night; it is quite likely that we will take some time to complete that business, does not the Senator agree?

Mr. BYRD of West Virginia. Yes, I do agree, and it is hoped that the Senate will complete action on H.R. 8190, the second supplemental appropriation bill, tomorrow evening. Whether or not it will complete action will depend upon the outcome of the vote on the Proxmire amendment (No. 94), the so-called SST amendment. Of course, once the matter is settled one way or the other, the Schweiker amendment will resume its status, and will be the pending business.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. ALLEN. Actually, then, there is no assurance that the Mansfield amendment will come to a vote tomorrow, because the order of business is that it cannot be voted on prior to 5 o'clock.

Mr. BYRD of West Virginia. It cannot be voted on prior to 5 o'clock.

Mr. ALLEN. And there is no set time for a vote on the amendment?

Mr. BYRD of West Virginia. There is no specific time for a vote on the Mansfield amendment.

Mr. ALLEN. It could conceivably be carried over to the next legislative day, which would carry the vote on the SST over until the same day.

Mr. BYRD of West Virginia. It could conceivably carry over, yes, in the event perfecting amendment after perfecting amendment ad infinitum were offered. But I would hope and believe that we would reach a decision on the Mansfield amendment and on the SST amendment tomorrow evening, albeit late.

Mr. ALLEN. I thank the Senator.

Mr. BYRD of West Virginia. I thank the distinguished Senator from Alabama.

RECESS UNTIL 8:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 8:30 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 49 minutes p.m.) the Senate recessed until tomorrow, Wednesday, May 19, 1971, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 18, 1971:

ENVIRONMENTAL PROTECTION AGENCY

Robert W. Fri, of Maryland, to be Deputy Administrator of the Environmental Protection Agency, (new position).

U.S. ADVISORY COMMISSION ON INFORMATION

John Shaheen, of Illinois, to be a member of the U.S. Advisory Commission on Information for a term expiring January 27, 1974, vice Morris S. Novik, term expired.

U.S. DISTRICT COURTS

Solomon Blatt, Jr., of South Carolina, to be a U.S. district judge for the district of South Carolina, vice Donald Stuart Russell, elevated.

Robert F. Chapman, of South Carolina, to be a U.S. district judge for the district of South Carolina, vice a new position created by Public Law 91–272, approved June 2, 1970.

U.S. ARMY

The following-named officers for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

TO BE BRIGADIER GENERAL, WOMEN'S ARMY CORPS

Col. Mildred Caroon Bailey, [redacted], U.S. Army.

TO BE BRIGADIER GENERAL, ARMY NURSE CORPS

Col. Lillian Dunlap, [redacted] Army Nurse Corps, U.S. Army.

HOUSE OF REPRESENTATIVES—*Tuesday, May 18, 1971*

The House met at 12 o'clock noon.

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

Draw near to God and He will draw near to you.—James 4: 8.

O Thou who art the God and Father of all mankind, we pray that Thou wilt touch our spirits and transform our lives as in all reverence we wait upon Thee.

Kindle within our hearts an awareness of Thy presence that we may be equal to the experiences of this day and adequate for any activity which comes our way.

Endow these representatives of our people with creative wisdom and confident faith that they may build a world where truth and righteousness shall rule in every land and peace and good will shall reign in every heart.

In the spirit of Him who is Lord of all we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 5352. An act to amend the act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce; and

H.R. 7500. An act to provide for the placement of Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, when retired, on the retired list in the grade of general.

NO RELAXATION OF U.S. STANDARDS FOR FOREIGN SST'S

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

Mr. WOLFF. Mr. Speaker, the fate of the American SST is in doubt. However, there have been disquieting rumors that we might permit foreign SST's landing rights in the United States.

Today I am introducing legislation which would prevent the Concorde and the Russian SST from landing in or flying over the United States unless two conditions could be met: First, Congress would have to approve findings that the operation of SST's would not have a detrimental effect on man or the environment. In addition to that, the Secretary of Transportation would have to make certain that the operation of the SST's would meet present noise and safety standards at least as strict as those now in effect for other aircraft in commercial service.

If we permit foreign SST's to land in this country or even fly over it at subsonic speeds, we may be permitting foreign airplanes to do what American aircraft will be prevented from doing.

Mr. Speaker, I ask the support of my colleagues in this regard. I therefore urge early action on this bill, a copy of which I am including at this point in the RECORD:

H.R. 8521

A bill to prohibit commercial flights by supersonic aircraft into or over the United States until certain findings are made by the Administrator of the Environmental Protection Agency and by the Secretary of Transportation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful to operate a supersonic aircraft, manufactured in the United States or in a foreign nation, for a commercial flight at supersonic or subsonic speeds in the navigable airspace of the United States until—

(1) the Congress by law, approves findings by the Administrator of the Environmental Protection Agency that the operation of such supersonic aircraft in the navigable airspace of the United States will not have detrimental physiological or psychological effects on persons on the ground and will not have detrimental effects on the environment; and

(2) the Secretary of Transportation shall have made affirmative findings, and submitted a written report thereon to the Congress, that the operation of supersonic aircraft in the navigable airspace of the United States meets all noise and safety standards prescribed by the Secretary with respect to the operation of aircraft capable of operating at supersonic speeds.

Supersonic aircraft shall be required to meet noise, environmental, and safety standards at least equal to those already established for other aircraft in commercial service.

SUPERSONIC TRANSPORT PROGRAM

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

Mr. WHALEN. Mr. Speaker, during my 5 years as a Member of this body, I have supported the supersonic transport pro-

gram—SST—which was initiated in 1961 by President Kennedy.

The issue, in my judgment, was not whether there should or should not be an SST. That question already has been resolved—there are four such aircraft flying today. Rather, I felt that the information derived from the development and testing of two American prototypes would enable private enterprise to determine the economic and environmental feasibility of the SST concept.

Last week, after this body voted to revive the SST prototype effort, Mr. William Allen, chairman of the board of the Boeing Co., stated that restarting costs would be between $500 million and $1 billion. Obviously, Boeing and its subcontractors cannot meet this additional expense.

In view of the many urgent needs confronting our Nation today, I do not believe that the American taxpayer should be saddled with an additional billion dollars to finance another corporate "bailout." Thus, if the SST issue recurs in this Chamber, I shall vote against any further funding.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day.

The Clerk will call the first individual bill on the Private Calendar.

CLINTON M. HOOSE

The Clerk called the bill (H.R. 1824) for the relief of Clinton M. Hoose.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ROSE MINUTILLO

The Clerk called the bill (H.R. 2816) for the relief of Rose Minutillo.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

PAUL ANTHONY KELLY

The Clerk called the bill (H.R. 3475) for the relief of Paul Anthony Kelly.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ESTATE OF CHARLES ZONARS, DECEASED

The Clerk called the bill (H.R. 2127) for the relief of the estate of Charles Zonars, deceased.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. FERNANDE M. ALLEN

The Clerk called the bill (H.R. 5318) for the relief of Mrs. Fernande M. Allen.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ROBERT F. FRANKLIN

The Clerk called the bill (H.R. 5420) for the relief of Robert F. Franklin.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

LEONARD ALFRED BROWNRIGG

The Clerk called the bill (H.R. 1795) for the relief of Leonard Alfred Brownrigg.

There being no objection, the Clerk read the bill as follows:

H.R. 1795

Be it enacted by the Senate and House of Representatievs of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Leonard Alfred Brownrigg shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia DiGiorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CHARLES C. SMITH

The Clerk called the bill (H.R. 2246) for the relief of Charles C. Smith.

There being no objection, the Clerk read the bill as follows:

H.R. 2246

A bill for the relief of Charles C. Smith

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Charles C. Smith, of Cape Neddick, Maine, is relieved of liability to the United States in the amount of $446.37, representing overpayments (made through administrative error beyond Charles C. Smith's control) of salary paid to him by the Air Force in connection with his military duty in Vietnam prior to his discharge in 1965. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles C. Smith, of Cape Neddick, Maine, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, strike all of lines 5, 6 and 7.

Page 1, line 8, strike "Vietnam prior to his discharge in 1965." and insert: "representing the amount remaining due the United States on the date of his discharge as the result of casual payments received by him in connection with his transfer from Luke Air Force Base, Arizona, to Vietnam."

Page 2, line 9, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RICHARD C. WALKER

The Clerk called the bill (H.R. 3749) for the relief of Richard C. Walker.

There being no objection, the Clerk read the bill as follows:

H.R. 3749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That former Staff Sergeant Richard C. Walker, United States Marine Corps (200-74-33), of Thibodaux, Louisiana, is relieved of liability to the United States in the amount of $1,063.99 representing certain excess pay and allowances paid to him during his active service in the United States Marine Corps as the result of administrative errors and without fault on his part. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Richard C. Walker an amount equal to the aggregate of any amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or de-

livered to or received by any agent or attorney on account of services rendered in connection with such claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6: Strike "$1,063.99" and insert "$547.52"

Page 2, line 9: Strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SGT. ERNIE D. BETHEA, U.S. MARINE CORPS, RETIRED

The Clerk called the bill (H.R. 3753) for the relief of Sgt. Ernie D. Bethea, U.S. Marine Corps, retired.

There being no objection, the Clerk read the bill as follows:

H.R. 3753

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sergeant Ernie D. Bethea, United States Marine Corps (retired), of Newark, New Jersey, is relieved of liability to the United States in the amount of $316.79, representing overpayment (made as a result of administrative error) of his pay while he was on active duty in Vietnam with the United States Marine Corps. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sergeant Ernie D. Bethea, United States Marine Corps (retired), of Newark, New Jersey, an amount equal to the aggregate of any amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM D. PENDER

The Clerk called the bill (H.R. 5657) for the relief of William D. Pender.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

JOHN BORBRIDGE, JR.

The Clerk called the bill (H.R. 5900) for the relief of John Borbridge, Jr.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

JANIS ZALCMANIS, GERTRUDE JANSONS, LORENA JANSONS MURPHY, AND ASJA JANSONS LIDERS

The Clerk called the bill (H.R. 6100) for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill will be passed over without prejudice.

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

There was no objection.

ROGER STANLEY, AND THE SUCCESSOR PARTNERSHIP, ROGER STANLEY AND HAL IRWIN, DOING BUSINESS AS THE ROGER STANLEY ORCHESTRA

The Clerk called the bill (H.R. 4667) for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. MARIA G. ORSINI (NEE MARI)

The Clerk called the bill (H.R. 1899) for the relief of Mrs. Maria G. Orsini (nee Mari).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

JESUS MANUEL CABRAL

The Clerk called the bill (H.R. 1931) for the relief of Jesus Manuel Cabral.

There being no objection, the Clerk read the bill as follows:

H.R. 1931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Jesus Manual Cabral. From and after the date of the enactment of this Act, such alien shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MISS MARGARET GALE

The Clerk called the bill (H.R. 1995) for the relief of Miss Margaret Gale.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. NGUONG THI TRAN (FORMERLY NGUYEN THI NGUONG, A13707–473D/3)

The Clerk called the bill (H.R. 2117) for the relief of Mrs. Nguong Thi Tran (formerly Nguyen Thi Nguong, A13707–473D/3).

There being no objection, the Clerk read the bill as follows:

H.R. 2117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Nguong Tri Tran (formerly Nguyen Thi Nguong, A13707–473D/3) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203 (a) of the Immigration and Nationality Act.

With the following committee amendment:

Beginning on page 1, line 8, after the words "visa fee." strike out the remainder of the bill.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CONFERRING JURISDICTION UPON THE U.S. COURT OF CLAIMS UPON THE CLAIM OF JOHN T. KNIGHT

The Clerk called House Resolution 240, to refer the bill (H.R. 4473) entitled "A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight" to the Chief Commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

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

There was no objection.

CONFERRING JURISDICTION UPON THE U.S. COURT OF CLAIMS UPON THE CLAIM OF JOHN S. ATTINELLO

The Clerk called House Resolution 401, to refer the bill (H.R. 6204) entitled "A bill for the relief of John S. Attinello" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, as amended.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

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

There was no objection.

WILLIAM R. KARSTETER

The Clerk called the bill (H.R. 2035) for the relief of William R. Karsteter.

There being no objection, the Clerk read the bill as follows:

H.R. 2035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William R. Karsteter, of Redlands, California, the sum of $900 in full settlement of all his claims against the United States arising out of the arrangements made by the United States Army Transportation Corps for the moving of his household possessions from Paris to England in 1956 and 1957 in connection with his transfer of employment from the Joint Construction Agency (Department of Defense, United States European Command) to the Headquarters of the Third Air Force.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike "$900" and insert "$884.55".

Page 2, line 4, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF JULIUS L. GOEPPINGER

The Clerk called the bill (H.R. 2110) for the relief of the estate of Julius L. Goeppinger.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

SALMAN M. HILMY

The Clerk called the bill (H.R. 6998) for the relief of Salman M. Hilmy.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

STEPHEN C. YEDNOCK

The Clerk called the bill (H.R. 1892) for the relief of Stephen C. Yednock.

There being no objection, the Clerk read the bill as follows:

H.R. 1892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Stephen C. Yednock, the sum to which he would be entitled under section 5724 of title 5 of the United States Code (or under the provisions of previous section 73b–1 of that title) and the regulations issued thereunder without regard to section 1.3d of Bureau of the Budget Circular numbered A–56, for the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking his household goods and personal effects incident to his transfer in October 1965, to Bethesda, Maryland, as an employee of the Naval Ships Systems Command, Department of the Navy. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

ARNOLD D. SMITH

The Clerk called the bill (H.R. 1907) for the relief of Arnold D. Smith.

Mr. JAMES V. STANTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

JOHN A. MARTINKOSKY

The Clerk called the bill (H.R. 4042) for the relief of John A. Martinkosky.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MAJ. MICHAEL M. MILLS

The Clerk called the bill (H.R. 6666) for the relief of Maj. Michael M. Mills, U.S. Air Force.

Mr. HAYS and Mr. JAMES V. STANTON objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

EUGENE M. SIMS, SR.

The Clerk called the bill (H.R. 7085) for the relief of Eugene M. Sims, Sr.

Mr. HAYS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. ELEANOR D. MORGAN

The Clerk called the bill (H.R. 7569) for the relief of Mrs. Eleanor D. Morgan.

Mr. JAMES V. STANTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

ROY E. CARROLL

The Clerk called the bill (H.R. 2846) for the relief of Roy E. Carroll.

Mr. JAMES V. STANTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORT ON HOUSE RESOLUTION 411

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations have until Friday midnight to file a report on House Resolution 411.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE RAILROAD STRIKE

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

Mr. DEVINE. Mr. Speaker, currently the Committee on Interstate and Foreign Commerce is hearing House Joint Resolution 642, designed to do something about this intolerable railroad strike. For some reason they did not meet yesterday, and they should have because the whole Nation is being tied up. The economy is being severely affected. The resolution introduced by Mr. STAGGERS, by

request, and Mr. SPRINGER would prohibit a strike and prohibit a lockout until July 1. It would require the Secretary of Labor, on the 21st of June, to make a progress report and recommendations to the Congress.

This is about the sixth time in the 13 years I have served on this committee that we have had to go through this exercise. I think it is inexcusable that this Congress has not long ago passed the permanent legislation recommended by the President in this field, rather than involving the House in a labor-management dispute.

If and when House Joint Resolution 642 comes out of committee, and it should be this afternoon, it must receive immediate action by this House and the Senate. Otherwise the economy is in most serious jeopardy.

PERMISSION FOR THE COMMITTEE ON WAYS AND MEANS TO FILE A REPORT ON H.R. 1, AS AMENDED, UNTIL MIDNIGHT, MAY 26

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight on May 26 to file a report on H.R. 1, as amended.

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

There was no objection.

RAILROAD STRIKE

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

Mr. LATTA. Mr. Speaker, I agree with the statement just made by my friend and colleague from Ohio (Mr. DEVINE). I think this word should be added: The Interstate and Foreign Commerce Committee and the Congress of the United States should have gotten down to business on yesterday and resolved this matter then, rather than to wait until today. I just came from the Rules Committee where we are waiting word that this committee has reported a bill and is requesting a rule. This Congress should not be proceeding at a leisurely pace—we are in the midst of a national railroad strike and the whole country is being inconvenienced.

We have heard that the motor companies are already laying off people, the mails are crippled, and people are finding it difficult to get to work. The whole economy will be affected in another day. Yet, this Congress failed to take any action yesterday and is moving at a snails pace today. The country demands and deserves action by this Congress now—today.

PERMISSION FOR THE COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE A PRIVILEGED REPORT

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

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

There was no objection.

PERSONAL EXPLANATION

Mr. COUGHLIN. Mr. Speaker, I was unavoidably absent from yesterday's session. Had I been present, I would have voted as follows:

On rollcall No. 91, the vote on the bill H.R. 7271, authorizing appropriations for the Commission on Civil Rights, I would have voted "yea";

On rollcall No. 92, the vote on the bill H.R. 5257, amending the National School Lunch Act, I would have voted "yea";

On rollcall No. 93, the vote on the bill H.R. 56, to provide for a national environmental data system, I would have voted "yea";

On rollcall No. 94, the vote on the bill H.R. 5060, to prohibit shooting animals from aircraft, I would have voted "yea"; and

On rollcall No. 95, the vote on the bill H.R. 2587, to establish the National Advisory Committee on the Oceans and Atmosphere, I would have voted "yea."

HOUSE FOOD SERVICE COST ADJUSTMENT

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–205) on the resolution (H. Res. 429), authorizing the payment of additional amounts out of the House contingent fund to defray expenses of the House restaurant and the cafeteria and other food service facilities of the House for the remainder of the fiscal year ending June 30, 1971, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 429

Resolved, That the Clerk of the House of Representatives is authorized to pay, out of the contingent fund of the House, such amounts, in addition to the funds provided for the House restaurant and the cafeteria and other food service facilities of the House by the Legislative Branch Appropriation Act, 1971 (84 Stat. 813; Public Law 91–382), for the fiscal year ending June 30, 1971, as may be necessary to support and defray the expenses of the operation of such restaurant and facilities for the remainder of such fiscal year.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TELEPHONE ALLOWANCES OF MEMBERS OF THE HOUSE OF REPRESENTATIVES

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–206) on the resolution (H. Res. 418), relating to telephone allowances of Members of the House of Representatives, and for other purposes, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 418

Resolved, That (a) effective as of April 1, 1971, until otherwise provided by law, the Clerk of the House of Representatives shall reimburse, from the contingent fund of the House—

(1) each Member of the House of Representatives and the Resident Commission from Puerto Rico in an amount not more than $450 quarterly for charges for strictly official telephone service incurred outside the District of Columbia; and

(2) the Delegate from the District of Columbia in an amount not more than $450 quarterly for charges for strictly official telephone service incurred within the District of Columbia.

(b) Any unused portion of each quarterly allowance provided by this section shall lapse. The Committee on House Administration shall make such rules and regulations as the committee considers necessary to carry out this section. The amounts provided by this section shall be in addition to any other amounts provided by law which may be available for payment of charges described in subsection (a) of this section.

SEC. 2. Effective as of April 1, 1971, until otherwise provided by law, the Clerk of the House of Representatives shall reimburse the Delegate from the District of Columbia, from the contingent fund of the House, in an amount not more than $300 quarterly, upon certification of the Delegate, for official office expenses incurred within the District of Columbia.

SEC. 3. Notwithstanding the last sentence of subsection (b) of the first section of this resolution, the provisions of House Resolution 161, Ninetieth Congress, adopted May 11, 1967, and enacted as permanent law by the Second Supplemental Appropriation Act, 1968 (82 Stat. 318; Public Law 90–392), shall not be effective in the Ninety-second Congress on and after April 1, 1971; and, effective on the date of enactment of the provisions of this resolution as permanent law, the provisions of such House Resolution 161 are repealed.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING ADDITIONAL POSTAGE FOR MEMBERS AND OFFICERS OF THE HOUSE OF REPRESENTATIVES

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–207) on the resolution (H. Res. 420), providing additional postage for Members and officers of the House of Representatives, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 420

Resolved, That (a) in addition to postage stamps authorized to be furnished under any other provision of law, until otherwise provided by law, the Clerk of the House of Representatives shall procure and furnish United States postage stamps (1) to each Representative, the Resident Commissioner of Puerto Rico, and the Delegate from the District of Columbia in an amount not exceeding $210 and (2) to each standing committee of the House of Representatives upon request of the chairman thereof, in an amount not exceeding $130.

(b) In addition to postage stamps authorized under any other provision of law, until otherwise provided by law, the Speaker, the majority and minority leaders, and the ma-

jority and minority whips of the House of Representatives shall each be allowed United States postage stamps in an amount not exceeding $190, and the following officers of the House of Representatives shall each be allowed such stamps in the amounts herein specified as follows: The Clerk of the House, $340; the Sergeant at Arms, $250; the Doorkeeper, $210; and the Postmaster, $170.

(c) There shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to carry out this resolution.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the remainder of the reading be dispensed with and that the resolution be printed in the RECORD.

Mr. GROSS. Mr. Speaker, reserving the right to object, what is this resolution?

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. This resolution represents an increase in the Members' postage allowances calculated at the percentage of increase in postal rates which went into effect on Sunday.

Mr. GROSS. We are losing no time in getting this increase into effect; is that correct?

Mr. THOMPSON of New Jersey. That is quite right, and I believe it is necessary. Our rates have been increased to 8 cents and to 11 cents, an average of 30 percent. This merely will allow us exactly the same number of mailings as we would have had before the action by the new Postal Department, whatever it calls itself.

Mr. GROSS. This is another interesting development of this so-called postal reform bill that a majority of the Members of the House supported so enthusiastically a year ago. So it is all coming back now to haunt us.

Mr. THOMPSON of New Jersey. Yes; I will say to the gentleman from Iowa it is coming back to haunt us.

In the course of answering the inquiry I might say that I was one who last year made the mistake of voting for the new postal system. I should like to acknowledge that I did make a mistake.

Mr. GROSS. I am glad to hear the gentleman purge his soul here so early in the day. Fortunately, I do not have to do so with respect to that legislation.

Mr. THOMPSON of New Jersey. I know the gentleman from Iowa does not. He has gently reminded me on a couple of recent occasions, and I have confessed to him privately what I am now confessing for the record.

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

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

Mr. HAYS. I just want to say to the gentleman I do not confess anything, because I smelled that one a long way off and voted against it.

One of the things that made my senses extremely acute was that I saw the gentleman who calls himself the Postmaster General—I do not think, personally, he can run a wheelbarrow out of a ditch, but that is neither here nor there—trying to persuade the gentleman from Iowa and bending his ear one night in the exclusive precincts of the Cosmos Club. When he could not convince the gentleman from Iowa there that was enough for me; I did not want any part of it.

Mr. GROSS. I hope the users of the mails across the country can make the adjustment to the new postal rates and especially adjust their incomes to pay for the new postal rates as fast as the House of Representatives.

Mr. Speaker, I withdraw my reservation.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 96]

Abourezk	Edwards, La.	Miller, Calif.
Anderson, Calif.	Ellberg	Moorhead
Ashley	Foley	Morgan
Badillo	Ford, William D.	Nix
Baring	Fraser	Patman
Barrett	Gettys	Pryor, Ark.
Biester	Giaimo	Railsback
Blackburn	Gray	Randall
Blatnik	Green, Oreg.	Rooney, Pa.
Brooks	Green, Pa.	Roy
Burlison, Mo.	Hansen, Idaho	Runnels
Byrne, Pa.	Hathaway	Ruppe
Celler	Hébert	Sandman
Chappell	Henderson	Scheuer
Chisholm	Hillis	Schneebeli
Clark	Hogan	Stuckey
Clay	Ichord	Teague, Tex.
Collins, Ill.	Karth	Udall
Conte	Long, La.	Widnall
Corman	McCulloch	Wilson, Charles H.
Dent	McKinney	Wright
Diggs	Mathias, Calif.	Wyatt
Dowdy	Mikva	Yatron
Dwyer		

The SPEAKER. On this rollcall 361 Members have answered to their names, a quorum.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on May 14, 1971, the President approved and signed a bill of the House of the following title:

H.R. 5674. An act to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide an increase in the appropriations authorization for the Commission on Marihuana and Drug Abuse.

PROVIDING FOR CONSIDERATION OF H.R. 3613, EMERGENCY EMPLOYMENT ACT OF 1971

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 437 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 437

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3613) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of H.R. 3613 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the Committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 3613, the Committee on Education and Labor shall be discharged from the further consideration of the bill S. 31, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 3613 as passed by the House.

The SPEAKER. The gentleman from Indiana (Mr. MADDEN) is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 437 provides an open rule with 3 hours of general debate for consideration of H.R. 3613 to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment and, after passage of H.R. 3613, the Committee on Education and Labor shall be discharged from further consideration of S. 31 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

The purpose of H.R. 3613 is to provide

jobs for the unemployed and to provide services to people.

The Secretary of Labor is provided with authority to enter into contracts with units of Federal, State, and local governments, public agencies and institutions which are subdivisions of government, or Indian tribes on reservations, in order to assist financially to provide employment in jobs providing needed public services.

Two hundred million dollars is authorized for fiscal year 1971—ending June 30, 1971; $750 million is authorized for fiscal 1972, and $1 billion is authorized for each of the next 3 fiscal years.

