment and implementation of bilingual job training programs. The bilingual job bill will provide grants for the training of teachers and related educational personnel in order that they may effectively participate in the bilingual occupational training programs and it calls for the development and dissemination of various related instructional materials such as texts and audiovisual materials.

I commend the senior Senator from Texas (Mr. TOWER) for the initiative he has taken on this important issue and for his lead in authoring the bilingual job training measure. I am pleased to be able to join with him by sponsoring this legislation in the House.

An effective bilingual job training program will represent a meaningful investment in the Nation's future from both an economic and a cultural standpoint. It will enable those who speak a language other than English to receive the full benefits of the various manpower training programs and will equip them with the tools with which to seek gainful and meaningful employment.

It is particularly appropriate that I introduce the Bilingual Job Training Act at this time as the House Select Labor Subcommittee, of which I am a member, currently has before it comprehensive manpower legislation. An important and integral component of this legislation must be a substantive bilingual occupational training and employment program. A commitment must be made by the Congress that we will not permit those in need of occupational training, job counseling and placement and related assistance to go unaided simply because they are from a different culture and are most accustomed to speaking a language other than English. The extension of bilingual education into the area of job training is long past due and is of utmost necessity if these programs are to be meaningful and truly effective. Equal employment opportunities can only be fully achieved if those who are disadvantaged by their limited English-speaking ability can have access to the job market on the same basis as all other citizens.

The important contributions and programs conducted by such groups as SER and the Puerto Rican Forum have proven the efficacy of bilingual job training programs. I believe we must act promptly and decisively to insure that we significantly expand these efforts by declaring bilingual training to be a national manpower commitment. Whether by enacting the Bilingual Job Training Act as a separate measure or by including it as a component of the comprehensive manpower legislation, I urge that decisive action be taken on this issue and that our colleagues join in fulfilling this commitment.

---

## OVERTHROW OF CHILEAN MARXIST REGIME DRAMATIZES NECESSITY FOR FIRM STAND BY UNITED STATES AGAINST ANY SURRENDER AT PANAMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 60 minutes.

Mr. FLOOD. Mr. Speaker, the overthrow on September 11, 1973, by the anti-Communist armed forces of Chile of that country's Marxist government immediately aroused the most intense interest among Latin Americans residing in the United States and has produced worldwide repercussions, especially among South and Central American nations. Because of the extent of these reactions the event should be understood in historical perspective.

In 1936–39, before the outbreak of World War II, Army officers of Spain led a successful revolt against that country's increasingly Communist popular front government in what was the first defeat on the field of battle of a growing Soviet imperialism. That victory later enabled Spain, strategically located at the Strait of Gibraltar, to permit the establishment of bases for the armed forces of Western powers on its territory after World War II.

I might add, Mr. Speaker, that as a member of the Committee on Appropriations for the Department of Defense I was present in Spain with Franco when we negotiated the treaty for our air bases there, and subsequently when we negotiated the treaty for our naval base at Rota, which is so very important now with the 6th Fleet in the Mediterranean. And also, by coincidence, I was back there last month for an investigation again, and a survey of the 6th Fleet and the base at Rota, Spain.

The historic functions of Germany and Japan have been to serve as dikes against Russian expansion in Europe and the Far East, respectively. World War II destroyed those two great bastions against Soviet expansion in what eventually became one of the most extensive series of territorial conquests that the world has ever known. It was aimed at setting up a global system of socialistic republics.

In Europe, the donation of 10 formerly independent nations, through secret agreements by pro-Red forces in Washington, assured Soviet domination in East Europe, requiring the United States to maintain large forces there and in the Mediterranean Sea since World War II, and at great cost.

In Asia, the success of influences in Washington favorable to Red interests brought about the fall of the Chiang Kai-shek National Government of China forcing its removal to Taiwan in 1949 and brought about the installation of a tyrannical Communist government for mainland China under Mao Tse-tung.

Mr. Speaker, I happened again by coincidence to be in China in September 1945 and came here and took the floor and warned and spoke of these dangers that would follow if the course which was then being pursued was pursued, and the dangers did take place, and did happen, and were exacerbated.

It was these developments that enabled North Korea in 1950, with active support from two strong Communist powers, the U.S.S.R. and Red China, to invade South Korea, involving the United States in another costly and bloody war. Unfortunately, our Armed Forces were not allowed to win that war in the shortest possible time with the least loss of life. General MacArthur realized that Red powers had chosen Korea to test the West and warned that in the event of failure to win that war decisively it would have to be fought all over again an another area and possibly under less favorable circumstances.

Just as he predicted the consequence of that failure was the 10-year Vietnam war, which was theoretically ended in 1972, after a total of 45,882 U.S. action deaths and 899,156 total deaths for the enemy. This tragedy was our longest and one of our most costly wars, directly traceable to the power of pro-Red advisers in our government in preventing proper conduct of the war in Korea.

The picture presented by post-World War II events is that of a determined struggle for global domination by the world revolutionary movement. A prime objective in that effort has been the control of strategic areas and waterways. These objectives of Red power have included the southern part of South America to dominate Drake Passage around Cape Horn and the Strait of Magellan between the Atlantic and Pacific Oceans, Southern Africa to control the maritime routes around the Cape of Good Hope between the Atlantic and Indian Oceans, Southeast Asia for its resources and control of the Strait of Malacca, the vital

Mediterranean and the Suez Canal, and the strategic Caribbean Basin and the Panama Canal. Geopolitical events since World War II have greatly advanced the fortunes of Soviet powers toward attainment of their objectives.

Red penetration of the Caribbean with the occupation of Cuba in 1959 and the subsequent basing there of Soviet submarines has brought about an increased concern by the people of our country, especially in States on the Gulf of Mexico. The closure since 1967 of the Suez Canal and the Soviet naval buildup in the eastern Mediterranean have had untold consequences for evil, mostly for the people of Europe. The establishment in 1968 of its pro-Red revolutionary government of Panama has increased the dangers that face our greatest artery of interoceanic commerce and hemispheric security—the Panama Canal. The Communist take-over in 1970 of the Presidency of Chile was a further step in the advancement of the Red tide toward its oft-repeated objective—the eventual destruction of the United States.

Mr. Speaker, no wonder the events of September 11, in strategically located Chile, are being hailed by well informed military and naval analysts as the first major setback for the world revolutionary movement since its defeat in battle before World War II in Spain.

Two announced purposes of the provisional military government of Chile are: First, "liberation of the fatherland from the Marxist yoke;" and second, the "restoration of order and constitutional rule." Among its first actions were breaking diplomatic relations with Soviet Cuba and deporting a plane load of Cuban diplomats.

The latest reports from Chile are that the new government has matters under effective control, that the country is returning to normal, and that the new regime is strongly supported by leaders in the Chilean Congress. It is definitely in the interest of Western nations to avoid any intervention in the current restoration of constitutional government in Chile.

Mr. Speaker, as coming events usually cast their shadows, I believe it most significant that on September 7, only 4 days before the Chilean overthrow, Chief of Government Omar Torrijos, the strong man of Panama, in company with his brother, Moises Torrijos, Panamanian Ambassador to Spain, left by International Airline for Madrid on a "planned vacation." His family left a day earlier for the same destination.

When I was in Madrid, Mr. Speaker, last month, I spoke to my Spanish friends, and they told me that Torrijos' brother, the Ambassador to Spain, was back in Panama City. I got back here on the 5th. The next day on the 6th Torrijos' wife and children that night left for Madrid, and the next day Torrijos and his brother left for Madrid. So there you are.

As far as can be ascertained, those departures were not reported in the mass news media of the United States. However, I learned of them from sources believed to be well informed and set out to get any additional information.

When queried by me on September 9, officials of our Government stated that they knew about the Torrijos departures, that they had been long planned and that there was nothing about which to worry. Knowing Latin American tradition of advising key political leaders in time of pending trouble to "take a vacation," I replied that they had better be worried.

Despite the effort by the present Panama Government to avoid a public uproar by playing down the Torrijos departures, many of its citizens, fearing a Red takeover of their country by Communists ensconced in government departments and Red fronts on the isthmus, were reported as clamoring for the return of constitutional rule. Some even predicted that the Torrijos "vacation" would be a prolonged one. The fact that Panama has not had constitutional government since October 11, 1968, when the Torrijos pro-Soviet regime came to power, has naturally created a yearning for its return.

Mr. Speaker, whether the latest news from Panama means that Torrijos was driven out by a pro-constitutional faction or by one more ardently linked with the world Communist conspiracy than he was remains to be seen. But the news does serve to confirm what I have stated on many occasions: That Panama is a land of endemic revolution and endless intrigue. In addition, it emphasizes again the absolute need for a resolute policy on the part of the United States to surrender no part of its treaty-based rights, power and authority over either the Canal Zone or the Panama Canal. The idea of trying to placate radical demagogs in Panama by further surrenders as is now being attempted is historically exposed as pure piffle.

Regardless of what dramatic reactions that the September 11 Chilean overthrow may evoke in Panama, I have often voiced the view of informed North and South Americans from various parts of this hemisphere that the realities of the situation on the isthmus demand that under no circumstances should Panama be allowed to become another Cuba. Nor should it be forgotten that the United States has solemn obligations with Great Britain and Colombia as well as with Panama. Moreover, these events again demonstrate the need for bettering our relations with all countries of the Western Hemisphere from the Arctic to the Antarctic by creating the office of Deputy Secretary of State for the Americas responsible directly to the Secretary of State. CONGRESSIONAL RECORD, March 14, 1973, page 7676.). H.R. 7116 to create such office, introduced by my distinguished colleague from Louisiana (Mr. WAGGONNER), is now pending before the House Committee on Foreign Affairs.

Mr. Speaker, as I have stated in many previous addresses in and out of the Congress, the Canal Zone and Panama Canal form part of the coastline of the United States. Because of this it has long been a main focus of power politics, making it imperative that our Government indicate clearly to the world its intention to adhere to our historic Isthmian canal policy.

The best way to do that is the prompt authorization by the Congress for resumption of work on the suspended major modernization of the existing Panama Canal in the U.S. Canal Zone as improved as the result of experience in World War II. Legislation for such modernization, which is now pending in both House and Senate, has strong support from important ecological, patriotic and shipping organizations, of which the Friends of the Earth, the American Legion, and the American Maritime Association, respectively, are examples.

Such act of sovereignty by the Congress will clear away present confusions and uncertainties generated by years of pusillanimous procrastination and abject surrenders, revitalize the isthmus, benefit the shipping that transits the canal and has to pay tolls, stimulate the economy of Panama, and restore some of our lost prestige in Latin America.

Mr. Speaker, for those seeking additional authoritative information on the canal problem attention is invited to the following address or remarks in the CONGRESSIONAL RECORD of the 93d Congress:

Hon. Harry F. Byrd, Jr., et al. Colloquy by six Senators on "The Future of the Panama Canal," July 19, 1973, pp. 24746–51.

Hon. Philip M. Crane. "Panama Canal: A Study in Sovereignty," Mar. 15, 1973, pp. 8275–76.

Hon. Daniel J. Flood. "Crisis at Panama: A Three-Pronged Assault on the Canal Zone," Feb. 8, 1973, pp. 3912–16.

Hon. Daniel J. Flood. "Sea-Level Canal Controversy: An International Symposium at Monaco," Mar. 5, 1973, pp. 6519–21.

Hon. Daniel J. Flood. "U.N. Security Council: Danger at Panama and the Remedy," Mar. 19, 1973, pp. 8496–98.

Hon. Daniel J. Flood. "Crucial Panama Canal Issues: Continued U.S. Sovereignty Over U.S. Canal Zone and Major Modernization," May 31, 1973, pp. 17512–14.

Hon. John M. Murphy. "Panama Canal: Onassis-Owned Victory Carriers Support Major Modernization," July 31, 1973, pp. 27047–48.

Hon. John R. Rarick. "Canal Zone Sovereignty: Real Issue Is United States Control versus U.S.S.R. Domination," May 9, 1973, p. 15090.

Hon. Gene Snyder. "Panama Canal Problem: Major Issues Clarified . . .," May 10, 1973, p. 15371.

Hon. Leonor K. Sullivan. ". . . Urges Panama Canal and Canal Zone Resolution," Feb. 27, 1973, p. 5683–84.

Hon. Strom Thurmond. "United Nations Security Council Meeting in Panama City," Mar. 15, 1973, pp. 8084–87.

Hon. Strom Thurmond, "S. 2330—Address introducing," Aug. 2, 1973, pp. 27464–67.

Hon. Joe D. Waggonner, Jr. "Panama Canal: Heart of America's Security . . .," June 13, 1973, pp. 19390–91.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I will yield to the distinguished gentleman from New York (Mr. MURPHY) who for years served as chairman of the very important subcommittee of the Committee on Merchant Marine and Fisheries which deals with Panama and the Panama Canal. As on old-time veteran he speaks the language, he knows the subject, and I have great pleasure in yielding to the gentleman from New York.

Mr. MURPHY of New York. Mr. Speaker, I would like to point out to my colleagues that we owe a deep debt of gratitude to the gentleman in the well not only for his expertise and knowledge on the subject of the Panama Canal but also on the Americas and on worldwide shipping problems that America and the

world face should our canal or our five major passageways, as he pointed out, become obstructed.

I would say for years the House has had the benefit of the knowledge and intelligence of the gentleman from Pennsylvania, Chairman FLOOD, in this area, particularly where the canal is involved. I might say in the hearings that I chaired last year as chairman of the Subcommittee on the Panama Canal, we pointed out that the House of Representatives had jurisdiction in any treaty negotiation or abrogation or extension or changes in treaties between the United States and Panama.

We documented the fact that the Panama Canal was paid for and every parcel of property in Panama was paid for by appropriated funds and any land transfer or change in that treaty is a subject of the House of Representatives and is not in the sole jurisdiction and exclusive jurisdiction of the Senate. The witnesses from the Department of Justice and the witnesses from the State Department could present no evidence to the satisfaction of the committee at the time that the House did not share concurrent jurisdiction.

I might say earlier this year the ambassador appointed by the President for the past 7 years resigned from conducting the treaty negotiations, Robert Anderson, and then Ambassador Ellsworth Bunker was appointed to succeed Ambassador Anderson. I would also like to point out that just this year John Scali, our Ambassador to the United Nations, objected to the United Nations going to Panama to hear the issue of the Panama Canal and to have it be laid out in broad terms before the world.

We saw that forum turned into a diatribe against the United States. We saw the meeting go into the final hours with a resolution that the United States actually could agree to and which had been worked out with Panamanian diplomats. But 2 hours before that resolution was voted on, Panama turned 180 degrees in its approach and placed outrageous demands in a new resolution to which the United States could not possibly agree. It was clear that General Torrijos or people behind General Torrijos had forced him to change his position 180 degrees in order to try to embarrass the United States.

The United States invoked a veto for the second time in its history in the United Nations to block that resolution. And our Ambassador was threatened that if he exercised the veto he had better do it from Tocumen Airport and then leave the country. I think that with the history of the Panama Canal problems being brought up to date, we in the House can thank Chairman FLOOD for keeping us currently abreast of the international problems not just in the Panama Canal, but as Panama relates to all of the Americas.

Mr. Speaker, we are deeply grateful for your pointing that out to us at this time.

Mr. FLOOD. Mr. Speaker, I have always been very appreciative and very grateful to the distinguished gentleman from New York for making another of his most valuable contributions to this extremely important subject.

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

Mr. FLOOD. I yield to the distinguished gentleman from Kentucky.

Mr. SNYDER. Mr. Speaker, I want to joint with my colleague from New York (Mr. MURPHY) in commending the gentleman in the well for the leadership he has shown on this issue which is not only of importance to the United States, but to the entire free world.

Just last month, I was privileged to spend some time with General Torrijos and be with him in some of his day-to-day operations of government. I found, and of course this has to be personal opinion as I observed it and may obviously contain some error, but it was my observation that he is in such a situation there now that he has very few around him upon whom he can depend. He has been standing almost alone, and I remember the observation the gentleman in the Well has made in regard to his trip to Spain. Whether this is the final trip or whether it is going to occur in the days ahead, I would not want to pass judgment on, but it is going to come and it is not going to be too long.

I saw General Torrijos standing with a .38 strapped on his side and his guards out there with their machineguns standing around as he attempted to mediate a dispute between two labor groups, taxi drivers who were having a dispute in Panama City.

I went with him to the Chiriqui Province, and he himself actually went to see whether or not some people were painting a school on a deal he had made with them that if they would paint the school, he would get up a new school bus.

He did not trust anybody to go and make these observations for him.

I went with him to a small community, the name of which I have forgotten now, but it is near the Costa Rican border, where they dedicated a waterline. It goes into the plaza, the town square, and not into the homes.

I asked, "What size waterlines do you have here?" The Ambassador to the United States said that nobody knew what size the waterline was. General Torrijos, he tells them what it is. Whether he is making it up, I do not know, but the point I am making is that in none of these instances did he have anyone around him to whom he delegated authority.

He made certain commitments and promises to the taxi drivers and teachers. I would question his followthrough on this. I asked the interpreter and he said, "Well, the General will follow through on it." He said, "His secretary is here taking notes." I happened to know where she was. She was not there. She was with the wives over in the compound.

Mr. Speaker, I just want to say that I appreciate the leadership Congressman FLOOD has shown in keeping the attention of the House focused on this very important situation; important to the United States certainly, but also to the whole free world. I hope the gentleman will continue to render this great service, as I am sure he will and as he has.

Mr. Speaker, I would say to him further that there are some internal problems now brewing in the Canal Zone where many of our own people and those who are Americans are employed by the canal company, who perhaps by their actions, and perhaps not with any intent to do so, are giving aid and comfort to those who would take a different position in regard to the sovereignty of the canal so far as we are concerned, the Canal Zone.

I would hope that the gentleman, in his continuing deliberations, would direct his attention to that, also. I thank the gentleman for what he has done and what he has said today and his continued interest in the Canal Zone for America.

Mr. FLOOD. I thank the gentleman very much for what he has said. It is very interesting.

I have been there, as the gentleman probably knows, a few times. I have seen the leaders of Panama come and go like Greyhound buses. As I say, revolution is endemic.

That is a condition precedent to maintaining our position. I serve on the Subcommittee on Defense Appropriations, and I consider that the jugular vein of our hemispheric defense.

I am interested in the entire Caribbean. There is Cuba. There it is, the Soviet Bay.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

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

Mr. MURPHY of New York. I should like to point out to my distinguished colleague that General Torrijos sent the Guardia Nacionale to the Boise Cascade subsidiary of Fureza e Luz and expropriated that company at gunpoint.

Mr. FLOOD. The gentleman knows General Torrijos very well.

Mr. MURPHY of New York. I should like to say that the buses of the transportation company serving the Panama Canal Zone were hijacked at gunpoint and taken out of the Canal Zone.

We understand the feelings of countries wanting jurisdiction within their own countries, but we also have an understanding of due process of law. I think we have seen a noticeable lack of that in Panama.

Had the Panama Canal Subcommittee not had the hearings on the expropriation of the Boise Cascade property I am convinced a fair market value would not have been paid for that company. In fact, $21 million was paid in the long run for the Fureza e Luz Co.

We have seen the attitude of this regime in its totally unrealistic demands and its actual willingness to abrogate treaties without going through the process of negotiation.

We also should look at Central America at the country of Nicaragua which successfully abrogated a major treaty with the United States through negotiation, through friendship, without any threats. I believe that was certainly an example to all of Latin America as to how to proceed.

Mr. FLOOD. And we have our friend in Nicaragua.

Mr. MURPHY of New York. That is tangible proof the United States will act in good faith with its neighbors.

Mr. FLOOD. Yes.

Mr. MURPHY of New York. And not

be the shark of the Americas, as we have been referred to in many instances in the South.

Mr. Speaker, I would point out to Members the impact of the weak State Department position in the Republic of Panama as exemplified in an article in the New York Times of Sunday, September 23, 1973. An article by Richard Severo, datelined Panama City, appears to have been written from a desk in the U.S. Embassy in Panama. The article reflects the cover story that the State Department has been promulgating since the winter of 1971 in an attempt to hide the fact that high officials in the Panamanian Government were sanctioning and participating in the international narcotics traffic. This is typical of the misinformation that is being fed to the American people over the inability of the current Panamanian Government to function and over the absolute necessity of the presence of the United States in the Canal Zone.

I include at this point in the RECORD the article entitled "Panama Praised for Drug Curbs" and a letter to the Editor of the New York Times in which I have pointed out only those inaccuracies in the story relating to my activities as chairman of the Panama Canal Subcommittee vis-a-vis the international drug traffic through the Isthmus of Panama.

[From the New York Times, Sept. 23, 1973]

PANAMA PRAISED FOR DRUG CURBS—UNITED STATES, ONCE CRITICAL, LAUDS EFFORTS AGAINST TRAFFICKERS

(By Richard Severo)

PANAMA CITY, September 22.—A year or so ago, Panama was being criticized both inside and outside the United States Government as having failed to stop the narcotics trade here. Now, it is receiving nothing but praise.

United States Drug Enforcement Administration sources say that Panamanian anti-narcotics efforts have been so successful lately that heroin traffickers have begun to avoid Panama City, which had been singled out previously as a major transshipment point for narcotics en route to the United States. Officials do not expect the heroin traffickers to stay away indefinitely, however, since one of their ploys is to diversify their routes to the United States.

The change in the effectiveness of police work here has become increasingly apparent in recent months, the officials say, as Panamanian authorities have made major seizures of cocaine and marijuana. Marijuana grows in abundance in this country. The cocaine originates in South America and passes through Panama in a refined state.

Previously, Panamanian authorities expressed sympathy with the United States drug-abuse problem but maintained that the volume of marine and air traffic through this country made detection work very difficult. Now, they apparently have a different attitude.

TRAINING COURSE FOR AGENTS

Last week, at the opening of a training course for 42 Panamanian narcotics agents conducted by instructors from the United States, Lieut. Col. Manuel Noriega of Panama's National Guard emphasized that any indifference in Panama was over and pledged a "war to the death" against traffickers.

United States officials are publicizing their satisfaction at the latest events in Panama. A major part of the reason is the deep resentment two years ago when Representative John M. Murphy, Democrat of Staten Island, charged that high-ranking Panamanian Government officials were engaged in one way or another in narcotics smuggling. One of the names mentioned was that of Juan Antonio Tack, Panama's Foreign Minister.