Mr. Speaker, the Nation's population passed 200 million last year and today it is approximately 206 million. Seventy-one percent of that figure live in urban areas throughout the Nation. The unemployment situation varies in localities, some cities having as high as 15 to 20 percent ond others as low as 4 to 6 percent. Unemployment over the Nation moved up to 5.1 million in April of this year; up approximately 2.5 million since January 1969.

The unemployment areas have increased remarkably during that period of time. In January 1969 we had six major unemployment areas and today we have 52 scattered throughout the country.

Living costs for the first quarter of 1971 were 4.9 percent above a year ago. Buying power of rank and file workers is less than in 1969, and even below 1965. Industrial production is below levels of last summer and industrial operating rate is down 73 percent of capacity. Profits were up in the first quarter of this year; bank profits continue to skyrocket; dividend payments are increasing.

This legislation is designed to get additional unemployment funds into especially hard-hit areas. The principal benefit of this legislation is providing jobs which are engaged in public service to the people, such as community betterment projects to make additions to the work force in vital areas of public safety, to improve and expand recreation programs, public education, transportation, and to many other things that will benefit stricken communities. This legislation provides for work programs of substantial import which will give the communities much-needed projects and improvements for future generations.

The Rules Committee, at its hearing on this bill last Tuesday, rejected the effort to substitute an administration bill which does not begin to cover the provisions for work production and employment that H.R. 3613 calls for. This so-called substitute bill, which I understand an effort will be made to have the House consider during the debate, has not been given either public or private hearings by the Education and Labor Committee and is being submitted by the administration after it had been conceived and drawn up the President's strategy committee in the White House. I am satisfied that the House will reject even any remote consideration of the same with immediate dispatch.

The funds which are unobligated at the end of fiscal year shall be transferred to a special employment assistance fund which would be established in the Treasury. The unobligated funds would be available to the fund without fiscal year limitation. Two hundred and fifty million dollars would be authorized to be appropriated for the fund for fiscal year 1972 and for each of the 3 succeeding fiscal years such sums would be authorized as necessary to assure that the fund would have at least $250 million at the end of such year.

The Secretary would be able to enter into contracts with units of local governments, or subdivisions thereof, or Indian tribes which have areas within such units, where the rate of unemployment equals or exceeds 6 percent for 3 consecutive months.

Eighty percent of the funds appropriated, except those authorized for the fund, are to be apportioned among the States and within them on the basis of the proportion which the total number of unemployed within the State or local area bears, respectively, to the total unemployed nationally and in the State. The remaining 20 percent, the Secretary may distribute as he deems appropriate. We would be authorized to use up to 15 percent of the funds for training and manpower services.

The Secretary would be required to make an annual activity report.

Mr. Speaker, I urge the adoption of House Resolution 437 in order that the bill may be considered and debated under an open rule.

Mr. Speaker, I hope that the rule will be adopted without any major opposition.

Mr. SMITH of California. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, House Resolution 437, out of the Rules Committee, provides for 3 hours of debate under an open rule for consideration of H.R. 3613 entitled, "To provide during times of unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes."

Mr. Speaker, at the conclusion of the debate, the bill is open for amendment under an open rule, and, if passed, the rule provides that the language of H.R. 3613 can be substituted instead of the language of S. 31, which has already been passed.

Now, as stated by the gentleman from Indiana, the bill H.R. 8141 was brought to the attention of the Rules Committee with the request that it be made in order as a substitute. This request lost on a vote of 8 to 7. It is my intention, Mr. Speaker, to call for a vote on the previous question either because of the lack of a quorum, or if a sufficient number is here, to request the yeas and nays. If the previous question is voted down, and if I am recognized, or if someone else on this side is recognized, it is our intention to offer the language as contained in H.R. 8141.

On page 2 of the resolution (H. Res. 437), which we are presently considering, at the end of line 4, add the following:

It shall also be in order to consider without the intervention of any point of order the text of the bill H.R. 8141 as a substitute for the said committee amendment.

There are copies of this on the desk if anybody wants to see it. This is typical language used in a rule when another bill is made in order to be considered. In the instant bill, the committee amendment is in the nature of a substitute, because all of the original language of H.R. 3613 was stricken and new language was added. The bill which, if we have the opportunity to do so, which will be made in order, is the so-called Esch bill, H.R. 8141. This is entitled "To provide Federal revenue to State and local governments and afford them broad discretion in furnishing training employment opportunities needed by individuals to qualify for satisfying and self-supporting employment."

Mr. Speaker, it is not my intention to argue for or against either bill, but I would like to explain what I believe the differences to be in the two bills, and why we should have the opportunity or, rather, the membership should have the opportunity to work its will on the consideration of H.R. 8141. After all, there is not any partisan problem or difference when it comes to unemployment, because every Member of this House is just as anxious to reduce unemployment, regardless of their party affiliation. By the same token, to just be presented with a bill and not permit the Members to consider any alternative is, in my opinion, unfair.

The statement has been made that hearings were not held on H.R. 8141. I think that is a true statement so far as the bill H.R. 8141 is concerned, because that bill was not actually introduced until May 6. However, during the hearings on the problem, practically all of the questions and subject matter which are in H.R. 8141 were discussed during the hearings. In addition to that, Mr. Speaker, last session the Committee on Education and Labor held extensive hearings on the bill H.R. 19519. It passed both the House and the other body. It was vetoed, as I understand it, by the President, and I believe the veto was sustained in the other body. In my opinion, in reading these bills over, H.R. 3613, the bill which is presented here today, is not a great deal better, or does not have many more changes in it than the bill H.R. 19519 had in it, which the House and the other body passed last year.

So probably the statement is correct that hearings were not specifically held on H.R. 8141, but the subject matter has been gone into time and time again with the Committee on Education and Labor.

Now, as to the differences of the bill, which will be the only opportunity you will have to learn a little bit about H.R. 8141, unless the rule is voted down, and then we are able to offer it as a substitute. These two bills are quite different. H.R. 3613 as reported by the committee is an additional program in a whole series of categorical grant-in-aid programs coming under the general heading of manpower training and development. I do not know whether anybody in this august body knows how many manpower training programs or retraining programs we have. Testimony indicated 21, 23, 25, and I think somebody said there may be as many as 35 programs, but in

any event there are a number of them. H.R. 8141 is somewhat of a new approach for trying to restructure the manpower grant-in-aid programs, and it includes therein the revenue sharing and block grant concept as proposed by the President. Both bills provide for public service employment opportunities for the unemployed.

H.R. 3613 contains that and nothing more, adding that assistance category to those already in existence. H.R. 8141 restructures manpower programs generally, as suggested in the revenue-sharing proposal and includes public service employment as one component part of the entire program.

H.R. 3613 provides for financial assistance to local, State and units of the Federal Government. With such funds governmental units may then employ in public service jobs the locally unemployed. On a national basis, the program goes into effect whenever the rate of unemployment reaches 4.5 percent for a 3-month period. It is shut off when, for a similar period, unemployment falls below 4.5 percent. Special assistance is also available, including additional funding, in local areas where the rate of unemployment reaches 6 percent for a 3-month period. Through fiscal 1975 a total of $4,950,000,000 is authorized for the two programs.

It is anticipated that this will create the jobs for 150,000 minimum and 160,000 possibly. I believe if my mathematics is correct, dividing 150,000 into $4,950,000,000 comes to about $33,000 per person.

H.R. 8141 is a new approach in funding, basically following earlier block grant concepts combined with the manpower revenue-sharing proposals of the President.

The bill consolidates a dozen narrow categorical manpower training programs into a single, flexible approach—including public service employment assistance. It decentralizes the administration of the program by giving the States and local government units control over the design of their local programs in order to meet local conditions and circumstances. One result of this will be that instead of the Department of Labor being required to actually individually oversee and administer some 10,000 separate contracts with all sorts of governmental units and public and some private agencies, such day-to-day administrative responsibility will rest with about 350 local units of government charged with responsibility over all aspects of the programs in their local area—of course, this will be under final Federal fiscal audit. With its personnel freed from daily detail and administrative work by the bill, the Department of Labor is charged in title II of the bill, H.R. 8141, with leadership in such areas as demonstration and pilot projects, technical assistance to local programs, basic research into new concepts and the development of a nationwide computerized job bank.

For fiscal 1971 H.R. 8141 authorizes up to $500 million—any part of which may be used for public service employment programs in areas of high unemployment. Beginning in January 1972 the bill authorizes and I quote, "such sums as may be necessary" are authorized to carry out all the newly combined manpower training programs. No "triggering figure" is involved in the allocation of these funds—as is required by the committee bill.

Each program handled by a State or local government could be individually tailored to local conditions and factors by the local program sponsors—no requirement to squeeze a local situation into a prepackaged Federal program would be required.

The bill, H.R. 8141, commonly referred to as the House bill is clearly nongermane and it could not be offered here today unless the resolution setting forth the rule, House Resolution 437, made it germane.

So, as I said previously, the only possibility we may have to consider H.R. 8141 at this time will be to vote down the previous question and offer an amendment to make it in order. If that is adopted by a majority of the Members, then it can be considered. If not, then it cannot be considered.

The gentleman from New Jersey (Mr. DANIELS) very honestly stated that he will extend hearings to H.R. 8141. But, it seems to me, the Members are pretty well familiar with these programs. We have had that around here for a good many years and we are all interested in getting people off the unemployment rolls. I think we could well consider the bill, H.R. 8141, here today and tomorrow while we are considering the committee bill, H.R. 3613.

I am not in any way attempting to cast any aspersions on anybody, but for some reason or other I get the feeling around here that maybe it is not the subject matter that some Members might be afraid of considering, but maybe it has something to do with politics. I do not know whether it would have anything to do with the fact that maybe some Members do not want the administration bill or that any Republicans would be interested in taking people off unemployment. Maybe that is a matter which only the people on my right feel that they can control. Maybe they would prefer that this bill were passed and then vetoed so they might have some argument next year that the Republicans are against those who are unemployed. I do not know. I just listen to things that I hear.

But I fail to understand why, with the tremendous knowledge of the gentleman from Kentucky (Mr. PERKINS), the chairman of the committee, the gentleman from New Jersey (Mr. DANIELS), the gentlewoman from Oregon (Mrs. GREEN), and others for whom I have the highest respect, that they could not explain the defects of H.R. 8141 if it is defective, and that the Members would support their opposition, if their arguments were in order.

Unless the previous question is voted down, the Members will not have an opportunity to vote on H.R. 8141. Mr. Speaker, it seem to me the Members should have an opportunity to work their will. I hope the majority of the Members will join me in voting down the previous question so the amendment can be offered which would make H.R. 8141 in order for consideration under the resolution which we are considering at this time.

Mr. Speaker, I reserve the balance of my time. I do have some requests for time.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, the gentleman from California requested that the Members make in order the substitute by voting down the previous question. The previous question should be adopted. The rule is an open one and the bill would be subject to the usual amendment process. But, we should not waive the rules of the House to permit the substitute of a bill with a much broader purpose than the bill reported. The bill reported by the committee has the single purpose of providing local and State government the financial help to create new job opportunities in public service. It does not alter or amend existing manpower programs or legislation. The substitute repeals the Manpower Development Training Act and title I of the Economic Opportunity Act. The substitute alters the means of allocating funds and changes the mechanisms and agencies involved in manpower training programs.

What would happen to the Job Corps under H.R. 8141, the so-called revenue-sharing bill; Mainstream; concentrated employment programs; Neighborhood Youth Corps; and other ongoing vocational education programs?

I cannot believe that our Republican friends want to make in order to now consider a bill on the floor of this House where there have been no hearings and no one knows what the full consequences will be.

We are going to give all of the proposals of the President on revenue sharing, in the field of education and in the field of manpower, thorough study and public hearings in the House Committee on Education and Labor. They should not be brought here at this time and rammed down the throats of the Members before any opportunity has been afforded the committee to probe in depth the proposals submitted by the President.

We bring before the House H.R. 3613, a single-purpose public service employment bill. It provides jobs. It has another purpose. It will allow local communities to provide broadened public services in the fields of recreation, education, health, conservation, and other public services. Schools, public libraries, parks, will have enlarged employment capabilities to broaden services.

We all know that many of our communities are on the rocks. They do not have the necessary financial resources in many areas to assure adequate fire protection, police protection, and to provide water and sanitation facilities.

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

Mr. MADDEN. Mr. Speaker, I yield the gentleman from Kentucky 2 additional minutes.

Mr. PERKINS. Mr. Speaker, H.R. 3613 will give to our local communities

throughout this country public services they will not otherwise be able to obtain because of inadequate revenues at the local level, at the municipal level, and at many other governmental levels.

We will be rendering great service to the American people by voting the previous question here today because the substitute should not be made in order. It is not germane. We should pass H.R. 3613.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Speaker, I obviously rise to ask the House to consider voting "no" on the previous question in order that H.R. 8141 may be presented to the House and that the House may work its will on this question of manpower training and unemployment. Surely there is no one in this body who is afraid to let the House work its will on this matter. This is what we are asking by voting no on the previous question.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 97]

Abourezk	Dwyer	Price, Tex.
Anderson, Calif.	Edwards, La.	Pryor, Ark.
	Eilberg	Railsback
Ashley	Fascell	Randall
Badillo	Foley	Rooney, Pa.
Baring	Fraser	Roy
Barrett	Gettys	Runnels
Biester	Giaimo	Ruppe
Blackburn	Gray	Sandman
Blatnik	Green, Oreg.	Schneebeli
Brooks	Green, Pa.	Sikes
Burlison, Mo.	Hansen, Idaho	Springer
Byrne, Pa.	Hébert	Stuckey
Carey, N.Y.	Howard	Teague, Tex.
Celler	Karth	Thompson, N.J.
Clark	Long, La.	
Clay	McCulloch	Udall
Conyers	Mathias, Calif.	Widnall
Corman	Moorhead	Wilson, Charles H.
Davis, Wis.	Morgan	
Dent	Nichols	Wyatt
Diggs	Nix	Yatron
Dingell	Patman	
Dowdy	Pike	

The SPEAKER. On this rollcall 365 Members have answered to their names, a quorum.

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

PROVIDING FOR CONSIDERATION OF H.R. 3613, EMERGENCY EMPLOYMENT ACT OF 1971

The SPEAKER. The gentleman from Michigan (Mr. ESCH) has 4½ minutes remaining.

Mr. ESCH. Thank you very much, Mr. Speaker.

I think it is important to reiterate at this time the procedure which will take place within the next one-half hour. There will be a vote on the previous question to allow the rule to be opened so that the substitute bill H.R. 8141 may be made in order. I think it is important to recognize, if you believe that the substitute bill should be allowed to be in order—if you believe the House should be allowed to work its will pertaining to manpower training and to the question of unemployment in the country—then you will vote no on the previous question. This will allow an amendment to the rule to be offered to allow H.R. 8141 to be in order.

I think it is also important for the House to recognize while we have been listening to the potential benefits of the Emergency Employment Act under H.R. 3613, the question is not whether or not we should have public service employment.

Both the substitute bill and the committee bill provide that. The real question here is this: Are we going to add one more categorical program; namely, Public Service Employment to the existing hodgepodge, or is this House going to take this opportunity to reform manpower training totally?

Mr. Speaker, this is the question before this House. Now, it has been suggested by Members of this House that hearings have not been held on H.R. 8141. I would suggest to the Members that H.R. 3613 had no hearings as presented by the committee. H.R. 3613 embodies many concepts and, indeed, an entirely new section on which hearings were not held.

The truth of the matter is this. For the past 2 years the House in its committees and its debate on this floor has been debating manpower training reform. The truth of the matter is this, witness after witness after witness, be they those who hold expertise in the field of manpower training, be they Governors or be they mayors, recognize that the present manpower training with all of its categories is not working and that there is a need for total reform.

If those of us in the House believe that we need to reform our manpower training programs, then we will vote "no" on the previous question in order to allow the House to work its will.

Mr. PERKINS. Mr. Speaker, will the gentleman yield to me at this point?

Mr. ESCH. Not at this time.

Surely there is no one in this House who is afraid to have the House work its will on this question.

The question of unemployment is of national concern, but the question is related to specific problems of employment problem-areas throughout the country in which unemployment is high. That reemphasizes the need for manpower training reform and that our Nation does have its pockets of unemployment.

So, we ask you when the vote comes on the previous question within the hour to vote "no" on the previous question in order to allow the House to work its will.

Now, Mr. Speaker, there is one other point I believe that should be made and that is this: If the suggestion is made that we go back and hold hearings on manpower training reform, it is recognized even by the opponents of H.R. 8141 that the need is greater than just the public service employment, that the total system does need to be basically reformed.

So, the answer from the standpoint of logic to those who say we are going back and hold manpower training hearings is this: They admit that the present manpower program is not working. The time to act in this House is now.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I would like to commend my good friend, the gentleman from New Jersey, the chairman of the Select Subcommittee on Labor, and the members of that subcommittee, and the chairman and members of the full Education and Labor Committee for the extremely fine job they have done in bringing this bill, H.R. 3613, the Emergency Employment Act of 1971, to the floor of the House.

While the directionless and antiquated economic policies of the Nixon administration have produced massive unemployment and a recessionary economy, the House of Representatives, through this committee and subcommittee, is acting to reverse the tide of unemployment and to rescue the State, county, and municipal governments from economic ruin.

The President, in his budget, has ignored many of the vital needs for the Nation and its people. He has chosen to consider a high unemployment rate as acceptable and ignored the fact that the unemployment rate means that individuals, working men and women, cannot support themselves and their families. Our present unemployment rate throughout the Nation is 6.1 percent, but in some areas of the country, it is up to 10, 20, and even over 30 percent. More than 5 million people are unemployed, another million have stopped seeking work in hopelessness and despair, and millions of others who are not considered unemployed are making only fractions of their previous salaries because they are working part time or seasonally.

This bill will accomplish two extremely important goals. First, it will provide work for many of the unemployed of our Nation and, second, it will provide public services to our citizens. These public services have been diminished or cut off entirely because this administration has not considered them important enough to fund and in some cases is even holding back appropriated funds that would have allowed important local programs to continue.

This is an exceptionally fine piece of legislation. It provides jobs to people anxious to work and able to contribute to the good of our society. It returns them to the role of productive citizens and contributing citizens rather than as dependents on the economy. It also helps the subdivisions of our Government to provide services to the people. These services include schools, public safety, health, and environmental quality control.

The Congress, in its wisdom, last year, passed a comprehensive manpower bill containing a public service employment

program. The President vetoed that bill on December 16. The bill we have here today is a modified version of that portion of the manpower bill. It addresses itself to the serious problem of high unemployment and curtailment of needed services. This is truly an emergency employment bill. The employment rate remains high, people have exhausted their unemployment compensation benefits, and the policies of this administration do not provide new jobs.

Again, I commend the honorable gentlemen and urge support for this much needed and extremely important measure.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, if the Education and Labor Committee had held the hearings and considered the administration's bill which they call special revenue sharing for manpower, we would not have had this problem because we could have put together a comprehensive manpower bill which would have included public service employment.

This is the action we should have taken. We had done the preliminary work, and there would not have been any great difficulty at all for us to hold a few more hearings and have reported a truly comprehensive manpower bill. But evidently the majority of our committee wanted to have public service employment considered separately rather than in consideration of the full manpower bill.

The title, special revenue sharing for manpower does not mean revenue sharing in the sense of the kind of general revenue sharing that is now before the Committee on Ways and Means, because really it is a consideration of the manpower programs.

As you know, there are about 10,000 different contracts at the present time in the manpower programs administered by the Department of Labor. All this bill does is add another categorical program to it, another categorical program which would include in this case every incorporated municipality, every county of the United States, as well as the Indian tribes on reservations, as well as public services and institutions that are subdivisions of State and local governments. This means that there could be an estimated 80,000 individual units of local government which could be applying for funding under this act. Now, it is not expected that all 80,000 would apply, but I think you could estimate that at least 20,000 would apply.

As I mentioned, this is on top of the 10,000 contracts and grants that are before the Department of Labor now which are causing so much difficulty in administering that program. The administration is suggesting that we include or permit the consolidation of the manpower programs so that the State and local governments can administer them so they fit the needs of their people.

I think it is unreasonable, if you read that legislation, to see what each of the local units of government has to go through in order to secure funding: six pages of requirements, beginning on page 23 of the bill. Your mail will be flooded with requests for funding, if this legislation should pass. But your communities just would not be able to get funds very quickly with the Department of Labor deluged by requests and the unit of government tied up by the Federal redtape.

I suggest that we vote down the previous question in order to permit the substitute H.R. 8141 to be offered, and in this way you can bring together the kind of manpower consolidation that this body adopted in the last Congress—and do it in a way that would be of most assistance to the unemployed. If we only vote down the previous question it will give us an opportunity to consider all manpower programs of MDTA and EOA together. It is unreasonable to be placing one patchwork categorical program on top of another in the manpower field as we have been doing for the last few years and the Democrats on the Education and Labor Committtte propose to do in this bill.

Mr. SMITH of California. Mr. Speaker, I yield 8 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Speaker, the remarks of the distinguished gentleman from Minnesota are right on target.

Our choice today is whether we limit unemployed and underemployed persons once again in their ability to receive a full range of services or whether we enable mayors and Governors to offer flexible, full services to those in need.

By voting "no" on the previous question, the House would allow H.R. 8141 to be considered.

I urge the House to recognize the very real limitations in H.R. 3613 and to open the rule so that we can work to provide a comprehensive, meaningful manpower bill.

Mr. ANDERSON of Illinois. Mr. Speaker, a few minutes ago we listened to a very strident attack on the economic policies of the Nixon administration by the distinguished majority whip.

I was struck by one fact as I listened to that attack and that is the fact that he made no concession whatever in the speech to the fact that for the past 2 years we have been in the very important and very delicate transition between war and peace.

Contrary to the period between 1965 and 1968 when the Vietnam war reached its height with expenditures of $30 billion—contrary to that period when employment in the defense sector of the private economy was going up from 2.1 to 3.6 million—that has been going the other way—and that more than 1 million of those jobs were eliminated because of our desire to make that kind of transition from a wartime to a peacetime economy.

I read just yesterday an article in the New York Times about the current college generation and how with their sense of frustration and insecurity they are even going back to the Howdy Doody days and going back to the Hoppalong Cassidy days and Captain Bob and the peanut gallery.

Mr. Speaker, it seems to me there is more than a little of that kind of nostalgia on the Democratic side of the aisle in this House this afternoon. They want to go back to the good old days of piling up yet one more category of program on top of these others that have failed so many times in the past.

As I listened to the distinguished chairman of the House Committee on Education and Labor, he made a very revealing comment indeed. He said that instead of the opportunity to vote on the special revenue-sharing program for the flexibility it would give to State and local governments to tailor the kind of programs that might really bring order out of the chaos that exists today in all too many of our manpower training programs—instead of this opportunity, he said—and I quote him:

> Instead—I bring before you a simple little public service employment bill to make jobs.

Well, that is just the trouble. I disagree with that. The problem confronting our country is not simple—it is not simple. The aggregate unemployment rate is indeed statistic of 6.1 percent, and with which I certainly find no favor—and I would agree that the level of unemployment is solely and totally unacceptable. But to stand on the floor of this House and suggest we have in this a simple little problem that lends itself to a simple little solution of the very kinds of programs that all have failed in the past, ladies and gentlemen, that is to be disingenuous—that is to keep this House from learning the facts about what kind of proposal could give us a solution that all of us on both sides of the aisle are seeking to this very desperate problem. But the trouble is that they are treating public service employment as panacea rather than as one of the many manpower tools that we need to use and that need to be exploited in this very difficult period in which we find ourselves. What have they done? The majority party has once again elevated this as a sacred cow to a kind of ideological plateau where either you are for people and against unemployment or you are against people and for unemployment unless you accept one more of their tailormade solutions.

Well, after billions and billions of dollars and one unhappy experience after another that was so characteristic of the heyday of the 1960's and the Great Society, when we saw the opposition party, the Democratic Party, doing what they are seeking to do this afternoon. They seize upon a worthy objective, and what could be more worthy than trying to do something about this most miserable of all human problems, the failure of man to have a job to enable him to earn bread for his family? So they seize upon that very worthy objective, and then they establish a narrow program that is absolutely too limited and too inflexible to really come up with a basic solution to the problem, and then they wonder why it is that no one is happy. The taxpayers are not happy. The administrators of the program are not happy. The clients are not happy. And certainly we in the Con-

gress are less than satisfied with the programs that have been enacted over the last decade.

I want to point, in a very personal way, and I think as a fairly concrete example of what I am trying to bring out in these brief remarks—and I will put into the RECORD some tables and statistics that I think will show the doubting Thomases over here that the problem of structural unemployment in this country today is not going to lend itself so easily and so simply to the solution that they select.

Let me give you the example of my own hometown of Rockford, Ill., where today there are some 9,000 people out of work, and we have an unemployment rate that is higher than that existing in the Nation as a whole. Over 8,000 of those people were employed in durable goods manufacturing, especially in the machine tool industry, which forms the base of our economy. While we should do everything that we can to lighten the impact of the unemployment in that industry, an industry that is particularly susceptible to economic fluctuations, it hardly seems to me in this case public service employment is going to be the answer or the solution, because as our economy moves back into the big expansionary phase that I am sure we will find ourselves in over the last half of 1971, the problem in much of the durable goods sector of the economy is going to be the very opposite, in my view. There will be a shortage of skilled manpower, with consequent inflationary pressures on wages.

It would simply be irrational on our part to exacerbate that difficult problem by moving workers out of that sector and putting them into temporary public service employment.

In conclusion, I have looked at the hearings before the House and the Senate on this legislation. Mayor after mayor got up and testified before those committees that what they wanted were social service jobs in medicine and in education, and so on. They did not want temporary-relief-work jobs. They wanted permanent employment.

Yet, I think what you are doing by tying public service employment to a triggering mechanism, as you do in this bill, you will be moving people in and out of public service employment, shuttling them out like they were so many dominoes, providing them with no needed skills—paraprofessionals, for example, that we need for those trying to do something about the medical needs of our country.

I do not have time to state the detail now, but I will put in the RECORD the breakdown for the last 20 years with relation to changes in the monthly rate of unemployment. But if I have time, I would like to point out that they would show you just how unrealistic, how completely unrealistic this approach is of triggering public service jobs to a moving average of overall unemployment in the country. I would suggest again that to stand up here again and talk about a 6.1-percent unemployment rate is to ignore the very difficult, the very delicate nature of this problem, and you are going to go in with a massive bludgeon instead of the kind of scalpel that ought to be used to dissect the problem and come up with the kind of rational solutions that will make sense to the taxpayers of this country.

I would suggest that you ought to vote down the previous question. You ought to give the Members of the House the opportunity that they deserve to vote on a substantial revenue-sharing program, and to pass the general revenue-sharing bill that we have been pleading for these many months now in this Congress.

Mr. Speaker, I rise in opposition to the rule on H.R. 3613, the Emergency Employment Act of 1971. In doing so I want to make it clear that this in no way implies I oppose the concept of public service employment or that I treat lightly the current unacceptably high levels of unemployment. On the contrary, I strongly support a program of public service employment as an essential element of a balanced manpower policy. I would not deny for a moment that there is a vast backlog of unmet needs at the local and State level that could be tackled through a constructive public service employment effort. Nor would I question urgent need to develop a new force of paraprofessionals in such areas as education, health, law enforcement, housing, and the like to supplement and improve the delivery of many conventional public services and programs.

Mr. Speaker, I do not believe that there is much dispute about the basic policy objective in this area between those who support the committee bill and those, like myself, who strongly prefer the administration's manpower revenue-sharing proposal. As has been the case in so many other instances during the past decade, the essential difference is over means or the manner in which the program is to be delivered. To put it simply, the committee bill would establish another inflexible, overly centralized, poorly targeted categorical program which in my view would not be very well suited to accomplishing our basic manpower and employment objectives.

Moreover, rather than treating public service employment as one among many manpower tools, its sponsors have elevated it to such a sacred ideological plateau, as to make questions of its practical limitations and administrative difficulties beyond the pale of discussion. As a result, we are in grave danger of repeating the disheartening syndrome that we saw all too often during the heyday of the Great Society. Seize upon a worthy objective; promise more than can be delivered; establish a narrow program utterly too limited and inflexible to adequately tackle the problem; and then wonder why solutions seem unattainable and why no one is happy—taxpayers, administrators, clients—with the program.

Mr. Speaker, I believe an examination of the current unemployment situation will quite clearly reveal both the inattention to administrative feasibility and the exaggerated claims of efficacy made for public service employment by the sponsors of this bill. Our current economic difficulties represent a highly unusual mix of trends and developments; in some cases, public service employment is a relevant response and in others hardly so at all. By elevating public service employment to the status of a panacea, we are running the danger of obscuring these vital distinctions and establishing a costly program which is clearly not relevant in its present form to the peculiar unemployment problems of many communities.

The basic fact of life with which we have to deal, I believe, is that very often aggregate or overall unemployment rates obscure more than they reveal. The 6.1 percent national rate for April tells nothing about the distribution of unemployment throughout the country nor among differing occupational and socioeconomic groups. Moreover, even identical unemployment rates for given labor market areas may mean entirely different things. For example, the unemployment rate for Detroit and my own city of Rockford are both somewhat above the national average. Yet the main cause of the current high unemployment rate in Rockford, a machine tool center, is the recession in the highly sensitive capital goods industry. In Detroit, by contrast, there has been a long-term shortage of jobs for the hundreds of thousands of unskilled rural migrants who have streamed into the city over the past three decades and hence a chronically high unemployment rate. The point obviously is that the composition of the unemployed labor force in the two cities is very different, and that quite different manpower programs and strategies are required. Yet, according to the committee bill, the two cities would receive roughly proportional funds when the real need for public service employment is not proportional at all. It hardly needs to be added that the manpower revenue sharing program embodied in the Esch substitute would allow local manpower officials to fashion programs considerably more appropriate to these differing compositions of the unemployed labor force.

In particular I want to briefly outline five major factors in the current economic situation which I think demonstrate well the folly of relying on a narrow, inflexible single purpose program when a multipurpose flexible instrument is clearly needed.

First, it goes without saying that a primary contributor to current levels of unemployment is the post-Vietnam winddown in defense spending. During the 3-year period ending with fiscal 1968, when the Vietnam involvement reached its peak, defense expenditure increased by $30 billion and private sector defense-generated employment rose from 2.1 million in 1965 to 3.6 million in 1968. Moreover, this expanded employment attributable to Vietnam spending was highly concentrated, with aircraft, ordnance, communications equipment, and transportation accounting for almost 40 percent of the total. This concentration meant that employment in a number of industries was highly affected by the Vietnam buildup. For instance, the percentage of employment attributable to defense spending the machine products industry nearly doubled from 16 percent in 1965 to 28 percent in 1968; the percentage of employment in transportation

attributable to defense spending increased from 4 percent in 1965 to nearly 12 percent in 1968.

Since President Nixon initiated his policy of "Vietnamization" and steady withdrawal of American forces from Vietnam, there has been a nearly 1.8 million reduction in jobs related to Defense Department expenditures: Nearly 1.3 million of these are in the private sector. Since defense spending has generally been highly concentrated, this cutback is having a particularly burdensome impact in certain areas of the country, and on certain sectors of the economy. Almost 35 percent of this employment reduction has occurred in California and over 50 percent in just five States alone. The small town of McAlester, Okla., for example, which became an ordnance manufacturing center during the Vietnam war, now faces an unemployment rate of over 11 percent.

I believe there is considerable question as to how much an emergency public employment program could do to meet the problems of cities like McAlester, or Wichita, or San Diego, or Seattle, which have been heavily affected by the defense spending cutback. Certainly public service employment can provide some of the answer, but retraining, relocation assistance, assistance in locating new jobs are also important means of aiding displaced defense workers. Rather than putting all our eggs in one basket, to use a colloquial phrase, it seems to me that the broad multipurpose manpower program envisioned in the Esch substitute would be a much more preferable alternative. Rather than arbitrarily harnessing local officials into a single purpose program, which may or may not be the solution to their particular problems, the administration bill would allow those local communities hit especially hard by the defense cutback to fashion a solution best suited to the needs and opportunties of the local labor market and economy.

A second thing that the 6-percent unemployment rate obscures is the distribution of unemployed workers among socioeconomic levels and their status in the labor force. Yet, the distribution and status of unemployed workers is probably just as important in the determination of appropriate policy as is the overall rate.

Consider first the changing composition of the labor force, specifically the increasing proportion of female and teenage workers. Between 1951 and 1970, the proportion of female workers in the labor force increased nearly 30 percent. During the same period, the portion of young males and females increased substantially, while the share of prime-age male workers dropped from 55 percent to 48 percent of the labor force. Since they tend to be concentrated in the more marginal sectors of the economy, temporary unemployment among these new workers does not have the same significance for the economy in loss of production, manhours, and dollar value as does idleness of prime-age male workers in the economic mainstream.

And the fact is, unemployment tends to be disproportionately concentrated among these new workers, especially young male and female workers. In 1956, 31 percent of all unemployed workers were under 25; by 1969, the percentage was fully 50 percent. This shift can further be demonstrated by the following comparisons: In November of 1970, the seasonally adjusted annual unemployment rate was about 5.8 percent, approximately the same rate that prevailed in 1949, two decades earlier. Yet in 1949, the unemployment rate for workers under 20 was 13.4 percent while in November of 1970 the rate was 17.5 percent for the same group. This is an increase of 31 percent. By the same token, the rate for men 20 and older in 1949 was 5.4 percent but only 4.2 percent in 1970. This means that at a constant overall unemployment rate, the rate for prime-age male workers was over 22 percent lower. Finally, while the ratio of unemployed male workers under 20 to those in the prime-age group stood at 3.9 in 1951, it had increased dramatically to 6.8 by 1969.

Thus, our fundamental problem is that we have too many workers competing for a limited number of jobs at the bottom of the employment ladder. This is not due primarily to slack in the economy. I submit that the real difficulty is structural. The basic fact is that the makeup of the American labor force is several years behind the changing job structure of our technologically dynamic economy. The goal of our national manpower policy, therefore, must be to retrain the labor force to better fit these changing job opportunities.

I do not see how a massive "emergency" public service job program can serve this purpose any better than the manpower training programs of the last decade. Such a program is based on the assumption that American firms will never be able to offer jobs to the large number of marginal and semiskilled workers at the "bottom" of the labor force, and that these workers must therefore be "sopped up" by public "make work" projects.

But do we have to settle for this? Is it really the case that the American economy cannot use these workers? That we must permanently tap the Treasury to subsidize unproductive jobs in order to maintain "full employment?" I think not. I believe the chronic manpower surplus at the bottom of the job ladder can be reduced without bloating the public payroll. But this cannot be accomplished if we devote all our resources to providing permanent make-work programs or programs to train the unskilled unemployed for jobs that currently do not exist. Instead, we must use our limited funds for manpower programs aimed at upgrading, adjusting and retraining across the entire labor force, not merely at the bottom. For it is the entire labor force that is out of joint with the needs of the economy and until we change the basic focus of manpower policy to account for this fact, we will make no real headway in reducing either the shortages in some sectors or the surpluses in others which undermine steady, high-level economic performance.

In particular, we need to recognize that however well-intentioned, the Democratic manpower programs of the 1960s focused almost exclusively on young, marginal, and unemployed workers and trained them for semi-skilled jobs already in short supply. What we need to do instead is to develop programs geared to the actual structure of the labor market. This means a new emphasis on upgrading currently employed blue-collar workers for technical, highly skilled and white-collar jobs where the real shortages now exist.

Such a shift in focus would have two important consequences: First, the intense wage pressure that stokes inflation in these upper sectors of the labor market would be dampened and, second, many new job slots in the blue-collar mainstream would be vacated, to be filled by the marginal and unemployed workers that we do continue to train. Again, it seems that the administration bill is much more suited to implementing this balanced manpower strategy.

A second factor complicating the unemployment picture is that certain sectors are much more sensitive to fluctuation of the economy than others. First instance: There has been very little change in employment in a number of service industries, but substantial change in sectors like homebuilding and capital goods. My own city of Rockford, for example, has over 9,000 persons out of work, and over 8,000 of them were formerly employed in durable goods manufacturing, especially the machine tool industry. While we certainly must do all we can to mitigate the impact of the business cycle on areas and industries which are particularly sensitive to economic fluctuations, it hardly seems to me that massive public service employment is the proper solution. For as the economy moves back into a vigorous expansionary stage, the problems in much of the capital goods sector will be the opposite; a shortage of skilled manpower with consequent inflationary pressure on wages. It would be hardly rational to exacerbate this difficult problem by moving workers out of this sector of the economy during temporary downturns. Again, I think we can see that the blunt trigger mechanism and rigid distribution formula geared to aggregate unemployment rates in this emergency employment bill takes no account of these varied aspects of the economy.

Finally, Mr. Speaker, it has been argued that we need this emergency employment program to help fill unmet needs and finance unfilled public jobs at the State and local levels throughout the country. As I stated earlier, I do not dispute that these needs exist and that we must find ways to provide funds to finance services designed to fulfill them. But I seriously question whether the mechanism provided by this bill is the answer.

In reading the statements of a number of mayors and other local officials who appeared before both the Senate and House committees during hearings on this subject, I noted that they all insisted that they were talking about genuine permanent jobs vital to the effective delivery of public services. Nearly all ex-

plicitly rejected the leaf-raking, temporary relief-work approach. But if this is the case, why tie the financing mechanism to some arbitrary unemployment rate for the entire economy. In my view, this neither makes sense from the view of sound public finance, nor can it be shown that expanding public needs are very much related to short-term fluctuations in the economy.

Mr. Speaker, at this point I would like to insert in the RECORD a chart that compares the 20-year trend in employment within State and local governments with wage and salary employment in the entire economy. I think the figures clearly demonstrate that expansion of local and State government services and employment has been highly independent of the overall changes in the economy. There is some question, therefore, as to whether we want to suddenly attempt to meet the fiscal crisis brought on by these independently expanding needs, by tying a new source of finance to essentially unrelated changes in the overall economy. It seems to me that general revenue sharing, with its assured and steadily expanding fiscal supplement for State and local governments, is a much more promising approach to financing the needs to which the mayors and other local officials have pointed.

[In percent]

Year	Change in State and local employment	Change in total employment
1953	+3.6	+2.3
1954	+5.0	−2.2
1955	+3.5	+3.7
1956	+7.1	+3.3
1957	+6.5	+.8
1958	+4.6	−2.8
1959	+3.5	+3.9
1960	+4.0	+1.7
1961	+3.8	−.35
1962	+3.7	+2.9
1963	+4.8	+1.9
1964	+5.5	+2.9
1965	+6.1	+4.2
1966	+6.9	+5.1
1967	+5.5	+2.9
1968	+4.9	+3.0
1969	+3.7	+3.4
1970	+4.7	+.5

Source: Economic Report of the President, 1971.

Note: Figures are for wage and salary workers in nonagricultural establishments.

Mr. Speaker, I would like to carry this point just one step further. I have checked the monthly unemployment rates for every year since 1948, and I find that an attempt to finance public service jobs through this trigger mechanism would have wreaked havoc with the orderly planning and financing of the kind of nonrelief work jobs that the advocates of this bill continually insist they are attempting to provide for. To be concrete, the program would have been triggered into action in May of 1949 and then triggered out 16 months later in August of 1950. Then in March of 1954, the program would have been retriggered for 18 months to expire in August of 1955. The third period would have begun in January of 1958 and would have lasted 93 months until September of 1965. Finally, the program would have been triggered into effect in July of 1970 and would still be operative today. I can only conclude from this unpredictable pattern that the 4.5-percent trigger may well be adequate for relief-work programs, if that is what we want, or for combination public service employment-manpower training programs geared to a definite time limitation as provided by the Esch substitute. But I cannot see how it can be proposed as a means of financing legitimate, long-term jobs that are an integral part of ongoing public services and programs.

Mr. MADDEN. Mr. Speaker, I yield myself 30 seconds.

I wish to say for the benefit of Members who were not present in the Chamber when the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS), spoke, that he has promised to bring this so-called mysterious bill, that was written in the dead of night down at the White House, up for hearing at the proper time, and when his committee can schedule the same. The Republican substitute is presented without any hearings or deliberation outside of the President's strategy committee.

Mr. Speaker, I now yield the remainder of the time to the chairman of the subcommittee, the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Speaker, I urge my colleagues on both sides of the aisle to vote "yes" on the previous question.

Many of the Members assembled here today are wondering why our able and distinguished colleague, the gentlewoman from Oregon, is not here. I regret to advise them that she called yesterday to state that she was ill, and because of that fact she would not be here today to speak on the rule and to speak on the bill.

I believe Members will all recall that last fall we brought the manpower training bill to the floor, which bill was brought to the floor after I and the other members of my committee conducted 27 days of hearings, and after our committee devoted its entire Easter recess last year to making observations in the field as to how the manpower training program was working out.

I agree with some of the previous speakers on this side of the aisle that there are faults and there are defects in that manpower training bill. That is the reason why through a bipartisan effort we did bring a bill to the floor here last year, which was vetoed by the President on December 16.

The gentlewoman from Oregon (Mrs. GREEN), to whom I have referred, vigorously opposed that bill not only in our committee but also on the House floor, because she felt there were certain flaws and certain defects even in the bill which had bipartisan support, which should have been corrected. But she appeared before the Rules Committee on the bill in question, H.R. 3613, and said that she fully endorses and supports this bill and is opposed to the revenue-sharing bill the administration offers. She very, very clearly set forth to the members of that committee why she opposed it.

This bill will not cost as much as has been indicated, because when we put people to work we are taking them off the relief rolls and we are taking them off the unemployment rolls. They will go out and buy necessary commodities. They will buy food. They will buy shoes for their children. They will buy clothes for their own backs. By so doing they will be pumping our economy. To use an old cliche, they will not be taxeaters but rather taxpayers. In that way we can get the economy moving, also.

Members may recall that a couple of weeks ago we passed an accelerated public works bill, which is not in opposition to the bill we bring before you today. It is a complement to this bill.

I understand from what I read in the papers a day or two ago that the Ways and Means Committee will bring out another bill to put the people on welfare to work, to make another 200,000 jobs available.

These three bills are part of a Democratic package to take care of this terrible crisis of unemployment that faces this Nation today.

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

Mr. DANIELS of New Jersey. I am happy to yield to the distinguished majority leader.

Mr. BOGGS. Will the gentleman be good enough to give the Members an estimate of the number of people who will be employed when the bill is fully operative?

Mr. DANIELS of New Jersey. It is estimated that this bill will provide at least 150,000 jobs a year, one-third of which will go to professionals excluding teachers, with the balance going to the lower categories, people on welfare, people who are handicapped, unemployed, and underemployed.

Mr. BOGGS. These people come mostly from the central cities, the ghettos?

Mr. DANIELS of New Jersey. They will come from the States and from the cities and counties that have an approved application.

Mr. BOGGS. Will the gentleman yield further?

Mr. DANIELS of New Jersey. I will be happy to yield.

Mr. BOGGS. The gentleman is well aware of the fact, I am sure, that despite the rather rosy picture painted by the distinguished gentleman from Illinois a moment ago, the unemployment rate has not decreased. As a matter of fact, in April there was a slight increase in unemployment in this country; is that not correct?

Mr. DANIELS of New Jersey. I would like to point out that the statistics of the U.S. Department of Labor indicate the unemployment rate in this country as of December 1970 was 6.2 percent, in January of this year it declined to 6 percent, in February it declined another .2 percent to 5.8, and then in March it went up to 6 percent, and last month it went up one-tenth of 1 percent to 6.1. So the unemployed in this country today numbers over 5 million people.

Mr. BOGGS. Is it not a fact, if the gentleman will yield further, that this unemployment is spotty; that is, in some communities of our country, such as

Seattle, Wash., the unemployment rate is higher than 13 percent?

Mr. DANIELS of New Jersey. There are many areas and many large cities in this country where the unemployment rate is considerably higher than 6.1 percent, and there are many small towns throughout the length and breadth of the country where the unemployment rate is as high as 25 percent.

Mr. BOGGS. I thank the gentleman for yielding, and I would like to make one further observation.

Of course, I trust we will vote the previous question up. I would like to agree with the gentleman from Illinois that we will have a strong second half of 1971. However, as I look at the indicators, unemployment is increasing, the stock market had the worst day yesterday that it has had in 10 or 11 months. Despite news to the contrary, I read in the financial journals where corporate profits are mostly going down. I see no indication of any great economic uptrend in this country.

I hope Congress in its wisdom would adopt measures such as this and the welfare bill, the farm bill, and the public works acceleration bill which we passed here several weeks ago.

Mr. Speaker, this is an honest effort to look at one of the most serious problems confronting our Nation. I read just today where young people graduating from college face dismal prospects for employment. The veterans returning from Vietnam are lining up in unemployment insurance centers throughout the country.

I commend the gentleman and his colleague who voted for this bill. I hope that the House will have an opportunity to work its will and vote the previous question up.

I thank the gentleman for yielding.

Mr. DANIELS of New Jersey. I would like to make a comment about why we fear bringing this revenue-sharing proposal to the floor. I would like to say this: we have been accused time and time again in this House and particularly on this side of the aisle of having our committees not doing their homework and being accused of failing to give proper consideration to all of the amendments proposed and to the witnesses who desire to be heard. It is for that very reason I have refused to consider the adoption of this substitute here today. This is because our bill as it is being offered is as much a part of the manpower training bill as any that has ever been presented in either body since 1962 when the first bill was adopted.

I would like to bring to the attention of the House the fact that this committee, which was accused of being derelict because we did not start hearings until March, was ready and prepared to go in February. As a matter of fact, the Secretary of Labor was invited to appear on February 24, but postponements were requested on March 5, March 11, and finally March 17. The administration was just not prepared to discuss manpower training programs at all, because on the day before the Secretary of Labor's appearance, the gentleman from Michigan (Mr. ESCH) introduced H.R. 4161 and the members of our committee were not presented with a copy of that bill until the very morning of the hearings.

In addition to that, the Secretary of Labor recently testified in the Senate on another bill, also on revenue sharing, and he admitted that there are many, many things that yet have to be explored.

I would like to quote from his testimony. He stated that there are several features of its application which are seen as problems. He said:

> First, as anticipated, a number of cities' revenue shares would by formula be less than they currently receive.

As testimony shows, in major cities where we have high instances of unemployment, they would receive considerably less than they are receiving at the present time.

He further stated:

> Second, as was also anticipated, there would be increases of several times in funds going into some other areas.

And, finally, he submitted:

> I recognize that the committee has a deep interest in this issue. The Department is working continuously on this and would like to reappear to testify on a possible modification in the very near future. We will provide at that time complete breakdowns of allocations by city, county, and State.

Mr. Speaker, I urge support of the previous question.

Mr. CLAY. Mr. Speaker, today, the House begins consideration of a most important piece of legislation; namely, the Emergency Employment Act of 1971. This measure attempts to meet the critical problem of unemployment now facing this country.

The unemployment figures issued each month are indeed grim. These statistics furnish the most powerful argument for this bill. Last month's overall unemployment rate was 6.1 percent. The figure for blacks was an astounding 10 percent—the highest since January 1964. The bill is exactly as its title indicates—an emergency act—which deals with a serious national problem which is rapidly approaching the point of crisis. The purpose of this bill is simple—to put unemployed persons to work and, in doing so, to provide needed services to our citizens. Toward this end, the measure calls for approximately $5 billion to be spent for the 5-year period covering fiscal year 1971 through fiscal 1975.

As a member of the Education and Labor Committee which reported out this legislation, we believe that this bill will make a substantial contribution toward the alleviation of the unemployment problem—it is an emergency program which will remain in effect so long as the national rate of unemployment was 4.5 percent or more.

The committee pointed out that along with the principal benefit of this legislation—providing jobs—runs another of equal importance. All of the persons employed under this act will be engaged in the providing of public services to people. States and cities will be the beneficiaries of this measure by being provided with the necessary funds to hire people in the fields of education, housing, health care, street and park maintenance, recreation, and conservation.

The committee emphasized that they do not contemplate "leaf-raking" jobs. Having studied reports by independent researchers and the National Civil Service League, it has been clearly indicated that hundreds of thousands of valuable public jobs exist but State and local governments simply lack the funds to fill them. Therefore, these jobs which would otherwise go unfilled will be able to effectively utilize those from the unemployed ranks.

A most important provision in the bill provides $1 billion for poverty neighborhoods where the unemployment rate stays high even when the rest of the economy is booming. These areas would continue to receive help until their jobless rate dropped to nearly the national norm. Speaking from experience as a Congressman who represents a district where the unemployment rate in some areas runs about 15 percent, this provision woulld bring needed relief.

The committee report states that we do not suggest that this program is the "answer" to unemployment. However, taken together with other approaches they do represent a major congressional response to massive unemployment.

It is well remembered that in the closing days of the 91st Congress, President Nixon vetoed the manpower bill which incorporated a public service employment provision. That bill more than any other of the 91st Congress would have transformed the tragic statistics of unemployment into productivity—for the people and the Nation. The manpower legislation was the product of 2 years' study and work by the Congress and with the stroke of a pen the President nullified this entire effort.

I totally reject the effort being put forth by the partisan minority today to vote down the previous question in order to amend the rule so as to offer a substitute which would take the form of the President's manpower revenue sharing proposal. The President wants to see the manpower programs, most of which were initiated during the Johnson administration, revamped. But the members of the Education and Labor Committee in reviewing the successes and the shortcomings of these programs agreed that more should be done to meet the critical employment and training needs of Americans. The President wants to turn manpower programs over to the States—even though it has been pointed out that the States, in their administration of welfare programs, have managed only to bind the poor in a maze which enforces poverty.

Congress must take the lead in dealing with the unemployment problem, for the White House sits idly by promising an economic recovery while watching the unemployment rate soar to increasing levels. This country cannot afford to drift any longer, substituting optimistic rhetoric for performance, relying on the same rosy predictions that we have been listening to over the past 2 dismal years. This administration, whether it wishes to or not, will be held accountable for the millions of Americans who are unemployed. I support passage of the Emergency Employment Act of 1971 which will provide work for the millions presently unemployed, make available pub-

lic services that would otherwise not be provided, and, most importantly, will bolster a sagging economy.

Mr. VEYSEY. Mr. Speaker, I rise in opposition to the previous question to the rule for H.R. 3613.

I favor strengthening our manpower training system and reforming it to answer the pressing employment needs of today, and, therefore, I urge my colleagues to support the substitute bill, H.R. 8141 which will not only provide twice the money requested in the committee bill, but will apply it twice as efficient because of flexibility. Two times two still equals four.

It is time for us to recognize that the approaches of the 1930's are no longer satisfactory solutions to today's problems. The unemployment we have today bears little relationship to the general pararlysis of the depression. We would be remiss, it seems to me, if we ignore the chance to fashion a new approach tailored to the needs and the capabilities of our people today.