United States sources now say that no real evidence against Mr. Tack or any other Panamanian Government official was ever turned up, and the United States officials have reportedly apologized to Mr. Tack.

Mr. Tack is frequently an outspoken critic of the United States. He has been among the leaders insisting on a new treaty for the Panama Canal to give Panama full sovereignty over the zone, which the United States has administered since the opening of the Canal in 1914. The accusations against Mr. Tack are known to have hurt him deeply and they came at a time when both the United States and Panama were saying that a new treaty had to be written but without agreement on what it should provide.

DIRECTOR MAKES ARRESTS

There is also a feeling that Panama decided to act more vigorously on the narcotics issue because they wanted to avoid an international reputation for laxity.

Dario Arosemena, director general of the National Department of Investigations—the Panamanian counterpart of the Federal Bureau of Investigation—has taken a personal role in drug investigations and raids, working with agents in actually making arrests.

Among those arrested have been Americans accused of jumping bail on drug charges in the United States.

In Panama now sellers of drugs classified as narcotics can get a maximum of five years in prison. Most of those convicted receive about two years. Possession of heroin, cocaine or marijuana can bring up to two years, but sentences are normally lighter.

---

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., September 26, 1973.*

The EDITOR,
*The New York Times,*
*New York, N.Y.*

DEAR SIR: I am writing to correct what I consider inaccuracies and insinuations concerning my conduct contained in a New York Times Sunday, September 23, 1973, article entitled "Panama Praised for Drug Curbs", written by Richard Severo. There are three points in the article that are made in reference to my investigation of the Panamanian drug traffic as Chairman of the House Panama Canal Committee which are misleading and inaccurate.

Mr. Severo first states that I have caused deep resentment two years ago by charging that high ranking Panamanian government officials were involved in narcotics smuggling. The facts are, it was not I but investigative agencies of the United States government that made these charges in a special report prepared for the Panama Canal Subcommittee in November of 1971. The Bureau of Narcotics and Dangerous Drugs concluded in that report: "It is clear that the Republic of Panama has not and is not paying sufficient attention to narcotic enforcement activities to achieve noticeable results. This may be due to high level apathy, ignorance and/or collusion."

A year later when Colonel Manuel Noriega issued a highly publicized statement announcing an ambitious anti-narcotics program by the Panamanian government that same month an intelligence report prepared for Congress by the General Accounting Office asserted that "Panamanian officials and security agents" are involved in the traffic in narcotics. In late 1972 a report supplied to the Subcommittee compiled from information and intelligence gathered by the several agencies with responsibility for international narcotics law enforcement reached by the following conclusion on the so-called "Latin Connection:" "Generally speaking, the greatest detriment to effective enforcement in Latin America is corruption. The corruption goes all the way to the top of some Latin American governments. One of the more glaring examples of official corruption is the country of Panama where General Omar Torrijos and President Lakas appear to be controlling factors in the narcotics traffic."

This goverment report concluded: "Because of the known involvement of Panamanian government officials in the international narcotics traffic, the U.S. Government should take a firm stand in the current negotiation of a new treaty for the continued use of the Panama Canal Zone."

As a matter of record, the New York Times carried stories on these reports when they were released by the Panama Canal Committee.

Mr. Severo then implies that I identified Panama's Foreign Minister Juan Antonio Tack as being involved in the narcotics traffic. The facts are, the allegations against Mr. Tack were made by BNDD officers in the Republic of Panama on February 23, 1972, during a subcommittee briefing in that country. Tack became so incensed he had three BNDD agents expelled from the country on 24 hours notice. Senor Tack's name originally arose during a briefing for Members of the Panama Canal Committee by Customs agents on a case that reached into the highest levels of Panamanian officialdom including Moises Torrijos, the brother of Panama's dictator and Foreign Minister Tack. One of the expelled BNDD agents testified before me in Executive Session and confirmed not only that he had told the committee of Minister Tack's involvement, but that he had been forced to sign a letter to Mr. Tack *written by the State Department* denying that he had so informed the committee. Inasmuch as the State Department has had a historic policy of frequently ignoring or denying the involvement of high ranking officials of friendly governments in the narcotics traffic it is not difficult to determine the source of Mr. Severo's information for his article.

All of which leads to the third and most mischievous statement in the article which claims that U.S. sources say that no real evidence against Mr. Torrijos or any other Panamanian government official was ever turned up. The facts are that Joaquin Him Gonzalez, a high ranking Panamanian official and notorious smuggler was arrested in the Canal Zone by U.S. authorities on February 6, 1971. Within two weeks he was brought to Dallas, Texas, for his active participation in the drug market and tried for conspiracy. Him Gonzalez was international transit chief at Panama's Tocumen Airport and he used his high position to protect shipments of drugs to the United States. He was accused on this occasion of sending to Dallas somewhat over a million dollars worth of heroin. Gonzalez was a Torrijos protege and this relationship was made clear when the Panamanian Government mobilized all its resources, something it had not done until that point, for the offender to be returned to Panama. Reports in the press cited the "angry outburst" and "outraged" protest of the Panamanian government—led by Juan Tack—over the arrest of Gonzalez.

The rupture became so great over the arrest of this high ranking Panamanian official the Attorney General of the United States was forced to dispatch a personal envoy to Panama to calm the situation down and write a letter of apology to Panama's President Lakas. Of even more significance, John Ingersoll testified before the Panama Canal Subcommittee in Executive Session that because of State Department pressure over the arrest of Him Gonzalez there would never again be a Panamanian official arrested for narcotics by U.S. narcotic enforcement agencies. And this is just one of the documented cases of official Panamanian involvement in the drug traffic.

I believe Mr. Severo did make one correct observation when he claimed that perhaps

Panama finally decided to act more vigorously against the narcotic traffic because they wanted to avoid an international reputation for laxity. I am convinced that the reason this has come about, if indeed it has, is due to the efforts of the House Panama Canal Committee in exposing the fact of "high level apathy, ignorance and/or collusion" on the part of the government of the Republic of Panama in international drug running.

Sincerely,

JOHN M. MURPHY,
*Member of Congress.*

Mr. FLOOD. The gentlemen are very kind to me. I am sure they will have an audience. I hope I do as well.

Mr. ASHBROOK. Mr. Speaker, I firmly support the exceptional, statesman's-like address delivered here today by my colleague from the neighboring State of Pennsylvania, DAN FLOOD.

When it comes to the subject of the Panama Canal Zone and the Americas—nay, the free world's stake—in that vital, strategic real estate, the House has always been able to rely on DAN to "tell it like it is." Today, he did just that. I recall that only a few months ago when DAN FLOOD and PHIL CRANE appeared on the TV program, "The Advocates" that he made the point, concerning Soviet presence in the Caribbean, that their submarines zipped in and out of Cuba with the frequency of Greyhound buses.

And in his colorful fashion he underscored the crucial importance of the canal by contrasting its proximity to Red Cuba, which sits astride the vital sealanes between South and North America, by stating that one could stand on Cuba's shores and spit a mouthful of Bicardi rum into the waters of the canal.

As a postscript to the above comments, I might add that the results of the followup poll conducted by the TV program, taken among 12,000 persons on the question, "Should the United States give up the Canal Zone?" show that 87 percent voted "No."

Mr. FLOOD's remarks today, which I urge all of my colleagues to read, points out that the overthrow of the Marxist government in Chile is the first major setback for the world revolutionary movement since the Spanish War of 1936–39.

Information received by the House Committee on Internal Security at hearings held in Miami last October revealed that the late Salvador Allende, former President of Chile and then a senator was the leader of the Chilean delegation which attended the infamous Havana Conference—popularly known as the Tricontinental Conference—of January 1966. Without question this gathering, representing 83 groups from 3 continents, brought together every leading Communist, radical, revolutionary, and every other leftwing luminary worth his Marxist salt from all quarters of the globe. The Kremlin supported that meeting—even at the expense of bypassing its own line—organizations—the orthodox Communist parties.

Allende, who reportedly said he would fight the recent military coup to the very end—but took his own life instead, returned to Chile after the Havana Conference and headed up the Conference's branch office in Santiago de Chile hence giving it a quasi-legal status. He was an official of the Chilean Government at this time.

Chile, in short, was being "Cubanized" as one committee witness related. Noteworthy is the fact that the largest nation in South America, Brazil, had 15 persons in the Chilean Embassy while Castro's Embassy had 48. Moreover, Luis Fernandez Ona, a top intelligence officer in the Red Cuban Embassy is married to Beatriz Allende, daughter of the late President. Not to be overlooked is the fact that Castro, having blown the Bolivan takeover operation attempted by Che Guevara, his former Cabinet officer, was not unmindful of the fact that Chile has over 2,000 miles of common border while Peru, Argentina and Bolivia. Nor was he unaware of the fact that U.S. strategic raw materials from these and other nations pass through the Panama Canal.

Mr. Speaker, to relinquish the canal to the left wing—tilting Panamian Government, is to, in effect, sever the Americas in half. It is in the national and in the hemispheric interests that such a calamity does not come to pass.

If, as DAN FLOOD has stated, the Canal is easily accessible to Red Cuba, the geopolitical reality of the situation in the Caribbean—keeping in mind the abortive Cubanization of Chile and of Bolivia and the unlimited support afforded Castro by Brezhnev—it is well within the realm of rational speculation that the Cuban dictator has every intention of Cubanizing the canal.

As in the case of the canal which links this country with her friends in South America, I would sincerely hope that the aisle dividing Republicans and Democrats in this House would provide the political, bipartisan path through which all of my colleagues may rise in support of DAN FLOOD's legislation.

Mr. CRANE. Mr. Speaker, I would like to commend my distinguished colleague from Pennsylvania (Mr. FLOOD) for taking this special order to again call attention to a very serious matter to all of us, the future of American sovereignty in the Canal Zone and the latest threat to that sovereignty.

The departure of Omar Torrijos from the Republic of Panama only days before the overthrow of the Allende regime in Chile is, as Mr. FLOOD indicated, very significant in viewing our role in the Canal Zone.

But Torrijos' flight follows the pattern of earlier rulers of Panama. His 5 years as dictator established a longevity record for rulers of Panama since the end of World War II.

I would like to share with my colleagues a portion of the transcript of "The Advocates" program of last spring in which the subject of American sovereignty in the Canal Zone was debated:

If we gave up the Canal Zone, we would be entrusting the security of the Canal to one of the most unstable countries in the Western Hemisphere. Consider the political upheaval just since World War II.

Enrique Jimenez became President under a new constitution. He served until the elections of 1948 which were declared a fraud, and was succeeded by Daniel Chanis. Police chief, Jose Ramon forced Chanis to resign and Roberto Chiari was declared President.

The Supreme Court voided Chiari's appointment, and Arnulfo Arias took office. Police chief Remon pressured Arias out of office and Alcibiades Arosemena in. He served about a year until Remon himself was elected President in 1952. Remon was assassinated in 1955 and replaced by Jose Remon Guizado who was arrested 12 days later as a suspect in the assassination. Ricardo Arias served out his term. Ernesto de la Guardia was elected in 1956 and became the first President since the war to serve a full four year term.

Roberto Chiari served until 1964 when Marco Robles took office. Robles was impeached but kept in power by the national guard until the inauguration, again, of Arnulfo Arias in October, 1968. After just eleven days, Arias was overthrown by the guard and Colonel Omar Torrijos, the present dictator, seized control and abolished the constitution.

The question facing this body is not whether the United States should give up its sovereignty over the Canal Zone to such an unstable country, but instead is when will the United States begin the program of modernization and improvement of the canal that is needed now and which will assume the continued efficient operation of this vital waterway by the United States?

Mr. FLOOD should be commended for his efforts in introducing the necessary legislation. I have introduced an identical measure and urge rapid consideration of this important action.

To further explain the program for the major modernization of the existing canal, it is important to know the background of that subject. In a notable letter addressed to the distinguished chairman of the Committee on Merchant Marine and Fisheries (Mrs. SULLIVAN) and distributed to all members of that committee and others, Congressman FLOOD has supplied the Congress a most helpful compendium of unusually pertinent information. Because the indicated letter places the subject in historical perspective, I include it as part of my remarks:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., June 19, 1973.*

Hon. LEONOR K. SULLIVAN,
*Chairman, Committee on Merchant Marine and Fisheries, House of Representatives.*

DEAR MADAME CHAIRMAN: As you well know, I have shared, and still share, your deep concern for the security and operational efficiency of the Panama Canal. It was, therefore, with the greatest interest that I read in the January 2, 1973 Report of Activities of your committee its summation of the major canal issues that remain to be resolved, which follows: "(a) Retention by the United States of its undiluted sovereign rights, power, and authority over the Canal Zone, which is the absolutely necessary protective frame of the Canal; and (b) Major modernization of the existing Canal within the present Canal Zone which means that we do not necessarily need a new treaty with Panama." (Ho. Rept. No. 92–1629, p. 36.)

It was especially gratifying to note that the committee followed the above with the very pertinent remark that "all other large Canal questions, however important, including the much discussed 'sea-level' proposal are irrelevant and should not be allowed to confuse that of the Canal's major needs, i.e. its increase in capacity and operational improvement." These cited statements on interoceanic canal policy, I believe, are the best ever made by any Congressional committee since the Spooner Act of 1902.

As you well know there are only two major

canal problems: (1) sovereignty, and (2) major modernization. In regard to the question of sovereignty, the indicated report emphasizes that under the U.S. Constitution the power to dispose of U.S. territory is vested in the Congress and not in the Executive (Ibid., p. 21.) Certainly U.S. sovereignty over the Canal Zone is not negotiable, despite all State Department sophistry; and your committee is in a strategic position to make the Executive realize this fact by following through on what the committee has already done. In viewing the problem of the future canal it cannot be too strongly stressed that, with the exception of the Madden Dam Project and the enlargement of Gaillard Cut from 300' to 500' in width, the Panama Canal is essentially what it was when opened to traffic in 1914. More than 50 years of operating experience have taught us what should be done to improve it; and this can be accomplished with every assurance of success.

The major modernization of the existing canal as provided in H.R. 1517, 93rd Congress, and other bills identical with it, consists of two closely related basic features: (1) increase of lock capacity, and (2) operational improvement.

The needed increase in lock capacity would be provided by the construction of one channel of larger locks (140' x 1200'). The long demonstrated need for operational improvements would be brought about by the elimination of the bottleneck locks at Pedro Miguel and the re-construction of the Pacific end of the Canal to form a summit lake anchorage to match the arrangement of the Atlantic end, with all Pacific Locks in 3 lifts at Aguadulce as they are at Gatun. This proposal, developed in the Panama Canal organization as the result of World War II experience, was promptly hailed by experienced Panama Canal engineers as the greatest single contribution to the Canal since the decision in 1906 by Chief Engineer John F. Stevens to relocate the Atlantic locks and dam from Bohio to Gatun to form Gatun Lake. That war-derived conception, known as the Terminal Lake-Third Locks Plan, promptly won the support of important maritime interests and the approval of President Franklin D. Roosevelt as a post-war project. In addition, the plan was approved in principle by Governor Glen E. Edgerton of the Panama Canal who, on January 17, 1944, in a report to Secretary of War Stimson, recommended it for comprehensive investigation but warned the Secretary that advocates of a sea-level canal "would oppose unjustifiably" any major change in the existing canal. (*Cong. Record*, Vol. 102, Pt. 8, June 21, 1956, p. 10762, par. 70).

Later, on November 15, 1945, the Terminal Lake proposal was approved in general by Governor J. C. Mehaffey during Hearings before your committee on H.R. 4480, 79th Congress, as the preferred plan for modifying the original Third Locks Project (Executive Hearings on H.R. 4480, 79th Congress, p. 91.) More than $76,000,000 was spent on that project before work was suspended in May 1942; largely on huge lock site excavation at Gatun and Miraflores, a railroad-vehicular bridge across the Panama Railroad near Gatun, all of which are usable and will be needed when work is resumed.

With the $95,000,000 expended on the enlargement of Gaillard Cut added to that spent on the Third Locks Project, the expenditures toward the major modernization of the existing canal total more than $171,000,000. Regardless of what State Department officials may say, such modernization does not require the negotiation of a new canal treaty with Panama (*Cong. Record*, Vol. 84, Pt. 9, July 24, 1939, p. 9834.)

In line with the 1944 warning by Governor Edgerton, two subsequent canal studies, authorized on Executive requests and without adequate Congressional consideration, were directed not toward the solution of the problems of ship transit as revealed by years of operating experience but for justifying the long pre-determined objective of a small industrial-professional group to secure authorization for the construction of that "hardy perennial" known as the sea-level project.

The first of those studies, authorized in 1945 during the hysteria that followed the advent of the atomic bomb, was the investigation under Public Law 280, 79th Congress, which recommended the "conversion" of the existing canal to one of "sea-level" tidal lock design for alleged reasons of "security" and "national defense". In the vast propaganda campaign that accompanied the 1945–48 sea-level drive, the atomic bomb was used as the psychological lever with which to browbeat the Congress. Because of the leadership of Secretary of the Navy Forrestal and many others, including distinguished military and civilian engineers and atomic warfare experts, that effort failed.

Subsequently in 1957, your committee secured the services of an independent Board of Consultants to consider and report upon the canal question. Its final report on June 1, 1960, emphasized that a sea-level canal could not be justified economically in the near future and expressed doubt that any canal of sea-level design could be constructed in the Canal Zone without causing "slides of the first magnitude" and "without serious danger of a long interruption to traffic . . ." (Ho. Rept. No. 1960, 86th Congress, p. 5.)

The second attempt to secure the authorization of a sea-level project was the investigation under Public Law 88–609, as amended. Its 1970 report, which has not been formally transmitted to the Congress by the President, calls for the construction not in the Canal Zone as recommended in the 1947 Report but in the Republic of Panama of a new canal of so-called "sea-level" design with tidal locks, about 10 miles west of the existing canal. Such canal will require a new treaty with Panama and involve many costly elements, including acquisition of the right-of-way, construction of new terminals, and reimbursement to Panama for upsetting its economy, none of which are covered in the initial 1970 cost estimate of $2.88 billions.

In the diplomatic negotiations with Panama that have been conducted at the same time with the preparation of the 1970 report, I have noted that Panama has habitually used as its negotiators some of its ablest leaders and scholars, who have done their homework, and that they have succeeded in brainwashing our own officials. The Panamanians always bring up the 1903 Treaty and, so far as can be determined, the 1936 and 1955 Treaties are never discussed.

One of the proposals mentioned in both the 1947 and 1970 reports is the completion of the originally authorized Third Locks Project, which calls for the construction of a set of larger locks alongside each of the existing locks. Such listing of this inadequate project in these two reports only serves to confuse, for any plan for the major modernization of the existing canal that does not eliminate the bottleneck locks at Pedro Miguel is totally defective and should be summarily dismissed as unworthy of any serious consideration.

The attached Memorial to the Congress, representing strong professional support from various disciplines, is probably the most incisive yet brief clarification of the overall canal problem ever prepared and is commended for careful reading. From so doing, it will be clear that the purpose of those preparing it was not the determination of alternatives or the justification of some predetermined objectives but arriving at the best solution of the problem of trans-Isthmian transit (*Cong. Record*, May 31, 1973, pp. 4210–12.)

In studying the question of increased lock capacity, I have examined some of the back as well as recent reports. They reveal important facts as follows:

August 4, 1931: Governor Harry Burgess, in his report to the Secretary of War on August 4, 1931, stated that under normal conditions the capacity of the canal was 48 lockages per day, that when lockages at Gatun average 32 per day there would be "peak days" of around 48 lockages, and that a third set of larger locks would be "required about 1970" (Ho. Doc. No. 139, 72nd Congress, pp. 24–27.)

COMMENT

At 32 lockages per day the annual total (32x365) is 11,680; at 48, the annual total is 17,520. In the 1960 study by the Board of Consultants, Isthmian Canal Studies (Ho. Rept. No. 1960, 86th Congress, p. 24) there is this table:

| Year | Transits: Daily average | Transits: Peak |
|---|---|---|
| 1959 | 27.2 | 39.2 |
| 1976 (estimate) | 32.7 | 47.1 |
| 2000 (estimate) | 43.0 | 61.9 |

For the Fiscal Year 1972 there were 14,238 transits; and periodic "peak days" involving delays on those days to vessels in transit.

February 24, 1939: Governor C. S. Ridley, in his report to the Secretary of War on February 24, 1939, estimated that the capacity of the existing locks would be reached by 1961 and that additional locks would be needed by that date. (Ho. Doc. No. 210, 76th Congress, p. 5.)

COMMENT

It was largely because of this recommendation that the Congress, without adequate prior investigations, authorized the Third Locks Project. (Pub. Law No. 391 76th Congress, approved Aug. 11, 1939.) It is significant that no treaty was involved in launching this project as it was "expansion and new construction." (*Cong. Record*, Vol. 84, Pt. 9, July 24, 1939, p. 9834.)

June 1, 1940: Governor Glen E. Edgerton, when discussing the 1939 Third Locks Project in a Panama Canal pamphlet, repeated the August 4, 1931, recommendation of Governor Burgess that a third set of locks would not be needed until about 1970. (The Panama Canal, *The Third Locks Project*, June 1941, p. 2.)

COMMENT

Construction on this project was suspended in May 1942 because of more urgent war needs and this afforded an opportunity for it to be re-studied in the light of war operating experience. (Ho. Doc. No. 474, 89th Congress, pp. 177–92.) In the 1947 Report under Public Law 280, 79th Congress, the Governor of the Panama Canal recommended only a sea-level project in the Canal Zone, for major increase of canal capacity, which action served to exclude what well informed independent canal experts then considered and still consider the best solution when the problem is evaluated from all significant angles, thus arousing their strong opposition. (*Ibid.*, pp. 473–78.)

In lieu of the major modernization that was required to solve the canal's marine operational problems, the 1974 Report recommended a program of repairs and alterations. Experienced canal engineers criticized it as being makeshift in character and without sufficient merit. (*Ibid.*, p. 475, par. 4.) They thus served to delay the basic and long overdue solution of the main problems of our long neglected tropical waterway.