H.R. 8141 proposes a broad and flexible manpower program. Unlike the committee bill it provides for joint State-Federal participation in solving our manpower needs. Unlike the committee bill it expresses confidence in the ability of local citizens to recognize their most urgent problems and to solve them. The support for this approach by the Nation's Governors and mayors, both Republican and Democrat, is embarrassingly evident to its opponents.

Recently, I sponsored a 1-day workshop on financial problems facing the local officials of my district. The participants included groups directly concerned with Federal domestic assistance, including 21 mayors, a number of city managers, county supervisors, school superintendents, and representatives of farm and civic organizations. There was nearly unanimous support for Federal revenue sharing over the present categorical grant approach.

Based on the reactions at my conference I can report that the people in my district are tired of being told what their priorities should be. No one at that Federal level can decide how to deal with the manpower problems in a given community as well as the local people, and no one is as directly accountable to the people as the local elected officials who would administer the program under the substitute bill H.R. 8141.

Aside from the distrust of local government inherent in the committee bill there are other serious problems. Unlike H.R. 8141, the authorization in the committee bill depends on 3 consecutive months of national unemployment at or above the 4.5 percent level. Under this system the funds might never become available at all, or if they did, conditions in other parts of the country could effect the national statistics enough to deny help to communities with serious problems.

The emphasis in the committee bill on permanent jobs rather than on manpower training is a major defect. It will lead to permanent Federal subsidization of State and local government employees. It would also require stringent reporting and other "strings." Under the committee bill the independence of local governments would be jeopardized in direct proportion to their participation in the program.

Mr. Speaker, today we have the chance to begin an important new phase in the relationship between the Federal Government and the States. We may not have many more during this Congress. I urge my colleagues to reject the 1930's approach of the committee bill and free the Federal Government to play a creative role in public employment and manpower training.

Let us get out of the model A era. Let us take a look at a modern vehicle.

Mr. PRICE of Illinois. Mr. Speaker, our Nation remains in the throes of an unemployment crisis. At the same time, there exists great unfilled public service needs. The committee bill, H.R. 3613, by establishing an emergency job-creating program in the public sector, is designed to help remedy both of these situations.

I support H.R. 3613 and oppose the Republican substitute, because I think that the Federal Government has a responsibility to take action now to assist the 5 million Americans, representing 6 percent of the labor force—who are now unemployed.

The unemployment rate in my district alone was an even 7 percent in 1970. In January 1971 the rate was up to 8.9 percent. Clearly, it is imperative that emergency steps be taken.

The committee bill would make financial assistance available to States, counties, and cities to hire community service personnel during times when national unemployment reaches 4.8 percent for 3 consecutive months. The funds would provide meaningful work opportunities for the unemployed and underemployed in the fields of public service such as health care, education, transportation, and housing.

The bill authorizes $200 million to be appropriated for 1971, $750 million for 1972, and $1 billion for each of the 3 succeeding fiscal years. Eighty percent of the funds are to go to the States and the remaining 20 percent will be reserved for the discretion of the Secretary of Labor. In addition, a Special Employment Assistance Fund of $250 million for 1972 is to be created for those areas in which unemployment has hit 6 percent for 3 consecutive months. This latter provision is of special significance to my area.

In order to receive any of these funds, an applicant must give assurances that the jobs to be created will provide continued employment as well as advancement opportunities. By prohibiting the creation of dead-end jobs, this bill will tend to prevent future increases in unemployment. In addition, by placing a $12,000 limitation on salaries and by specifying that only one-third of the jobs may be professional, the act will benefit a far greater number of persons.

Administration efforts have not abated the unemployment crisis. It is, therefore, left to Congress to take constructive steps to restore our economy. Therefore, I highly recommend the defeat of the substitute which does not meet the immediate problem and the passage of the committee bill which does. The unemployed cannot wait while Congress debates the merits of a special revenue sharing plan on manpower.

Mr. ANNUNZIO. Mr. Speaker, I am proud to rise in support of this long-awaited and much-needed legislation. Ever since the President's gravely disappointing veto last December 16, we, and many in our various and assorted constituencies back home, have been waiting for Congress in general and the Committee on Education and Labor in particular, to vote out a new bill to provide stopgap measures to deal with our national unemployment problem in a responsible manner. I am impressed by the swiftness and thoroughness with which the committee, under the fine leadership of the chairman of the Select Subcommittee on Labor, Hon. DOMINICK DANIELS of New Jersey, reported out this essential bill.

The outstanding Mayor of Chicago, Hon. Richard J. Daley, during the hearings on S. 31—Emergency Employment Act—spoke before the Senate subcommittee on behalf of all cities that share this grave unemployment problem, when he said:

> The problems come to . . . cities—whether it is racial problems, whether it is language problems, whether it is the fact that people are not educated. The problems were not created by the mayors; they were not created by the cities. They were created by a sudden movement of people. And we think we are entitled to ask for your immediate help.

The mayor of Chicago astutely pointed out that immediate help is necessary in order to solve this massive problem which I feel has been created in large part by the Government's tight fiscal and monetary policies aimed at reducing inflation. Unfortunately, there has been no reduction in inflation, and at the same time, these policies have caused so many funds to be choked off from so many services that a spiraling effect has been precipitated of throwing uncontrollable numbers of people out of work and out onto the streets to find their food and means of survival wherever they can.

Mr. Speaker, as a former union official and former director of labor for the State of Illinois, I supervised various programs in our State which helped to retrain thousands of people for new positions. We cannot stand still and simply let new techniques, new methods, and new industries throw people out of work. We must step in with programs to train these unemployed people in new occupations, so that they can once again become assets in our society. If a man is not working, and is not paying taxes, he is a liability, because he is not doing anything to help himself or his community. But once we get these people retrained and working again, they become assets in our society. Not only do they help themselves, but they help others by paying taxes which finance these worthwhile programs and by stimulating the economy through their newly gained purchasing power.

H.R. 3613, the Emergency Employment Act of 1971, will help these people off the streets and back into jobs in the most efficient and effective way possible. This legislation does not merely hold out hope for reemployment—it will bring positive results. It goes directly to the heart of

the problem—the need for jobs and solves it in the most direct way possible—by supplying jobs. This bill will directly ease the unemployment situation in Chicago and in other cities, towns, and villages across our Nation where unemployment is high.

Some have complained that this bill is too expensive. I say that a bill that will take 150,000 off welfare, where funds are being paid to support people who do not work, and put them to work performing jobs that are crying to be accomplished, is not too expensive. In fact, where a minimal additional expenditure will make these people productive, contributive members of the work force, it is too expensive not to utilize these precious human resources. As we would be seeing tangible results, where there were none before, we would be in essence getting something for nothing. If that is not actually saving money, then I cannot think of a move of greater economy.

All we have to do is look around us in order to confirm the fact that our cities are experiencing continual decay and are fast becoming ghost towns while people who are idle and out of work could be improving their own neighborhoods by reconstructing the environment in which they live. In 1965 one research firm documented city reports that a total of 4.3 million people could be put to use at hospitals, museums, prisons, day care centers, parks, and playgrounds across our country performing public improvement work that desperately needs to be done. All we have to do is give these people the opportunity to help themselves.

H.R. 3613 would authorize $4,950,000,000 to be spent in the 4 years beginning July 1 for public service employment. Approximately 150,000 jobs would be created. While this is a step in the right direction, in reality, these funds are not enough. This is especially apparent when we consider that these funds are only sufficient to employ about 3 percent, or 150,000, of the unemployed. In the long run, therefore, we could be saving more money and making a larger investment in the salvation of our cities if we greatly expanded this program.

Once again, I congratulate my distinguished colleague from New Jersey (Mr. DANIELS) on the outstanding leadership, foresight, and wisdom he has demonstrated in moving this much-needed legislation quickly and efficiently out of committee and onto the floor of the House of Representatives, and I urge immediate passage of this urgently needed legislation.

Mr. BROOMFIELD. Mr. Speaker, I rise in opposition to the Emergency Employment Act of 1971 and in support of the substitute proposed by my distinguished colleague the gentleman from Michigan (Mr. ESCH). From my point of view there can be little doubt of the superiority of the Esch substitute: in a time of critical national unemployment it promises increased emergency assistance to the 5 million Americans who are now out of work, while offering, at the same time, a comprehensive solution to the whole problem of manpower utilization.

The bill reported by the committee is unacceptable. Where surveys show that a substantial element of our unemployment crisis owes to the lack of adequate training for the young and for minorities, this bill gives us a public service job program with no requirement for further work training. Where recent reports indicate the failure of the present Federal complex of manpower programs, this bill adds one more program to a list that is already much in need of revision. It simply cannot solve the larger problems we face in the manpower area.

The Esch substitute, on the other hand, provides not only emergency relief for the unemployed in the form of public service jobs, but a complete overhaul of Federal manpower services as well. Last year this body approved that overhaul in similar legislation, only to see it altered beyond recognition by the Senate and vetoed, as a result, by the President. I see no reason why we cannot support this year the reform we were denied last year.

This measure would consolidate the dozen categorical training programs we have at present into a single flexible authorization, which would be distributed en bloc to the States and localities with no strings attached. These jurisdictions, in turn, would administer the 12 programs on their own according to their own needs. As a result, instead of 10,000 separate contracts made by the Secretary of Labor with all sorts of public agencies, there would be about 350 sponsors running closely coordinated programs responsive to local needs. Rather than the burdensome procedure requiring detailed Federal supervision and approval by the Secretary of Labor, there would be full public disclosure of every aspect of the operation of these 350 State and local sponsors—with an adequate Federal audit. This would free the experts at the Department of Labor from their paperwork for the technical assistance requested of them by the program sponsors. This is the best way to blend Federal expertise with State and local decisionmaking.

At the same time, the substitute bill gives emphasis to those areas in which Federal leadership is urgently needed, such as research and demonstration projects, the development of a system of labor market information and the establishment of a national computerized job bank. These are all steps that should have been taken years ago.

Finally, this bill provides massive and continuing assistance to the unemployed. It would trigger $500 million for public service employment in any fiscal year in which the national rate of unemployment is 4.5 percent or higher for 3 consecutive months. More important, it recognizes the fact that unemployment is more than a transitory problem; that there will be pockets of unemployment left long after the national rate dips below 4.5 percent. That is why we need programs of a localized character, and that is what this bill gives us. Beginning January 1, 1972, this bill would authorize annual appropriations of whatever sums are needed to carry out effective manpower programs: 85 percent of these funds will be allotted to States and localities in terms of a formula having State and local unemployment rates as a key element, so that areas experiencing high unemployment automatically would receive a larger share of the funds. The funds could then be spent by these units for a flexible mix of programs—or, if this better suited their needs, wholly on public service jobs. Whatever their choice, the Esch substitute gives them plenty of alternatives from which they can shape a program tailored to their own individual needs.

Mr. Speaker, this is a sound and constructive bill. It recognizes long range as well as immediate problems and local as well as national concerns. It deserves the fullest support of this body.

Mr. BRASCO. Mr. Speaker, the measure we are considering today, H.R. 3613, the Emergency Employment Act of 1971, is a vital and overdue attempt to start taking some of the jobless people off the streets of our cities and put them to work.

It is a fact that unemployment in the Nation is at a frightening 6.1 percent; that we can be certain of. For every four people we know are out of work, there is at least one other who has given up or dropped off the known lists. As people use up their jobless benefits, they too cease to be listed as out of work.

It is important to act immediately to take some of these citizens and put them to work, which is what this measure calls for. It will provide an estimated 5,000 jobs in New York City in the first year. That, Mr. Speaker, will be 5,000 fewer people sitting in the parks without hope—5,000 fewer people standing around on street corners in gnawing anger and frustration.

The administration has come out against similar legislation on the ground that the jobs are make-work types of endeavors. I think this is the wrong position to take in the situation the Nation finds itself in.

This measure is a fair, well thought out approach. Over the years such attempts to put people to work have proven workable, providing a useful temporary solution to what is a mounting dilemma. We simply cannot sit up here in isolation and silence, hoping the difficulty will go away. It most certainly will not.

I favor this approach, and fervently hope that the House will act. Summer is coming fast. Last year, 1,100,000 veterans were discharged from the Armed Forces. In a matter of less than 2 months, several million more young people will be graduated from the colleges and high schools. Few of them have any hope of useful employment. We need some safety valves open, and not next year. Let us do something to blunt the cutting edge of unemployment immediately.

Mrs. ABZUG. Mr. Speaker, I think the time has come for the administration and the Congress to face up to the realities of our Nation's economic state of illness. Layoffs, reductions in working hours, cuts in weekly paychecks and increasing cost of living indexes have seriously weakened the buying power of incomes and have left 5 million unemployed—up 1.4 million from just a year ago and 2.3 million from January 1969 when the administration took office.

Surely these facts must indicate to us that the days for optimistic rhetoric and rosy predictions about the future are past. We must respond to the millions of desperate workers and professional people who have been adversely affected by unemployment and production cutbacks. We can do so by passing H.R. 3613, the Emergency Employment Act of 1971. This bill authorizes the expenditure of $200 million in the current fiscal year, $750 million in fiscal year 1972 and $1 billion for each of the 3 succeeding years; 150,000 new jobs in the public sector will be created this year with enactment of this legislation. One does not have to search far for statistics and facts that illustrate the personal tragedy of our current unemployment crisis.

Thousands of Americans have exhausted their unemployment insurance benefits and the number is rapidly increasing as the unemployment situation continues to stagnate. In December 1970, the last month for which figures were available, 150,905 had used up their unemployment benefits, more than double the number in December of 1969.

By the end of February more than 500,000 Americans had been out of work 27 weeks or longer. By the same date, more than a million men and women had been unemployed for more than 15 weeks. The average length of unemployment today is almost 12 weeks. No one needs to be reminded that such extended periods of unemployment have added a heavy burden to already overtaxed State budgets.

As usual, unemployment strikes first and hardest at those Americans on fixed incomes or from lower socio-economic backgrounds. This assertion is substantiated by the shocking fact that the number of persons with incomes below the OEO poverty line, $3,743 for a family of four, has jumped 1.1 million in 1970 to 25.7 million persons. Hundreds of thousands of people who were a part of the work force before the recession hit, have been forced to go on already overcrowded welfare rolls or to seek other forms of public assistance. Since the beginning of the current fiscal year, July 1, New York City has seen an average of 13,000 people a month go on relief, compared with 5,500 a year ago. Like most of the Nation's largest cities, New York City faces financial ruin unless immediate Federal assistance in the battle against unemployment is forthcoming.

Consider these additional factors which point to the immediate need for action by the Congress—in the face of consistent inaction on the part of the administration.

Substantial unemployment has spread to 50 major industrial areas in March, from six in January 1969, and to 662 smaller areas.

The cost of living in January and February was 5 percent above that of a year ago and 11.6 percent more than the same months of 1969.

The buying power of the weekly after-tax earnings of the average nonsupervisory work, in January and February, was hardly any greater than 1 year ago, less than in early months of 1969 and actually below that of 1965.

These facts all clearly point to the immediate need for enactment of the emergency legislation before us which will create 150,000 public sector jobs, which will then enable State, county, and local units of government to provide the vitally needed community services that have been curtailed because of economic conditions.

The situation we face today is too critical and urgent for us to delay responding to the 4.8 million who are unemployed by considering measures that would only duplicate existing job training programs or overhaul manpower training programs at a time when even the trainees are unable to find employment. We must enact this legislation and I urge my colleagues to join me in supporting it. At the same time we must recognize the limited scope of this legislation in terms of the number of jobs it would create this year, in comparison to the tremendous need, and realize that the final remedy to our economic ills requires the administration to take the positive steps to end inflation, stabilize all prices and wages and profits and provide a full employment program.

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

The SPEAKER. The question is on ordering the previous question.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 182, nays 210, not voting 40, as follows:

[Roll No. 98]

YEAS—182

Abourezk	Davis, Ga.	Hays
Abzug	de la Garza	Hechler, W. Va.
Adams	Delaney	Helstoski
Addabbo	Dellums	Hicks, Mass.
Alexander	Denholm	Hicks, Wash.
Anderson, Tenn.	Diggs	Hillis
Annunzio	Dingell	Holifield
Ashley	Donohue	Howard
Aspin	Dow	Hungate
Aspinall	Drinan	Jacobs
Badillo	Dulski	Johnson, Calif.
Begich	Eckhardt	Jones, Ala.
Bennett	Edmondson	Jones, N.C.
Bergland	Edwards, Calif.	Jones, Tenn.
Biaggi	Evans, Colo.	Karth
Bingham	Evins, Tenn.	Kastenmeier
Blanton	Fascell	Kazen
Blatnik	Flood	Kee
Boggs	Ford, William D.	Kluczynski
Boland	Fraser	Koch
Bolling	Fulton, Tenn.	Kyros
Brademas	Gallifianakis	Leggett
Brasco	Gallagher	Link
Brooks	Garmatz	Long, Md.
Burke, Mass.	Gaydos	McCormack
Burton	Gibbons	McFall
Cabell	Gonzalez	McKay
Carey, N.Y.	Grasso	Macdonald, Mass.
Carney	Gray	Madden
Celler	Griffiths	Matsunaga
Chisholm	Hamilton	Mazzoli
Collins, Ill.	Hanley	Meeds
Conyers	Hanna	Melcher
Cotter	Hansen, Wash.	Metcalfe
Culver	Harrington	Mikva
Daniels, N.J.	Hathaway	Miller, Calif.
Danielson	Hawkins	Mills
Minish	Purcell	Steed
Mink	Rangel	Stokes
Mitchell	Rees	Stratton
Mollohan	Reuss	Stubblefield
Monagan	Rodino	Sullivan
Moss	Roe	Symington
Murphy, Ill.	Roncalio	Teague, Tex.
Murphy, N.Y.	Rooney, N.Y.	Thompson, N.J.
Natcher	Rooney, Pa.	Tiernan
Nedzi	Rosenthal	Ullman
Obey	Rostenkowski	Van Deerlin
O'Hara	Roush	Vanik
O'Konski	Roybal	Vigorito
O'Neill	Ryan	Waldie
Patten	St Germain	Watts
Pepper	Sarbanes	White
Perkins	Scheuer	Wilson, Charles H.
Peyser	Seiberling	Wolff
Pickle	Shipley	Wright
Pike	Sisk	Yates
Poage	Slack	Young, Tex.
Podell	Smith, Iowa	Zablocki
Preyer, N.C.	Staggers	
Price, Ill.	Stanton, James V.	
Pucinski		

NAYS—210

Abbitt	Frenzel	Pelly
Abernethy	Frey	Pettis
Anderson, Ill.	Fulton, Pa.	Pirnie
Andrews, Ala.	Fuqua	Poff
Andrews, N. Dak.	Goldwater	Powell
Archer	Goodling	Price, Tex.
Arends	Griffin	Quie
Ashbrook	Gross	Quillen
Baker	Grover	Rarick
Baring	Gude	Reid, Ill.
Belcher	Hagan	Reid, N.Y.
Bell	Haley	Rhodes
Betts	Hall	Riegle
Bevill	Halpern	Roberts
Bow	Hammer-schmidt	Robinson, Va.
Bray	Harsha	Robison, N.Y.
Brinkley	Harvey	Rogers
Broomfield	Hastings	Rousselot
Brotzman	Hébert	Ruppe
Brown, Mich.	Heckler, Mass.	Ruth
Brown, Ohio	Henderson	Sandman
Broyhill, N.C.	Hogan	Satterfield
Broyhill, Va.	Horton	Saylor
Buchanan	Hosmer	Scherle
Burke, Fla.	Hull	Schmitz
Burleson, Tex.	Hunt	Schwengel
Byrnes, Wis.	Hutchinson	Scott
Byron	Ichord	Sebelius
Caffery	Jarman	Shoup
Camp	Johnson, Pa.	Shriver
Carter	Jonas	Sikes
Casey, Tex.	Keating	Skubitz
Cederberg	Keith	Smith, Calif.
Chamberlain	Kemp	Smith, N.Y.
Chappell	King	Snyder
Clancy	Kuykendall	Spence
Clausen, Don H.	Kyl	Springer
Clawson, Del	Landgrebe	Stafford
Cleveland	Latta	Stanton, J. William
Collier	Lennon	Steele
Collins, Tex.	Lent	Steiger, Ariz.
Colmer	Lloyd	Steiger, Wis.
Conable	Lujan	Stuckey
Conte	McClory	Talcott
Coughlin	McCloskey	Taylor
Crane	McClure	Teague, Calif.
Daniel, Va.	McCollister	Terry
Davis, S.C.	McDade	Thompson, Ga.
Dellenback	McDonald, Mich.	Thomson, Wis.
Dennis	McEwen	Thone
Derwinski	McKevitt	Vander Jagt
Devine	McKinney	Veysey
Dickinson	McMillan	Waggonner
Dorn	Mahon	Wampler
Downing	Mailliard	Ware
Duncan	Mann	Whalen
du Pont	Martin	Whalley
Edwards, Ala.	Mathis, Ga.	Whitehurst
Erlenborn	Mayne	Whitten
Esch	Michel	Widnall
Eshleman	Miller, Ohio	Wiggins
Findley	Minshall	Williams
Fish	Mizell	Wilson, Bob
Fisher	Montgomery	Winn
Flowers	Morse	Wydler
Flynt	Mosher	Wylie
Ford, Gerald R.	Myers	Wyman
Forsythe	Nelsen	Young, Fla.
Fountain	Nichols	Zion
Frelinghuysen	Passman	Zwach

NOT VOTING—40

Anderson, Calif.	Blackburn	Clay
Barrett	Burlison, Mo.	Corman
Biester	Byrne, Pa.	Davis, Wis.
	Clark	Dent

Dowdy	Hansen, Idaho	Railsback
Dwyer	Landrum	Randall
Edwards, La.	Long, La.	Roy
Eilberg	McCulloch	Runnels
Foley	Mathias, Calif.	Schneebeli
Gettys	Moorhead	Stephens
Giaimo	Morgan	Udall
Green, Oreg.	Nix	Wyatt
Green, Pa.	Patman	Yatron
Gubser	Pryor, Ark.	

So the previous question was not ordered.

The Clerk announced the following pairs:

On this vote:

Mrs. Green of Oregon for, with Mr. Gettys against.

Mr. Wyatt for, with Mr. Dowdy against.

Mr. Dent for, with Mrs. Dwyer against.

Mr. Udall for, with Mr. Hansen of Idaho against.

Mr. Barrett for, with Mr. Davis of Wisconsin against.

Mr. Byrne of Pennsylvania for, with Mr. Blackburn against.

Mr. Randall for, with Mr. Biester against.

Mr. Green of Pennsylvania for, with Mr. Gubser against.

Mr. Nix for, with Mr. Mathias of California against.

Mr. Eilberg for, with Mr. Schneebeli against.

Mr. Roy for, with Mr. Railsback against.

Until further notice:

Mr. Clay with Mr. Clark.

Mr. Burlison of Missouri with Mr. Alexander.

Mr. Yatron with Mr. Stephens.

Mr. Landrum with Mr. Young.

Mr. Moorhead with Mr. Pryor of Arkansas.

Mr. Morgan with Mr. Giaimo.

Mr. Edwards of Louisiana with Mr. Foley.

Mr. Runnels with Mr. Corman.

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

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SMITH OF CALIFORNIA

Mr. SMITH of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of California: On page 2, at the end of line 4, insert the following new sentence: "It shall also be in order to consider without the intervention of any point of order the text of the bill H.R. 8141 as a substitute for the said committee amendment."

The SPEAKER. The gentleman from California (Mr. SMITH) is recognized for 1 hour.

Mr. SMITH of California. Mr. Speaker, we had lengthy debate on this subject before, as to H.R. 8141, and this is the bill which the amendment simply makes in order during the 3 hours of debate. I see no reason to add any further debate.

Accordingly, Mr. Speaker, I move the previous question on the amendment and the resolution.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from California (Mr. SMITH).