While it is true that the repair and alteration programs since the 1947 Report have increased the number of vessels that can transit above the 1931–39 estimates they have not increased usable lock dimensions; and such dimensions are major factors in canal capacity.

As the Canal approaches capacity saturation, the magnitude and cost of essential, correlated improvements will increase. All of

these will in one way or other be affected in the event of major modernization and in some cases such costs could be reduced or obviated. (Improvement Program for Panama Canal, 1969.)

In commenting on the advantages of the Terminal Lake-Third Locks Plan, Governor David S. Parker recently summarized its advantages from the engineering point of view:

"It would cost considerably less than a sea-level canal. Navigation through such a canal would be relatively simple because it would make use of the existing Gatun Lake, avoiding the currents and initially narrow channel of a sea-level canal. It would not alter materially the ecology of the area. Gatun Lake would be retained in its present form, and there would be a barrier to the movement of biota from one ocean to another."

It was noted that though Governor Parker discussed the "sea-level" proposal he did not oppose the Terminal Lake-Third Locks Plan as provided in the pending legislation.

The above quoted statement by Governor Parker will find strong support among navigation, conservation, economic, and ecological interests. So far as I can ascertain respected ecologists strongly oppose any canal of sea-level design, which they have condemned as the "conservation challenge of the 20th Century." Moreover, the biological hazards of the "sea-level" proposal at Panama were a major topic of discussion in September 1972 at the International Scientific Congress at Monaco. (*Defenders of Wild Life News*, January 1973, p. 60.) In addition, I would point out that the solution provided by H.R. 1517 would create the best operational canal for the transit of vessels practicable of achievement at least cost, preserve the economy of Panama, avoid the diplomatic hazards involved in upsetting long established treaty relationships with Great Britain and Colombia, complete the great work as originally envisioned under President Theodore Roosevelt, and prevent the opening of a Pandora Box of trouble, including the question of a new treaty with Panama. Most certainly, action on the pending modernization measures should not be delayed any longer because there is a vast amount of work to be accomplished: 2 years after authorization for planning and 8 years for construction. (Ho. Doc. No. 474, 89th Congress, p. 483.)

I trust that the above observations will be of value to you and your committee in the interest of promptly bringing about the long overdue major modernization of the Panama Canal, which, as previously stated, can be done with every assurance of success and should win the enthusiastic support of all mariners who transit the canal.

Sincerely yours,

DANIEL J. FLOOD,
*Member of Congress.*

Mr. RARICK. Mr. Speaker, as our colleague from Pennsylvania has already pointed out, if the United States is to command a position of leadership in Latin America, a strong stand, favoring our sovereignty in the Canal Zone must be maintained.

We have a responsibility to the trading nations of the world to continue to operate the Canal as "public utility." In an area of political instability, this moral obligation to the world community must be considered in any discussion of our position vis-a-vis Panama.

One manner in which we can uphold this responsibility is through modernization of the existing canal. Major modernization, as opposed to the construction of a sea-level canal, has been applauded as a sound ecological endeavor.

In order that our colleagues may have benefit of further information on this subject, I request that the related magazine article entitled "The Sea-Level Panama Canal Controversy" follow my remarks.

THE SEA-LEVEL PANAMA CANAL CONTROVERSY

(By John C. Briggs)

Since December of 1970, when the U.S. Atlantic-Pacific Interoceanic Canal Commission recommended to the President of the United States that a sea-level canal be excavated across the Isthmus of Panama, the controversy about this project has become very active. So far, the possible ecological effects of such a canal have stirred up considerably more interest than the economic or political aspects. Until recently, most of the discussions on the ecology had been confined to meetings that took place in, and journals that were published in, the United States.

In 1971, the planning committee for the 17th International Zoological Congress, in selecting topics of worldwide importance for a meeting to be held the following year, decided on the subject of the biological effects of interoceanic canals. Consequently, a symposium, one of seven which were arranged for the Congress, was organized. Dr. O. H. Oren of Israel, an expert on the Suez Canal, was selected as chairman and he in turn invited 19 participants from various countries.

The Congress was held as scheduled in Monte Carlo from September 24–30, 1972. The Interoceanic Canal Symposium was well attended and invoked considerable discussion among the delegates. Since the various papers given at the Symposium have not yet been published, neither the general nor the scientific public has been informed about the information presented. Therefore, it seems worthwhile to give a general account at this time. Dr. Oren chose to utilize a broad approach to the subject and invited participants who were knowledgeable about three critical geographic areas, the Bosporus, the Suez Canal and Panama.

THE BOSPORUS

Although it is a natural rather than a man-made channel, the Bosporus, which connects the Mediterranean to the Black Sea, has had some interesting biological effects. A German scientist, Dr. H. Caspers, presented a significant paper on the benthic fauna of the Bosporus. He showed that this passage provided an access to the Black Sea for the relatively rich fauna of the Mediterranean. In contrast, he found no evidence of faunal pressure from the Black Sea to the Mediterranean. The Bosporus is an old connection between the two seas (having been open for 10,000–11,000 years) and is responsible for the fact that most of the present day Black Sea fauna is derived from the Mediterranean.

SUEZ

Eleven papers, the largest group in the Symposium, dealt with the biology of the Suez Canal and adjacent areas. These contributions presented up-to-date information about the effects of the only man-made sea-level canal in the interoceanic category. Although the Suez Canal has been open since 1869, allowing a good period of time for study, its biology was virtually neglected until the past few years. In the Symposium, the general nature of faunal movements in the Canal was discussed as well as those of specific animal groups such as the fishes, fish parasites, polychaete worms, decapod crustaceans (crabs, shrimps, etc.), hydroids, and several planktonic species.

Once a species makes its way through a canal to successfully invade a new territory, it is important to find out how it has been able to make a place for itself. Does it establish a peaceful coexistence with the native species in the same habitat or does it owe its success to its ability to outcompete and displace the native species? Two Israeli biologists, M. Ben-Yami and T. Glaser, documented the history of the invasion of the eastern Mediterranean via the Suez Canal by the Red Sea lizardfish (*Saurida undosquamis*). They showed that the expansion of the lizardfish population was achieved at the expense of its ecological equivalent in the Mediterranean, the Hake (*Merluccius merluccius*). Additional examples of competitive displacement, involving other fish species, were noted.

As far as successful invasion is concerned, the movement of species has been almost entirely from the Red Sea to the Mediterranean. These northward migrations appear to be on the increase due to the changing ecology of the Suez Canal. The high salinity of the Bitter Lakes area has become reduced, the cessation of ship traffic has lowered the turbidity, and the Aswan Dam has cut down on the inflow of fresh water in the vicinity of the northern entrance to the Canal. So far, 140 species of Red Sea animals have established themselves in the eastern Mediterranean but authentic records of Mediterranean species in the Red Sea are very few.

PANAMA

Five of the Symposium papers were devoted to the marine fauna of the Panama area, three of them dealing specifically with the proposed sea-level canal. The latter three may be summarized as follows:

In his report on the Decapod Crustacea, L. G. Abele of the University of Miami pointed out that shrimp from the Bay of Panama form Panama's third largest export item and that the social structure of almost every village along the coast of the Bay is closely tied to shrimp fishing. Since a sea-level canal would permit the invasion of competitive species from the Caribbean, which might possibly result in the loss of the commercial shrimps of the Bay of Panama, Dr. Abele stated that any such canal should be equipped with a tested, effective biological barrier.

A different outlook was expressed by I. Rubinoff, of the Smithsonian Tropical Research Institute in the Canal Zone. He felt that the joining of two oceans by means of a sea-level passage across the Isthmus of Panama would be a "fantastic natural experiment" and that biologists who advised otherwise were being "harbingers of doom." Nevertheless, he concluded by observing that methods of preventing biological exchange through any new seaway must also be investigated.

G. L. Voss, of the University of Miami, expressed the opinion that the "dire warnings" issued by some biologists about the ecological dangers of a sea-level canal were without foundation. However, he did recognize that at least two dangerous or harmful animals could pass through the proposed canal, the poisonous seasnake *Pelamis platurus* and the crown-of-thorns starfish *Acanthaseter planci*. Accordingly, Dr. Voss advocated the establishment of a temperature barrier in the canal to be provided by the building of a thermonuclear power generator. By using canal water for cooling purposes, such a plant could raise the temperature of the water to a lethal level.

J. C. Briggs, of the University of South Florida, called attention to the existence of two zoogeographic principles that would govern the exchange of marine organisms should a sea-level canal be built. First, whenever two regions are separated by a barrier that is partially passable, the region with the richest (most diverse) fauna will donate species to the region with the lesser fauna but will accept few or no species in return. Since it seems clear that the Caribbean side of Central America supports the richest fauna, and that a sea-level canal would permit a formerly complete barrier to become passable, the predominate fauna movement would be from the Atlantic to the Pacific.

The second important principle states that along mainland shorelines each major habitat is probably supporting its maximum number of species. In such situations, it

must be recognized that the introduction of additional species can only temporarily increase the diversity and that, over a period of time, the number of species present can be expected to drop back to its original level. This means that a species that has been introduced or has migrated into a new area may either survive in its new home by eliminating a species already there or it may meet so much resistance by the native species that it will be unable to establish itself.

It was observed that, in the advent of a sea-level canal across Panama, we may expect several thousand Atlantic species of marine animals would succeed in reaching the Pacific and vice versa. What would be the results of such a mixture? It was predicted, on the basis of the two principles stated above, that (1) the Atlantic species would prove to be the better competitors and (2) they would eventually eliminate their Pacific relatives.

It is the prospect of a huge and irrevocable loss of perhaps thousands of species native to the Eastern Pacific that constitutes the major biological problem presented by the Panama sea-level canal. In contrast, the fauna of the Western Atlantic may remain relatively little affected. However, there does exist in the Eastern Pacific a number of marine animals that originally came from the Indo-West Pacific, the largest and most diverse of all the tropical regions. Among them are such animals as the poisonous sea-snake and the crown-of-thorns starfish. It is expected that these animals would be capable of migrating through a saltwater canal and, once having gained access to the Atlantic, would establish themselves in that ocean.

Dr. Briggs concluded his presentation by advocating the "Terminal Lake-Third Locks Plan" as an alternative to a sea-level canal. Briefly, this Plan would modify the present canal by eliminating the Pedro Miguel Locks, combining Gatun and Miraflores Lakes into one body of water, and installing a third set of larger locks. The Plan has highly important advantages: (1) we would still have a freshwater canal that would prevent interoceanic movement of marine animals, (2) capacity would be increased enough to allow about the same amount of ship traffic as would be provided by a sea-level canal, and (3) the construction cost would be about $950 million compared to at least $2.88 billion for a sea-level structure.

CONCLUSIONS

Although the subject of the Symposium was the biological effects of interoceanic canals in general, its focal point was the prospect of the construction by the United States of a sea-level canal across Panama. The information presented about the Bosporus and the Suez Canal served to underscore the importance of the possible marine biological effects of the Panama proposal. I believe it is fair to state that, in general, the delegates felt that a Panama sea-level canal should not be built without strong, dependable safeguards to prevent migrations by marine animals. Considerable interest was expressed in the Terminal Lake-Third Locks Plan with its obvious advantage of permitting the continuation of the present, effective freshwater barrier.

## GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

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

There was no objection.

## HIGH BUSINESS AVIATION AWARDS GO TO TWO KANSANS, DWANE WALLACE AND DENNIS PEARCE OF WICHITA

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

Mr. SHRIVER. Mr. Speaker, business aviation's highest honor will be presented today to Dwane L. Wallace, chairman of the board of Cessna Aircraft Co., of Wichita, Kans., by the National Business Aircraft Association at its convention in Dallas, Tex. In addition, the association will present its national award for outstanding writing on business aviation during 1972 to Dennis K. Pearce, aerospace writer for the Wichita Eagle and Beacon.

I take this opportunity to extend warmest congratulations to these constituents who have contributed significantly in their respective fields to the advancement of general aviation, not only in Kansas but to our Nation and the world.

Mr. Wallace will be presented with a plaque in recognition of "his engineering, management and marketing accomplishments which have led general aviation to its integral, yet unique, position in the world's transportation network, from Arctic and jungle strips to the most sophisticated hub airports."

In receiving this award, Dwane Wallace joins a list of distinguished leaders in the aviation field including Igor Sikorsky, Donald Wills Douglas, Mrs. Olive Ann Beech, also a Wichitan, William T. Piper, Sr., and James S. McDonnell.

Wallace became chief executive of Cessna in 1936. His contributions to the aviation industry have been many and significant. In April of this year, Cessna was awarded the E-Star Award by the Commerce Department for its outstanding performance in the area of overseas sales.

In addition to its major contributions to the growth and development of business aviation under Mr. Wallace's leadership, Cessna also has provided aircraft and other equipment which have added immeasurably to the defense posture of our Nation.

Dwane Wallace's interests have not been confined to the world of business aviation alone. He has been involved in a broad range of community activities which include the academic enrichment of his alma mater, Wichita State University, to the success of the annual United Fund campaign in Wichita.

The award being made to Mr. Pearce is made each year "to the writer of the published or broadcast work judged to be the most lucid, interesting and timely presentation of the role of a business aircraft operation, or of business aviation itself, in the economy and society of the United States."

Dennis Pearce has the reputation of being an enterprising, accurate and objective reporter who has good command of his "beat." He is a pilot; a native Kansan; and a graduate of Fort Hays Kansas State College.

It is a privilege to salute these two Kansans who have distinguished themselves in the business aviation and journalistic fields. They are deserving of the honors which they receive today free from the National Business Aircraft Association.

## REDUCING AIRCRAFT DISASTERS

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

Mr. STEELE. Mr. Speaker, today I am introducing two bills to amend the Federal Aviation Act of 1958. My legislation would establish new minimum standards for firefighting equipment and personnel training at airports and will require new toxicity and flammability standards for materials used in aircraft interiors.

Fire has always been and still is one of the most dangerous hazards associated with aviation.

One of the most recent aviation tragedies was the Brazilian jetliner crash which took the lives of 122 people. A fire in the rear toilets raced the length of the plane and in seconds engulfed the passengers in a dense and lethal smoke produced by the burning materials and fabrics. The accounts of the disaster aboard the Boeing 707 indicate that attempts to control the fire by use of fire extinguishers proved useless and that even though rescue operations were undertaken immediately only 12 crewmen in the forward section of the plane survived. This accident near Orly Airport in France was not the first where passengers perished in a postcrash fire after impact.

Eight years ago, fire was recognized as a contributing factor to the death of 43 passengers after a crash in Salt Lake City. During the autopsies, cyanide traces were found in the blood samples of the victims. In several more recent tragedies, investigators discovered that two factors contributing to the death of some passengers were the dense smoke and toxic cyanide and carbon monoxide fumes released by burning foam-rubber cushions, plastic curtains, and seat materials.

In my own State of Connecticut, 26 passengers and two flight crew members died in an aircraft crash and fire at Tweed-New Haven Airport in June 1971. A letter I received from the State's chief medical examiner disclosed that the 26 passengers perished from the effects of a postcrash fire; 17 had cyanide in their blood. The New Haven crash could have been a "survivable crash," because the victims did not die from traumatic injuries upon impact, but from the fire. Last December, postcrash fires again contributed significantly to the death of 55 persons in two commercial aviation accidents in Chicago, and 10 of the victims were found to have cyanide in their blood.

In 1966 the FAA began an exhaustive study into the area of material flammability which has since encompassed the problems of smoke emission and toxicity of cabin materials. As a result of their study, the FAA has made some

changes in the standards for flammability. However, many experts and organizations continue to see the need for stricter regulations. The agency still has not established any standards for toxicity and smoke emissions.

Recently other Government agencies have studied the fire crash problem and made significant progress toward minimizing the dangers of material flammability and toxicity.

After the Apollo capsule fire in 1967, the National Aeronautics and Space Administration (NASA) started a fire-safety research and development program, which has made great strides. NASA's nonmetallic materials development program has utilized nonflammable and fire resistant materials for use in aircraft interiors, and the agency has also equipped two contemporary Gulfstream planes with the new materials. The 12-passenger two-engine planes are equipped with newly designed fire resistant passenger and crew seats. Each seat is upholstered with a proban treated wool blend, the armrests are covered by fluorel-coated nomex scrim and the cushions given special fluorel treatment to greatly improve their flame resistance and reduce the dangerous smoke emission characteristics inherent in many polyurethane foams. NASA's two experimental Gulfstream planes are given additional fire resistant qualities by the use of fluorel treated pyrelle carpet in the passenger area, specially treated coat closet and cockpit drapes using a durete fabric liner, and headliners in the passenger seating area of fluorel-coated fiberglass. These are but a few of the applications of NASA's advanced technology which has greatly improved the fire resistance of aircraft interiors and enhanced passenger safety in postcrash fire emergencies.

By reconstructing the interiors of the planes with fire-safe materials, NASA has demonstrated that aircraft interiors can be designed to provide greater passenger safety from the dangers of fire and to do so at a reasonable cost.

Unfortunately these advancements have not been transferred or applied to enhance passenger safety in the commercial sector.

My legislation would authorize the formation of a study group composed of representatives from FAA, NASA, the Air Transport Association of America, the Air Lines Pilots Association, and the National Transportation Safety Board. This advisory group would provide a comprehensive and interdisciplinary investigation of the flammability and toxicity problems of materials and make positive recommendations to the Secretary of Transportation.

In turn, the Secretary would make use of these recommendations to formulate stricter flammability standards and enforce new toxicity standards for aircraft interiors within 2 years after passage of the bill.

My second proposal would require the Administrator of the FAA to enforce stronger rules and regulations pertaining to firefighting and rescue equipment and personnel at airports. Earlier this year Congress recognized the need to assure a higher degree of safety in and around airports by passing the Airport Development Acceleration Act of 1973. At that time we agreed to raise the Federal participation for funding of firefighting and crash-rescue equipment, including fire apparatus, required by the Secretary of Transportation for airport certification from 50 to 82 percent.

My bill would build upon our previous actions and allow Congress to thoroughly examine existing FAA rules and regulations prescribing the minimum standards to be met by firefighting and rescue operations at airports. Specifically, I believe there is an important need to provide:

First, better emergency communications equipment;

Second, improved training programs for airport firefighting personnel;

Third, advanced fire-resistant protective outerwear to enhance passenger rescue operations in postcrash fires; and

Fourth, a lower response time capability by emergency personnel at airports.

One of the most critical factors affecting postcrash survival of aircraft passengers is the time required to evacuate the plane. A National Transportation Safety Board (NTSB) study covering a 10-year period from 1962 to 1971 indicates that in fatal air carrier accidents involving postcrash fire, those who survived evacuated the aircraft in less than 2 minutes. Yet, current FAA rules require that only one firefighting and rescue vehicle be able to reach the midpoint of the furthest runway within 3 minutes. Thus, the current standard requires a response time which is 1 full minute longer than what the NTSB study indicates to be the critical survival time for successfully evacuating passengers in postcrash fire situations.

Moreover, it is highly questionable whether the FAA has given adequate priority to its efforts to establish truly effective flammability and toxicity standards. In a January 19 memorandum the FAA stated their "research effort has now been completed covering the area of smoke emission and a notice of proposed rulemaking will be issued in the very near future." I was again assured in a March 22, 1973 letter from the FAA that their toxicity evaluation program was completed and regulation of smoke and toxic gases would have the highest priority in the FAA's rulemaking program. Almost 6 months later there are still no standards in the area of toxicity and smoke emission.

Congress must assume the responsibility to assure the public of the greatest level of safety when aircraft accidents occur. NASA's space-age advancements can be effectively applied to reduce the risks in postcrash aircraft fires. We should carefully review the FAA rules and regulations pertaining to cabin materials and firefighting and rescue operations at our Nation's airports by giving favorable consideration to the proposals I have introduced today.

## CIVIL AND FEDERAL EMPLOYEE BENEFITS

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

Mr. HOGAN. Mr. Speaker, the present social security and civil service laws provide much needed retirement, disability, and survivors' protection to the great majority of the Nation's civilian work force. There is, however, a select group that migrates from private to Federal employment who may end up with inadequate protection, or even no protection at all in some cases.

Since retirement benefits under the social security system are related to length of time in covered employment, it is clear that many persons who leave the Federal service do not in their retirement years receive benefits corresponding to their actual total work contribution to the national economy.

Similarly, since the civil service retirement system is weighted to reward long periods of service, those who enter Federal employment after years under social security lose the benefits of their previous employment. They are treated by the Government as short-term employees eligible only for civil service benefits based on the portion of their work that was with the Government.

Mr. Speaker, from time to time legislation has been introduced to correct this situation. I believe that there has been too much delay in this matter and that the appropriate way to fill this gap in the retirement, disability, and survivors protection of a significant portion of the Nation's workforce is to legislate rather than to study the situation further. For this reason, I am today introducing a bill which is rather simple in concept. It would provide that whenever a person has credit under social security and under the civil service retirement program, his credits will be combined in whatever way will give him or, in the case of his death, his dependents the highest benefits.

While this legislation does not solve all the inequities arising from the mobility between Federal and private employment, it is intended to resolve the largest single area of deficiency. By enacting this bill we would insure that our employees are not penalized for spending parts of their careers in both areas of service.

## VIEWS CONCERNING THE REQUEST BY THE VICE PRESIDENT

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

Mr. SANDMAN. Mr. Speaker, I take this time to make a part of the RECORD my views concerning a request made by Vice President AGNEW. My views are expressed in the attached letter which I believe you will find to be self-explanatory:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., September 26, 1973.*

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

DEAR MR. SPEAKER: My reaction as a Member of Congress serving on the House Judiciary Committee to the request made by Vice President Agnew to yourself requesting a full inquiry into the charges made against him in the course of an investigation by the U.S. Attorney for the District of Maryland is that such a request should be granted.

I urge you to follow the same course of action taken by Speaker John McCormick in the matter pertaining to the seating of United States Representative Adam Clayton Powell in January 1967.

In the Adam Clayton Powell case, Speaker McCormick appointed a bi-partisan committee headed by the Honorable Emanuel Celler, the Chairman of the House Judiciary Committee. That committee reported to the Full House, and a vote was taken to exclude Adam Clayton Powell from being sworn in as a Member of the 90th Congress.