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 211, nays 176, not voting 45, as follows:

[Roll No. 99]

YEAS—211

Abbitt	Frelinghuysen	Pelly
Abernethy	Frenzel	Pettis
Anderson, Ill.	Frey	Peyser
Andrews, Ala.	Fulton, Pa.	Pirnie
Andrews, N. Dak.	Fuqua	Poff
Archer	Goldwater	Powell
Arends	Goodling	Price, Tex.
Ashbrook	Griffin	Purcell
Baker	Gross	Quie
Baring	Grover	Quillen
Belcher	Gubser	Rarick
Bell	Gude	Reid, Ill.
Betts	Hagan	Reid, N.Y.
Bevill	Haley	Rhodes
Bow	Hall	Riegle
Bray	Halpern	Roberts
Brinkley	Hammer-schmidt	Robinson, Va.
Broomfield	Harsha	Rogers
Brotzman	Harvey	Rooney, N.Y.
Brown, Mich.	Hastings	Rousselot
Brown, Ohio	Hébert	Ruppe
Broyhill, N.C.	Heckler, Mass.	Ruth
Broyhill, Va.	Henderson	Sandman
Buchanan	Hogan	Satterfield
Burke, Fla.	Horton	Saylor
Burleson, Tex.	Hosmer	Schmitz
Byrnes, Wis.	Hull	Schwengel
Byron	Hunt	Scott
Cabell	Hutchinson	Sebelius
Caffery	Ichord	Shoup
Camp	Jarman	Shriver
Carter	Johnson, Pa.	Sikes
Casey, Tex.	Jonas	Skubitz
Cederberg	Keating	Smith, Calif.
Chamberlain	Keith	Smith, N.Y.
Chappell	Kemp	Snyder
Clancy	King	Spence
Clausen, Don H.	Kuykendall	Springer
Clawson, Del	Kyl	Stafford
Cleveland	Landgrebe	Stanton, J. William
Collier	Lennon	Steele
Collins, Tex.	Lent	Steiger, Ariz.
Colmer	Lloyd	Steiger, Wis.
Conable	Lujan	Stuckey
Conte	McClory	Talcott
Coughlin	McCloskey	Teague, Calif.
Crane	McClure	Terry
Daniel, Va.	McCollister	Thompson, Ga.
Davis, S.C.	McDade	Thomson, Wis.
Dellenback	McDonald, Mich.	Thone
Dennis	McEwen	Vander Jagt
Derwinski	McKevitt	Veysey
Devine	McKinney	Waggonner
Dickinson	Mailliard	Wampler
Dorn	Mann	Ware
Downing	Martin	Whalen
Duncan	Mathis, Ga.	Whalley
du Pont	Mayne	Whitehurst
Edwards, Ala.	Mazzoli	Whitten
Erlenborn	Michel	Widnall
Esch	Miller, Ohio	Wiggins
Eshleman	Mizell	Williams
Findley	Montgomery	Wilson, Bob
Fish	Morse	Winn
Fisher	Mosher	Wydler
Flowers	Myers	Wylie
Flynt	Nelsen	Wyman
Ford, Gerald R.	Nichols	Young, Fla.
Forsythe	O'Konski	Zion
Fountain	Passman	Zwach

NAYS—176

Abourezk	Brooks	Eckhardt
Abzug	Burke, Mass.	Edmondson
Adams	Burton	Edwards, Calif.
Addabbo	Carey, N.Y.	Evans, Colo.
Alexander	Carney	Evins, Tenn.
Anderson, Tenn.	Celler	Fascell
Annunzio	Chisholm	Flood
Ashley	Clay	Ford, William D.
Aspin	Collins, Ill.	Fraser
Aspinall	Conyers	Fulton, Tenn.
Badillo	Cotter	Gallifianakis
Begich	Culver	Gallagher
Bennett	Daniels, N.J.	Garmatz
Bergland	Danielson	Gaydos
Biaggi	Davis, Ga.	Gibbons
Bingham	de la Garza	Gonzalez
Blanton	Delaney	Grasso
Blatnik	Dellums	Gray
Boggs	Denholm	Griffiths
Boland	Diggs	Hamilton
Bolling	Dingell	Hansen, Wash.
Brademas	Donohue	Harrington
Brasco	Dow	Hathaway
Hawkins	Dulski	Ryan
Hays	Miller, Calif.	St Germain
Hechler, W. Va.	Mills	Sarbanes
Helstoski	Minish	Scheuer
Hicks, Mass.	Mink	Selberling
Hicks, Wash.	Mitchell	Shipley
Hillis	Mollohan	Sisk
Holifield	Monagan	Slack
Howard	Moss	Smith, Iowa
Hungate	Murphy, Ill.	Staggers
Jacobs	Murphy, N.Y.	Stanton, James V.
Johnson, Calif.	Natcher	Steed
Jones, Ala.	Nedzi	Stokes
Jones, N.C.	Obey	Stratton
Jones, Tenn.	O'Hara	Stubblefield
Karth	O'Neill	Sullivan
Kastenmeier	Patten	Symington
Kazen	Pepper	Taylor
Kee	Perkins	Teague, Tex.
Kluczynski	Pickle	Thompson, N.J.
Koch	Pike	Tiernan
Kyros	Poage	Ullman
Leggett	Podell	Van Deerlin
Link	Preyer, N.C.	Vanik
Long, Md.	Price, Ill.	Vigorito
McCormack	Pucinski	Waldie
McFall	Rangel	Watts
McKay	Rees	White
McMillan	Reuss	Wilson, Charles H.
Macdonald, Mass.	Robison, N.Y.	Wolff
Madden	Rodino	Wright
Mahon	Roe	Yates
Matsunaga	Roncalio	Young, Tex.
Meeds	Rooney, Pa.	Zablocki
Metcalfe	Rosenthal	
Mikva	Rostenkowski	
	Roush	
	Roybal	

NOT VOTING—45

Anderson, Calif.	Foley	Morgan
Barrett	Gettys	Nix
Biester	Giaimo	Patman
Blackburn	Green, Oreg.	Pryor, Ark.
Burlison, Mo.	Green, Pa.	Railsback
Byrne, Pa.	Hanley	Randall
Clark	Hanna	Roy
Corman	Hansen, Idaho	Runnels
Davis, Wis.	Landrum	Scherle
Dent	Latta	Schneebeli
Dowdy	Long, La.	Stephens
Drinan	McCulloch	Udall
Dwyer	Mathias, Calif.	Wyatt
Edwards, La.	Melcher	Yatron
Eilberg	Minshall	
	Moorhead	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Dowdy for, with Mrs. Green of Oregon against.

Mr. Gettys for, with Mr. Wyatt against.

Mrs. Dwyer for, with Mr. Udall against.

Mr. Hansen of Idaho for, with Mr. Barrett against.

Mr. Davis of Wisconsin for, with Mr. Morgan against.

Mr. Blackburn for, with Mr. Moorhead against.

Mr. Biester for, with Mr. Giaimo against.

Mr. Mathias of California for, with Mr. Dent against.

Mr. Schneebeli for, with Mr. Foley against.

Mr. Railsback for, with Mr. Roy against.

Mr. Latta for, with Mr. Nix against.

Mr. Scherle for, with Mr. Byrne of Pennsylvania against.

Until further notice:

Mr. Burlison of Missouri with Mr. Edwards of Louisiana.

Mr. Clark with Mr. Runnels.

Mr. Long of Louisiana with Mr. Patman.

Mr. Melcher with Mr. Hanna.

Mr. Yatron with Mr. Pryor of Arkansas.

Mr. Landrum with Mr. Randall.

Mr. Green of Pennsylvania with Mr. Corman.

Mr. Eilberg with Mr. Hanley.

Mr. Stephens with Mr. Anderson of California.

Mr. Drinan with Mr. Minshall.

Messrs. ROONEY of New York, FLOOD, RODINO, and BLATNIK changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 350, nays 34, not voting 48, as follows:

[Roll No. 100]

YEAS—350

Abbitt	de la Garza	Howard
Abourezk	Delaney	Hull
Abzug	Dellenback	Hungate
Adams	Denholm	Hunt
Addabbo	Dennis	Hutchinson
Alexander	Derwinski	Ichord
Anderson, Ill.	Devine	Jacobs
Anderson, Tenn.	Dickinson	Jarman
	Dingell	Johnson, Calif.
Andrews, Ala.	Donohue	Johnson, Pa.
Andrews, N. Dak.	Dorn	Jonas
	Dow	Jones, Ala.
Annunzio	Downing	Jones, N.C.
Archer	Drinan	Jones, Tenn.
Arends	Dulski	Karth
Ashbrook	Duncan	Keating
Ashley	du Pont	Kee
Aspin	Eckhardt	Keith
Aspinall	Edmondson	Kemp
Badillo	Edwards, Ala.	King
Baker	Erlenborn	Kluczynski
Baring	Esch	Koch
Begich	Eshleman	Kyl
Belcher	Evans, Colo.	Kyros
Bell	Evins, Tenn.	Latta
Bennett	Findley	Leggett
Bergland	Fish	Lennon
Betts	Fisher	Link
Bevill	Flood	Lloyd
Biaggi	Flowers	Long, Md.
Bingham	Ford, Gerald R.	Lujan
Blanton	Ford, William D.	McClory
Blatnik		McCloskey
Boggs	Forsythe	McClure
Boland	Fountain	McCollister
Bow	Fraser	McCormack
Brademas	Frelinghuysen	McDade
Brasco	Frenzel	McDonald, Mich.
Bray	Frey	
Brinkley	Fulton, Pa.	McEwen
Broomfield	Fulton, Tenn.	McFall
Brotzman	Fuqua	McKay
Brown, Mich.	Galifianakis	McKevitt
Brown, Ohio	Gallagher	McKinney
Broyhill, N.C.	Garmatz	Macdonald, Mass.
Broyhill, Va.	Gaydos	
Buchanan	Gibbons	Madden
Burke, Fla.	Goldwater	Mailliard
Burke, Mass.	Goodling	Mann
Burton	Grasso	Martin
Byrnes, Wis.	Gray	Mayne
Byron	Griffin	Mazzoli
Caffery	Griffiths	Melcher
Camp	Gross	Metcalfe
Carey, N.Y.	Grover	Mikva
Carney	Gubser	Miller, Calif.
Carter	Gude	Miller, Ohio
Casey, Tex.	Hagan	Minish
Cederberg	Haley	Mink
Celler	Hall	Minshall
Chamberlain	Halpern	Mitchell
Chisholm	Hamilton	Mizell
Clancy	Hammer-schmidt	Mollohan
Clausen, Don H.		Monagan
	Hanley	Morse
Clawson, Del	Hanna	Mosher
Clay	Hansen, Wash.	Moss
Cleveland	Harrington	Murphy, Ill.
Collier	Harsha	Murphy, N.Y.
Collins, Ill.	Harvey	Myers
Collins, Tex.	Hastings	Natcher
Colmer	Hawkins	Nedzi
Conable	Hébert	Nichols
Conte	Hechler, W. Va.	Obey
Cotter	Heckler, Mass.	O'Hara
Coughlin	Helstoski	O'Konski
Crane	Henderson	O'Neill
Culver	Hicks, Mass.	Passman
Daniel, Va.	Hillis	Patten
Daniels, N.J.	Hogan	Pelly
Danielson	Holifield	Pepper
Davis, Ga.	Horton	Perkins
Davis, S.C.	Hosmer	Pettis
Peyser	Satterfield	Terry
Pike	Saylor	Thompson, Ga.
Pirnie	Scheuer	Thompson, N.J.
Poage	Schwengel	Thomson, Wis.
Podell	Scott	Thone
Poff	Sebelius	Tiernan
Powell	Seiberling	Ullman
Preyer, N.C.	Shipley	Van Deerlin
Price, Ill.	Shoup	Vander Jagt
Price, Tex.	Shriver	Vanik
Quie	Sikes	Veysey
Quillen	Sisk	Vigorito
Rangel	Skubitz	Waggonner
Reid, Ill.	Slack	Waldie
Reid, N.Y.	Smith, Calif.	Wampler
Reuss	Smith, Iowa	Ware
Rhodes	Smith, N.Y.	Watts
Riegle	Spence	Whalen
Robinson, Va.	Springer	Whalley
Robison, N.Y.	Stafford	White
Rodino	Staggers	Whitehurst
Roe	Stanton, J. William	Widnall
Rogers		Wiggins
Roncalio	Stanton, James V.	Wilson, Bob
Rooney, N.Y.		Wilson, Charles H.
Rooney, Pa.	Steed	
Rosenthal	Steele	Winn
Rostenkowski	Steiger, Ariz.	Wolff
Roush	Steiger, Wis.	Wright
Rousselot	Stokes	Wydler
Roybal	Stratton	Wylie
Ruppe	Stubblefield	Wyman
Ruth	Sullivan	Yates
Ryan	Symington	Young, Fla.
St Germain	Talcott	Zablocki
Sandman	Taylor	Zion
Sarbanes	Teague, Calif.	Zwach

NAYS—34

Abernethy	Hicks, Wash.	Purcell
Bolling	Kazen	Rarick
Brooks	Landgrebe	Rees
Burleson, Tex.	McMillan	Roberts
Cabell	Mahon	Schmitz
Chappell	Mathis, Ga.	Snyder
Conyers	Matsunaga	Stuckey
Dellums	Meeds	Teague, Tex.
Fascell	Mills	Whitten
Flynt	Montgomery	Young, Tex.
Gonzalez	Pickle	
Hays	Pucinski	

NOT VOTING—48

Anderson, Calif.	Foley	Nelsen
	Gettys	Nix
Barrett	Giaimo	Patman
Biester	Green, Oreg.	Pryor, Ark.
Blackburn	Green, Pa.	Railsback
Burlison, Mo.	Hansen, Idaho	Randall
Byrne, Pa.	Hathaway	Roy
Clark	Kastenmeier	Runnels
Corman	Kuykendall	Scherle
Davis, Wis.	Landrum	Schneebeli
Dent	Lent	Stephens
Diggs	Long, La.	Udall
Dowdy	McCulloch	Williams
Dwyer	Mathias, Calif.	Wyatt
Edwards, Calif.	Michel	Yatron
Edwards, La.	Moorhead	
Eilberg	Morgan	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Dent with Mr. Williams.

Mrs. Green of Oregon with Mrs. Dwyer.

Mr. Moorhead with Mr. Lent.

Mr. Udall with Mr. Kuykendall.

Mr. Burlison of Missouri with Mr. Hansen of Idaho.

Mr. Anderson of California with Mr. Mathias of California.

Mr. Randall with Mr. Wyatt.

Mr. Roy with Mr. Schneebeli.

Mr. Giaimo with Mr. Railsback.

Mr. Runnels with Mr. Davis of Wisconsin.

Mr. Foley with Mr. Scherle.

Mr. Gettys with Mr. Blackburn.

Mr. Edwards of Louisiana with Mr. Nelsen.

Mr. Edwards of California with Mr. Michel.

Mr. Morgan with Mr. Biester.

Mr. Stephens with Mr. Long of Louisiana.

Mr. Yatron with Mr. Corman.

Mr. Green of Pennsylvania with Mr. Diggs.

Mr. Barrett with Mr. Kastenmeier.

Mr. Byrne of Pennsylvania with Mr. Landrum.

Mr. Eilberg with Mr. Dowdy.

Mr. Pryor of Arkansas with Mr. Nix.

Mr. Hathaway with Mr. Patman.

Messrs. MILLS, MEEDS, and SCHMITZ changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on the resolution (H. Res. 437).

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. MIKVA. Mr. Speaker, on Monday May 10 I was ill and therefore was not present when the vote was taken on H.R. 5638, a bill authorizing penalties for assaults on Washington, D.C., firemen. I would like the RECORD to show that had I been present on Monday, I would have voted "yea." In addition I would have voted "yea" on the other four District of Columbia bills which were passed by voice votes.

AUTHORIZING SPEAKER TO DECLARE RECESS TODAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the Committee of the Whole rises today it may be in order for the Chair to declare a recess subject to the call of the Chair.

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

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, and I do not intend to object, I have made this reservation so that the distinguished majority leader can tell the Members of the House what the plans are for the remainder of the day.

Mr. BOGGS. Mr. Speaker, in reply to the distinguished minority leader, as Members know, it is the plan of the Speaker and of the leadership to call up the railroad strike legislation as soon as it is available to us.

My information at this time is that it is the plan of the chairman of the committee to go before the Committee on Rules at approximately 5 o'clock this afternoon and ask for a rule. We hope to have the bill here late this afternoon.

Mr. GERALD R. FORD. In other words, for an hour or thereabouts we will have general debate and then if necessary recess in order to bring up the railroad bill as soon as the Committee on Interstate and Foreign Commerce and the Committee on Rules report it?

Mr. BOGGS. The gentleman is correct.

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

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

Mr. HALL. Mr. Speaker, may I inquire of the leadership if that would be the sole purpose of such a declaration of recess?

Mr. BOGGS. That is the sole purpose.

Mr. HALL. I thank the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

CALL OF THE HOUSE

Mr. WILLIAM D. FORD. Mr. Speaker, I make the point of order than a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 101]

Abourezk	Fraser	Pickle
Adams	Frey	Pike
Alexander	Gettys	Preyer, N.C.
Anderson, Calif.	Giaimo	Pryor, Ark.
	Green, Oreg.	Railsback
Anderson, Tenn.	Green, Pa.	Randall
	Griffiths	Rees
Archer	Gubser	Reid, N.Y.
Barrett	Halpern	Rhodes
Bell	Hansen, Idaho	Rosenthal
Biaggi	Hansen, Wash.	Roy
Biester	Harsha	Runnels
Blackburn	Harvey	St Germain
Blanton	Hébert	Satterfield
Brown, Ohio	Heckler, Mass.	Scherle
Buchanan	Holifield	Schneebeli
Burlison, Mo.	Horton	Shoup
Byrne, Pa.	Jacobs	Sikes
Carney	Jarman	Skubitz
Carter	Kastenmeier	Smith, Calif.
Celler	Kluczynski	Springer
Clark	Kyros	Stafford
Clay	Landrum	Staggers
Collins, Ill.	Leggett	Steed
Conyers	Lent	Steiger, Ariz.
Corman	Long, La.	Stokes
Coughlin	McCollister	Symington
Davis, Wis.	McCulloch	Teague, Tex.
de la Garza	McEwen	Thompson, Ga.
Dent	Macdonald, Mass.	
Diggs		Udall
Dingell	Mahon	Ware
Dow	Mathias, Calif.	Wiggins
Dowdy		Williams
Dwyer	Metcalfe	Wilson, Bob
Eckhardt	Moorhead	
Edwards, Calif.	Morgan	Wilson, Charles H.
Edwards, La.	Moss	
Eilberg	Murphy, N.Y.	Wright
Evins, Tenn.	Nelsen	Wyatt
Fisher	Nichols	Yatron
Flowers	Nix	Zion
Foley	Patman	

The SPEAKER. On this rollcall 311 Members have answered to their names, a quorum.

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

EMERGENCY EMPLOYMENT ACT OF 1971

Mr. DANIELS of New Jersey. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3613), to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3613, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from New Jersey (Mr. DANIELS) will be recognized for 1½ hours, and the gentleman from Minnesota (Mr. QUIE) will be recognized for 1½ hours.

The Chair recognizes the gentleman from New Jersey.

Mr. HALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALL. Mr. Chairman, may I ask the number of the bill the title of which was read by the Clerk.

The CHAIRMAN. The Clerk read the title of the bill H.R. 3613.

Mr. HALL. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALL. Under House Resolution 437, as amended, do we not have under consideration H.R. 8141, and, if so, should the Clerk not have read the title of that bill?

The CHAIRMAN. Under the rule, as amended, the Committee of the Whole has before it H.R. 3613. At the appropriate time the bill which the gentleman mentioned, H.R. 8141, will be in order if offered as a substitute.

Mr. HALL. I thank the Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield 10 minutes to the distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS).

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, the Committee on Education and Labor comes before the House today with a simple proposition:

The time has come for the Congress to act affirmatively in the matter of rising unemployment in the country. This is, in effect, the second time around. Only 6 months ago, this House passed a major manpower and employment bill, H.R. 8613, and the President vetoed it on December 16.

Just a year ago, there were 3,552,000 unemployed in the Nation. Last month, the total stood at 4,694,000—a rise of 32 percent in the 12-month period.

The national rate is at 6.1 percent. Although we all hope for the best, there are few among us who would say with certainly that it will not go higher.

H.R. 3613, the bill before us today is a sincere, reasoned, and effective way of remedying the unemployment situation. It has two features which should commend it to every Member of this House.

First. It will put jobless people back to work.

Second. It will provide needed public services which States, counties, municipalities, or units of the Federal Government cannot now perform because of other pressing financial demands upon their resources.

I think this House should not underestimate the gravity of the fiscal crisis facing local governmental units all across this Nation. Declining revenues and inflation have bitten deeply into their capacity to perform the essential functions of police and fire protection, water and sanitation services, and keep the schools open at the same time.

Hundreds of other services, such as street and road maintenance, rehabilitation projects, conservation, and environmental services—all these have to be funded out of what is left, and in today's economy, there isn't any left.

Local public buildings fall into dilapidation and disrepair; our public libraries are neglected; our streets are littered and dirty; urban services must often stop short of urban boundaries because there are not enough funds to extend them. Rural areas and their governments are beset with similar problems, and cannot serve their isolated populations efficiently. There just is not enough money to do all of the things that modern governments must do. And as in everything else, the rural poor suffer quietest of all.

This bill, then, has double-barreled utility. It puts unemployed people to work, and it helps our various units of government to do their job better.

The Committee on Education does not come to you with the claim that this is the ultimate manpower measure, or that it is the bill to solve all of our problems. It is one approach, one way of attacking a critical problem, and I think this Congress should give it a chance to work.

There are those of our Members and our friends who would take a different approach. They think that now is the time to overhaul and reorganize all of our manpower training programs. In a single act, they would overturn and uproot virtually all of the manpower legislation passed in the last quarter century. I agree that much reorganization needs to be done, and I assure you that this committee will not shirk its responsibility to do that job. But this, Mr. Chairman, is not the vehicle to accomplish what some of our friends want.

This is a modest proposal with a specific, clearly stated purpose. And it deserves your prompt consideration on its own merits.

The legislation before you authorizes two programs of public service employment—one national, the other local.

The national program would operate throughout the country until such time as the national unemployment rate drops below 4.5 percent for 3 consecutive months.

The Secretary of Labor would be authorized to enter into agreements with eligible units of government to make financial assistance available for programs providing jobs for the unemployed.

These eligible applicants would be units of Federal, State, county, and municipal governments, public agencies and institutions which are subdivisions of State or general local government; institutions of the Federal Government,

such as Veterans' Administration hospitals, and Indian tribes.

The bill before us would authorize $200 million immediately for the remainder of fiscal 1971; $750 million for fiscal 1972, and $1 billion for the succeeding 3 fiscal years, for the national program.

Should the national rate of unemployment drop below 4.5 percent for 3 consecutive months, the authority of the Secretary of Labor to obligate additional funds would cease. This cessation would not affect operating under contract for a fixed period. Those agreements would continue to the end of their term. The Secretary simply could not commence any new programs during this period of reduced unemployment, nor could he renew or refund expiring contracts. It is anticipated that the term for most contracts would be 12 months.

Should the unemployment situation again degenerate to a rate of 4.5 percent or worse, the Secretary's authority to resume contracting projects would be automatically restored.

The local program would be operated under the Special Employment Assistance Fund created by section 6 of the bill. The bill authorizes $250 million annually for the fiscal years 1972 through 1975 for this fund, which might also be abetted by the deposit of unobligated balances authorized under the national program.

With these funds, the Secretary of Labor would enter into agreements with cities, counties, and other units of general local government, public agencies and institutions which are subdivisions of such units of general local government, and Indian tribes.

Authority to enter into these agreements would be triggered by the onset of a rate of unemployment of 6 percent for more than 3 consecutive months, in the particular area involved. This targets the funds into the local areas where unemployment is most acute, and where the need for jobs is greatest.

These Special Employment Assistance Fund programs would operate concurrently with the main or national program. But they would continue to be funded so long as the local applicant met the 6 percent criteria, notwithstanding the fact that the national rate of unemployment may drop below 4.5 percent. This provision is designed to take care of the so-called "pockets" of unemployment during normally prosperous periods.

Mr. Chairman, I want to assure the House that the drafters of this legislation do not contemplate make-work jobs, of leaf-raking jobs, or birdnest building jobs as the product. It is our intention that the work performed will be constructive work, contributing some useful and needed benefit to the community at large, as well as providing decent, honorable employment to the worker involved.

The committee requires that preference be given to veterans who served in the Armed Forces in Indochina or Korea after August 4, 1964, in filling the public service jobs established under applicant programs.

The committee also requires that not more than one-third of the participants in a public service employment program may be professional personnel. A $12,000 annual salary limitation is imposed for these professional personnel.

The bill also makes provision for the minimum wages to be paid on these programs. It requires that the person employed be paid the highest of: First, the State minimum wage; second, the Federal minimum wage; or third, the prevailing wage for similar public occupations in the same locality.

There has always existed urgent pressure on State and local officials to spend money in certain ways. It is to correct imbalances in the local pattern of spending—priorities if you will—that Congress has frequently enacted its own programs into law.

One activity that has always found it difficult to secure State and local financial support is vocational education. We have carefully built up a system of vocational skill centers in the Manpower Development and Training Act of 1962. This program operates through HEW and State departments of public instruction.

Under the Esch substitute MDTA of 1962 is repealed. In its place is vague language describing institutional training as one of a number of manpower activities contemplated. It is up to the local officials, however, to decide if they want to continue to have skill centers and, if they decide yes, who they want to have run them.

The vocational educators need not be used at all. The program would no longer operate—as it now does—through the State departments of public instruction where vocational education interests are effectively represented.

In similar fashion, it is completely up to mayors receiving the money under manpower revenue-sharing as to who they want to recruit, screen, test, refer, place, and so forth, persons served by manpower programs. There is no provision requiring of them that they use the State employment service where appropriate. In fact, they could refuse to use the State employment service altogether.

This so-called substitute would be a dangerous piece of legislation. It downgrades our vocational educators and employment security officials. It is perfectly permissible under the substitute to ignore these groups and make contracts with community action agencies or other private, non-profit groups to perform the services which would otherwise be performed by trained educators and employment service personnel.

There is even a provision in the substitute which directs the Secretary to "administer the Wagner-Peyser Act . . . in such a manner that services under such laws contribute to the fullest extent possible in the development of comprehensive manpower programs under this act." In other words, the Secretary is given power to make Wagner-Peyser programs subservient to the local officials who are developing comprehensive manpower programs with their shared revenue.