On that vote, I followed a strict interpretation of the U.S. Constitution and voted "no". I was one of only thirteen Republicans that voted to seat Adam Clayton Powell because I did not believe that the House had the Constitutional authority to exclude him from being seated. I believed that there were serious charges of misconduct against Powell, but again a strict interpretation of the Constitution provided that he be seated and later voted upon for his misconduct. A majority of the House voted otherwise and excluded Powell from being seated.

On appeal to the United States Supreme Court, the high court held that the House was without jurisdiction to act as it did and directed the seating of Adam Clayton Powell thereby supporting the contention that I made on my vote in the House at that time.

Now we are called upon to answer to the request of the Vice President of the United States who merely asked that the charges against him be investigated in full by the United States House of Representatives. The Vice President relies upon Article I, Section 2, Clause 5 of the U.S. Constitution which provides that impeachment proceedings are within the jurisdiction of the U.S. House of Representatives.

Impeachment of the President or Vice President of the United States is a procedure which is specifically included in the U.S. Constitution which removes these two officeholders from being subjected to criminal proceedings in the courts that apply to all other people. There is no authority whatsoever for the President and Vice President of the United States to be tried in any of the courts of this country during their terms of office. This is specifically why impeachment proceedings are included in the U.S. Constitution. It is the only legal forum where the Vice President can be accorded his rights.

The impeachment proceedings in this case are parallel to an indictment by a grand jury which would be followed by a hearing before the United States Senate acting as judges parallel to all other cases that ordinarily happen in the criminal trial courts.

The Vice President cites the ancient case of Vice President John C. Calhoun, who was charged with profiteering on military contracts when he was Secretary of War. In that case, the Speaker of the House appointed a select committee to investigate the charges. This is precisely what is requested by Vice President Agnew.

In my opinion, there is absolutely no jurisdiction in the Maryland proceeding against the Vice President.

I firmly believe that it is your duty as Speaker of the House of Representatives to accede to the Vice President's request that you promptly appoint a select committee from the membership of the House Judiciary Committee, giving each party equal representation and making the Chairman of the House Judiciary Committee the chairman of the select committee.

No other interpretation can be given to the Constitution than what I have suggested in this letter. In the true sense of justice, this is the only forum that can legally hear the charges against Vice President Agnew.

Very truly yours,

CHARLES W. SANDMAN, Jr.,
*Member of Congress.*

## THE HOUSE RESPONSE TO THE VICE PRESIDENT'S REQUEST

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

Mr. COHEN. Mr. Speaker, many Members of the House are today quite concerned about the apparent summary fashion with which the Vice President's request was disposed of.

I believe the Supreme Court ultimately is going to determine whether or not the Vice President is subject to judicial proceedings while he occupies that office; and the Congress should not, indeed could not, undertake to answer a question not within its competence or its jurisdiction. But I also believe the Congress can make a determination whether or not it should consider alleged improprieties committed by a Vice President during his tenure in that office, and whether or not the evidence is sufficient to support the institution of further proceedings.

I believe the Vice President is entitled to have this determination made, and I regret that the Democratic leadership has refused to grant his request for a fair and impartial investigation of this matter, which would take away the suspicion of infighting and political maneuvering which has recently emerged.

Mr. Speaker, I believe the Vice President and his office deserve better treatment.

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

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

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

As the gentleman knows, we have been discussing for the better part of the afternoon the concern that each of us felt when we heard the very brief announcement that the Speaker of the House, because the matter which was referred to him was now in the courts, would not refer the Vice President's letter or request for inquiry concerning his conduct to a committee on conduct of the House.

I share the gentleman's feeling that this is not an adequate response. It is almost 24 hours since this House was confronted with a virtually unprecedented and a very historic challenge in the form of this intriguing request from the Vice President of the United States for acceptance on its part, in view of his feeling that he cannot secure vindication through the judicial process.

Mr. Speaker, I share the feeling of the gentleman from Maine that a resolution should be introduced today. I have asked the gentleman to listen to the language that I propose and see if he concurs in what I propose.

The proposed resolution is as follows:

Resolved that the Speaker instruct an appropriate Committee of the House of Representatives to conduct an investigation to determine if there have been alleged improprieties by Vice President Spiro T. Agnew pertaining to the period of his tenure in office;

And Resolved further that the Attorney-General of the United States be urged to consult with and submit to such committee any information, documents, investigative reports, and other materials which would be relevant to making such determination.

Mr. Speaker, I feel very strongly that if indeed the allegations which have been made concerning the Vice President do pertain to his tenure in office, then we cannot shrink from even such a fearsome responsibility as the one that would be conferred upon us to consider in the nature of impeachment proceedings, resulting from the plea that he made in the letter which was read here in this Chamber on yesterday.

It seems to me, therefore, that rather than simply say that because the courts are now considering the matter, the fact that the courts have this matter under consideration cannot detract from our constitutional obligation to act, if, in fact, this case reveals that these improprieties occurred during his tenure in office.

We cannot take refuge behind the fact that another branch of this Government is simultaneously entertaining a consideration of these facts.

So it would be my hope that in introducing a resolution along the lines which I have just suggested and in the language which I have just read into the RECORD, we could reach this very important question and deal with this matter in a responsible manner.

Mr. COHEN. Mr. Speaker, I would like to thank the gentleman from Illinois and commend him for his statement and indicate that I intend to serve as a principal cosponsor of this particular resolution.

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

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

Mr. BAUMAN. Mr. Speaker, I have today introduced on the part of myself and my three colleagues from Maryland, Mrs. HOLT, Mr. HOGAN, and Mr. GUDE, as well as five other Members of the House, a resolution which would, in fact, authorize the House to conduct the kind of investigation which the Vice President has requested.

I quite frankly feel it is shameful for the majority leadership of the House to reject out of hand this request from the second highest officeholder in the land. Certainly in the other body we have seen no unwillingness to investigate whatever, despite the fact of the pendency of many court proceedings involving numerous aspects of the Watergate question, and we have seen no reluctance to investigate in great detail.

Mr. Speaker, I think the decision announced this morning by the majority leader on the part of the Speaker was totally political, and I think it should be reconsidered immediately. All of these resolutions, such as have been suggested here by the gentleman from Illinois and the gentleman from Maine, should be considered in due time and not dismissed as something minor. The Vice President's request raises an important and very grave constitutional question which should be considered by the House.

Mr. Speaker, I can tell the Members of the House, being from the home State of the Vice President, that we should accord him the same constitutional privilege of a presumption of innocence which is every

American's right. The very least we in the House can do is to allow these charges to be aired in the proper forum where the constitutional issue can be decided, and I believe that to be the House of Representatives.

If the Vice President's request is to be swept under the rug for political reasons, we will never have that chance.

I would like to introduce in the RECORD at this point the resolution which has been today submitted and I urge its immediate consideration.

H. RES. 567

Whereas, the Speaker has laid before the House a certain letter dated September 25, 1973, from the Vice President of the United States, the Honorable Spiro T. Agnew, in which the Vice President requested that the House fully investigate the charges arising from an investigation being made by the United States Attorney for the district of Maryland; and

Whereas, there exists a serious constitutional question as to whether any President or Vice President can be made the subject of criminal proceedings in the courts of any jurisdiction; and

Whereas, Article I, Section 2, clause 5 of the Constitution gives the House the sole power over charges such as have been made against the Vice President; Now, therefore, be it

Resolved by the House of Representatives that the Speaker of the House, after consultation with the minority leader, shall appoint a select committee of the House to investigate the charges made against the Vice President and to recommend to the House a course of action consistent with the findings of said select committee.

SEC. 2. Such select committee shall be composed of a Chairman and a vice Chairman not of the same political party and twelve other Members as follows: seven of the majority party and five of the minority party.

SEC. 3. Such select committee shall commence its investigation under this resolution forthwith, shall have the power to subpeona witnesses and compel their attendance at such times and places as the committee shall determine, and shall report its findings to the House of Representatives together with its recommendations, at the earliest practicable date.

SEC. 4. There is authorized to be appropriated out of the contingency fund of the House of Representatives such funds as may be required by the select committee to carry out the requirements of this resolution.

## KEEP MEDICAL TAX DEDUCTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 2 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I was shocked to learn that the administration is considering the elimination of medical expenses as a deductible item from Federal income tax returns. Such a move would have a disastrous impact on millions of Americans.

Oilmen enjoy their depletion allowance, farmers their subsidies and businessmen their tax-free martini "business" luncheons—but the Government would refuse to allow families to deduct the cost of legitimate medical expenses? The idea simply defies commonsense, or an appreciation of human needs.

The Fall River Herald News, a leading newspaper in my congressional district, recently examined the proposal in an editorial, which I am now inserting into the RECORD so that the Congress can have the benefit of the paper's perceptive analysis of this question. The editorial follows:

KEEP MEDICAL TAX DEDUCTIONS

The administration is considering a plan to eliminate deductions for medical expenses from income tax returns. The increase in government revenue will be used to help finance medical insurance for every citizen.

While the plan has not been adopted by the administration, the announcement it is under consideration indicates its adoption is likely. Its passage by Congress is doubtful, however, since it is a clear case of the White House putting the cart before the horse.

No medical insurance plan has been passed. In fact, the fight over the various schemes to provide health insurance in some form has not begun in earnest.

It is understandable that the administration wishes to support its health insurance plan with specific measures to finance it. If it can prove that no new taxes will be needed to put it into operation, then it is clear that its chance of passage through Congress will be considerably increased.

But the public, aware as it is of government delays and hangups, will be afraid that the elimination of medical deductions from income tax returns will precede the health insurance plan. If it did, then the financial effect on millions of people would be nothing short of ruinous.

The insurance plan should be worked out at the same time as any alteration in the present system of medical deductions. Public confidence in Washington's efficiency is not strong enough to warrant proceeding with the one before the other goes into effect.

## VICE PRESIDENT BEST SERVED BY JUDICIAL RATHER THAN LEGISLATIVE INQUIRY

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

Mr. WHALEN. Mr. Speaker, I concur with the Speaker's decision to defer action on Vice President AGNEW's request that the House of Representatives undertake a full inquiry into the allegations stemming from the Justice Department's investigation of his activities.

I am convinced that Mr. AGNEW's rights will be best served by judicial, rather than legislative, consideration of any criminal charges leveled against him.

First, Congress is not bound by the rules of evidence during its investigations. Some observers already have made this point in connection with the ERVIN committee's Watergate hearings.

Second, congressional failure to abide by accepted judicial procedures during any subsequent impeachment and conviction proceedings is not appealable.

Third, and most important, any House and subsequent Senate action in the Agnew case would be clouded by partisan implications and thus suspect in the eyes of the public.

Despite my preference for the judicial avenue, I am uncertain whether the courts possess jurisdiction in any criminal proceedings against the Vice President. In his communication to the Speaker, Mr. AGNEW asserts that they do not. Yet, compelling arguments against this thesis can be cited by eminent constitutional lawyers. In fact, this question remains unresolved, for no definitive court decision affecting it has ever been rendered.

If, as I believe, justice will best be served by court review of the Agnew charges, there obviously is required a determination that the Federal grand jury has the constitutional authority to act upon the information which will be transmitted to it later this week by the Justice Department. No doubt the Vice President and his counsel will raise this issue, thus requiring its ultimate resolution by the Supreme Court.

Confronted with a concurrent House inquiry into the Agnew charges, the Supreme Court might foreclose judicial review on the premise that it would "impede" congressional consideration of the matter. Thus, I believe that the Members of the House of Representatives should support Speaker ALBERT in his decision to defer action on the Vice President's request until the jurisdictional issue is resolved. If the Supreme Court ultimately rules that impeachment must precede a vice-presidential indictment, at that time it would be appropriate for the House to honor Mr. AGNEW's proposal.

## CONSTITUENT OPINION POLL—NEW YORK'S 27TH CONGRESSIONAL DISTRICT—PART I

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 20 minutes.

Mr. ROBISON of New York. Mr. Speaker, like many of my colleagues I have taken occasional recourse to constituent opinion polls. This is always an interesting experience—or exercise—in what might be called, I suppose, "grassroots democracy;" especially so when, as is my case because of congressional redistricting in New York last year, one represents a district that is substantially new to him.

In any event, as this Congress entered upon its August recess, this year, I sent out approximately 159,000 constituent questionnaires to the "postal patrons" in New York's new 27th Congressional District, comprising the counties of Tioga, Broome, and Sullivan, plus parts of Tompkins, Chemung, Delaware, and Ulster Counties, in what we call upstate New York, with the district itself being more or less what might be described as a corridor-type district, geographically speaking, running from Ithaca, home of Cornell University, in Tompkins County, in a sort of half-moon curve southerly through Tioga, Broome, Delaware, and Sullivan Counties, and then up northwardly again to Woodstock, close by the Hudson River, in Ulster County. It is an interesting district to strive to represent, Mr. Speaker, as I am discovering, since it encompasses urban and suburban, along with strictly rural, areas whose citizens' views—and philosophical attitudes—vary widely from one another. In that sense, it is possible to suggest, I think, that it might be considered as a fairly representative cross-section of the Nation, itself, absent only the broader regional differences which separate East from West, or Midwest, and North from South in these United States.

Having gone through this kind of exercise before, I knew in advance that one of my major difficulties would lie, not so

much in the area of choosing the subjects, or issues, on which to ask my questions, but in how best—and most fairly—to frame those questions. I am no expert in this field—none of us here really are—and I therefore anticipated some complaints but was pleasantly surprised by how few such came in. There was really only a handful of those, the most pointed of which came from a man in Vestal, N.Y., who stated he had once done some "survey research" at the University of Arizona and later in southern California and "had never seen a survey as poorly written" as mine. Several other such critics complained—as I knew some would—about the difficulty, if not downright impossibility, of answering certain of my questions with a simple "Yes" or "No," although literally hundreds of those responding got around that problem on their own by writing me supplementary or explanatory letters; and perhaps a half dozen others suggested if I really wanted a good cross section of opinion in my district only a "Harris-type" telephone survey, based on correct random sampling procedures, would do the trick.

This latter kind of criticism, Mr. Speaker, of the kind of opinion polls most of us issue from here probably has some validity. As the most thoughtful such letter I received pointed out, one may not actually get responses from the people unless one chases them down, in accordance with accepted sampling procedures, with the writer arguing that the bulk of responses to my mailing would tend to be "from persons with very well defined views, often extreme in one direction or another." To a degree, that may be the case—I would not dismiss it out of hand—but, at the same time, few of us here can afford to finance a proper "Harris-type" telephone survey, besides which I, for one, do see some value in the broadside "postal patron" questionnaire most of us use in that, at the least, it probably promotes a wider individual and family, or household, discussion and consideration of public issues than would be the event with a telephone survey and also, as I have noted, lays a beginning foundation for correspondence between constituent and Congressman of a sort that, hopefully, will outlast the exercise itself.

Having said as much by way of introduction, what questions, then, did I choose to ask? There were seven, in all, requiring "Yes" or "No" responses, with an eighth question requesting a one-word response. Here are the eight questions:

1. Based on what you know (or suspect) about President Nixon's involvement in the "Watergate Affair," do you think he should leave office—whether it be by resignation or impeachment by the Congress?

2. Congress and President have fought all year over who should set "national priorities." Would you favor settling that argument by legislation compelling the President to spend all funds appropriated by Congress?

3. A recent Supreme Court decision validated the kind of liberalized abortion laws adopted in recent years by New York and other States. Would you favor an amendment to the Federal Constitution to (in effect) repeal such laws and allow abortion only to save the life of the mother?

4. During the last two years, we've gone from freeze to Phase II to freeze and now to Phase IV in an effort to halt inflation through Government control of wages and prices. Would you now favor abandoning this whole effort and going back to a control-free economy?

5. Would you favor a case-by-case review of the Vietnam draft-evaders and the granting of amnesty, conditioned on 2 or 3 years of "public-service" work to those meriting the same?

6. Would you favor Daylight Savings Time on a year-round basis?

7. Should local government have the option of using part of the Highway Trust Fund, derived from gasoline taxes, for alternative transportation purposes, such as mass transit?

8. In a word, what do you think is the most serious and pressing problem faced by the United States and its people?

On the postcard type return form I used, separate columns were provided for husband and wife to use in case they differed—as was the case rather often. There was nothing surprising about that, but surprising to me—since I had used this same format before—were the number of complaints received to the effect that I had provided no space for answers from other members of the household other than husband and wife. I suspect this reflected passage of the 26th amendment to our Federal Constitution, allowing 18-year-old voting. How to get around this mechanical problem when I send out another questionnaire will take some thought—since space is at a premium on post card-type returns—but I sought, this year, to alleviate the oversight a bit by sending questionnaires to interested high-schools throughout the district, for distribution to their older students and tabulation of the results. This separate—if somewhat accidental—aspect of the overall exercise should be especially interesting, Mr. Speaker, and I will report on its result at a later date.

In any event, the questions speak for themselves. Admittedly, several of them are most difficult to answer with a "Yes" or "No"—and it is possible that my fifth question, the one on amnesty, produced more "No" answers than it might otherwise have done since—as one critic of the phrasing of this question pointed out—it could be answered "No" by anyone who does not favor amnesty, at all, or by anyone not favoring a case-by-case review, or by someone favoring amnesty but not on the conditions I suggested.

Finally, as to the criticism—which, let me say again, was minor and restrained, compared to the enthusiasm and commendations received from those others who appreciated this opportunity to give me the benefit of their opinion—there was a concern expressed by a few that my use of the prefatory phrase "Do you favor . . . " in several instances would produce, automatically, a high number of agreements. As I shall report in later installments, Mr. Speaker, this did not so work out that way at all, as my respondents were most selective—or so it seems to me—in presenting their viewpoints.

But, in this installment, Mr. Speaker, I wish to concentrate on my first question—and the results thereon.

To repeat, the question was:

Based on what you know (or suspect) about President Nixon's involvement in the "Watergate Affair," do you think he should leave office—whether it be by resignation or impeachment by the Congress?

At this point in time, I have received upwards of 16,000 questionnaire returns—most of them of the "husband-and-wife" variety and, thus, reflecting the viewpoints of perhaps close to 30,000 constituents. This is, by customary standards, a rather good rate of response, it being noted that returns are still trickling in and that, when the high-school-level responses are added in, the final total response will be considerably higher than now.

As for the Watergate affair, nearly everyone has been attempting—one way or another—to assess its effects on the President. That has been tried in a variety of ways, ranging from the Gallup-Harris-Sindlinger technique of making regular samplings of the level of voter approval of the manner by which the President is handling his job, through that recent Congressional Quarterly survey showing, purportedly, that Mr. Nixon's track record during the first 7 months of this Congress was the worst attained by any President in the last 20 years, and down to that rather dubious New York Times attempt at chasing down as many of the Nation's academics as it could find who, last fall, signed newspaper advertisements supporting Mr. Nixon's reelection, in order to find out how many of them now regretted that fact.

It can be argued, I presume, that any of these—along with like efforts—show something of Watergate's effect on the President's capacity to give leadership to this Nation. But something like the Gallup poll—the last of which I have seen showing only 35 percent of those citizens contacted expressing approval of the President's handling of his responsibilities—reflects as much public dissatisfaction with soaring prices or concern over possible energy shortages, as it does doubts stemming from Watergate. And, while it is true that not much of what could be called the Nixon legislative agenda has yet cleared this Congress, it is also true that the President's legislative wants have been modest, comparatively speaking, this year and, even more significantly, he has managed to maintain so far a perfect score on his vetoes when, as you so well know, Mr. Speaker, the chips are really down on both sides.

All of us know full well, Mr. Speaker, that we face many problems—many serious challenges. And, if the Sindlinger poll can be accepted, it has recently shown that the people of this Nation fault Congress as much as they do the President for failing to come up with positive solutions to those problems—or for failing to squarely meet those challenges.

So, while I could have asked my own question about the effect of Watergate on Mr. Nixon in any number of ways, I chose to ask it in the most pertinent way I could see available which was, based on what my constituents knew—or suspected they knew—about Mr. Nixon's involvement in Watergate, did they now feel he should leave office, either by resignation or through impeachment. My reference to suspicion was deliberate, since I, myself, have believed for some time that we probably will never know all the facts about Watergate and, if that be so, will have

to make our final judgment—whatever that be—in part on what can only be called a gut reaction. Despite the fact that many human judgments are made that way, a number of people—and, perhaps, with good reason—took me to task for having so worded my question.

If this was an error in judgment, it did not apparently hurt Mr. Nixon—and, worded as it was, may have made the response to my question even more significant.

For, in any event, as the current tally shows, 57.5 percent of my constituent respondents think Mr. Nixon ought to remain in office, as opposed to 42.5 percent who—for a variety of reasons—would like to see him resign or be impeached. This is a spread of 15 percentage points—a substantial drop for the President from the spread of, roughly, 34 percentage points which separated him, in his successful re-election bid in my district, last fall, from his major opponent.

It is, however, what I think is a respectable showing for Mr. Nixon based on the further fact—though I do not wish to speculate too much in these areas—that, in the hundreds of letters sent in to me along with the questionnaire return from people wanting Mr. Nixon's head, the reasons they cited apart from Watergate were many and varied, ranging from complaints about inflation, impoundments, and Cambodian bombing, all the way to charges that public moneys were used improperly, to improve Presidential residences in Florida and California. These are all matters—and one can think of others—which probably would have substantially reduced Mr. Nixon's voter-approval by this time even absent a Watergate.

There were two events, occurring while my questionnaire was being circulated and considered, which—while unrelated—may have had an affect on the return on this question. The first was the public disclosure of Vice President AGNEW's by now well-publicized troubles. This broke into the news at about the same time my questionnaire was being delivered to constituent households, and one woman called me at once to ask if I did not think I should recall the questionnaire and rephrase the first question so people would know, for sure, that if Mr. Nixon left office, for whatever reason, Mr. AGNEW would be his automatic replacement. I told her I felt most people understood this, anyway, and would factor the changing situation into their response, though I confess I have no way of knowing what the impact of the Agnew case has been on the level of public support for Mr. Nixon's remaining in office.