It is incredible that this body would even consider acting on the Esch substitute without first asking these groups of people who have, to say the least, a legitimate, bona fide interest in manpower legislation to appear before the appropriate committee to present their views. This so-called revenue-sharing substitute obliterates two major pieces of manpower legislation in those activities these and other groups have played a major role, yet provides no future role for them. Would it not be better to consider such drastic and radical departures in a more deliberate and thoughtful manner?

It is difficult to know what is gained by such a hasty and irregular procedure except perhaps the fulfillment of some political objective to get revenue-sharing before the House at any cost.

Mr. PUCINSKI. Will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I believe the chairman of the committee is making an excellent statement here in putting this in proper perspective. Would not the chairman agree that the real issue here, in addition to all of the things he has said about the substitute bill, is the fact that our committee reported out an emergency employment act to create jobs at a time when there are more than 15 million people in this country either unemployed or underemployed or so-called working poor who are working a full day below minimum pay? Now, we stated in this act in our report that—

> Under circumstances such as these, it made little sense to the Committee to create still another training program. In fact, those who are currently being trained in various Federal programs are having great difficulty finding employment in today's shrinking job market.

The administration and the proponents of this substitute legislation are not going to address themselves to the problem of thousands of veterans coming home from the war in Vietnam unable to find jobs under the substitute bill that is proposed here.

I submit that the committee took all of this into consideration and agreed that there should be manpower reform bills reported out of the committee, but right now the most pressing need in our country is to give the young veterans coming home from the war a job. That is the main thrust of the legislation before us instead of manpower reform, as is proposed in the substitute bill.

Would not the distinguished chairman of the committee agree with me?

Mr. PERKINS. I would agree wholeheartedly with the analysis of the gentleman from Illinois.

To my way of thinking, anyone who would come forth and advocate this substitute is more or less camouflaging the great need for a public service employment bill in this country. We need the public service employment bill now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Mr. Chairman, I ask the distinguished gentleman from New Jersey to yield me 3 additional minutes.

Mr. DANIELS of New Jersey. Mr. Chairman, I am glad to yield the distinguished chairman 5 additional minutes.

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

Mr. PERKINS. Yes; I yield to the distinguished gentleman from Minnesota.

Mr. QUIE. I just want to set the record straight on what the gentleman from Illinois said when he inferred that there was no veterans preference in the substitute bill. The substitute bill provides a veterans preference for all of the manpower programs while the committee bill is strictly limited to public service employment. Besides that, the substitute bill provides guidance and counseling be given to the veterans whereas the other bill does not. I just want to set the record straight on that.

Mr. PERKINS. This is not a veterans-preference benefits bill. Let me say to my distinguished colleague from Minnesota—and I think he will agree with me—that this substitute has no place on the floor of the House, in a bill of this kind.

Mr. QUIE. I surely do not agree with the gentleman on that.

Mr. PERKINS. A measure of this magnitude. Especially when it has never been heard by the committee and has never heard interested parties throughout the country, and is dealing with a new subject matter, an entirely new subject matter.

Mr. QUIE. Will the gentleman yield further?

Mr. PERKINS. Yes; I yield further.

Mr. QUIE. The gentleman calls this general revenue sharing as such, there being no general revenue sharing in it, but it is instead a consolidation of manpower programs.

Mr. PERKINS. It is not quite revenue sharing.

Mr. QUIE. The only thing that prevented us from considering the substitute and committee bills together is the fact that the committee did not hold all the hearings on both bills but it wanted to run them separately while on the minority side we wanted to hold the hearings on both proposals together.

Mr. PERKINS. Does the gentleman deny that the President advocated general revenue sharing?

Mr. QUIE. Oh, yes, he has but not in this bill.

Mr. PERKINS. This is what your President has advocated; am I correct?

Mr. QUIE. No, this is not a general revenue-sharing bill.

Mr. PERKINS. Well, it is the manpower aspects of it.

Mr. QUIE. He called it special revenue sharing for manpower for some reason, thinking that that was better than the consolidated manpower program or block grants for manpower.

Mr. PERKINS. It is the President's so-called revenue sharing measure that has never been studied by the committee.

Mr. QUIE. I am glad you called it "so-called".

Mr. PERKINS. And, the administration says that under this bill they do not even know how they are going to disburse the money.

Mr. DANIELS of New Jersey, Mr. Chairman, will the gentleman yield?

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

Mr. DANIELS of New Jersey. I would like to bring to the attention of the House the fact that the bill, H.R. 8141, introduced by the gentleman from Michigan, Mr. ESCH, specifically says in the preamble that this bill may be cited as the "Manpower Revenue-Sharing Act of 1971."

Mr. PERKINS. There is no way for the minority Members to get away from the fact that this is a revenue-sharing bill that drastically upsets our educational programs, our manpower programs, and will cause chaos throughout this Nation if enacted.

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

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

Mr. PUCINSKI. The gentleman from Minnesota said that this substitute or revenue-sharing bill provides counseling and guidance for returned veterans and the training of returning veterans.

My good friend knows that what these men need more today than anything else is a job. They need a job. They fought for our country, and they want work. You will find many of these young men coming back disillusioned and turning to militancy and that is because they are thoroughly disgusted. My friend again is adding the typical Nixon administration Madison Avenue slogan which we have learned to look for in this administration, but it is a slogan of too little, too late.

This is another example of trying to beguile veterans into thinking that somehow their problem will be solved by counseling and guidance.

Mr. Chairman, the real thrust of this bill is to create 150,000 jobs with preferential treatment for veterans who fought in Vietnam. No matter how you twist or turn it, you cannot deny that this bill which you brought out onto the floor of the House is frustrating these veterans in their great time of need.

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

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. The gentleman from Illinois knows that 85 percent of the entire $2 billion contained in the substitute can be used as the community wants to use it, either for manpower programs or public service employment. So we know there is at least this much money for public service jobs in the substitute as in the committee bill. The gentleman knows that the veterans' preference provision carries all the way through the manpower programs and public service employment in the substitute bill.

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

Mr. DANIELS of New Jersey. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. PERKINS. Let me say to my distinguished colleague that this colloquy points up the fact that we need to have extensive hearings and some deep probing as to the real effects of this bill.

I am sure the distinguished gentleman from New Jersey, Mr. DANIELS, who has worked so hard on H.R. 3613, will do that, Mr. Chairman, within the next couple of weeks. I am hopeful that this House will be so busy that we will not have time to call up this measure for some 2 or 3 weeks, so that the Members of this body will discover just how many worms there are in this substitute legislation.

No Member wants to destroy effective programs. I am sure that we are going to see that this legislation is thoroughly explored before we bring it back here.

Mr. Chairman, before I close, I want to pay tribute to the outstanding work of Chairman DANIELS in bringing H.R. 3163 before this House. His has been a labor of dedication and an unsparing effort to see that justice is done to the Nation's unemployed. We should all salute him for it.

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

Mr. QUIE. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BROWN).

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

REASON FOR MEMBERS OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE NOT BEING PRESENT DURING THE LAST ROLLCALL

Mr. BROWN of Ohio. Mr. Chairman, I would like to advise the House that when the last quorum call occurred the Members of the Committee on Interstate and Foreign Commerce were seated by unanimous consent of the House considering the legislation to deal with the emergency railroad strike situation, and a number of the Members were unable to respond to the quorum call, because the committee chose to sit through the quorum call and complete its business.

The members making up the quorum in the committee at the time of the quorum call for the House were Messrs. STAGGERS, JARMAN, MOSS, DINGELL, VAN DEERLIN, PICKLE, ROONEY of Pennsylvania, MURPHY of New York, SATTERFIELD, ADAMS, BLANTON, STUCKEY, KYROS, ECKHARDT, PREYER of North Carolina, HELSTOSKI, SYMINGTON, CARNEY, METCALFE, BYRON, SPRINGER, DEVINE, NELSON, KEITH, HARVEY, CARTER, BROWN of Ohio, KUYKENDALL, SKUBITZ, THOMPSON of Georgia, HASTINGS, SCHMITZ, COLLINS, FREY, WARE, MCCOLLISTER, and SHOUP.

Mr. Chairman, I thank the gentleman for yielding.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I listened with great interest and attempted to gain the attention of the distinguished gentleman from Kentucky, the chairman of the Committee on Education and Labor, in order to make sure that it was quite clear to the Members of this House that what was stated was simply not an accurate reflection of the situation.

Let me first of all direct my attention at this point to the statement the distinguished gentleman from Kentucky (Mr. PERKINS) made on the floor that this would seriously disrupt present programs in operation, and specifically in vocational education.

On page 4 of the bill H.R. 8141, the substitute introduced by the gentleman from Michigan (Mr. ESCH), I would direct your attention specifically to the language found on that page which says:

In carrying out such programs recipient units of government shall make maximum

feasible use of existing educational institutions having a training capability, such as (but not limited to) area vocational schools, technical institutes, and junior and community colleges.

I think, second, Mr. Chairman, it ought to be very clear to the members of this committee that—and I have here the two volumes of hearings on the Manpower Act of 1969 which resulted in the bill H.R. 19519 in the Congress last year—that the Select Labor Subcommittee of the Committee on Education and Labor has had extensive hearings in the manpower field. The bill H.R. 8141 is nothing more and nothing less than an effort to build on the bill H.R. 19519 that passed this body last year.

That is exactly what we are talking about. We are talking about what we can do to take the present categorical grant programs funded under MDTA and the Economic Opportunity Act, and to decategorize them and decentralize them. Those are the words contained in the committee report last year when we brought the bill to the floor, those concepts run throughout the hearings, and that is the basic purpose behind the bill H.R. 8141, the substitute bill to be offered by the gentleman from Michigan (Mr. ESCH).

I want it absolutely clear so that the record does not in any way confuse anybody that this is not a new subject, that this is not a new item in the agenda whatsoever, and that what we passed last year had as its basic purpose exactly the kind of bill we are talking about this year. That is to say, you are trying to make it possible for a full range of services to be offered to the unemployed, or underemployed; that you are taking what we built into the Manpower Development and Training Act and the Economic Opportunity Act, and turning that money over to people at the local level, mayors and Governors, elected public officials, and enabling them to have the flexibility necessary to offer a full range of services.

I think, Mr. Chairman, it ought to be very clear to the Members of this Committee of the Whole that any effort to try to sidetrack us either by the suggestion that this bill is a "revenue sharing"—and it is not—and the gentleman from Kentucky and the gentleman from New Jersey are fully aware of that because what we are talking about is comprehensive manpower legislation—the very thing that we held extensive hearings on last year.

Second, I think also it ought to be very clear that those at the local level, the mayors and Governors, who have historically had the ability to be able to work with local institutions, will recognize the strengths and the weaknesses, where they exist, in those programs at the local level.

I must admit that I am absolutely amazed by the contention and the continuation of those arguments that somehow there will be a lessening of support for the State employment services and for the vocational and educational institutions if decisions are made by Governors and mayors.

So for the purpose of making sure that it is clear in the record that, first, this is a bill aimed at a comprehensive manpower program very much along the lines of that which we passed last year in the bill, H.R. 19519; second, it is aimed in the direction of giving resources and decisionmaking ability to the State and local units, elected public officials, so that they can make the choice as to which kind of institution and which kind of services ought to be offered; and, third, it would provide what I think is most essential and which at the hearings last year, if you will look at these two volumes, you will see was the refrain of witness after witness that the present system needs reform because the manpower effort falls far short of what it could and should do. As the minority views state:

> The legislation we are proposing as a substitute . . . would fundamentally reform our manpower programs to meet the needs . . . while at the same time permitting a far more generous and far more flexible public service employment component at the discretion of State and local governments.

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

Mr. QUIE. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. STEIGER of Wisconsin. Mr. Chairman, I thank the gentleman.

Mr. Chairman, let us look at the bill that the committee has reported. If you take this bill, H.R. 3613, and if you really are interested in public service employment service, for example, and if you are interested in real jobs for real people, then let us admit that the bill fails miserably. The bill is based on which I call the yo-yo concept—that is to say, that it has a trigger mechanism in there to go off and on as the rate of unemployment goes up or down. So you are never going to have a degree of stability either in terms of the people served or the kind of jobs to be created.

Second, it does not give you any chance at all to use the resources available at the State and local levels to do the kind of training and counseling and the transportation and health services and all of the ancillary services required for manpower that are found in the bill, H.R. 8141. I think that is the critical difference between the two bills. Instead of limiting the right of people and the ability of people to be served in both training and jobs, what you will do will be to continue the inability of the individual to get a service simply because he does not fit a category.

It is time to decategorize and it is time to decentralize and it is time to put the money where the local and State people have a chance to operate and use it in a way that makes the most sense for their area. The situation in Oshkosh, Wis., is not the same as they are in Cheyenne, Wyo., and I think it is high time that the Congress recognizes this fact. The substitute is aimed at an attempt to make it possible for people to be served who are not now being served and to give the mayors and the Governors a chance to create jobs and provide a comprehensive program which at this point they are unable to create under the present system.

Mr. Chairman, I urge that the substitute be adopted and that everyone understand the effort to smokescreen by those on the other side and ought not to be allowed to stand.

Mr. QUIE. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, for the last several minutes I have been listening to all of the claims made on the potential benefits of emergency employment under H.R. 3613. Putting unemployed men and women to work, restoring vital public services, relieving some of the fiscal crisis faced by State and local governments, moving disadvantaged people into permanent careers—all these claims have been made.

I hope that they could all come true. Yet, I suspect that if this bill is enacted, many of these high hopes would be frustrated.

Since the enactment of the Manpower Development and Training Act—MDTA—of 1962, I have tried to follow closely the evolution of federally financed manpower programs. The Economic Opportunity Act—EOA—was enacted in 1964, the work incentive program was created in 1967, and I was deeply involved in efforts made in the last Congress—and now in the present—to enact manpower reform legislation.

Frankly, what I have seen emerge from all this effort is an uncoordinated, haphazard, jerry-rigged approach to meeting manpower needs which would put Rube Goldberg to shame. I am not faulting the good intentions and commitment of the individuals and institutions who organize and operate Federal manpower programs. But the programs' complexity and rigidity often frustrate their goals, the staff who run them—and, most important, the poor and unemployed who are supposed to be served.

My colleague, AL QUIE, our ranking member on the committee, will cite in detail the effects of this administrative morass in several cities—and these will be typical examples, not isolated horror stories.

I am persuaded that the whole picture is tragic—yet the blame can properly be shared all around.

ENOUGH BLAME FOR ALL

The laws we the Congress have enacted have given rise to many rigidities. MDTA Institutional, OJT, New Careers, Mainstream—each of these national programs is absolutely mandated by law. And within less prescriptive legislation there are too many limitations and restrictions which unnecessarily hamper local programs.

Other complications are added by the Federal appropriations process. Historically the Congress and the executive branch have approached annual appropriations in a largely categorical manner. In fiscal year 1970, for example, the Labor Department's manpower budget was broken down into 15 different line item program allocations. To deviate from those allocations generally required that the department come back to congressional committees for approval.

But beyond the categorical rigidities of our appropriations process the Congress just gives the executive branch the

money too late. I cannot remember when the Congress last passed an appropriations act before the new fiscal year had begun. And we have treated Labor-HEW appropriations most sorely. In fiscal year 1970 the Manpower Administration did not receive its new appropriation until March—9 months into the fiscal year. Planned program expansions postponed, new programs held back, the rush to obligate money before the end of the fiscal year—the cost and havoc created are incalculable.

Finally the executive branch must accept a heavy share of the blame. At different times authority has been spread among three different agencies: OEO, HEW, and the Labor Department. The lion's share of responsibility has now come to rest with the Labor Department.

But as they have groped for answers in a new field these agencies—particularly the Labor Department—have often been more restrictive and categorical than even the law suggests. Programs, guidelines, standards, limitations—these administrative actions are often the source of the system's rigidities. And despite the current administration's commitment to decategorization it has spun off quite a few categorical programs itself into short years. When the Federal knee is tapped by a tough problem the executive leg seem to give categorical jerk about as often as the congressional.

REFORM VERSUS INERTIA

It is not my purpose to sort out how much of the responsibility for the current mess in manpower can be attributed to different sources. That would require the wisdom of Solomon.

What is important is that it all exists and is thoroughly entrenched and self-reinforcing. The Congress has its pet programs. The administration has its pets. Client groups have carved out their share. A whole network of public and private agencies—over 10,000 different contractors—have become accustomed to the status quo. Many see maintaining the status quo as a life-and-death struggle—that is, if they cannot enlarge their own share.

In time purely administrative decisions become endowed with the sanctity of law. And useful provisions of law become dead letters because they cannot now be implemented in the face of such overwhelming custom and traditions.

There is just too much inertia in the system. There is inertia within local agencies, inertia within the Federal bureaucracy, inertia in congressional processes. Our current approach just cannot reform on a piecemeal gradual manner. The resistence of those who feel threatened and the inertia of those who are familiar with the present is just too great.

What is needed is an unequivocal mandate for reform. What is required is a solid fulcrum on which to rest the levers of reform. And that fulcrum can only be comprehensive manpower reform legislation.

The two primary directions of this reform are clear: to free Federal manpower funds from unnecessary Federal constraints on their local use and to establish some single mechanism at the local level to pull together all these efforts.

The Congress and the administration agreed last session that this mechanism should be elected State and local officials—Governors, mayors, and county commissioners.

The bill which I have sponsored, is an excellent expression of these two objectives. Some members of this body may differ with its details. But I am sure that with the bill to do it there is a way that the minority and majority in Congress, and the President, can arrive at satisfactory manpower reform legislation.

But now—without seeking to initiate basic reforms—the proponents of the Emergency Employment Act propose to dump yet another, major—no, enormous—load upon this nonsystem. The Emergency Employment Act would allocate up to $750 million next year—equal to half of our current manpower program which has been 9 years in development. One billion or more dollars is authorized for future fiscal years.

Mr. Chairman, to impose this major program at this time on the current structure would make much more difficult eventual rationalization of the system.

What kind of task would manpower administrators face? One measure is to contemplate the number of eligible governments that might apply to receive emergency employment funds under H.R. 3613.

Under section 4 any unit of Federal, State, or local general government and public agencies and institutions which are dependencies of these—plus Indian tribes on reservations—would be eligible to apply for emergency funds. Federally subsidized work programs are very popular. For example, there have been over 600 sponsors—not just applicants, but actual sponsors—of Neighborhood Youth Corps out-of-school programs. The number of individual governments and governmental agencies which would apply for these funds could well run into the thousands.

In Los Angeles, which is one of the typical examples of confused administration to be cited by the gentleman from Minnesota (Mr. QUIE) the Labor Department is already trying to monitor 402 separate contracts.

In Los Angeles there are 79 different local units of general purpose government. There are at least 612 special purpose districts. Thus, there would be almost 700 eligible governments in Los Angeles alone—assuming that all of their subagencies—the health department, the police department, the recreation department, and so forth—would only apply through their umbrella government.

And in the other body a comparable bill—S. 31—has already been enacted which would also qualify all private nonprofit organizations. In Los Angeles alone there are over 350 private, nonprofit organizations.

Mr. Chairman, at just one stage in the administration of this program the Labor Department could be faced with reviewing 10,000 to 20,000 direct applications. There are, after all, over 80,000 units of local government in the Nation before one moves into other eligible categories.

Mr. Chairman, I know and feel as much as any Member here the tragedy which high unemployment and shrinking public services in many communities is producing. But I must express my deepest concern that, if H.R. 3613 is enacted, it cannot possibly meet the hopes that are placed on it.

A SENSIBLE ALTERNATIVE

H.R. 8141, the bill which I introduced as a substitute for H.R. 3613, would combine both reform and immediate response to current unemployment.

Let me now ask certain questions, and then answer them in order to clarify the differences in the two bills:

Question. What are the major defects of the committee bill?

Answer. The committee bill adds one more narrow, categorical manpower authorization—for public service employment—to the dozen existing programs. It tends to further confuse a manpower training program already bogged down by narrow categories of training, overcentralized administration, and lack of responsiveness to local conditions and individual needs.

Question. How does the substitute bill—H.R. 8141—overcome the major deficiencies of the committee bill?

Answer. The substitute bill—which includes public service employment—replaces the existing confusion of programs with a single, flexible authority for the operation of a wide range of manpower programs by States and major urban units of local government. Instead of having to fit people to the requirements of programs, this permits tailoring the program to fit the needs of the unemployed or underemployed person.

Question. Why change the present manpower training program?

Answer. Testimony before committees in both the House and Senate over the past 2 years has underscored the urgency of overhauling the delivery system for manpower training. Rather than continuing to have over 10,000 separate contracts made by the Labor Department with various public and private agencies, we propose a program of about 350 State and local governmental sponsors operating closely coordinated programs, responsive to special local needs. Virtually every authority on manpower agrees that the present unwieldy system is in urgent need of reform.

Question. How does each bill function to aid the unemployed?

Answer. The committee bill creates a program in which a person could stay indefinitely on Federally subsidized public employment. Without a termination date on public service employment programs, the potentiality of a limited number of people being permanently employed in a limited number of positions exists—which means that many equally needy persons would be ignored and also raises the specter of the use of the program for political patronage. The substitute bill not only provides the funds for more public service jobs immediately, it also places a time limit of 104 weeks on

any job, except in special hardship cases determined by the Secretary of Labor. By emphasizing training, counseling, and placement, H.R. 8141 works to move these persons into permanent jobs in either the public or private sector, freeing the public service employment slots for other unemployed persons.

Question. Which bill best meets the immediate need for funds for public service employment?

Answer. The substitute bill. The committee bill provides $200 million this year, plus $750 million during the next fiscal year. The substitute bill provides $500 million immediately upon enactment, to be used for public service employment or other local manpower needs at the discretion of local authorities. Beginning in January 1972—in addition to the $500 million—H.R. 8141 authorizes whatever funds may be necessary and the President has stated that he is prepared to request $2 billion for the first full year. Under the substitute bill, any or all of these moneys may be used for public service employment at the option of the State and local governments who can fit the program to their needs.

Question. Does this legislation have any relationship to the Comprehensive Manpower Training Act passed in the House last year?

Answer. Yes. H.R. 8141 builds on the same approach of consolidating, decentralizing and reforming all present manpower training programs. At the same time it frees the Federal agency to carry out its oversight function of insuring that national manpower needs are being met—by conducting research and demonstration programs and by establishing innovations such as a computerized national job bank. In essence, it blends Federal expertise with State and local decisionmaking. The committee bill is limited and inflexible in its scope and intent.

Question. Will the Job Corps be abolished under the substitute bill?

Answer. No. The Job Corps will be kept as a Federal program, administered through the Department of Labor pending a more thorough study of the program by Congress.

Question. How do the unemployment "trigger" devices in the two bills differ, and what affect would this have?

Answer. The substitute bill would immediately trigger $500 million based upon 1971 unemployment rates and an additional $500 million in any other year having 3 consecutive months of unemployment at or above 4.5 percent. This is similar to the committee bill. But unlike the committee bill, the substitute—beginning January 1972—would allocate funds to States and localities according to a national distribution formula without any "trigger." Thus public service employment can be adjusted to meet widely differing local needs—as unemployment falls, local authorities can use these funds to build up training and retraining programs to meet special needs. Under the committee bill, the distribution of almost all the funds is based on a national trigger mechanism. Once the national level of unemployment falls below 4½ percent, a danger exists that ongoing public service employment programs would have to be terminated. Although an attempt was made to correct this deficiency by establishing a special fund to assist local areas of high employment, no provision is made to use these local funds to continue the regular programs. The dangers of a program based on such discontinuities for already high-risk employees are obvious.

Question. Why support the substitute bill without special hearings?

Answer. Besides the fact that it embodies most of the concepts already extensively debated in the House last year, during committee hearings on H.R. 3613 and related bills there was a full and complete review of the major issues involved in manpower revenue sharing, including a thorough presentation by Secretary Hodgson and his associates. This concept was also discussed in some detail by Governors and mayors who appeared at these hearings.

Question. How are veterans treated under the two bills?

Answer. In both cases, Vietnam and Korean veterans will be given preference. However, in the substitute bill the preference for placement extends not only to public service employment, but to the full range of manpower services including counseling, retraining and job placement —which is the best assistance we can offer to returning veterans seeking to make a place in civilian life.

We urge your support for the substitute. Unemployment in this country has been caused, not by the Nixon administration as has been suggested, but rather the transition from a wartime to a peacetime economy. The substitute bill reaches out to this problem by redirecting our national manpower policy.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield 10 minutes to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, to paraphrase Ecclesiastes, for everything there is a time and a season. I submit to this committee that this is neither the time nor the season for this substitute bill. The time and the season for this substitute bill was before unemployment rose 90 percent during the Nixon administration. The time and the season for this legislation was before we had 5 million people unemployed in this Nation. The time and the season for this legislation was before unemployment rose by 375 percent in my State of Washington during the Nixon administration.

During this period of time we have lost over $100 billion in productive capacity, and the major reason for it is that people are unemployed. So I submit to this body that the first order of business is to get people back to work, to put people in jobs. I further submit that the administration bill does not do that. It establishes a manpower program—and, incidentally, it is a revenue-sharing manpower program. It deals only incidentally with public service employment in several small sections of the bill, whereas the bill that this committee brought forward deals with it totally and completely and deals with the problem of public service employment in its entirety.

Let us take a look at some of the provisions of this substitute bill. As I said before, there is absolutely no requirement in this bill any place for public service employment. Oh, yes, if the localities and States want to engage in public service employment, they can do so under the terms of the bill, but I submit to you that this is a national problem, a national emphasis problem, and you and I here in the Congress ought to be making that decision right now.

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

Mr. MEEDS. I cannot now. I will when I get to the end of my statement if I have time, and I will be very happy to do so then.

Mr. Chairman, let us take another look at what happens with the pass through. I am very interested in this, although I have not had as much time as I would like to look at the provisions for pass through, but I do not know how the cities and metropolitan areas fare under this legislation. I do not know if they get as much revenue for the manpower programs that are set up for them or they will set up or whether they do not. There is a very complicated formula there, which, I might add, the Secretary of Labor admitted before a Senate body perhaps would put more money into the suburbs than ought to be there. There are no figures or charts on this. I cannot tell you what it does in your district or in my district. There is no way of knowing where these funds go. All the bill does is pass 85 percent of these funds to the States, the Governors and the agencies that are going to handle them there, and then it forgets about them.

I think we are derelict in our responsibility in this House if we are passing out money without any kind of restraint or without any kind of directive or without any kind of ability to dictate in some fashion the priorities as to how that money should be used.

The provision of the bill, the substitute bill that passed—and this really bothers me—provides that the administrative agencies shall file a statement of program purpose. After they have filed the statement of program purpose, the funds are sent to them. The Secretary of Labor has the right to look at the statement of program purpose. He has no right to say, are you going to do this, or are you going to do that.

Mr. Chairman, these are total Federal funds. We reserve no right in this House to make decisions as to how they are to be utilized. Yet our friends on the other side of the aisle tell us it is not revenue sharing. I submit that it is a total abdication by this House of our responsibility to see that the taxpayers' money that you and I assess and raise be spent for the national priorities which we prescribe.

It has been mentioned that there have been no hearings, and I think this is very important. This is a new concept. This is a departure. It is a departure of turning over to the States and local municipalities, if the latter really get any authority under this bill, the total operation of the manpower programs that we have been operating and have been

authorizing in this House of Representatives.

Mr. Chairman, I think we ought to squarely face the issue of whether or not we are going to embark upon revenue sharing despite what my colleagues on the other side of the aisle say. I say that this is the first step. If this House accepts this substitute, we will embark upon a course of revenue sharing.

I know that there are a lot of different concepts about revenue sharing. I have some very serious reservations. As I said earlier, I think it is a very distinct separation of the power to tax and the responsibility to see the tax funds are properly spent.

I think that perhaps in many instances it is really a palliative. We are being asked at the Federal level to provide the tax funds which the States and localities are themselves unwilling to raise.

I think the whole question of revenue sharing has to be debated and debated at length in this House of Representatives. I do not know how I am going to vote on it, but I think all of the facts ought to be brought out. I do not think we ought to slip into it through the back door.

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

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

Mr. PUCINSKI. Mr. Chairman, I believe the gentleman is making a very, very important point here. I think that the excellent statement he has made here clearly indicates that the substitute bill is being brought to this House under a very cruel subterfuge.

We are here to deal with the problem of a high rate of unemployment in this country, including veterans. But through a clever parliamentary maneuver, this substitute bill is being presented to you for consideration.

My colleague from Minnesota said that under the substitute bill $2 billion could be used to create jobs for the unemployed. I submit that that statement makes an orphan of the truth.

The simple reason is that if, indeed, $2 billion were to be used for the jobs we had originally contemplated in the original bill, many of the manpower programs, including the so-called counseling and guidance, all of the vocational education programs and everything else, would have to be settled and the money used for creating jobs.

So, what we did when we came here this afternoon with a program designed not only to provide for 150,000 jobs, but to authorize the additional funding for these purposes, is now being negated by the substitute.

Mr. MEEDS. Indeed we considered very seriously the question which the gentleman from Illinois has raised and, as a matter of fact, he is exactly right. We have considered them in the committee, we have refused to knock them out on the floor of the House, the other body has refused to knock them out, and in conference last year, we refused to knock them out, and our committee again this year has refused to knock out some of these programs. Yet with one fell swoop this bill would knock out the institutional training, the work training programs, the work planning programs, the MDTP, the programs under OEO, such as Mainstream, Green Thumb, CEP, OIC, and a number of good manpower programs that are functioning today all across this country.

I submit that sometimes it is as important to see and to watch what people do not say as to what they do say. The gentleman from Wisconsin and the gentleman from Michigan are talking about the $2 billion that can be spent for manpower program. They are talking about the special funding which goes into the operation immediately, and yet in a chart which was submitted for the RECORD recently by the gentleman from Michigan the gentleman did not consider the manpower title in his own bill, title III. They divided up the $2 billion between title I and title II of their legislation under which manpower again would be permissible, but not mandated, and they totally overlooked title III which is the Public Service Employment section.

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

Mr. MEEDS. I will yield to the gentleman in just one moment.

Mr. Chairman, the thing which I said initially was the thing that we need most in this country is jobs. I submit to you that they have come in with a bill for a revenue-sharing manpower program, as the gentleman from Illinois indicates, as a subterfuge, and have not considered the real aspects.

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

Mr. DANIELS of New Jersey. Mr. Chairman. I will yield the gentleman from Washington 2 additional minutes so that the gentleman may answer questions if he so desires.

Mr. MEEDS. Mr. Chairman, I thank the gentleman for yielding me the additional time, and I will now yield to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, the gentleman is aware that under the substitute bill the authorization is open-ended and, like the committee bill, this is not an appropriation bill, but an authorization bill. We have no guarantee in either bill that the funds will be appropriated by this Congress.

Mr. MEEDS. Well, of course not.

Mr. ESCH. Is that clear?

Mr. MEEDS. Did not the gentleman tell us you would expect $2 billion, and that the President had said he would ask for $2 billion?

Mr. ESCH. Under the President's budget for the next fiscal year the President indicated that for the first full fiscal year he would be willing to recommend $2 billion, and that is what he has indicated to the Congress. The Committee on Appropriations will make the final determination on that, just as they will in the committee as to just how much of the funds will be expended.

Mr. MEEDS. Then the gentleman was dealing with it just as though you already had $2 billion of the President's budget in this chart; is that correct?

Mr. ESCH. The indication is that we would have $500 million immediately as compared to the $200 million in the committee bill which would be authorized immediately if unemployment is over 4.5 percent.

Mr. MEEDS. Which it is, considerably.

Mr. ESCH. And the substitute bill has $500 million for the fiscal year for public service employment. In both cases, both in the committee bill and in the substitute bill, those funds would still have to be appropriated.

Mr. MEEDS. So then when one of the gentleman's colleagues was wrong, or incorrect, when he talked about $2 billion being available, and then an additional $500 million kicking in immediately, or being available immediately?

Mr. ESCH. I think the point is that the President has indicated that in the first year if a substitute is adopted he would like to see $2 billion in the first year. This compares to approximately close to $1.6 billion in the present bill.

Mr. MEEDS. I thank the gentleman for that clarification, because the gentleman's chart that was placed in the CONGRESSIONAL RECORD on March 16 does not point that out.

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

Mr. QUIE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I would just like to talk a little about the substitute and the need for a comprehensive manpower program at this time.

It is interesting to note that this question sort of became a partisan issue this year as we had a division in the committee practically on partisan lines.

It is interesting also that in 1962 we came out of the committee about the same way. However, partisanship developed here on the House floor. It will be helpful if something like that occurred now in our attempts to put together a comprehensive manpower program because, as you will recall, the MDTA was really a bipartisan program put together on the House floor.

Since that time there have been significant contributions by the Members on both sides of the aisle to the development of manpower legislation, and I think it would be helpful if we continued this constructive course that we had in the past. There have been differences among the Members with respect to the details of the public service employment programs. The area of agreement even here is far larger than the area of difference. Most of the Members on this side support public service employment as an essential component of a comprehensive manpower development program.

But we do not support the notion that by adding this one program to the confused and duplicated snarl of the existing manpower programs you will have served the best interests of unemployed or underemployed persons.

Our existing manpower effort is in desperate need of reform. The inclusion of a well-thought-out public service employment provision should be a part of that reform—but it will serve neither the long-range national interest nor the immediate interests of unemployed people who need help to do the one thing

without attempting the other. The addition of the program proposed in the committee bill would only add to the confusion which almost everywhere in the Nation seriously impedes the delivery of manpower services to the unemployed.

We have attempted without success until today to make it possible to substitute a modified version of the President's manpower proposal. We tried in the committee—first in the subcommittee, then in the Committee on Rules to get a rule—but now we are having that opportunity. It would have been better had we been able to continue with hearings in the committee and brought out a comprehensive program that the whole committee could have supported. But without that, this is the only alternative we have—trying to defeat the previous question and to secure the rule which we now have in order to consider the administration manpower proposal including the public service employment part, to which the committee bill is limited.

It will be argued that our proposal is not the best possible bill that the committee could produce, as has been done here—and, frankly, I agree with that. But I say neither is the committee bill the best thing we could do because, as it is now, it is just another narrow category on top of the other overcategorized manpower programs.

Also, it is argued that we should pass the committee bill and sometime later on consider reform of the whole system. With that I strongly disagree. We have been considering legislation for almost 2 years which would reform the manpower system. Last year we were very close to agreement on such legislation. With a little more work we should be able to produce a bill which does the whole job and can be enacted.

Let me describe that job in terms of some specific examples of how our manpower programs are bogging down. First, however, let me explain what it is we are talking about and what it is we are trying to do when we talk about the need for decategorizing programs, for decentralizing administration, for getting flexibility into our programs, and for packaging services for the unemployed.

There are at least 25 Federal programs which can be described as manpower training. Some of these—such as vocational rehabilitation—are well established in the States and serve a special group in our population. Aside from these special programs, and the work incentives program—WIN—administered by HEW through the Social Security Administration, most of the major programs are administered by the Manpower Administration in the Department of Labor. They are authorized under the Manpower Development and Training Act of 1962 and title I of the Economic Opportunity Act of 1965. The latter are delegated to the Department of Labor by the Office of Economic Opportunity.

Under these two acts there are about a dozen different program authorizations—most of which are designed to fit narrow categories of people, such as the in-school and out-of-school Neighborhood Youth Corps. When we speak of decategorizing programs we mean to combine all of these into a single broad authorization without narrow confines of eligibility. Then we can fit the program to people in need instead of the other way around.

The administration of these programs is highly centralized in the Department of Labor, which runs them through approximately 10,000 separate contracts with all sorts of public and private agencies and institutions operating at the local level. However, as I shall show, there is great competition between each of these programs. And, I might say here, all the programs under the substitute bill will be administered through a State or a local unit of government.

The question was raised about the Community Action Agencies. Only when the local unit of government wants to act with the Community Action Agencies are they permitted to do so. There is no direct authorization of funds to the Community Action Agencies under the substitute bill.

When we talk about decentralization of these programs, we mean that at the State and local levels the agencies which run them should be the States and the major urban units of local government.

By these two devices—decategorization and decentralization—we can move toward manpower programs conducted and coordinated by the responsible officials of State and local government, and which can be put together in such a way as to be responsive both to local needs and to the needs of unemployed and underemployed persons. This is what we mean when we speak of a "flexible" program.

For example, in one area there might be relatively little need for public service employment, while in another area having different economic conditions a large part of the program might have to be of this nature.

We want a program which is responsive to these varying needs. The committee bill does not give us that. It makes a bad situation worse.

So let us look at some of the specific examples of what I am talking about. Newark, N.J., presents a classic case of the kind of confusion of effort we are talking about.

In 1970 a private consultant—Sam Harris & Associates—evaluated all Federal manpower programs in Newark, N.J. For the previous fiscal year he developed a "partial" list of these programs. On the list are 26 different major manpower training and work experience programs funded by the Labor Department or HEW from MDTA and Economic Opportunity Act funds. They totaled more than $12 million in Federal funds.

The duplication and waste were staggering.

At least seven different organizations—the city government, the county government, the community action agency, a major union, the state employment service, and two businessmen's organizations—were all involved in promoting the same program—on-the-job training in private industry.

At least six different programs had been established solely to provide job training and work experience for disadvantaged youth.

At least 15 or 16 different programs sought to develop job placements for their participants after the period of training or temporary employment.

The evaluator concluded:

> As a result, Newark manpower agencies lacked interagency cooperation and coordination which caused excessive job-development competition and current duplication of efforts, both of which annoyed even the most well-intentioned firms.

Now, if we could eliminate the duplication, this would mean that more of the money could be used for programs to help the unemployed people and disadvantaged people in various areas.

In Cleveland, the Metropolitan Job Council reports that employers have been "bombarded" by job development representatives of various and competing manpower programs. According to a Department of Labor evaluation:

> This has produced confusion on the part of the employer as to which, or how many, programs he should attempt to work with. Duplication of job development efforts has resulted in lost time, money and effort and magnified the view of the employing community that manpower programs are overlapping in services and disorganized in their efforts.

Los Angeles, Calif., is a prime example of the ills of our current system of categorical programs in manpower. As of October 1970, over $59 million in MDTA and EOA manpower funds was flowing into the Los Angeles area. This money is channeled through 12 different national categorical designs.

There are in Los Angeles over 310 separate delivery units for manpower programs—State agency offices, community action agencies, labor unions, educational agencies, private nonprofit organizations, major industries, and small businesses. These programs are operated under 402 separate contracts which the Labor Department regional offices have executed with all these local businesses, organizations, and agencies. Beyond this, there are over $1.2 million worth of on-the-job training projects which have been contracted by the National Labor Department in the Los Angeles area which local officials cannot even account for. The problems of trying to coordinate these programs are almost impossible in magnitude. In fact, the Labor Department estimates that there are at least 27 project directors and other high level administrative personnel who are paid in excess of $15,000 per year, primarily to seek some degree of coordination and control over this administrative morass.

Because of excessive categorization and inflexibility in funding patterns, it is estimated that over $4 million worth of manpower funds had to be deobligated over the last year because those particular programs were not being fully utilized, while crying needs in other areas went unmet.

I am not making this statement to assess blame. Remarkably, most of our manpower programs work fairly well given these sorts of handicaps. This legislation has simply grown up through

the years with one program added to another without viewing the whole system—or even trying to actually construct a systematic way of delivering manpower services. The Congress—on a bipartisan basis—has done this. Successive administrations of the Department of Labor have cooperated in or acceded to the process.

All I am saying—and in this I think every expert in this field is in agreement—is that we should change the system. We have the opportunity and the capability—and I think also the willingness of this House to undertake this task. We offer a substitute which is a comprehensive bill; an effective bill—and one providing for public service employment in the context of a broad range of tools designed to serve the needs of the unemployed.

We could have had a comprehensive bill in the month we could have used for more extensive hearings. Now we are making the effort to try to do this through the route of the substitute.

I believe the Congress should meet the challenge of unemployment. This is the best service we can render to these people, to help develop effective manpower programs, to develop a program that incorporates the manpower training program we have had so far and the public service employment concept, which I mention again we are not opposed to.

I should point out that there is a tentative agreement in the Committee on Ways and Means to authorize $800 million for 200,000 jobs for welfare recipients, who by any definition are the hard-core unemployed at which this bill is certainly aimed. Certainly they make the case for moving on this bill, which is a comprehensive manpower concept, rather than adding another special public service employment bill like they did in the Committee on Ways and Means.

I believe we should seize this opportunity to really serve the needs of the unemployed by modernizing, streamlining and making effective our existing manpower programs. This the substitute, H.R. 8141, would actually do.

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

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

Mr. FRENZEL. I should like to commend my distinguished and able colleague the gentleman from Minnesota (Mr. QUIE) for his perceptive remarks, and I should like to associate myself with those remarks.

Mr. Chairman, I intend to vote against H.R. 3613, the Emergency Employment Act of 1971 and to vote for the Esch substitute—H.R. 8141—bill which embodies the President's proposal for manpower special revenue sharing. My principal objection to H.R. 3613 is that it continues the old mixed bag of manpower programs which are characterized by lack of coordination and embody all of the worst elements of grantmanship.

In addition, I have some strong reservations as to whether the jobs to be created will be meaningful. Make-work, dead-end employment is a false promise rather than a solution. Further, I see little benefit coming to my district under the terms of this bill.

The Esch substitute at least offers some hope of coordination of programs through State control. It also offers hope of engineering training programs which will really meet local needs.

Of all of the consolidation plans, none is needed more urgently and none can have a more dramatic effect than manpower training revenue sharing.

During my 5 years' service on Minnesota's Manpower Services Advisory Commission, I saw again and again overlap, duplication and disorganization in the many competing Federal manpower and training programs in our State. Even though our commission was charged with programs review and advisory comment on these programs, we were never able to positively identify how many of these programs were working in our State at any given time. We believe that we had more than 70, many of which were essentially competitive. Frequently, recruiters from more than one agency were actively proselyting the same potential trainees.

In voting against H.R. 3613 I do not cast a vote against public service employment. Nor do I cast a vote against the unemployed. My vote says only that we are not handling this responsibility in the proper manner. I will not vote to follow the calf path of programs which have not worked well, when we have the opportunity in the Esch—administration—proposal to provide relocation of decisionmaking and coordination of effort.

The problem is not with the dollars. We should spend what is needed to provide a good manpower program, but we should not continue to waste money on uncoordinated, federally dominated programs, controlled by a Washington bureaucracy which is far, far from the real problems of our communities.

If the Esch amendment is successful, we shall have provided a good manpower program which may include immediate public service employment, and which will include local control and coordination.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. PUCINSKI), a member of the committee.

Mr. PUCINSKI. Mr. Chairman, as a member of the House Committee on Veterans' Affairs, I shall do everything I can in the ensuing days to call attention of the Vietnam veterans of this country to the cruel hoax which is being played on them as to their immediate manpower needs.

It is really the height of irony that these veterans, who have survived Vietnam and have come home to find jobs, are caught today in a crossfire of parliamentary snipers, who shot down a bill we tried to present to the House to bring immediate help to our veterans, and who are trying to foist upon this House a manpower reform bill that has no meaning whatsoever to the immediate job needs of the veterans.

We know we need manpower reform. I have pending before the committee my own manpower reform bill, as many others do.

The fact of the matter is that was not the intention or the purpose of today's legislation. Last year we tried to put together a manpower reform and public service bill for the creation of jobs to benefit the people of America. The President vetoed that bill. The President vetoed the bill because he said that there was no protection against "dead end" jobs.

In the bill we presented today, we have corrected those things the President objected to and have reported out a bill designed expressly and exclusively to provide employment in the present emergency.

I agree with previous speakers who have said time and again that we have not had an opportunity to study the substitute bill, and I agree with the gentleman from Washington regarding the ominous results that will come about if this substitute legislation is adopted.

I should like to point out to my colleague from Minnesota, who said there is $2 billion in the substitute bill for jobs. In my judgment this statement makes an orphan for the facts, for the simple reason that if one were to do this, if one were to use all of this money for veterans employment, one would have to strike down all vocational education programs, all manpower programs, and do away with the whole Manpower Administration.

The gentleman knows that there is not anyone in this administration who is going to do that. None of these Federal employees is going to commit hari-kari on his own job, to create jobs for returning veterans.

The President vetoed a bill which did have 150,000 jobs in it and extra money to fund these jobs. This indicates the fallacy of the statement being peddled here today that somehow in this substitute bill there is a solution to the unemployment needs of the returning veterans.

I only hope that the veterans of this country are going to see this statement and realize what a hoax is being played on them and realize all of these crocodile tears about the plight of the veterans are just so much poppycock so far as this administration is concerned, because this bill is not going to create one single job in the foreseeable future for a veteran coming back from Vietnam who needs a job to feed his family.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield such time as he may require to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, there are many disturbing announcements on the state of our economy, and the Congress has an obligation to assist in reversing this trend of unemployment and the rising rate of poverty.

In just one day recently, May 6, 1971, the Government announced that unemployment was up 6.1 percent with over 5 million Americans out of work, and also, the Nation's number of poor has risen 5 percent, reversing a 10-year trend.

The legislation we have before the

House of Representatives will help eliminate poverty in the United States and create productive jobs for the unemployed.

The bill, H.R. 3613, reported from the Committee on Education and Labor, is similar to legislation I have introduced over the last two Congresses. It will match the unemployed with the acute need for work needed to be done in public service-type jobs, which is the thrust of my bill, H.R. 2144, introduced on the first day of the 92d Congress.

Most people would prefer doing constructive work rather than being on relief, and this is the key to the bill on the floor today. While it will be expensive, a proposed $4.9 billion over the next 5 years to eventually create 500,000 jobs, this is not wasted money. It will reduce and hopefully substantially offset welfare payments.

The committee report states:

All of the persons employed under this Act will be engaged in the provision of public services to people.

It will be possible for State and local officials, who cannot now afford to do so, to hire people to work on community beautification and betterment projects, to make additions to the work force in the vital area of public safety, to improve and expand recreation programs, public education, and to do many other things that will benefit their communities.

We are facing up to the challenge to stop the increased unemployment and poverty by creating good jobs which perform needed public services. Assistant Secretary of Labor, Jerome M. Rosow, stated the case clearly in an article in the Saturday Review of Literature of January 23, 1971:

I fear that if the job is not a real one, and if a man loses self respect by working in a job that has an image of being a program for cast-offs on the dole, then he is not going to achieve independence . . . In the past the idea was to search for a task that the unemployed could perform; little weight was given to its community benefit. The opposite approach is first to select a product or a service that is actually desired by the community. If we emphasize the product and perform a needed service to the community, the program will more nearly serve its function as an adjunct to regular employment.

New York Mayor John Lindsay testified:

The notion is often expressed that this legislation will represent simply temporary make-work of a WPA nature. Totally incorrect. It is not make-work. It is badly needed public service.

The National Commission on Technology, Automation and Economic Progress estimated in 1966 that there were 5.3 million potential jobs in public services that were not filled. Later, the Kerner Commission recommended creation of 1 million jobs for public services.

Mr. Chairman, I do not believe that Government can create much of the permanent employment needed in our country; and it should not attempt to do so. However, I believe Government can help in solving the problem of the 1.1 million unemployed who are out of work for 15 weeks and more. These are the hard-core unemployed. A way we can help them is through enactment of the bill we are debating today.

Another way the Government can help them is through the adoption of a bill to provide tax credits to businesses for hiring the hard-core unemployed.

In both the 90th and 91st Congresses, I introduced legislation to provide tax credits to businesses which hire the hard-core unemployed. That bill is patterned after the very popular act allowing tax credits for investment in new equipment by businesses. This year, I have reintroduced my bill and it has 37 cosponsors and is pending in the House Ways and Means Committee. President Nixon has in the past supported the idea of tax credits and incentives to businesses to attack urban problems.

It is my feeling that the public service employment legislation can work hand in hand with the concept of tax credits to companies hiring those unemployables who have not found work over a period of weeks. I am confident such a mix between Government and the private sector of our economy would pay dividends in the employment-production area. While they are two separate legislative ideas, the goal of each is to cut down unemployment and put people to work, particularly the hard-core unemployed. I am hopeful that early action can take place on the tax credit bill, and that it too can come to the floor of the House.

Mr. Chairman, there is another consideration which should be discussed and that is the employment of teenagers. The Department of Labor reported in its annual report to Congress in April of this year that teenage employment failed to show any significant growth between 1969 and 1970, even though their ranks are increasing. Lacking skill and work experience, young people found it increasingly difficult to find jobs. This may be because of the labor laws, or other considerations, but it is something we must look into if we are to have a sound and good manpower policy in America.

Mr. QUIE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I just want to set the gentleman from Illinois straight again. The authorization in the substitute is open ended. The administration set aside $2 billion for the first full year of operation. Under the substitute, however, each local community will make its own determination as to the kinds of programs it wants. If it wants to put its money into public service employment, it may do so. If it wants to continue the manpower program, it will do so. As I indicated in my statement, there will be some communities that will have more emphasis on manpower training and some communities that will have more emphasis on public service. One knows that the whole $2 billion will not be used for public service employment, because it would not fit in all of the communities. This money will be a permanent program and it will not be tied just to a certain level of support or to the operation of some "trigger device." Only the triggering device in the substitute—which is designed to authorize additional funds in periods of high unemployment—is limited in that way.

Also, in regard to what the gentleman said about veterans: He need only turn to page 14 of H.R. 8141 and he will see the provisions that are in the substitute for veterans preference for veterans of the armed services who served in Indochina or Korea after August 4, 1964, not only on public service employment as provided in the committee bill, but for the entire program of manpower training which is provided in this substitute.

It also specifies there the job counseling and employment placement services for veterans.

Mr. PUCINSKI. Will my colleague yield for a question?

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

Mr. PUCINSKI. Would you be good enough to tell the House what program in your State and what program in your congressional district do you believe will be eliminated under this substitute act to make room and funds available for jobs for veterans?

Mr. QUIE. What is going to happen in my congressional district and State is that the programs will be used to meet the needs of the people rather than having the people fit themselves into slots. There is no way for me to know which program——

The CHAIRMAN. The time of the gentleman has expired.

Mr. PUCINSKI. You have not answered my question as to which program will be eliminated in order to find jobs for veterans, and you cannot answer that question. You know you cannot answer that question, because no existing programs can be phased out to make funds available for new job opportunities. Our bill would have provided additional funding for the jobs for veterans.

Mr. DANIELS of New Jersey. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GALLAGHER, Chairman pro tempore 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. 3613) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes, had come to no resolution thereon.