The second event—really an event in three parts—was that, at about the same time, Mr. Nixon not only took to the air waves to make a further disclaimer of involvement in the basic "Watergate" break-in and subsequent attempt at its coverup, and to ask Congress to turn its attention therefrom and on other matters of urgent public import, but he also broke out of his self-imposed isolation enough to hold not just one, but two, wide-ranging press-conferences during the course of which he stood up rather well under a sometimes-merciless barrage of questions from a frustrated press corps.

Feeling that this change of attitude on his part would probably help him, I asked the volunteers helping to tabulate our returns to keep a separate percentage score on the answers to question No. 1 as they came in after that first press conference. The difference in response was significant. Prior to that point in time—and, let it be noted, prior to such point the majority by far of my returns were already in—those respondents who thought Mr. Nixon should stay in office amounted to only 56 percent as opposed to roughly 44 percent who felt he should resign or be impeached. After that point in time, support for Mr. Nixon's staying in office rose to 64 percent, while those wanting him to leave office dropped to about 36 percent. If my question had been considered after those press conferences—instead of so largely before the same—I suspect, therefore, without being able to prove it, that the final tally in support of Mr. Nixon staying on would have been higher than I can now report it.

Whatever that event, Mr. Speaker, what does this all prove—or what do comparable attempts at sampling public attitudes toward the effect of Watergate which, generally across the Nation, have shown results comparable to mine prove?

It seems to me the answer has to be that Watergate has, by now, reached—or passed—the peak of its impact on public opinion; and that a further part of the answer is that, now, Mr. Nixon will undoubtedly be able to weather Watergate and, finally, that any possibility of impeachment proceedings against him in this Congress becomes, daily, more remote.

I do not say this is the way it ought to be; I only say that, in the end, this is the way it probably will be for it is the American public that is the ultimate, and really the only, "jury" that will assess Mr. Nixon's continuing fitness as our President.

As one Member of this House who has spoken out on Watergate—both here, and at home—as much, if not more than, many of my colleagues, I have to confess, Mr. Speaker, to what can only be described as a certain anguish over the question of Richard Nixon and Watergate. Does the good outweigh the bad? I think so—and trust I can hold to that belief—even though I respect the opinions of those who feel it is the other way around. Surely, President Nixon's accomplishments—particularly in the field of foreign affairs—have been real, and must be honored. He may have brought us closer to a "generation of peace" than we have ever been before in this century. But, at the same time, it is necessary that we face up to the fact of Watergate—along with the still-unanswered questions stemming from it.

I could go on, Mr. Speaker, trying to sum up my own feelings in this vein, but I shall rest these remarks on this troubling matter by here inserting a recent Wall Street Journal editorial entitled "Watergate: the Damage," since the same, by and large, does reflect what I now feel about it. In doing so, I would wish to stress the fact that I am more optimistic than was the Journal's editorialist about the resiliency of this Nation, and over the prospect, as well that—as he put it—we will eventually "come to see the purging of Watergate as ending our time of discontent." But, for now, let that editorial speak for itself—as well as for me:

WATERGATE: THE DAMAGE

The height of the Watergate affair has probably by now passed, and the time has come to start assessing the damage. Our sense is that the Republic and the Nixon administration are likely to recover surprisingly well in a superficial sense, but that in a deeper sense the damage will prove both extensive and enduring.

It's risky, of course, to speculate about ultimate consequences while the drama is still in progress. At the moment it seems the heart has gone out of the Ervin committee, which has delayed and compressed its hearings and allowed its lawsuit to stalemate. But Special Prosecutor Archibald Cox is pressing his own suit to get the Oval Office tapes. If he succeeds and the tapes incriminate the President, or if the President defies a Supreme Court order, we could have a constitutional crisis eclipsing everything we have seen so far.

That result is not as likely as some assume, though, simply because Mr. Cox is not that likely to prevail. He is an employe of the Executive Branch, and while there are legal technicalities involving the status of a grand jury, in essence he is asking the courts to undertake the job of refereeing a dispute between himself and his boss. The Supreme Court can tell the President to turn over the tapes, but the next morning the President can fire Mr. Cox and appoint a new prosecutor to tell the court the government has changed its mind and is withdrawing the subpoena.

The President's lawyers have not stressed this argument in their oral arguments, perhaps because there is no point in raising the threat to fire Mr. Cox without in fact doing so. But it is in their written brief, and in the past courts have refused to put themselves in so ridiculous a position. That is not to say the Supreme Court could not decide to join the issue this time around, but that kind of judicial activism seems consistent with neither the current composition of the court nor the current mood of the nation.

So despite the risk it's far from idle to speculate that we already know about as much about Watergate as will be disclosed in our lifetimes. If that proves to be true, the immediate impact of the scandal may prove surprisingly light. President Nixon's fall offensive has already proved that those who thought he would be hamstrung for the rest of his term underestimated the powers of the presidency. A few messages to Congress, a couple of turns blasting blooperballs from the press corps, and the President regains the initiative. Congress is already sustaining his vetoes.

In terms of partisan politics, similarly, the commanding terrain feature remains what it was before Watergate, namely the cavernous breach in the Democratic Party. In terms of political programs, the dominant fact is the total exhaustion of Great Society liberalism. In terms of public opinion, the consensus is that while the President is guilty, further venting of the whole affair gets us nowhere. So in all, the President will probably prevail in his desire to leave the matter to the courts and move on to business as usual.

Yet a nation does not live by tangibles alone. The chief problems this nation faces as it moves beyond the 1960s, indeed, have little to do with tangibles. We are at least at peace abroad. Despite inflation's dangers, we are more prosperous than ever before. While

our black citizens have not achieved equality, they have made prodigious progress toward it. Our cities have by and large weathered their financial crises. Even Watergate, especially given the alacrity with which it was exposed, is in a sense a testimony that our institutions are bulwarks against tyranny (see "Notable and Quotable" nearby).

For all of this, ours is clearly a troubled land. The troubles lie in the intangibles, in matters of self-confidence, morale, a sense of fitness and legitimacy. A decade of political assassinations, grueling combat, burning cities, riotous campuses, public incivility and disappointed expectations have left us sick in spirit, doubting in mind.

We find ourselves unable to enjoy our tangible health. Indeed, even to mention certain signs of health—the progress of the blacks, for example, or the positive sides of Watergate—is to open yourself to public abuse. Those most incapable of focusing on anything but the blots start to think that a system harboring so much evil must itself be evil. And as a nation we find ourselves divided between those who feel oppressed by a debased society and those who feel their society is being subverted by constant attack.

For a few brief moments, before Watergate and again before its enormity became known, it was possible to imagine that Richard Nixon would help us to work out of this sour mood. In his first term he had set right many of the tangibles, and in his second the intangible fruits of this effort should have been harvested. He was about to, and ultimately did, rout on the electoral battlefield the forces of what Walter Lippmann described as Jacobinism. If his foes could then learn that American society is such that even with Richard Nixon it could find peace and progress, then some measure of national harmony could be restored.

Watergate has destroyed that chance. Or perhaps it is more accurate to say that Watergate has revealed the chance as illusory. Even before news of crimes reaching into the White House, there were those of us who remarked that men sensitive to the intangibles found themselves uncomfortable in the administration. It was not hospitable to men of vision. Increasingly the reins fell to those skilled not in the purposes of power but in the techniques of power. Watergate or no, they were unlikely to cure what they did not understand. And of course, Watergate was itself something singularly likely to come from the technicians of power.

So just when we should be starting to recover, we find our morale further assaulted. We are engrossed for days with sleaziness on the television screens. We are told that the President has an inherent right to burglarize psychiatrists' offices. We learn that in the corridors of power even insane schemes found no man to arise and say no. Those who would hate Richard Nixon feel their fears are confirmed. Those of us who do not are still forced to wonder whether our nation can produce the leadership it needs, not merely at the pinnacle but in depth.

Conceivably we are too pessimistic. This is a resilient nation, and conceivably Watergate will serve as a catharsis. Clearly its excesses were in some measure themselves due to the super-heated times it so shortly followed. Retribution in the form of ruined lives, if not court convictions, is being visited on many if not all of those involved. Surely, even without further legislation, future political campaigns will be cleaner. Perhaps eventually we will come to see the purging of Watergate as ending our time of discontent. Yet it is hard to see how such a view can soon emerge, how any Nixon administration can escape that cleanly from the taint.

So as a nation we have already suffered from Watergate. And the damage will continue to be felt, even if we do not get the larger constitutional crisis that is definitely possible, even if the affairs of state escape any disaster provoked by the distraction. At a minimum we have lost an opportunity to start the process of healing. At a minimum, Watergate has postponed for four more years the time in which we might come to peace with ourselves.

## NERVE GAS BILL

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

Mr. OWENS. Mr. Speaker, while I am pleased that hearings have been scheduled for October 3 and 4 by the House Armed Services Committee Research and Development Subcommittee on my nerve gas bill, I am at the same time concerned about last week's announcement that the Army has decided to begin production of the binary form of nerve gas.

This announcement makes it even more imperative that we secure a reevaluation of our policy concerning the need for chemical warfare stockpiles. We have continued to allow a pall of secrecy to surround our whole national policy of chemical warfare, while maintaining a position that nerve gas is an important deterrent weapon system. It is apparently Defense Department policy to refuse to discuss that policy with Members of Congress. They have simply, with a straight face, refused to discuss our nerve gas policy with me after numerous letters and telephone calls. If I were a veteran Member of Congress, I would be insulted by their refusal to talk. As it is, I am more embarrassed than embittered.

Yet we have failed to date, in my opinion, to deal with chemical warfare in the more critical light of its international implications, particularly with the third power countries. Although the impending switch to the binary system seems on the surface to be a perfect solution to the present hazards of storage and transportation of toxic chemicals, it may bring with it greater potential problems. Since binaries can be produced commercially and inexpensively, and are easily transportable and stored, smaller countries and terrorist groups which can not afford conventional and nuclear weapons will have easy access to a nerve gas system.

Julian Perry Robinson, a scientist who has studied chemical warfare for many years, has expressed several problems associated with binaries which need careful evaluation. I insert his article, "Binary Weapons—a Mixed Problem" from the New Scientist, April 5, 1973.

BINARY WEAPONS—A MIXED PROBLEM

(By Julian Perry Robinson)

For the past four years the sponsors of the so-called "binary" nerve gas weapons have been soliciting support within the Pentagon and friendly Congressional committees (see New Scientist, vol 54. p 758). Their objective is a major procurement programme, once the necessary R & D is complete. This will become imminent when the Army comes to seek the Congressional approval that is required by law before it can embark upon the necessary open-air evaluation trials. Congress is likely to be asked for this within the coming year. These activities carry implications that reach a good way outside the American offensive chemical-warfare posture (which is to say the NATO one, if the largely symbolic French capability is discounted).

Instead of containing actual nerve gas, a binary munition is loaded with two relatively harmless chemicals that spontaneously generate nerve gas (of either the G or the V agent series) when they are mixed together—the mixing process taking place only when the munition is on its final trajectory towards the target. The chemicals can be kept in separate containers to be placed in the weapon just before use. Although needing more complicated hardware, this arrangement does away with much of the hazard of handling and storing the weapons. This has been one of the two main stimuli behind the programme.

In the United States, it all began around 1954, when the Army Chemical Corps was trying to develop weapons that the Navy would be willing to have on board ship. The Navy subsequently began a programme of its own, concentrating on aircraft weapons. One of these was a cluster unit of binary G-agent bomblets; another was a massive VX bomb, called "Bigeye", details of which can be found in a patent issued last year. The Navy has since lost interest, but the Army now has a new motivation and is pressing ahead with its range of artillery projectiles and missile warheads. It accelerated its programme in 1969, largely in response to the American anti-CBW lobby and the associated pressure for world CBW disarmament. The Chemical Corps rather strangely believed, as its successors still do, that if its weapons were safer to transport around, the public would no longer be badly disposed towards them. At about this time the US Air Force began a study of "binary biological weapons"—whatever they might be. But the project was soon abandoned. In the current financial year $6 million is allocated for binary R & D—some $2 million up on last year. This would be more than enough, it may be noted, to support the entire CB defence programmes of Canada, the Netherlands, Sweden and West Germany put together.

In addition to the political motivation for going into binaries, the US Army also has an economic one. The bulk of the American antipersonnel chemical-agent stockpile consists of mustard gas and nerve gas. There are around 20,000 tons of each—enough to tide-over the time taken to demothball the binary agent factories and to put them onto full-stream production (reckoned to be about nine months). In addition, there is some agent CS, the turnover of which is rapid, and a token quantity of the incapacitating psychochemical BZ (3-quinuclidinyl benzilate). The mustard gas is mostly stored in bulk, and is in any case scheduled for burning now that the Army has declared it obsolete. Of the nerve gas, however, which is part sarin (GB) and part VX with the former preponderating, 80 per cent is filled into munitions. These have a rather short shelf-life, for within 5 to 15 years (according to the Chemical Corps testimony before Congress) leaks tend to develop and the fusing to deteriorate. When this happens it is current practice to write the munitions off, and scrap or otherwise "demilitarise" them. With ocean-dumping now precluded, this is an expensive process: it is estimated that the present stockpile carries a demilitarisation liability of $180 million (at 1972 prices) in addition to the maintenance costs, which run at some millions per year.

The Army is arguing that, with binaries, stockpile management would become a great deal cheaper. Because the munitions would not be filled with corrosive chemicals, their shelf-life would be longer and their maintenance costs smaller. Moreover, because production of the relatively non-toxic binary fillings would not necessitate heavy capital investment in safety measures, the American chemical industry would be willing to undertake it. This would greatly extend the available production base and, with procurement possibly on competitive contract purchase,

permit closure of the government-owned nerve-gas factories at Denver and Newport. Renovation of decaying munitions—for example, transferring their fillings to new casings—is an alternative that is not being emphasized.

VESTED COMMERCIAL INTERESTS?

The situation is thus being approached in America where novel commercial interests could become vested in the perpetuation of the country's nerve-gas capability. The advocates of binary procurement will certainly seek all the allies they can get before going to Congress. One fact which they may well downplay is the inferiority in the purely military characteristics of binaries. A binary weapon cannot easily be used at short range, or from low altitudes, since several seconds must elapse for the binary reaction to complete itself.

By-products as well as nerve gas will be generated (G-agents in any event) so that the effective payload will be smaller and the disseminated agent given a warning irritancy and smell. Last summer's chamber trials with the 155mm GB2 howitzer shell, XM687, showed that at most it yielded only about three quarters of the integrated area dosage of its non-binary equivalent. And finally there are the not inconsiderable logistical problems of having to ship three lots of munition items instead of just one, and to ensure that they all arrive in the same place.

The $200 million or so that was invested during the 1950s in the factories at Denver and Newport and the ancillary plant in Alabama were not a vast drain on the resources of so wealthy a country as the United States. For lesser countries, though, this could be a major obstacle to the acquisition of a nerve-gas capability. By exploiting the expertise in binary technology that must inevitably diffuse out of the American programme, if it continues, any country with an organophosphorus industry, or with access to one through international trade or aid, might feel a good deal freer to go ahead. Munitions fabrication, a much lesser hurdle, would replace agent production as the limiting factor. A plant capable of making, say, the ethylphosphothionic dichloride for the new insecticide fonofos would have little difficulty in turning out the DF component of G-agent binaries, or even the QL needed for binary VX. And, one stage further, binary technology might even put nerve gas within reach of terrorist organisations or other militant dissidents. A diligent researcher can extract the relevant details about DF and QL from the open specialist literature; it takes only sulphur to convert QL into VX, or any one of several alcohols to make G-agent from DF.

The implications of this for the CW disarmament talks in Geneva, now in their fifth year, are obvious enough. In particular, the binaries make it still more urgent that proliferation-control should become one of the main objectives of the negotiations. The emphasis so far has been upon the security problems of the principal nuclear powers and their allies, those of the rest of the world being largely ignored. By no realistic measure is nerve gas a serious threat to these particular countries' security; and for this reason it has been suggested that international verification arrangements—the traditional stumbling-block of disarmament—might be dispensed with altogether. The binaries illustrate the short-sightedness of this approach and the risk that yet another cosmetic disarmament treaty (to use Robert Neild's expression), one that would be much more pernicious than the sea-bed or BW conventions, may be forced upon us. The development drive behind the binaries may then prove to be a further instance where disarmament endeavour has accelerated, rather than retarded, the armaments process.

## GAS BUBBLE—VIII

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

Mr. GONZALEZ. Mr. Speaker, on Monday, I advised the House of the interesting payments that Coastal States Gas Co. is making to certain prominent citizens of Texas in connection with the gas supply contract for the city of Austin. Naturally, all these distinguished citizens deny any impropriety and all say that the agreement by Coastal to pay them royalties for the Austin contract, was never any secret. Of course it was not— it is just that nobody ever knew about it except them—up until now.

The operations of Coastal in acquiring the Austin contract are remarkably similar to those they used in acquiring the San Antonio contract.

In the case of Austin, our friend Clint Small, who receives a monthly payment from Coastal had, together with Mr. Wheless and Mr. Craig, who also receive monthly payments from Coastal, entered a bid on the Austin natural gas supply. Evidently they had no company, but they did have an agreement from Coastal that they would buy gas from that company if they won the contract. In other words, Small, Craig and Wheless were not a gas company at all, but a group of speculators who were betting they could win the Austin contract with the help of Coastal. Others receiving payments from Coastal, namely; Erwin, Brown and Sparks, simply say that they were lawyers to whom the first group owed money. When Coastal decided not to supply gas to the Small group, according to Mr. Small, the group allowed itself to be bought out by Coastal. That's what all the payments are for, he says. As for Erwin, Brown and Sparks, they are supposed to be getting money to satisfy some mysterious legal fees the Small group owed to him and his partners. The case of San Antonio is remarkably similar. When San Antonio's gas supply contract came up for renewal, it was also bid on by a ghost company. In this case, it was a few San Antonio businessmen who, perhaps much to their surprise, entered a successful bid, because at the time, they had not even incorporated. When it proved impossible for this group to live up to the contract, they conveniently sold out to Coastal.

In other words, both in San Antonio and at Austin, the municipal supply gas contracts were originally bid on by companies that had no existence and no experience at all in the gas supply business. They were not qualified and they were bought up by Coastal.

Undoubtedly, those who organized these ghost companies made a tremendous profit. Certainly the Small group is still being rewarded for its efforts in opening the wedge for Coastal in Austin. And, undoubtedly, those who organized the short-lived Alamo Gas Co. in San Antonio, are still being rewarded by Mr. Oscar Wyatt, too.

It is interesting to note that in the Austin group, Mr. Erwin is and has been for some time a member of the University of Texas Board of Regents, and in that capacity represents the university in business dealings with Coastal. Yet, at the same time, Mr. Erwin receives and has been receiving for 9 years, monthly payments from that same company. One can only wonder how tough he is in dealing with his friend, Oscar Wyatt.

In the case of Mr. Sparks, it turns out that he is a member of the Texas attorney general's staff and he, too, has been receiving payments from Coastal for 9 years. One wonders how tough Mr. Sparks might be if any Coastal business crosses his desk—and Coastal is about the most important business the Texas attorney general has these days.

So now we seem to have discovered at least part of Coastal's magic recipe for instant growth. It consisted of knowing the right people and paying them the right amount of money and, in some cases at least, those people who created the wonderful ghost companies that made it all possible for Coastal are still getting their regular paychecks and will until 1982.

## POSTAL RATES

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

Mr. ALEXANDER. Mr. Speaker, this week Elmer T. Klassen, the Postmaster General, has asked for a 25-percent increase in the first class postal rates. His basis for this request is the increased cost of operation of the U.S. Postal Service.

For the observer of the U.S. Postal Service one readily concludes that not only has there been a decline in the quality of service, it has engaged in mismanagement, extravagance among high level officials and excessive waste.

Reference could be made to the August 24, 1973 edition of the Wall Street Journal, which reports as follows:

POSTMASTER GENERAL LET $800,000 AWARDS TO PAL WITHOUT BIDS—HOW DO YOU BID ON CREATIVITY? AN AIDE ASKS IN EXPLAINING PUBLIC-RELATIONS CONTRACTS

(By Les Gapay)

WASHINGTON.—Elmer T. Klassen, the Postmaster General, likes to tell people how good he is at saving money.

Last year, he cut the U.S. Postal Service payroll by 37,500 men, slashed overtime and installed manpower-saving mechanized facilities. And in congressional testimony last spring he bragged about reversing a "policy" going back to James A. Farley, FDR's postal chief.

"I was told to keep spending money and keep people working," Mr. Klassen quoted Mr. Farley as saying.

But now Mr. Klassen's own management philosophy is coming into sharper focus, and one thing is clear: He may not be big on keeping people working, but he isn't exactly a tightwad when spending can help an old friend and his own comforts.

For one thing, it now develops that Mr. Klassen has authorized, without competitive bidding, $821,845 in Postal Service contracts to a New York consulting firm headed by a friend of 11 years standing. Since 1970, the contracts have provided one-fourth of the revenue of the firm, which has only seven major clients.

There was nothing illegal in awarding the public-relations and marketing contracts to Burnaford & Co., which is headed by Charles Burnaford, who did extensive work for Mr. Klassen when the Postmaster General was still an executive with American Can Co. The contracts were awarded under a procedure called "sole source procurement," which is often used by other government agencies as well. But the contracts have intensified existing congressional criticism of Mr. Klassen's spending for posh quarters for himself and other postal officials.

Just defending this move out of Gen. Farley's old quarters has kept some Klassen assistants busy recently. Crusty GOP Rep. H. R. Gross of Iowa wondered aloud on the House floor recently whether the new quarters in Washington's L'Enfant Plaza really required a $45,000 private kitchen for the Postal Service board of governors and some $40,000 for furnishing and interior construction in Mr. Klassen's office one floor below.

The board meets only once a month, though there is some talk of using the kitchen for other purposes between meetings. Mr. Klassen likes to eat meals in his office, so that office has a $5,280 mini-kitchen of its own. It's known that he keeps a private cook on the Postal Service payroll.

Rep. Gross has asked the General Accounting Office to look into the costs of the board's meeting room and Mr. Klassen's own office. Some costs of the move have climbed beyond the original projections. Interior construction (paneling, carpeting and the like), once estimated at $4 a square foot, has been running at about $5.60, for example.

The Burnaford public-relations contracts have posed new problems for the spokesmen. When first questioned about them, they maintained they didn't exist. Later, the department acknowledged the firm has received $404,655 in contracts since Mr. Klassen became Postmaster General Jan. 1, 1972. This failed to point out, however, that Mr. Klassen had secured additional contracts for the company while still Deputy Postmaster General. Postal records indicate a dozen contracts altogether.

"A CREATIVE GUY"

Mr. Klassen's chief spokesman, Assistant Postmaster General James H. Byrne, says his boss believes there was nothing unethical about the noncompetitive awards to Mr. Klassen's long-time business associate. "Burnaford is a creative guy, and the Postmaster General has a great deal of respect for his judgment," Mr. Byrne says.

Anyway, he asks, "How do you bid on creativity? You look for a concept, and you know a man who can develop that concept, so you get him." Mr. Burnaford agrees. "When you get into trouble, you go to people you have confidence in," he says.

Among the Burnaford contracts was a $343,000 project to explain, to Postal Service employes and the public, the transformation of the old Post Office Department into a government corporation. Another was a film called "80 billion raindrops"; it explained the Postal Service to school children. There was a $33,974 contract to set up a Washington Conference between Mr. Klassen and his 85 district managers, followed by an $83,857 contract to set up management conferences in postal districts across the country.

Some Postal officials grouse that much of this work could have been done by the service's 68-employe communications department, whose annual budget is $2.3 million. But Mr. Klassen doesn't have much regard for the department. He once declared that his public relations staff consisted of "16 shoe clerks."

Burnaford-produced affairs tend to be more elaborate than shoe clerks might suggest. Thus, last April Mr. Klassen conferred with regional postal officials in the "presidential corridor" floor of San Francisco's Hilton. It cost $300 a night to house Mr. Klassen and four other executives.

At another Burnaford-devised conference last July, 210 top Postal officials met for three days in a Sheraton hotel in suburban Washington, although the agency's headquarters was only a few minutes away, Mr. Klassen gave a speech, and postal officials sat around in 22 small groups, complaining to one another. The purpose was to exchange ideas and eliminate the "discontent at headquarters," according to Philip Goodman, a Burnaford & Co. official.

If morale was low, it was at least partly due to a bombshell Mr. Klassen had exploded only a few days before. That was when he announced he was completely reorganizing his top management, shifting people around, bringing in new ones and firing the top communications department executive, hired only four months before.

Before this request is granted to pass on the costly mistakes of Mr. Klassen to the American people for payment, I urge a complete congressional investigation.

---

## BROWN-BOVERI BEATS OUT WESTINGHOUSE BY $4.60

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

Mr. DENT. Mr. Speaker, I am today submitting for my colleague's attention a letter from Mr. Thomas Dodds, a constituent of mine from Murrysville, Pa. Mr. Dodds is employed by the Westinghouse Electric Corp. in Trafford, Pa., and is distressed by the recent decision of the Bonneville Power Administration. The Bonnevillle Power Administration awarded a contract for electric circuit breakers to Brown-Boveri, a Swiss manufacturer, instead of to the Westinghouse Corp. On the surface, the award of a $1.6 million bid to a Swiss manufacturer may not strike one as anything to get upset about unless of course, you are a die-hard like me who thinks American business ought to stay American until it is divulged that Westinghouse Corp. lost the bid to Brown-Boveri by $4.60. That is right. Four dollars and sixty cents.

Further investigation into the matter reveals that the Brown-Boveri bid did not include the cost of an installation engineer, even though Brown-Boveri anticipates "travel expenses" to be incurred at a later date. Westinghouse did however include the cost of an installation engineer, but still lost the award.

I sincerely question the rationale and wisdom of the Bonneville Power Administration, a federally subsidized utility, going abroad for such business, when the domestic industry is, in this case, obviously competitive.

I wonder if we are not going at opposite ends when on the one hand, the Congress passes programs intended to stimulate domestic manufacturing, to keep people working, and to increase production, while on the other hand, a federally operated unit awards money and jobs to foreign manufacturers.

I am deeply concerned about the loss of jobs—$1.6 million represents substantial employment for the Trafford plant; the loss of revenue—particularly at a time when the administration is talking about raising taxes; and the increasing assault on domestic markets by foreign competition.

I have asked the General Accounting Office to investigate the circumstances surrounding the bid loss.

I can only hope that we in this Congress wake up to the fact that there are serious problems inherent in "liberalizing" our trade policy. The Westinghouse bid loss means a loss of $1.6 million worth of business—business that will go to Swiss workers, Swiss cities and towns, and Swiss governing bodies. It means that Trafford, Pa., will be $1.6 million poorer.

SEPTEMBER 13, 1973.

Congressman JOHN H. DENT,
*Law and Finance Building,*
*Greensburg, Pa.*

DEAR MR. DENT: I am an employee of the Westinghouse Power Circuit Breaker Division in Trafford, Pennsylvania and would like to relate a recent development which has an adverse effect on our division and its employees. The problem concerns the disastrous effect of foreign competition on the domestic circuit breaker market. Government-subsidized European circuit breaker manufacturers with their low labor costs seem bent on destroying the American circuit breaker industry. Indeed, they seem to be succeeding as not only Westinghouse, but all domestic circuit breaker manufacturers are currently experiencing very lean times at least partly because of foreign competition.

It is annoying when any American utility goes abroad to purchase circuit breakers or other electrical equipment, but it is particularly frustrating when U.S. Government-subsidized utilities (such as Bonneville Power Administration and Tennessee Valley Authority) do so. Recently (June, 1973), our division lost a bid of over $1.6 million to Brown-Boveri (a Swiss manufacturer) for seven 550,000 volt circuit breakers for Bonneville Power Administration (Solicitation No. 3375). Initially Westinghouse was the low bidder by $332; however, the cost for the services of an installation engineer was excluded from Brown-Boveri's quotation by Bonneville Power and as a result, the Brown-Boveri bid was $4.60 less than the Westinghouse bid. So our division lost $1,622,245.25 worth of business because of $4.60!

Why should the U.S. Government not only permit but indeed *support* foreign manufacturers in destroying the circuit breaker or any other domestic industry? How can a U.S. Government-subsidized agency award bids to foreign manufacturers with seemingly no regard for the jobs and welfare of the American citizens who make the same product? And finally, don't the people at Bonneville Power realize that it is American and not Swiss citizens who pay the taxes which eventually become their salaries? Anything that you or your fellow members of Congress can do to improve this situation will be greatly appreciated by me and the nearly 1000 employees of our division.

Sincerely,

THOMAS H. DODDS.

---

Re B–179029 Bonneville Power vs. Westinghouse.
Re Brown Boveri.

SEPTEMBER 25, 1973.

ELMER B. STAATS,
*Comptroller General, General Accounting Office, Washington, D.C.*

DEAR MR. STAATS: This letter is to request an investigation by the General Accounting Office into the terms of the contract awarded to Brown-Boveri by the Bonneville Power Administration.

It has come to my attention that the

Westinghouse Electric Corporation, a manufacturing establishment in my district, has recently lost a $1.6 million bid to Brown-Boveri (a Swiss manufacturer) because of a bid difference of $4.60, although in accordance with the "Buy American" provision, a 12 percent factor was added to the Brown-Boveri bid. It seems to me that such a decision certainly violates the spirit of the law that was, among other things, intended to help American industries, like the circuit breaker industry, that are affected by cheap, foreign import competition.

I also understand that Brown-Boveri did not include in their bid the cost of an installation engineer needed to install and check the equipment, even though Brown-Boveri anticipates "travel" expenses for the installation engineer. These "travel" expenses were *not* included in the original bid, but are expected to add to the final cost of work to be done; nor was the 12 percent Buy American factor applied to what is euphemistically being called "travel" expenses. Westinghouse *did* include the price of an installation engineer at a cost that was $4.60 higher.

It is a well known fact that the domestic circuit breaker industry has been one of those unfortunate victims of cheap import competition. I sincerely question the rationale and wisdom of the Federal Government going abroad for such business when, in this particular case, the domestic industry is obviously competitive. I am deeply concerned about the loss of jobs, the loss of tax revenue, and the continued assault on domestic markets by foreign competitors. I wonder, too, if we are not going at opposite ends when on the one hand, the Congress passes program intended to stimulate domestic manufacturing, to keep people working and to increase production while on the other hand, a federally operated agency awards money and jobs to foreign manufacturers.

I am enclosing a letter from a constituent of mine that details the situation.

I would appreciate your immediate attention in this matter.

With every kind regard, I am

Sincerely yours,

JOHN H. DENT,
*Member of Congress.*

## CAMBODIA

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

Mr. WOLFF. Mr. Speaker, over the August recess, I had the opportunity to visit Cambodia to witness the congressionally mandated August 15 bombing deadline, a goal which I and many other Members strived to bring about long before the August 15 date. I would like to share with my colleagues the feeling I came away with after speaking to many Cambodian people and spell out the role which I feel we as a people must assume now that American bombs have ceased to fall on the Khmer Republic.

With the end of American bombing a reality, I felt a new optimism among the Cambodian people and a determination to handle the conflict in their country on their own, without outside interference. The Khmer people have, from the outset of hostilities in Indochina, attempted to maintain a position of neutrality, and in particular, to settle hostilities within their own country on their own, without foreign intervention. The long presence of outside troops and outside interference in Cambodia was a regrettable and tragic mistake which we must not allow to continue in the present nor be repeated in the future. America has, through the Congress, finally come to realize this and has removed itself from the conflict by ending American bombing.

Unfortunately, irrefutable evidence exists today that the North Vietnamese continue to occupy Cambodia and to participate in the fighting there. Throughout the course of our involvement in Indochina, the North Vietnamese have pointed to the presence of American troops in South Vietnam and Cambodia as a justification for their continued assault on the Cambodian people. On August 15, with the end of American bombing, we removed the grounds for that argument and the North Vietnamese proclaimed raison d'etre for being in Cambodia. Their continued presence among the Khmer people belies their long-held statement that they were in Cambodia only because of American troops.

Mr. Speaker, now that the United States has withdrawn itself from the conflict in Cambodia, it is paramount that the North Vietnamese end their assault upon the Cambodian people, in accordance with both the Geneva Agreements and the Paris Peace Agreements, so that peace can return to the Khmers. North Vietnamese forces in Cambodia constitute a barrier to peace which can no longer be countenanced in the absence of American troops and with the end of American bombing. Unless the North Vietnamese remove their troops from Cambodia, they lend credibility to the charge that they were there, not because of American troops, but to overrun the Cambodian people. The U.S. Congress as a whole has finally recognized the particularly civil nature of the conflict in Cambodia, which can only be exacerbated by the presence of foreign troops. The North Vietnamese must follow suit if the Khmer Republic is ever to restore to itself a lasting peace and stability.

Mr. Speaker, I believe that we in the Congress and the American people can bring to bear world pressure upon North Vietnam to end its assault upon the Cambodian people; this is the role which I feel we have a responsibility to assume now that we ourselves are honoring the neutral position of Cambodia and have ended our air activities in the interests of achieving a lasting peace in Indochina.

## ANNUNZIO CALLS PRESIDENTIAL DISASTER VETO A "DIRTY TRICK"

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, I thought the dirty tricks ended with the Presidential campaign, but evidently there are still dirty tricks left around at the White House, because President Nixon has resorted to the lowest form of politics in vetoing S. 1672 which would have provided increased assistance to victims of natural disasters.

S. 1672 contained a provision that would have provided homeowners and businesses, which were victims of natural disasters, long-term loans based on two sets of interest rates. The borrower could pay a 3-percent interest rate and have a forgiveness of the first $2,500 of the loan or if the borrower chose not to have any forgiveness, the entire loan would be written at a 1-percent interest rate. The present disaster law provides for no forgiveness and a flat 5-percent interest rate.

The President vetoed the legislation because he said "that the bill would cost too much money and favored the rich over the poor," but what the President failed to tell the American people is that last summer, following Hurricane Agnes, the President sent legislation to Congress that called for a $5,000 forgiveness and a 1-percent interest rate, or twice the forgiveness feature contained in S. 1672. The President also visited many areas hit by Hurricane Agnes to promise the victims that help was on the way. Of course, that bit of Nixon strategy came during an election year. Now, however, that the election is over and the President does not need the votes, he is turning his back on those who will need help when the next disaster strikes.

I was the author of the disaster relief section of S. 1672 and want to point out that President Nixon was in such a hurry to enact his disaster legislation during the election year, he publicly demanded that Congress take no more than a week to enact the bill.

Furthermore, the President's price tag of $800 million for the vetoed bill is too high. That estimate was based on the amount of disaster relief given during 1972, a year that saw the worst disaster, Hurricane Agnes, in recent years.

During 1973, we have had no major disasters, so it is clear the cost that the President used in his veto message was clearly an arbitrary figure that he picked out of the air to help justify this latest dirty trick.

The disaster relief section of S. 1672 runs for only 2 years and is designed to give the administration and Congress a chance to work out a long-term natural disaster relief program.

In the past, we have always written disaster legislation on an emergency basis. What I wanted to do in this bill was to provide for a 2-year stopgap period to allow us to write legislation when we were not under the gun. I think that is the proper way to handle legislation.

In the 10 years I have been in Congress, I have seen legislation granting subsidies in a wide range of areas, from aircraft companies to railroads to farmers. While these subsidies may well have been *justified, I think* the strongest case can be made for a subsidy to the victims of natural disasters. A man who has lost his entire home cannot afford to pay an additional 5-percent interest rate on top of already recordsetting home mortgage rates. The 1-percent interest rate in the bill would enable him to rebuild that home and the $2,500 forgiveness feature would enable those with lesser losses to obtain adequate compensation. Unfortunately, the Senate yesterday failed by five votes to override the President's veto of S. 1672.

The Presidential veto is a cruel hoax. It is an insult to the intelligence and integrity of every American and it quite clearly shows that Presidential politics is more important than helping millions

of Americans whose futures may be permanently damaged because of a natural disaster.

## SATELLITE WHITE HOUSE EXPENDITURES CONTROL BILL

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

Mr. ROONEY of Pennsylvania. Mr. Speaker, this afternoon I have introduced legislation which might best be described as the satellite White House expenditures control bill. Its purpose is to sharply limit the number of residences the American people are asked to refurbish and protect with their tax dollars for the convenience of the President—any President.

For almost all intents and purposes, the bill would prohibit expenditure of Federal funds on any property which is not under the legal or equitable ownership or control of the U.S. Government when such property is used as a residence, temporary or other, by any individual whom the Secret Service is authorized to protect.

Any President has the White House as his primary residence and place for conducting the people's business. He also has the use of Camp David, a mountain retreat in Maryland, which is equipped to serve as a satellite White House.

Only recently, the beautiful West Palm Beach property of the late Marjorie Merriweather Post was offered the United States. I would favor the acceptance of that property and its utilization as an occasional Presidential residence, along with Camp David. Certainly, a mountain retreat and a seaside retreat should adequately fill the President's needs to relax or work, away from the Nation's Capital.

My bill would permit an exception to be made only when the Administrator of the General Services Administration, in consultation with the Secret Service, determines that certain expenditures should be made on private property for the protection of the President or other persons entitled to Secret Service protection. In such instances the proposed expenditures would have to be reported to both Houses of Congress while in session. Either House would then have 30 days to review the proposed expenditures and take action to specifically disallow the expenditures if it chose to do so.

Mr. Speaker, I cannot imagine that any person serving in the Presidency has need of four or five or six residences. Even if he has, the American people should not be asked to bear the cost of equipping that many properties for Presidential security and communication. Any individual who aspires to the Presidency should be expected to resign himself to the use of any one of three possible residences provided for him by the Government, or to be prepared to personally finance the cost of security, communications, and staff accommodations necessary if he chooses to utilize any private property as a temporary residence.

If any of my colleagues share my view that expenditure of public funds to improve private property for the convenience of persons serving in the Presidency has gotten out of hand, Mr. Speaker, I invite them to join in cosponsoring the satellite White House expenditures control bill.

## THE MIKULSKI COMMISSION ON DELEGATE SELECTION, WOMEN, REFORM, AND THE MIAMI CONVENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, this past weekend the delegate selection commission met to discuss the very future of the Democratic Party. Chaired by Barbara Mikulski this vital meeting received some comment in the press but its importance deserved more. I submitted my views on the subject of delegate selection, what should be the future of the Democratic Party and my view of the lessons of the Miami Beach convention experience. I would like to commend to the attention of my colleagues this statement:

STATEMENT OF CONGRESSWOMAN BELLA S. ABZUG

Our nation is in a political and constitutional crisis in the aftermath of revelations of the Watergate break-in and the host of associated acts committed by the Nixon Administration to undermine Congress, conduct an illegal war, sabotage the Democratic Party, abrogate traditional liberties and subvert the democratic process.

As Americans express increasing despair and cynicism about the workings of our political system, the responsibility rests more than ever with the Democratic Party to assure the electorate that their interests, their diversity and aspirations can be fairly represented within our Party.

If Watergate is to have any remedial consequences, the electorate must feel that they have a positive alternative in our party. As against the manipulative, conspiratorial and illegal acts of the Committee to Reelect the President in behalf of super-rich corporations and special interest groups, the Democratic Party must be open to all.

I therefore fully support the proposals recommended to you by the National Women's Political Caucus and the New Democratic Coalition for a reaffirmation and extensions of procedures designed to encourage participation within the party structure and activities of all groups, particularly those that traditionally have been underrepresented in our party.

The recommendations that will come from this Commission on Delegate Selection and Party Structure are crucial in determining what kind of party we will have. I trust there will be no retreat on the mandate of the 1972 convention to continue and implement the guidelines of the McGovern-Fraser Commission which sought to ensure democratic methods in the process of nominating convention delegates and candidates.

One of the major changes it brought in our party was the provision that meetings must be held for the selection of delegates and that these meetings must be announced and open. I can conceive of no valid objection to such an open procedure.

The commission also set the goal of "reasonable representation" on the states' convention delegations of women, minorities and youth in proportion to their presence in the population as a whole.

At the same time that the Commission was meeting, women throughout the nation were beginning to organize politically to demand that, as a majority of the population, they be accorded equal representation in the political institutions of our society. The multipartisan National Women's Political Caucus was founded in July 1972 and announced it would seek equal status for women in the Democratic, Republican and other political parties.

As head of the NWPC's Task Force on Delegate Selection, as one of the few women members of the Congress, and as a delegate to our party's 1972 convention, I was actively involved in the movement to make our party more representative, and shall continue to be so involved.

The reform guidelines did not establish quotas for representation of women, minorities and the young. They did require the elimination of all vestiges of discrimination against these historically underrepresented groups and required state parties to undertake affirmative action to encourage their greater representation at the 1972 convention.

But while quotas were not established by the McGovern-Fraser reforms, this is not to say they were never applied. Some state parties adopted systems that required roughly equal numbers of women and men to be selected as delegates, and also set approximate percentages for young people and minorities. The Democratic National Committee's interpretative rulings allowing a prima facie challenge to rest on the actual numbers present in the state's delegation led often to a litmus paper test of compliance. This litmus paper test was used to fill the void created by the failure of the national party to undertake any ongoing review of whether affirmative action was taken during the delegate selection process itself. Despite the fact that all states were asked to submit affirmative action plans by January 1972, only three did so and the others were not asked again.

Several of the fact-finding hearings that were part of the Credentials Challenge process in 1972 looked closely into whether affirmative action had in fact been taken, and often the conclusion was that it had not. These hearings were conducted by talented and distinguished groups of men and women selected by Credentials Chairwoman Patricia Harris. In one state, the hearing officer found that the state party took no affirmative steps to involve women in the delegate selection process, or even to register them as party members; efforts by women to encourage party compliance with guidelines A–1 and A–2 were laughed at and rejected; women were excluded from a closed dominant faction slate, and virtually absent from state and county party offices.

In another challenge, the hearing officer found that the state party failed to make any special efforts to comply with the guideline A–2, women were absent from the top ranks of the state party leadership, and seriously underrepresented on the national convention delegation.

These findings were frequently ignored in the credentials challenge deliberations. I mention them now not to reopen old wounds but to suggest that too much attention was paid to numbers in 1972 and too little to the process itself because the procedures through which the guidelines were applied, not because of any inherent fallacy with the concept of affirmative action.

The Mikulski Commission must now work on developing procedures that will effectively implement the concept of affirmative action. Indeed, you have a direct mandate from the 1972 convention to do this. Thus, while there are those who would have us debate whether affirmative action to encourage representation of women, minorities and the young is a necessary requirement, the real issue is not whether this should be policy, but how it should be implemented. This specific mandate cannot be ignored.

It is a mandate that was adopted by a convention of delegates more representative than ever before, and it is time to dispel some of the myths about who was present in Miami Beach.

Certainly young people, women and minorities were present in Miami Beach in much greater numbers than in previous conventions. I think that is a cause for pride, not panic.

An analysis of the composition of the 1972 convention was made by Martin Plissner, the political editor of CBS, and it is an eye opener.

In 1972 women were 40 percent of the delegates. Another way of saying that, of course, is that men were 60 percent of the delegates. Blacks, who accounted for only 5.5 percent of the delegates in 1968, had 15 percent in Miami. That is not a disproportionate figure when you consider that they are 11 percent of the population and at least 20 percent of the Democratic presidential vote.

In 1968, the age group under 30 had only three percent of the delegates, although they are 19 percent of the population and 29 percent of the eligible electorate. At Miami, their number rose to 24 percent.

Some people have suggested that two groups were especially underrepresented at Miami—organized labor and the party's elected officials. The CBS analysis shows on the contrary, that the percentage of labor leaders rose from 4 percent in 1968 to 5 percent in 1972. The percentage of union members rose from 15 percent to 16 percent. More than half the union members cast their presidential ballot for George McGovern, so that the real objection may have been not to the number of unionists present but rather to the nominee they favored.

There were fewer Senators, Governors and members of Congress at the 1972 convention than in previous years, but nevertheless 19 percent of the delegates to Miami were public office holders and another 6 percent had held office in the past. Thirty-eight percent held some party office aside from being delegates.

Since Miami, we have seen a continuing effort to make the reforms the scapegoats for the loss of the election. In particular, the presence of significant numbers of women, minorities and young people was credited for the selection of George McGovern as the candidate and the subsequent defeat. This myth should be reexamined in the light of the Watergate disclosures, and we should stop apologizing for having had a Democratic convention.

The CBS analysis points out—and I agree—that it would be a mistake to assume that if there had been fewer McGovern-voting Blacks, women and young people their replacements would have been older, white, male supporters of someone else.

Most of the delegates who voted for McGovern at Miami Beach had been chosen in primaries or at conventions where those voting for them had been consciously choosing McGovern delegates. If they had not had an opportunity to vote for a woman McGovern delegate, they would have picked a man McGovern delegate. The end result would still have been the nomination of George McGovern.

I do think that the 1972 convention had serious deficiencies. Forty-three percent of the delegates reported income of over $20,000 and only 5 percent had income under $5,000. Only 4 percent were blue collar workers. There is no indication that things were any different at the 1968 convention.

We need a continuing broadening and opening of our party to reflect the diversity of American life. We must have more women, but they should be from all classes, all ethnic, racial and economic groups. We must have more working people and unionists, not only union officials but rank-file-and-file members. We need young people not only the educated and those who were fortunate enough not to be drafted, but the young men and women working in factories and farms and those who had to fight in that dirty war in Vietnam.

The real issues before this commission is not the imposition of quotas, but how it can guarantee diversity and democratic representation within our party.

I therefore support the following proposals:

The Affirmative Actions sections of the guidelines (A–1 and A–2) should be strengthened. The goal should be reasonable representation on the states' convention delegation of women, minorities and youth in proportion to their presence in the states's Democratic voting population, not its general population. The Commission should consider adding workers and the elderly to the list of categories against which a state's delegation should be checked to determine if "reasonable representation" has been assured.

The Democratic National Committee should commit money, technical assistance and other resources to help state party organizations fulfill the goals of affirmative action. Monitoring and compliance review should be available to states to carry out this implementation. The burden of proof that the political process through which party affairs are conducted is open and accessible to all should rest with the state party organizations and the DNC as it did in 1972.

Each state should be required to submit to the DNC or the Commission an affirmative action plan by April, 1974. These plans should include a program of public information to give ample notice of party meetings and party rules; dates and plans for specific events designed to involve women and members of other underrepresented groups in all party affairs; listing of location and times of such events showing that they provide access for all Democratic voters; provision at each event for child care facilities and transportation; and state compliance committees.

The Mikulski Commission should be prepared to certify or to withhold certification that a state's party rules and statutes with which delegate selection will take place conform to the Commission's and the Party's affirmative action rules.

Finally, I would like to point out that the same people who would have us debate mythical quotas which are really goals for participation are at the same time calling upon this Commission to adopt an obsolute quota system to guarantee representation of elected officials at the convention. As a Congresswoman, I would benefit by the automatic delegate seat that such a proposal would provide for me. But I do not believe the party would be providing real responsive leadership in the process of selecting our national candidates by awarding elected officials automatic delegate seats. Nor do I believe that the state party should have any proportion of delegate seats to give away.

We have worked since 1968, with the clear mandate of two national conventions to develop requirements of timeliness, proportional representation and goals of reasonable representation in the delegate selection process. As an elected official, let me say clearly that I believe that no delegate should be excused from complying with these requirements merely because of the office he or she holds. It should also be noted that the overwhelming number of Senators, Governors and Representatives are white males. Automatically seating them would make the goal of full representation more difficult to achieve.

I recognize that elected officials can bring to a convention a great deal of wisdom gained through experience. If they are seated as ex-officio delegates, they should not be allowed to vote unless they are elected delegates.

I urge the Commission to stand fast on the McGovern-Fraser reforms, and I would cite a recent episode which indicates what happens when the party leadership is not mandated to ensure fair representation. On September 15th our party conducted a nationwide telethon and succeeded in raising pledges of more than $5 million. I was happy to participate in this worthy effort as one of three representatives from the New York State Democratic Committee, but I must say that I was shocked at the composition of the politicians and entertainers who monopolized the TV screen for eight hours. They were overwhelmingly white males. Only one elected Democratic woman official made a formal speech. None of the many outstanding women who hold office within our party spoke. There were few Blacks, no young people and one Spanish-speaking Democrat was produced at the tail-end of the program to improvise a few words in Spanish. Only a few women were included among the entertainers, and most insulting and unreal of all, in a continuing skit that ran at intervals through the eight hours we saw the spectacle of Thomas Jefferson, Abraham Lincoln, Theodore Roosevelt and Steve Allen trying in vain to persuade a woman autocrat that democracy was desirable.

The telethon was an unhappy remembrance of things past. Members of the Democratic Party have progressed far beyond the point where they can pretend any more that they live in a world consisting almost exclusively of middle-aged, white males. It is ironic that the committee named by this Commission to draft its recommendations is itself heavily weighted with men. May I suggest that reform should begin right here and now.

The Democratic Party must not retrogress to exclusionary policies. It must not just pay lip service to reform. If it is to assume fully its responsibility to organize and mobilize the American people against the assaults of the Nixon Administration, then it must open up its ranks to all groups, concern itself with the issues that affect the great majority of Americans, and give real, democratic leadership.

## A CANADIAN SPEAKS OUT FOR AMERICA

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

Mr. FULTON. Mr. Speaker, in these days of trade and foreign monetary assaults on the United States one is tempted to wonder "does anyone care or even remember that many of these nations who appear to be waging economic war on the United States can thank the American people for their very existence today?"

Around the world it is seemingly the practice to criticize and find fault with this Nation for every conceivable ill, real or imagined. When America lends a helping hand to some stricken nation or people little is noted in the world press. But just let us make one controversial move or decision and the world's editorial writers are quick to condemn or view with alarm.

Therefore, it was very refreshing recently to me to receive a copy of a radio editorial aired in Canada earlier this summer by Mr. Gordon Sinclair. The thoughtful provider of the comments by Mr. Sinclair was Mr. F. C. Sowell of Nashville, Tenn., one of the South's most distinguished broadcasters.

Mr. Speaker, I ask unanimous consent to place Mr. Sinclair's comments commencing with the editor's note in the RECORD at this point. I commend it to the attention of my colleagues:

(EDITOR'S NOTE.—The following editorial was presented by Gordon Sinclair on Radio Station CFRB, Toronto, Canada, on June 5,

1973, and is being widely reprinted in the United States. This Canadian viewpoint should give strong encouragement to those Americans who have become distressed by attacks at home and abroad on this republic's purpose and performance.)

The United States dollar took another pounding on German, French and British exchanges this morning, hitting the lowest point ever known in West Germany.

It has declined there by 41 per cent since 1971 and this Canadian thinks it is time to speak up for the Americans as the most generous and possibly the least appreciated people in all the earth.

As long as 60 years ago, when I first started to read newspapers, I read of floods on the Yellow River and the Yangtze. Who rushed in with men and money to help? The Americans did.

They have helped control floods on the Nile, the Amazon, the Ganges and the Niger.

Today the rich bottomland of the Mississippi is under water and no foreign land has sent a dollar to help.

Germany, Japan and, to a lesser extent Britain and Italy, were lifted out of the debris of war by the Americans who poured in billions of dollars and forgave other billions in debts.

None of those countries is today paying even the interest on the remaining debts to the United States.

When the franc was in danger of collapsing in 1956, it was the Americans who propped it up and their reward was to be insulted and swindled on the streets of Paris.

I was there. I saw it.

When distant cities are hit by earthquake it is the United States that hurries in to help . . . Managua, Nicaragua, is one of the most recent examples. So far this spring, 59 American communities have been flattened by tornadoes. Nobody has helped.

The Marshall Plan and the Truman Policy pumped billions upon billions of dollars into discouraged countries. Now newspapers in those countries are writing about the decadent war-mongering Americans.

I'd like to see just one of those countries that is gloating over the erosion of the United States dollar build its own airplanes.

Come on, let's hear it!

Does any other country in the world have a plane to equal the Boeing Jumbo Jet, the Lockheed Tristar or the Douglas 10?

If so, why don't they fly them? Why do all international lines except Russia fly American planes?

Why does no other land on earth even consider putting a man or woman on the moon?

Your talk about Japanese technocracy and you get radios. You talk about German technocracy and you get automobiles.

You talk about American technocracy and you find men on the moon, not once but several times . . . and safely home again.

You talk about scandals and the Americans put theirs right in the store window for everybody to look at.

Even their draft dodgers are not pursued and hounded. They are here on our streets. Most of them, unless they are breaking Canadian laws, are getting American dollars from Ma and Pa at home to spend here.

When the Americans get out of this bind . . . as they will . . . who could blame them if they said the — with the rest of the world. Let someone else buy the Israel bonds. Let someone else build or repair foreign dams or design foreign buildings that won't shake apart in earthquakes.

When the railways of France, Germany and India were breaking down through age, it was the Americans who rebuilt them. When the Pennsylvania Railroad and the New York Central went broke, nobody loaned them an old caboose. Both are still broke.

I can name to you 5,000 times when the Americans raced to the help of other people in trouble.

Can you name me even one time when someone else raced to the Americans in trouble?

I don't think there was outside help even during the San Francisco earthquake.

Our neighbors have faced it alone and I'm one Canadian who is—tired of hearing them kicked around. They will come out of this thing with their flag high. And when they do, they are entitled to thumb their nose at the lands that are gloating over their present troubles.

I hope Canada is not one of these.

But there are smug, self-righteous Canadians.

And finally the American Red Cross was told at its 48th annual meeting in New Orleans this morning that it was broke.

This year's disasters . . . with the year less than half over . . . has taken it all and nobody has helped.

## ON BEING FAIR TO DEALERS IN PETROLEUM PRODUCTS

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

Mr. SIKES. Mr. Speaker, on Tuesday, September 25, 1973, I introduced a bill to compel the Cost of Living Council to be fair to dealers in petroleum products. I was joined in this by Members of the Florida delegation and others. It is H.R. 10502.

This bill proposes two things. First, it allows small business marketers to raise the price of their products to the consumer if their supplier increases the cost to them. Second, the bill would force the Council to apply the same measuring stick to small business that it has applied to the big oil companies.

What has happened, Mr. Speaker, is that the Cost of Living Council has singled out the small businessman in the field of petroleum products—the gas station owner and operator—for discriminatory application of regulations. The result is that thousands of small businesses are on the verge of being forced out of business, with a resultant shortage of petroleum products to the user.

Under present regulations, the gas station operator is not allowed to raise the price of petroleum products to the consumer when his own costs rise. This is grossly unfair and it is unique to the petroleum industry. Other classes of businesses are allowed to pass along their own cost increases on a dollar for dollar basis, thus assuring that the margin of profit remains constant. This is not the case with the gas station operator. He must maintain a constant sale price even if the gasoline company from whom he buys boosts prices to him.

Even more unfair is the fact that the Cost of Living Council has, for some unknown reason, chosen to apply different sets of regulations to the same industry. Gas station operators were ordered to set their price levels at January 10 prices. This date happens to coincide with the time when price wars were underway and prices and profits were abnormally low. At the same time, the oil companies were ordered to set their prices at the May 15 level, a period following a series of price increases to dealers. Thus the huge oil companies set prices at a peak period and the gas station operator sets his prices at a low period. This also is unfair and should be corrected.

My bill would order the Cost of Living Council to set the same base period for all businesses dealing in petroleum products. If the big oil companies set base prices at May 15, the small station owner should do the same.

I believe this bill does nothing more than bring fairness to a vital industry. While some may think it is special legislation concerning itself only with one industry, the fact is that only one industry has been so singled out for this unfair treatment and only the gas station operator is having to bear the brunt of this policy.

Station operators have tried to no avail to have the policy changed. It remains to the Congress to take action if the Government agency charged with being fair to everyone fails to do so.

I urge speedy hearings on this measure and quick approval by the Congress so that thousands of small businessmen in America can remain in business and so all Government agencies are given the congressional message that this body will not tolerate unfairness to any segment of the economy during the crisis of inflation.

The House on yesterday took a step which showed clearly the dissatisfaction of this body with present policy toward the smaller dealers in petroleum products. By an overwhelming vote an amendment was added to the continuing resolution which makes it very clear that the House wants the Cost of Living Council to take prompt steps to insure fair treatment. However pleasing this is, it is not a permanent solution if indeed it provides any solution at all. It shows clearly the temper of the House, but only the enactment of a bill such as mine will insure that the present unhappy situation be corrected. Even though the Cost of Living Council should relent and modify its rulings my bill will be needed to protect the small businessmen in this industry in the future.

## FBI SHOULD NOT MAINTAIN POLITICAL FILES ON MEMBERS OF CONGRESS

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

Mr. KOCH. Mr. Speaker, on January 3 of this year, I introduced the "Federal Privacy Act" to regulate the maintenance of information on private citizens by agencies of the U.S. Government. This legislation is designed to insure that such information is complete, accurate, and used only for appropriate purposes. In my judgment, these are the minimal safeguards necessary to provide a general system to protect our citizens from unwarranted invasions of privacy. But there is a dimension to the privacy problem left untouched by my Federal Privacy Act. It involves the special problems involved when the executive branch of the Government collects information about the legislative branch.

This problem emerged almost a year ago, with the admission by then Acting Director of the Federal Bureau of Investigation L. Patrick Gray that the FBI had been maintaining files on Members

of Congress. His concession came only after columnist Jack Anderson had discovered FBI files on Representatives FRELINGHUYSEN, REUSS, FAUNTROY, ALBERT, FORD, and others.

Upon learning of the existence of these records, I, along with my colleagues BENJAMIN ROSENTHAL and JONATHAN BINGHAM, wrote to the FBI requesting that we examine any files relating to each of us. The succeeding correspondence was placed in the CONGRESSIONAL RECORD of September 12, 1972. According to Director Kelley, no "governmental purpose" would be served by examination of these files. My question is: What "governmental purpose" is served by their existence?

This question cannot be answered unless there is some indication of the files' contents. Former Acting Director Gray admitted not only that the files are "not essential to FBI operations", but referred to their contents as "rot". In addition, Jack Anderson reported that they include highly personal information with no conceivable relevance to the legitimate operations of the FBI. In my mind, this throws considerable doubt on the FBI's public insistance that the files feature only general "biographical information". Throughout my contact with the Bureau, I have been furnished with no justification for the maintenance of congressional files. Whether intentional or not, the maintenance of these files creates the potential for serious abuse of FBI or Executive power.

At first glance, it might appear that this problem is of concern only to Members of Congress. I would argue strongly to the contrary. The events of the past year have demonstrated once again that the liberties of all of our citizens depend very directly on the independence and vigor of the Congress. The issue here runs deeper than a simple matter of unjustifiable invasion of privacy. The files in question constitute a direct challenge to the delicate system of checks and balances that has served to prevent the concentration of power in any one branch of power of the Federal Government. That system absolutely demands that each branch of government function equally and independently.

Mr. Speaker, as long as FBI congressional files exist, the tripartite system is threatened. The potential for the intimidation of elected Senators and Representatives by those charged with the enforcement of Federal law should be frightening to all Americans. Any action which discourages the unfettered discussion of issues by public officials poses a threat to the democratic process. The autonomy of Congress stands in jeopardy as long as an apparatus for Executive coercion is officially tolerated.

I have been informed by FBI officials that statutory limitations now prevent destruction of these files. Therefore, I am today introducing legislation to require their destruction after a period of 60 days, during which each Senator and Representative can become apprised of the contents of his or her own file. Exemptions from this requirement involve those files maintained pursuant to a criminal investigation of a Member of Congress and those maintained to assist in the consideration of a Member for a Federal appointment. The existence of criminal files must be revealed to the Speaker of the House—in the case of a member of that House—or the President pro tempore of the Senate—in the case of a member of that House—and must be destroyed only if no charges against the Member are filed after 3 years of the file's existence. Similar notification must be given of the existence of appointment files. Their destruction will follow after 6 months during which the Member has not been appointed to the office in question.

In my judgment the FBI is violating the Freedom of Information Act in not allowing Members to examine their files. Thus, the introduction of my bill should not in any way suggest that the FBI await congressional action before opening the files to individual members.

I regret having to pursue the elimination of these records by legislative means. The resistance of the FBI gives the Congress no other choice. The legislative branch was established to give the most direct expression to the popular will. We must now ensure that it retains the complete freedom to do so.

The bill and its cosponsors follows:

H.R. 10548

A bill to require the destruction of certain files maintained by the Federal Bureau of Investigation with respect to Members of Congress, and to require notice to the Speaker of the House of Representatives and the President pro tempore of the Senate of certain other such files.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any other provision of law, the Director of the Federal Bureau of Investigation is directed to permit any Member of Congress to examine any file or other record maintained by the Federal Bureau of Investigation and indexed or identifiable to such Member of Congress, upon the request of such Member, unless such file is exempt from such examination under section 2. Not later than the sixtieth day following the date such examination is concluded, the Director of the Federal Bureau of Investigation is directed to destroy any file so examined, without divulging the information contained in such to any person. The Director of the Federal Bureau of Investigation is directed to destroy promptly, without divulging the contents of such file to any person, any file subject to examination by a Member of Congress under this section, whether or not such examination takes place or is requested, but no such file shall be destroyed prior to ninety days after the date of the enactment of this Act.

SEC. 2. (a) No file shall be subject to the examination of a Member of Congress or destruction under the first section of this Act if such file is maintained by the Federal Bureau of Investigation as a part of an investigation into the alleged violation by such Member of Congress of a specific criminal law for the purposes of prosecution, but the Director of the Federal Bureau of Investigation shall, in the case of each file so maintained, give notice not later than six months after the commencement of the maintenance of that file to the Speaker of the House of Representatives (in the case of a Member of that House) or the President pro tempore of the Senate (in the case of a Member of that House) of the fact that such file is being maintained. No file shall be exempted under this subsection from examination and destruction under the first section of this Act if such file has been maintained for any period greater than three years after the date of the enactment of this Act and no criminal charges or indictment have been filed in court during such three years against the Member to whom such file is identifiable or indexed.

(b) No file shall be subject to the examination of a Member of Congress or destruction under the first section of this Act if such file is maintained by the Federal Bureau of Investigation as a part of an investigation into the background of such Member of Congress to assist in the consideration of such Member for any appointive position in the executive or judicial branches of the Federal Government, but the Director of the Federal Bureau of Investigation shall, in the case of each file so maintained, give prompt notice to the Speaker of the House of Representatives (in the case of a Member of that House) or the President pro tempore of the Senate (in the case of a Member of that House) of the fact that such file is being maintained and of what appointive office is involved. No file shall be exempted under this subsection from examination and destruction under the first section of this Act if such file has been maintained for a period greater than six months, and the Member of Congress to whom it is identifiable or indexed has not been nominated to the office to be mentioned in the notice given to the Speaker of the House of Representatives or the President pro tempore of the Senate under this subsection.

## A NEW YEAR'S WISH

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

Mr. PODELL. Mr. Speaker, tonight at sundown, Jews the world over will begin the observance of Rosh Hashana, the New Year. This festival marks the most solemn time of year for Jews, during which we reflect on the events of the past year, repent for our transgressions, and make our peace with the Almighty.

We have one overriding wish as we prepare to celebrate Rosh Hashana—that the coming year be a sweet one, for ourselves, for our families and loved ones, and for people everywhere. We pray for peace and freedom, and that the blessings we have enjoyed in the past year will continue.

There will be an additional element in our prayers tonight, and during the next 10 Days of Awe. We will be praying for the safety of our brothers and sisters who are trapped in the Soviet Union, and we will be praying that they may soon be free in Israel.

One of the most significant events in the Congress, and for the world Jewish community, was the introduction of the Mills-Vanik Freedom of Emigration Act. The overwhelming support this measure received, both in the Congress, and from hundreds of Jewish and non-Jewish organizations, demonstrated that the problems of Soviet Jews were not a narrow issue. They reflected in microcosm the worst defects of the Soviet system—the systematic repression of divergent opinions, of dissidents, of intellectuals, of anyone who dared to be different. Jews have always been hated in Russia. In that respect the commissars are no different than the czars. But the anguish of those Jews in Russia who are seeking permission to emigrate illustrates how the power of the Soviet regime is

marshaled against anyone who says that Russia is less than heaven on earth.

We are morally obligated to pass the Vanik amendment. If we give in now to the siren enticements of increased trade with Russia, we will be doing no less than sacrificing innocent human lives. For too long, American foreign policy, both economic and political, has ignored the moral implications of policy decisions. For too long, we have sought to make ourselves look good and make our coffers bulge, without thinking of the costs in human terms.

The cost is great, Mr. Speaker. For every Jew who is given permission to emigrate, two others are arbitrarily denied that permission. Every Jew who has received permission has had to suffer long months of persecution and humiliation. Those who applied but were turned down will continue to suffer, for they have marked themselves as enemies of the state. And how many are afraid to apply, because they have seen the "examples" made of those who were not afraid?

How we can trade with such a nation in good conscience is something I will never understand. How we can let brilliant artists, such as Solzhenitsyn and Panov, undergo the psychological torture of living in a political prison state, defies comprehension. How can we inure ourselves to the pleas of people such as Alexander Tiompkin, whose 13-year-old daughter was forcibly removed from his custody when he applied for permission to emigrate with her to Israel, is past all rationalization.

As the Jews in America and in every free nation turn themselves to their devotions during the high holy days, their thoughts will be with the Jews in Russia, most of whom have no place to worship, no synagogue, no Ark containing the holy Torah, no rabbis. We will pray with them and we will pray for them.

We will also pray that the Congress of the United States will not sacrifice morals to Mammon. We will pray that the New Year, which begins tonight at sundown, will bring the blessing of freedom to the Jews in Russia. For only then will the New Year truly be a sweet one.

To all my friends and colleagues I wish "L'shana tova"—a happy and healthy New Year.

## HOW NOT TO FIGHT INFLATION

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

Mr. PODELL. Mr. Speaker, when President Nixon was reelected last year, he made a point of telling the American people how he would bring inflation under control. The American people had given him a mandate, he said, and he would do everything necessary to curb the high cost of living.

Well, in the less than 1 year since President Nixon was sworn in for his second term, we have witnessed a rate of inflation unprecedented in the history of this Nation. In the 6 months from January to June 1973 alone, the rate of inflation was a full 8 percent. This is a far cry from the 3 to 4 percent predicted by the President's economic advisers. Fortunately, for our peace of mind, these wizards have stopped making predictions. But prices still keep going up.

This administration's economic policies defy comprehension. When the Cost of Living Council was established, we looked to it as the last hope for curbing rising prices. But, instead, it has been approving price hikes for this Nation's major industries. The steel industry got its price hike. So did the automobile manufacturers. Steel is one of those basic industries which, when its prices go up, sets up a spiral of price rises in many other manufacturing industries. This is not fighting inflation, but inviting it with open arms.

Such shortsightedness is not the exclusive province of the Cost of Living Council. The administration itself, in the person of the President, has been equally at fault. When the President turned down less than a 5-percent pay raise for millions of white-collar Government workers, he did so on the grounds that to approve the increase now would be inflationary. This would not have been so hard for Government employees to swallow were it not for the fact that, just a short time earlier, he approved a substantial wage increase for postal workers. Why was this not inflationary?

And now, in order to pay for the postal workers' increased salaries, we are faced with the prospect of an increase in postage rates. First class and airmail stamps will go up 2 cents in price. In the case of regular first-class mail, this is a 25-percent increase. It may not seem like much in itself. But when taken along with the actions, or lack thereof, by the Cost of Living Council, it is readily apparent that inflation control is a sometime thing for this administration.

There is so much in the President's economic policies that is unfair to this Nation's work people. Selling one-quarter of our wheat crop to the Soviet Union, without giving a thought to the market disruptions it would cause at home, was unfair. Preventing gasoline retailers from passing through their increased costs while major companies, refiners, and distributors could raise their prices was unfair. Denying Government workers their pay raise while granting United States Steel its price increase is grossly unfair.

Mr. Nixon is President of all the people, not just of United States Steel, Standard Oil of California, or the Consolidated Grain Co. If these corporations are allowed to work their will upon the consumer, and the consumer is given no means of fighting back, then the only conclusion which can be reached is that the President simply does not care about the millions of men and women in this country who work hard for every dollar they earn.

The President's lopsided policies have created inflation in this country, and kept it thriving at an unbelievably high rate. It is unconscionable to say that a 4.77-percent raise for Government employees could make inflation worse. This flies in the face of economic realities. It is not the small salary of the worker which must be controlled, but the vast profits of the giant conglomerates, the built-in inefficiencies in the food industary, the ever-increasing price of unnecessary military boondoggles, which must be curbed.

## STATEMENT OF ROBERT F. DRINAN, MEMBER OF CONGRESS, ON THE REQUEST BY VICE PRESIDENT SPIRO AGNEW FOR A HOUSE INQUIRY

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

Mr. DRINAN. Mr. Speaker, I hope that the Members of the House of Representatives refuse to accede to the request of the Vice President for an inquiry of alleged wrongdoing on his part.

After the most diligent study, inquiry, and discussion on this matter I have come to the conclusion that this particular request is unjustified by law, logic, or history.

### UNJUSTIFIED BY LAW

There is nothing in the Constitution which forbids any Federal officer, including the Vice President and the President, from being indicted or otherwise proceeded against by reason of crimes unrelated to their position as a Federal official. This rule is particularly true when the inquiry relates to alleged wrongdoing on the part of the office-holder prior to the time that he became a Federal official.

The whole thrust of the impeachment clause makes it clear that this provision of the Constitution is designed not to investigate or punish crime, but only to come to some judgment with respect to that type of official misconduct which justifies removal from office.

There is, furthermore, no existing American judicial precedent by which the House of Representatives could in effect issue an injunction for a grand jury investigation scheduled to begin tomorrow, Thursday, September 27.

Even if a resolve passed the House of Representatives today mandating an inquiry along the lines that the Vice President requested, it would be my judgment that the U.S. attorney in Baltimore and the Attorney General of the United States would not be constrained by any law to stop the investigation ordered by the Attorney General with respect to this matter on September 3, 1973.

It would be in my view a gross distortion of the separation of powers doctrine for the House of Representatives to intervene in these legal proceedings—particularly at this 11th hour.

The contention made by the Vice President that there is an atmosphere of prejudicial pretrial publicity has no relevance whatsoever to his request for a hearing before the House of Representatives. If there does in fact exist such prejudicial pretrial publicity which would preclude a grand or petit jury from arriving at a just conclusion that same prejudicial atmosphere would inevitably infect the judgments of the 435 Members of the House.

THE VICE PRESIDENT'S REQUEST IS UNJUSTIFIED IN LOGIC

There is no logical reason why the House of Representatives should accede to the desperate attempt of Mr. AGNEW and his legal advisers to have this body intervene in the orderly processes of the judicial branch.

Indeed, logic strongly urges the abstention by this House and this Congress from any aspect of this particular investigation. Logic would suggest that the Vice President may well receive a more objective appraisal of the charges made against him in the routine methods of the Federal courts where the presumption of innocence, the customary rules of evidence, and appeals through regularized channels will protect the Vice President as they protect every other person accused of wrongdoing. These same elaborate processes are by no means available in a congressional inquiry where, almost inevitably, partisan judgments enter into the final result.

A REQUEST UNJUSTIFIED BY HISTORY

The precedent of Vice President John Calhoun is not relevant or controlling in any way in connection with the request of the Vice President. Mr. Calhoun did not come to the House of Representatives some 36 hours before a grand jury was to act upon the alleged wrongdoings which he had committeed, not as a private citizen prior to the time he had become Vice President but as the Secretary of State. It would appear, furthermore, that the alleged wrongdoings of Mr. Calhoun did not approximate the apparent allegation about to be made against Vice President SPIRO AGNEW.

Even if, however, the action of the House of Representatives in establishing a Board of Inquiry with respect to Vice President Calhoun was the correct reaction in those circumstances, that particular unique precedent may not be utilized to justify the request of the Vice President at this time. The situation is entirely different and any appeal to the impeachment powers of the House by the Vice President can only be deemed to be a total misinterpretation of what those powers were intended to be by the Founding Fathers who wrote the Constitution. There is, in short, no analogy between the case of Calhoun and Vice President AGNEW which should justify the granting of this particular request by the House of Representatives.

In short, Mr. Speaker, I feel that the granting of the request of the Vice President by the House of Representatives would be a very serious self-inflicted wound. I urge the rejection of the request of the Vice President because it is a demand without foundation in law, logic or history. It is a demand made by desperate attorneys who, by appealing to spurious history, want to impose upon this House a function which belongs not to this House but to the courts of the United States.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COTTER (at the request of Mr. O'NEILL) for today on account of illness in family.

## 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. PARRIS) to revise and extend their remarks and include extraneous matter:)

Mr. SHRIVER, for 5 minutes, today.
Mr. STEELE, for 10 minutes, today.
Mr. HOGAN, for 5 minutes, today.
Mr. SANDMAN, for 10 minutes, today.
Mr. COHEN, for 5 minutes, today.
Mr. KEMP, for 30 minutes, today.
Mrs. HECKLER of Massachusetts, for 2 minutes, today.
Mr. WHALEN, for 10 minutes, today.
Mr. ROBISON of New York, for 20 minutes, today.

(The following Members (at the request of Mr. BRECKINRIDGE) to revise and extend their remarks and include extraneous matter:)

Mr. OWENS, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. ALEXANDER, for 5 minutes, today.
Mr. DENT, for 15 minutes, today.
Mr. WOLFF, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. ROONEY of Pennsylvania, for 5 minutes, today.
Ms. ABZUG, for 10 minutes, today.
Mr. FULTON, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PARRIS) and to include extraneous matter:)

Mr. ARCHER in two instances.
Mr. WINN.
Mr. BROWN of Ohio in three instances.
Mr. STEIGER of Wisconsin.
Mr. YOUNG of South Carolina in four instances.
Mr. SHRIVER in two instances.
Mr. ERLENBORN.
Mr. BEARD.
Mr. VEYSEY in two instances.
Mr. FRENZEL in two instances.
Mr. McDADE.
Mr. BROYHILL of Virginia in four instances.
Mr. BOB WILSON.
Mr. WYMAN in two instances.
Mr. HUDNUT.
Mr. HOGAN.
Mr. HARVEY.
Mr. HUNT.
Mr. MILLER in six instances.
Mr. ASHBROOK in four instances.
Mr. MARTIN of North Carolina.
Mr. DU PONT.
Mr. VANDER JAGT.
Mr. SYMMS in three instances.
Mr. ROUSSELOT in two instances.
Mr. BROTZMAN.
Mr. PEYSER in five instances.
Mr. NELSEN.
Mr. WHALEN.

(The following Members (at the request of Mr. MURPHY of New York) and to include extraneous matter:)

Mr. BENNETT.
Mr. EDWARDS of California.
Mr. Moss.

Mr. MURPHY of New York to revise and extend his remarks and include extraneous matter following the remarks of Mr. FLOOD in his special order today.

The following Members (at the request of Mr. BRECKINRIDGE) and to include extraneous matter:

Mrs. SCHROEDER.
Mr. BADILLO in two instances.
Mr. RARICK in three instances.
Mr. WALDIE in two instances.
Mr. NICHOLS.
Mr. HAMILTON.
Mr. EDWARDS of California.
Mr. DOMINICK V. DANIELS.
Mrs. BURKE of California in 10 instances.
Mr. BINGHAM in 10 instances.
Mr. BIAGGI in five instances.
Mr. LEHMAN in 10 instances.
Mr. HARRINGTON in two instances.
Mr. FULTON.
Mr. ANDERSON of California in two instances.

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 464. An act for the relief of Guido Bellanca; and

S. 2075. An act to authorize the Secretary of the Interior to engage in feasibility investigation of certain potential water resource developments.

## BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 5451. To amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes.

## ADJOURNMENT

Mr. MURPHY of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Thursday, September 27, 1973, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

1392. Under clause 2 of rule XXIV, a letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to assist States and local governments to improve their capabilities for responsive and effective governmental action; *to the Committee* on Government Operations.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois (for himself, Mr. GILMAN, and Mr. DU PONT):

H.R. 10536. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. ANDERSON of California (for himself, Mrs. CHISHOLM, Mr. GUNTER, Mr. RANGEL, Mr. RIEGLE, and Mr. CULVER):

H.R. 10537. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. BADILLO:

H.R. 10538. A bill to provide increased job training opportunities for people with limited English-speaking ability by establishing a coordinated manpower training program, a teacher training program for instructors of bilingual job training, and a capability to increase the development of instructional materials and methods for bilingual job training; to the Committee on Education and Labor.

By Mr. BROYHILL of Virginia:

H.R. 10539. A bill to increase the maximum per diem allowance for employees of the Government traveling on official business, and for other purposes; to the Committee on Government Operations.

H.R. 10540. A bill to amend the Railroad Retirement Act of 1937 to provide that a retired annuitant may elect to be subject to a system of deductions from his annuity on account of outside earnings instead of being subject to the prohibition against returning to the service of his last employer; to the Committee on Interstate and Foreign Commerce.

By Mrs. BURKE of California (for herself, Mr. MOSS, Mr. BADILLO, Mr. CONLAN, Mr. CORMAN, Mr. DIGGS, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FRASER, Mr. HARRINGTON, Mr. HAWKINS, Miss HOLTZMAN, Mr. LEGGETT, Mr. MATSUNAGA, Mr. MCCLOSKEY, Mr. MOAKLEY, Mr. PODELL, Mr. RIEGLE, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SARBANES, and Mr. JAMES V. STANTON):

H.R. 10541. A bill to amend section 611 of the Federal Aviation Act of 1958 to provide control and abatement of aircraft noise and sonic boom; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. MOSS, Mr. ROSENTHAL, Mr. ROONEY of Pennsylvania, Mr. EVANS of Colorado, Mr. CHARLES H. WILSON of California, Mr. DELLUMS, and Mr. STUDDS):

H.R. 10542. A bill to regulate commerce by assuring adequate supplies of energy resource products will be avaliable at the lowest possible cost to the consumer, and for other purposes; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 10543. A bill to amend the National Environment Policy Act of 1969 in order to encourage the establishment of, and to assist, State and regional environment centers; to the Committee on Science and Astronautics.

By Mr. HOGAN:

H.R. 10544. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

By Mr. HOSMER (for himself, Mr. EILBERG, Mr. RINALDO, Mr. BREAUX, Mr. YOUNG of Illinois, Mr. POWELL of Ohio, Mr. GINN, Mr. GUYER, Mr. STEED, and Mr. HUBER):

H.R. 10545. 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. HUDNUT (for himself, Mr. SHRIVER, Mr. WYMAN):

H.R. 10546. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Tennessee (for himself, Mr. BOWEN, Mr. FINDLEY, Mr. MATHIS of Georgia, Mr. NICHOLS, Mr. STUBBLEFIELD, and Mr. ZWACH):

H.R. 10547. A bill to amend the Packers and Stockyards Act of 1921, as amended, so as to more adequately cover the egg industry, and for other purposes; to the Committee on Agriculture.

By Mr. KOCH (for himself, Mr. ANNUNZIO, Mr. BROWN of California, Mr. CARNEY of Ohio, Mrs. CHISHOLM, Mr. DRINAN, Mr. FAUNTROY, Mr. GRAY, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. LEGGETT, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. NIX, Mr. PODELL, Mr. RANGEL, Mr. RIEGLE, Mr. ROSENTHAL, Mr. RYAN, Mr. STARK, Mr. CHARLES H. WILSON of California, and Mr. WON PAT):

H.R. 10548. A bill to require the destruction of certain files maintained by the Federal Bureau of Investigation with respect to Members of Congress, and to require notice to the Speaker of the House of Representatives and the President pro tempore of the Senate of certain other such files; to the Committee on the Judiciary.

By Mr. MIZELL (for himself, Mr. BROYHILL of North Carolina, Mr. JONES of North Carolina, Mr. MARTIN of North Carolina, and Mr. RUTH):

H.R. 10549. A bill to amend title 23, United States Code, to insure that no State will be apportioned less than 80 percent of its tax contribution to the highway trust fund; to the Committee on Public Works.

By Mr. PATTEN:

H.R. 10550. A bill to repeal the meat quota provisions of Public Law 88-482; to the Committee on Ways and Means.

By Mr. PEPPER (for himself and Mr. BRADEMAS):

H.R. 10551. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations and for other purposes; to the Committee on Education and Labor.

By Mr. PEYSER:

H.R. 10552. A bill to amend the Elementary and Secondary Education Act of 1965 to provide a program of grants to States for the development of child abuse and neglect prevention programs in the areas of treatment, training, case reporting, public education, and information gathering and referral; to the Committee on Education and Labor.

By Mr. RANDALL:

H.R. 10553. A bill to authorize and require the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. REES:

H.R. 10554. A bill to amend the Rules of the House of Representatives to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Director and staff, and for other purposes; to the Committee on Rules.

By Mr. ROONEY of Pennsylvania:

H.R. 10555. A bill to prohibit without congressional approval expenditures of appropriated funds with respect to private property used as residences by individuals whom the secret service is authorized to protect; to the Committee on Public Works.

By Mr. STEELE:

H.R. 10556. A bill to amend the Federal Aviation Act of 1958 to require the Secretary of Transportation to provide for a joint study of fire retardant or noncombustible materials for use in aircraft cabins and to require the issuance of minimum standards governing materials so used; to the Committee on Interstate and Foreign Commerce.

H.R. 10557. A bill to amend section 612 of the Federal Aviation Act of 1958 to require the establishment of certain minimum standards relating to firefighting and rescue equipment and personnel; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Arizona:

H.R. 10558. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Northern Tonto Apache Indians in Indian Claims Commission docket No. 22-J, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WAGGONNER:

H.R. 10559. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 10560. 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.

By Mr. BOB WILSON:

H.R. 10561. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGLAND:

H.R. 10562. A bill to provide for financing and economic development of Indians and Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROTZMAN:

H.R. 10563. A bill to amend the Internal Revenue Code of 1954 to provide income tax incentives to improve the economics of recycling waste paper; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mr. O'BRIEN, Mr. BELL, and Mr. BRASCO):

H.R. 10564. 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. DONOHUE:

H.R. 10565. A bill to establish a loan program to assist industry and businesses in areas of substantial unemployment to meet pollution control requirements; to the Committee on Banking and Currency.

H.R. 10566. A bill to regulate commerce by assuring adequate supplies of energy resource products will be available at the lowest possible cost to the consumer, and for other purposes; to the Committee on the Judiciary.

By Mr. HEINZ:

H.R. 10567. A bill to amend title 28 of the United States Code to provide a remedy in the nature of mandamus to be applied against the Attorney General upon the application of any person to require the investigation of certain alleged criminal offenses, and for other purposes; to the Committee on the Judiciary.

By Mrs. HOLT:

H.R. 10568. A bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails; to the Committee on Post Office and Civil Service.

By Mr. McDADE:

H.R. 10569. A bill to amend title 10 of the United States Code to designate the Medal of Honor awarded for military heroism as the "Congressional Medal of Honor"; to the Committee on Armed Services.

By Mr. MOSS (by request):

H.R. 10570. A bill to amend the Investment Company Act of 1940 to define duties of certain persons subject to that act and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 10571. A bill to provide that the special cost-of-living increase in social security benefits enacted by Public Law 93-66 shall become effective immediately and for other purposes; to the Committee on Ways and Means.

By Mr. PEYSER (for himself, Mr. BRASCO, Mr. COHEN, Mr. CONTE, Mr. CONYERS, Mr. DERWINSKI, Mr. DICKINSON, Mr. EDWARDS of California, Mr. FISH, Mr. FINDLEY, Mr. GILMAN, Mr. HILLIS, Mr. McDADE, Mr. McKINNEY, Mr. MITCHELL of Maryland, Mr. MOLLOHAN, Mr. PODELL, Mr. RIEGLE, Mr. ROSE, Mr. RYAN, Mr. SEBELIUS, Mr. VANDER JAGT, Mr. WALSH, Mr. HELSTOSKI, and Mr. FRASER):

H.R. 10572. A bill to amend the Elementary and Secondary Education Act of 1965 to provide a program of grants to States for the development of child abuse and neglect prevention programs in the areas of treatment, training, case reporting, public education, and information gathering and referral; to the Committee on Education and Labor.

By Mr. PREYER:

H.R. 10573. A bill to establish within the executive branch an independent board to establish guidelines for experiments involving human beings; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSSELOT:

H.R. 10574. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. TALCOTT:

H.R. 10575. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas (for himself, Mr. MOSHER, Mr. DAVIS of Georgia, Mr. BELL, Mr. SYMINGTON, Mr. ESCH, Mr. McCORMACK, Mr. CRONIN, Mr. FUQUA, Mr. MARTIN of North Carolina, Mr. FLOWERS, Mr. COTTER, Mr. PICKLE, and Mr. BROWN of California):

H.R. 10576. A bill to establish a national policy relating to conversion to the metric system in the United States; to the Committee on Science and Astronautics.

By Mr. WIDNALL (for himself, Mr. McKINNEY, Mr. CRANE, Mr. CONLAN, Mr. FRENZEL, Mr. ROUSSELOT, Mr. GERALD R. FORD, and Mr. JOHNSON of Pennsylvania):

H.R. 10577. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. CHARLES H. WILSON of California (for himself, Mr. COUGHLIN, Mr. LEHMAN, Mr. RINALDO, Mr. SARASIN, and Mr. SARBANES):

H.R. 10578. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Commiteee on Post Office and Civil Service.

By Mr. COLLINS of Texas:

H.J. Res. 745. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in any public place or conveyance; to the Committee on the Judiciary.

By Mr. DOMINICK V. DANIELS:

H.J. Res. 746. Joint resolution, a national education policy; to the Committee on Education and Labor.

By Mr. WAGGONNER:

H.J. Res. 747. Joint resolution proposing an amendment to the Constitution of the United States with respect to participation in voluntary prayer or meditation in public buildings; to the Committee on the Judiciary.

By Mr. MAHON:

H.J. Res. 748. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1974, and for other purposes; to the Committee on Appropriations.

By Mr. RAILSBACK:

H. Con. Res. 317. Concurrent resolution that all citizens should reduce the temperatures of the home and place of work by 2° during the approaching cold period in order to conserve energy; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE:

H. Con. Res. 318. Concurrent resolution providing for a joint meeting of Congress on July 4, 1976; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself and Mr. COHEN):

H. Res. 566. Resolution providing for an investigation of charges against the Vice President; to the Committee on Rules.

By Mr. BAUMAN (for himself, Mrs. HOLT, Mr. HOGAN, Mr. GUDE, Mr. ASHBROOK, Mr. SYMMS, Mr. ROUSSELOT, Mr. GROSS, Mr. CRANE, and Mr. YOUNG of Alaska):

H. Res. 567. Resolution to authorize the creation of a select committee to investigate charges made against the Vice President; to the Committee on Rules.

By Mr. BRADEMAS:

H. Res. 568. Resolution providing for printing of additional copies of oversight hearings entitled "Vocational Rehabilitation Services"; to the Committee on House Administration.

By Mr. FINDLEY:

H. Res. 569. Resolution to provide for the appointment of a select committee of the House to recommend whether impeachment proceedings shall be undertaken against the Vice President of the United States; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HASTINGS introduced a bill (H.R. 10579) for the relief of Clifford H. Macey, which was referred 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:

294. By the SPEAKER: Petition of the National Association of Secretaries of State, 56th Annual Conference, Williamsburg, Va., relative to election procedures; to the Committee on House Administration.

295. Also, petition of Gordon L. Dollar, Tamal, Calif., relative to redress of grievances; to the Committee on the Judiciary.

# SENATE—*Wednesday, September 26, 1973*

The Senate met at 8:45 a.m. and was called to order by Hon. GAYLORD NELSON, a Senator from the State of Wisconsin.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord God of history, we thank Thee that underneath all time and eternity are the everlasting arms. We thank Thee for the everlasting arms which reach out to gather us in and hold us up, which brace and strengthen us in every need. We thank Thee for the everlasting arms underneath all success and all failure which never let us down and never give us up. Encompass us with the everlasting arms of love and grace that we fail Thee not.

"To serve the present age
Our calling to fulfill
O, may it all our powers engage
To do the Master's will."

In His name we pray. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., September 26, 1973.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. GAYLORD NELSON, a Senator from the State of Wisconsin, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
*President pro tempore.*

Mr. NELSON thereupon took the chair as Acting President pro tempore.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tues-