ANNUAL REPORT OF THE U.S. CIVIL SERVICE COMMISSION COVERING THE FISCAL YEAR JULY 1, 1969 TO JUNE 30, 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO 92–13)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Post Office and Civil Service and ordered to be printed:

To the Congress of the United States:

In accordance with Section 1308(a) of Title V of the United States Code, I hereby transmit to the Congress the Annual Report of the United States Civil Service Commission covering the fiscal year July 1, 1969 to June 30, 1970.

RICHARD NIXON.

THE WHITE HOUSE, *May 18, 1971.*

TAX DEDUCTION OF AUTOMOBILE INSURANCE

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

Mr. O'NEILL. Mr. Speaker, in this era when our population has achieved great moblity, automobile insurance no longer is a product that one may choose to buy or not to buy; it has become a practical necessity. Automobile accidents and the injuries as well as the judgments resulting from them require the purchase of insurance to protect one's property and standard of living.

For many years now, the cost of this protection to the consumer has been rising at an almost unbelievable rate. The soaring expense is attributable to many factors, including basically the growing number of auto accidents, the fragile construction of the vehicles, and the effect of inflation on the costs associated with repairing both people and automobiles.

Despite the acknowledged high cost of their product, the automobile insurance companies that sell the policies point out they have lost more than $2 billion in the last decade trying to meet the demands of this market. At the same time, many members of the insurance-buying public have reached the saturation point, precipitated by the fact that their automobile insurance premiums now constitute a significant and growing portion of their annual living expenses.

What can be done to alleviate this frustration?

I am aware that many of my colleagues are presently addressing themselves to the question of whether the existing automobile compensation system is outmoded and needs to be changed, in the hope of curtailing further increases in the cost of automobile insurance. In concert with their efforts I have today introduced legislation which I sincerely believe will bring some measure of relief to America's motorists.

My bill will allow taxpayers to deduct annually up to $150 of their automobile insurance premium from gross earnings on their Federal income tax. This deduction would become effective for the taxable year following enactment of my bill.

Mr. Speaker, there is adequate precedent for the insurance premium deduction proposed by my bill. In 1942, the Congress enacted legislation that allowed individual taxpayers to deduct hospitalization insurance premiums. In 1954, the Congress enacted legislation that allowed employers to deduct employer-paid health insurance premiums.

Permitting our taxpayers to deduct their automobile insurance premiums as I have outlined can help accomplish three other equally important goals:

First. Such deductions would help close the "coverage gap" between those drivers who carry insurance and those who do not. According to Department of Transportation figures, only about 60 million of the Nation's more than 75 million private passenger cars are now insured. Perhaps the owners of the 15 million uninsured vehicles will be more inclined to purchase adequate insurance if they can deduct the premiums on their Federal income tax.

Second. Such deductions would help put money back into the hands of consumers at a time when it would be most helpful to our sluggish economy. Additional tax breaks such as this will help speed our economic recovery.

Third. Such deductions would eliminate the inexcusable discrimination that exists in legislation now before the Congress, which would permit employers to deduct for income tax purposes any contribution they make to the auto insurance premiums of their employees under a so-called group marketing plan. There can be no justification whatsoever for allowing a tax deduction which discriminates against the estimated four out of five automobile owners whose insurance will probably never be subsidized in this manner by an employer.

Mr. Speaker, the automobile plays an integral part in American society today. The millions of Americans who own and operate vehicles find them a great necessity and a great convenience. However, the financial responsibility attached to owning an automobile can represent a sizable burden to the average consumer. If we are to become masters of our technology and not its slaves, we must assist the American consumer in meeting the awesome financial burden of an automobile. I am confident that the bill I have introduced today will expedite the attainment of that goal.

DRUG ABUSE IN THE MILITARY

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

Mr. MONAGAN. Mr. Speaker, drug addiction in the military has reached epidemic proportions and it is incument upon Congress to act speedily to enact effective programs to assist addicted soldiers to break their habit and enable them to return to normal productive lives. Unfortunately, it is no exaggeration to state that the drug addiction situation in the military is out of control. The recent Hagen committee report has described the alarming and explosive growth of the problem.

Estimates of heroin users in Vietnam range from 10 to 25 percent of the enlisted men, most of whom are draftees. The extensive heroin use is sapping the combat ability of the Armed Forces, and is condemning soldier-addicts to uncertain and tragic futures. The response of the armed services to the widespread drug use and addiction among its members has ranged from attempts to treat and rehabilitate addicts, to straight punitive treatment of drug users. What all the armed services have in common in their responses to the problem is the failure of each service effectively to eradicate the problem.

Last week I proposed what I believe to be an effective approach to the drug situation in the military, with particular emphasis on providing a workable system of drug abuse treatment, rehabilitation and prevention in military combat zones. My bill, H.R. 8216, the Armed Forces Drug Abuse Control Act of 1971, provides the military structure in each armed service with a specialized division trained to treat the drug addiction problem in its service.

The bill, in addition to setting up the specialized structures in each service, contains a broad amnesty treatment provision, and has an innovative approach to treating Armed Forces personnel who are addicted to drugs. Under the terms of the bill, no member of an Armed Force who is adjudged to be addicted to a narcotic drug by competent medical authorities during his active duty, may be separated from service until he is completely free from any habitual dependence on narcotic drugs, according to competent medical authorities. I believe this section is the key to any effective addict treatment program to be established for Armed Forces personnel. Once the military has identified an addict, it has a unique opportunity to provide treatment and rehabilitation necessary to enable the serviceman to return to society.

I am pleased with the favorable reception my proposal has received to date, and I was especially gratified that Radio WCBS endorsed my approach in editorials on May 13 and 14. I am hopeful that my colleagues will join with me in working for early enactment of my bill to eradicate the military drug addiction crisis. Since my introduction of the bill on May 10 several of my colleagues have introduced similar measures, and I welcome further support for my approach.

Alvin M. Schuster, writing in the May 16 edition of the New York Times presents discussion of the heroin addiction epidemic among U.S. servicemen in Vietnam, and I commend the article to my colleagues. I should like to note that nearly all of the shortcomings in present military drug treatment programs that are noted by Mr. Schuster; namely, the lack of a uniform amnesty policy, the lack of comprehensive drug treatment programs and the failure to test for drug addiction among servicemen, would be remedied by enactment of my bill.

The New York Times article follows:

[From the New York Times, May 16, 1971]

GI HEROIN ADDICTION EPIDEMIC IN VIETNAM

(By Alvin M. Shuster)

SAIGON, SOUTH VIETNAM.—The use of heroin by American troops in Vietnam has reached epidemic proportions.

The United States military command, the American Embassy and the South Vietnamese Government have been slow to awaken to the crisis. Now they are intensifying their efforts to curtail the easy flow of heroin to the soldiers, punish the sellers and rehabilitate the soaring numbers of Americans who use what they and Vietnamese sellers call "scag."

So serious is the problem considered that Ambassador Ellsworth Bunker and Gen. Creighton W. Abrams, the military commander, recently met with President Nguyen Van Thieu on measures to be taken by the Saigon Government, including agreement on a special task force that will now report directly to Mr. Thieu.

John Ingersoll, the Director of the Bureau of Narcotics and Dangerous Drugs, also conferred with Mr. Thieu and other officials and returned to Washington, reportedly alarmed at the ease with which heroin circulates and fearful of the danger to American society when the addicted return craving a drug that

costs many times more in the United States than it does here.

The epidemic is seen by many here as the Army's last great tragedy in Vietnam.

"Tens of thousands of soldiers are going back as walking time bombs," said a military officer in the drug field. "And the sad thing is that there is no real program under way, despite what my superiors say, to salvage these guys."

Most efforts so far, whether arrived at drying up the supplies or handling the addicted, are proving ineffective.

While moves to crack down on smuggling and improve police work are clearly important, there are experts here who argue that the pushers will merely counter by increasing their level of competence.

Accordingly, they say, the best hope lies in trying to save those young Americans who will continue to be exposed to a drug readily at hand on army bases, in the field, in hospitals and on the streets of every city and village near American installations.

CONFUSION AND UNCERTAINTY

Like a parent who has suddenly discovered that his son is a junkie, the United States command has reacted with confusion and uncertainty. Should the kid be punished and kicked out of the house? Or should he be encouraged to confess all and be helped to recover?

The answer of the command has been to try both, but with the heavier emphasis on punishment. Its officers are arguing the basic question of whether the military has a responsibility to go all-out to cure men they view as weak enough to use heroin. And the command does not want to make treatment of drug users "too attractive" out of fear that more men would turn to heroin just to get out of Vietnam.

Officially, the command says that it is "fully aware of the extent of the drug-use problem and is constantly developing new and innovative approaches." But it will not provide even estimates of the size of the problem, and the approaches it regards as "new and innovative" are viewed by many of its own officers as haphazard and unsure.

The figure on heroin users most often heard here is about 10 to 15 per cent of the lower-ranking enlisted men. Since they make up about 245,000 of the 277,000 American soldiers here, this would represent as many as 37,000 men.

Some officers working in the drug-suppression field, however, say that their estimates go as high as 25 per cent, or more than 60,000 enlisted men, most of whom are draftees. They say that some field surveys have reported units with more than 50 per cent of the men on heroin.

OVERDOSE DEATHS ON RISE

The death toll from heroin overdose is expected to rise this year as well, despite the reduction in American troops. Thirty-five soldiers died from overdoses in the first three months of this year. Last year the quarterly average was 26 for a total of 103.

Reflecting the trend, almost as many have been reported arrested on heroin charges in the first three months of this year as in all of last year.

Through March, a total of 1,084 servicemen were charged with heroin use or possession, against 1,146 in all of 1970. In 1969, before heroin's widespread use here, there were 250 arrests.

In explaining why so many soldiers have turned to heroin, Maj. Richard Ratner, a psychiatrist from the Bronx working at a rehabilitation center called Crossroads at Longbinh, the sprawling American support base near Saigon, said the men were reacting to Vietnam much like the deprived in a ghetto.

"Vietnam in many ways is a ghetto for the enlisted man," he said. "The soldiers don't want to be here, their living conditions are bad, they are surrounded by privileged classes, namely officers; there is accepted use of violence, and there is promiscuous sex. They react the way they do in a ghetto. They take drugs and try to forget. What most of the men say when they come in to the center, however, is that they took to heroin because of the boredom and hassle of life here."

REHABILITATION URGED

A key reason that many think the military should concentrate on rehabilitation is the view that it is easier to get a soldier off the habit here than after he returns home as an addict, even though the strength of the heroin here is far greater.

In the United States, heroin of about 5 per cent purity is injected. Either by smoking or sniffing soldiers here become addicted to heroin of about 95 per cent strength.

Some experts say that once addiction occurs it does not matter whether, the user takes it intravenously or not because both types of users undergo severe withdrawal symptoms and hence crave the drug to avoid what the addicts here call the "jones", the pains of withdrawal. But not enough is known about smoking or sniffing the drug.

"We are taking the problem seriously because we think it is easier to get them off here, because they haven't been hooked as long as addicts in the States," said Brig. Gen. Robert Bernstein, the command's surgeon.

Despite the good intentions of many high-ranking officers and the length of the command's directives on drugs, many officers see the following faults in the present military program:

Rehabilitation is up to local commanders the official directive says only that "rehabilitation centers are encouraged where feasible." Some commanders comply. Others leave the problem to medics at regular hospitals, to chaplains, to ex-addicts interested in curing others, or merely to the military police. A command spokesman defended this by saying that "we encourage individuality because we don't know the right patterns just as the solution escapes those in the States where many have long sought solutions."

Until today there has been no general policy on amnesty. The army's program allows an addict to turn himself in for treatment in exchange for immunity from prosecution so long as he is not under investigation. The Air Force has a "limited program" that spokesmen say provides "a little immunity." The Navy finally announced an immunity program for marines and sailors.

The Army has only 10 rehabilitation centers, the largest able to handle about 30 men at a time. The men are kept five days to two weeks and then usually sent back to their units. In most instances, there is little continuing counseling.

Addicts are given no second chance. "The trouble is that once you go into that amnesty program you are a marked man back in your own unit," said one. "You can only do it once. The next time it's jail or a bad-conduct discharge that stays with you the rest of your life. Let's face it. I would have never been on the stuff if they hadn't sent me over here."

No tests are given a soldier before he leaves Vietnam to see if he is going home addicted. Some experts here believe that no man should be discharged until the service is satisfied he is no longer addicted. If he is an addict, they say, he should be hospitalized and cured. Command spokesmen say they are now considering urine tests before the soldier leaves for home.

Because of the heavier reliance on punishment, drug cases are now clogging the military justice system. "Drug cases have become to the judicial system here what automobile accidents have become to the civil courts at home," said Henry Aronson of the Lawyers Military Defense Committee, which provides civilian counsel for accused soldiers.

In citing what they call a lack of interest in curing the addicts, some officers here are pointing to a study prepared by the Army for the establishment of a "security facility for drug abusers," an idea opposed by these officers who call it a "kind of drug concentration camp."

The report, called a "feasibility study," was signed by the deputy provost marshall. It suggests setting up the unit at Camp Frenzell Jones, near Saigon, for 125 soldiers facing charges of drug use or possession. The idea, one officer said, would be to speed up disciplinary action, with prosecutors, judges, and defense counsel on hand.

"They may get some medical attention, to" said an officer. "But the purpose is clearly to get the guys out of the service fast. I only wish the state of thought on rehabilitation was as advanced as that on punishment."

CREDIBILITY PROBLEM SEEN

In dealing with the crisis and trying to persuade the young soldiers to avoid the temptations of heroin, the command has also been running into a credibility problem stemming from its earlier intense campaign against marijuana.

"My feeling is that the campaign against grass may have been counterproductive," said one Army doctor. "We kept telling them how dangerous that was. They tried it, probably tried at home first, and knew they weren't dying. We tell them how dangerous smoking scag is, and they don't believe it. They find out soon enough, but too late."

Some addicts who may be exaggerating say that the crackdown and the arrests for smoking marijuana may have driven some soldiers to heroin. As one explained it:

"We smoke grass in the hootch and anybody can smell it and we're in trouble. We smoke scag and you have to be in the scag bag to detect it. We can smoke it in formation, in the orderly room, in the mess and nobody's going to bust you."

No one here is suggesting that a better rehabilitation program by the military is the ultimate solution. Not all addicts could be saved by it, but, no spokesman agree that much more in the way of psychiatric, and medical counseling has to be done.

HAD TO SHIFT GEARS FAST

"We had to shift gears fast from worry about marijuana to heroin and we're still shifting," one officer said. "It's just so new for us."

It was new, as well, for a 21-year-old from Georgia sitting this week in the Crossroads Center at Longbinh. A former military policeman who won the bronze star shortly after he arrived here, the soldier said he had never touched drugs in the United States.

"I moved in with this Vietnamese girl," he said. "I thought I'd try some scag. I never thought it would get to me. I got involved in the black market, selling stuff from the PX. The scag was everywhere, even in the hospital where I had to go for a time with a bad leg.

"I tell you it ruined my life. All it does is tear you up. All you think about is scag. I am going home soon and I don't want to go home strung out. I'm off and I'm staying off."

BILL WOULD NOT ALLOW DISCHARGE OF ADDICTS

WASHINGTON, May 15.—Representative John S. Monagan, Democrat of Connecticut, has introduced legislation in the House that would require the military to certify that servicemen being discharged from active duty are free from drug addiction.

Called the Armed Forces Drug Abuse Control Act of 1971, the bill would make it incumbent upon the services to retain an addicted serviceman on active status until cured. Under the legislation, a drug abuse control corps would be established in each

branch of the military with the responsibility of enforcing the bill's provisions.

If passed, the bill would apply to all servicemen being prepared for discharge, not just those returning from Vietnam.

TENNESSEE VALLEY AUTHORITY'S 38TH ANNIVERSARY

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

Mr. STUBBLEFIELD. Mr. Speaker, I stand today to pay tribute, along with 21 other Members of Congress from what is known as the Tennessee Valley area, in calling attention to the Congress of the United States the 38th anniversary today of the Tennessee Valley Authority.

We have signed a joint statement in honor of this momentous occasion in our recognition of the far-reaching economic benefits that TVA has brought to our section of the country. I am including this joint statement, with the signatures that follow, in the RECORD at this point that all who read the daily proceedings of the House may know of our gratitude to this fine, public service organization on its 38th birthday:

JOINT STATEMENT BY MEMBERS FROM TENNESSEE VALLEY AUTHORITY SERVICE AREA

We, the members of the U.S. House of Representatives who represent the geographic area served by the Tennessee Valley Authority want the take full note of the accomplishments of the TVA. We join in declaring that:

Whereas on May 18, 1933 President Franklin D. Roosevelt signed the Act establishing the Tennessee Valley Authority, and

Whereas, in the 38 years since the signing of that Act the Tennessee Valley Authority has with dedication and efficiency carried out the responsibilities assigned to it, to wit:

It has constructed navigation facilities which have brought industrial opportunities to areas that were once depressed, thereby providing jobs for the jobless;

It has built and operates a large electrical system which delivers the benefits of electricity to an 80,000 square mile area, thereby easing the work of the farmer and improving the quality of life for the city dweller;

It has built a system of dams to control flood waters that once ravaged the region destroying homes and ruining farms; and

Whereas, through its National Fertilizer Development Center, the Tennessee Valley Authority has served the nation as well as the region by:

Developing fertilizers, machinery, and technology to lower the cost and improve the quality of fertilizer used by the farmer;

Working with land grant colleges and industries in almost every state to assure that these advances were utilized for the ultimate benefit of the nation's consumers; and

Utilizing its fertilizer production facilities to produce munitions in time of war to aid in the nation's defense; and

Whereas, the Tennessee Valley Authority, years in advance of the public clamor over the environment, dedicated itself to improving the quality of the environment by:

Combatting erosion which was destroying the utility and fertility of the land in the Tennessee Valley area;

Undertaking, as early as 1936, studies of the water quality in the Tennessee River watershed and following up these studies with programs in cooperation with state and local governments to improve the quality of that water; and

Undertaking a variety of programs seeking solutions to problems of solid waste disposal, strip mine reclamation, and other environmental problems; and

Whereas, through the system of dams and reservoirs built and operated by the Tennessee Valley.

The quantity of high quality water available to meet the needs of the region is greater than it was in 1933; and

State and local parks on the shoreline have been made possible, thereby making thousands of acres of land available for camping, picnicking, hiking, and hunting; and

A new recreation resource providing lakes for boating, fishing, and swimming for millions of people has been created; and

Whereas, a strong regional agency such as TVA, whose managers and employees live, work, and make decisions within the region it serves, has an increasingly important role to play in solving the complicated problems faced by this nation; now therefore be it

Resolved that we hereby recognize and applaud the contribution which the Tennessee Valley Authority has made, not only to the progress of the Tennessee Valley region, but to the welfare of this nation as well.

Joe L. Evins, Thos. G. Abernethy, Robert E. Jones, Jamie L. Whitten, Phil Landrum, Roy A. Taylor, James H. Quillen.

William C. Wampler, William R. Anderson, Frank A. Stubblefield, Walter Flowers, G. V. Montgomery, LaMar Baker, Ray Blanton.

John Buchanan, Dan Kuykendall, John W. Davis, William H. Natcher, Ed Jones, Tim Lee Carter, Richard Fulton, Tom Bevill.

SENATE APPROPRIATIONS COMMITTEE PROVIDES FUNDS TO FIGHT LEAD-BASED PAINT POISONING

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

Mr. RYAN. Mr. Speaker, on Thursday, May 13, the Senate Committee on Appropriations reported out the second supplemental appropriations bill for fiscal year 1971—H.R. 8190. This Wednesday, the Senate is scheduled to consider H.R. 8190.

I take note of the current legislative situation because the Senate Committee on Appropriations has reported out, in H.R. 8190, $5 million for the Lead-Based Paint Poisoning Prevention Act, Public Law 91–695. This money is to remain available until December 31, 1971.

While this funding is only one-half of the $10 million authorized by the Lead-Based Paint Poisoning Prevention Act for fiscal year 1971, it is certainly very welcome and very much needed. As I said on April 21 when I testified before the Senate Appropriations Committee's Subcommittee on Labor, Education, and Public Welfare, chaired on that day by my distinguished friend from New Mexico, Senator MONTOYA:

It is estimated that 225,000 urban children between the ages of 1 and 6 are its victims; in New York City alone, some 30,000 children suffer from the disease. The effects of the disease are devastating—mental retardation, cerebral palsy, convulsive seizures, blindness, learning defects, behavior disorders, kidney diseases, and even death.

Yet the striking aspect of this disease is that it is preventable. . . .

I hope and expect that the $5 million provided in the Senate version of the second supplemental appropriations bill will be retained and passed by the Senate. I urgently hope that this money will be retained in the conference between the Senate and House. I think it imperative that we finally begin implementing an assault upon a disease which claims some 200 lives a year, permanently institutionalizes some 800 children a year, causes moderate to severe damage to 3,200 children a year, and afflicts, as I said, some 225,000 children annually.

This money is needed. As of May 15, the Department of Health, Education, and Welfare had received 31 written preliminary requests from State and local agencies for financial assistance to conduct community childhood lead control programs. Only 10 of these have specified dollar amounts, but even this one-third of the total requests amounts to more than $7.5 million.

What is more, this money can be used. The formal "Implementation Plan to Carry Out the DHEW Responsibilities Under the Lead Poisoning Prevention Act of 1971," prepared by the Bureau of Community Environmental Management, states:

Based on the extent of the valid need evidenced to date—based on pilot screening programs already undertaken—the Bureau of convinced that the full funding authorized under the law for 1971 can be effectively utilized in the current fiscal year to carry out the types of community programs as outlined above. . . .

Hopefully, there will soon be available $5 million for the Lead-Based Paint Poisoning Prevention Act. Then, our task will be to assure that the administration uses that money, and that the Congress appropriates the $20 million authorized for fiscal year 1972.

The children are still waiting.

PRESIDENT'S PROPOSALS FOR REORGANIZING THE STRUCTURE OF THE EXECUTIVE BRANCH

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

Mr. GROVER. Mr. Speaker, I wish to welcome the President's proposals for reorganizing the structure of the executive branch. Each of the four new departments which he has suggested represents a fresh approach to solving the problems of getting government help out to the people.

This message comes at the time of spring renewal, when each Member of Congress is charged with renewing a fresh sense of purpose for government. Government is not an absolute structure. Arnold Toynbee, the great British historian, wrote:

Civilization is a movement . . . and not a condition, a voyage and not a harbor.

We are looking for more of that forward movement in government, rather than the present zig-zag course back and forth between agencies on the way to getting help to the people.

Let us drop our preoccupation with the vehicles—agencies and established departments—and focus on the purpose of the voyage. Let us think of a better way to make the voyage. A better way to accomplish the great purposes of government. That is what President Nixon has proposed and what the people of this great country most assuredly want.

Nearly 150 years ago de Tocqueville noted that we Americans built things to last for only a short time because we expected to have something better in a few years. Now we have something better—organizations based on needs and resources.

I look forward to this task, the redesigning of the structure of the Government, for greater efficiency and effectiveness. My district poll indicates broad support by my constituents—and I am sure the vast majority of Americans support the President's program.

SMOG CONTROL ANTITRUST CASE

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

Mr. BURTON. Mr. Speaker, on September 13, 1969—see CONGRESSIONAL RECORD for that date—I joined with 17 of my colleagues in urging an open trial in the smog control antitrust case.

Just this week I have received a document which I am offering today for my colleagues to examine, a document presented to me by reliable persons, and which is described as a confidential memorandum of the U.S. Department of Justice. This memorandum recommended to the Attorney General that criminal charges be brought against American auto manufacturers for conspiring to retard the development of a smog-free motor vehicle.

This memorandum, which spells out in detail previously undisclosed evidence, was prepared before January 10, 1969, when the Department of Justice decided to proceed with a civil suit. Subsequently, the Department of Justice agreed to settle the matter with a consent decree.

These disclosures are especially painful in light of the settlement of the Government's civil case in September 1969 which was filed in lieu of any criminal case. This settlement by a consent decree increased the legal burdens for later litigants, failed to provide for any restitution of damage done, failed to contain adequate reporting requirements, and failed to prohibit the destruction of past documents—all in tradition of ex parte negotiations which form the cornerstone of the consent decree program.

I release this document today because I agree with the metaphor principle behind Louis Brandeis' statement that "sunlight is the best of all disinfectants." Public exposure of these formerly secret materials can only serve to educate the people as to the industry's capability for a major health problem. The consent decree settlement deprived the public of an open trial on all the issues. An open trial would educate the unreformed and deter the potential violator, especially in the auto industry which has for too long been dealt with by gentlemanly trustbusters in the shadow of Government. Sunlight will do it well.

The material follows:

PROPOSED DEFENDANTS AND COCONSPIRATORS

PROPOSED DEFENDANTS

Corporation and State of incorporation

Automobile Manufacturers Association, Inc., New York.

General Motors Corporation, Delaware.

Ford Motor Company, Delaware.

Chrysler Corporation, Delaware.

American Motors Corporation, Maryland.

The entire conspiracy was organized and nurtured in and operated through the Automobile Manufacturers Association (AMA), the trade association of the automobile industry with a membership of nearly 99% of all domestic car and truck manufacturers. The Board of Directors of AMA made all policy decisions in the motor vehicle air pollution control field and the members adopted those policies. AMA is, therefore, proposed to be named as a defendant.

The big four of the industry—General Motors, Ford, Chrysler, and American Motors—were most active in the conspiracy primarily because they were most affected financially if required to install pollution control devices on the millions of cars they manufactured annually, amounting to a vast majority of all domestic car production. General Motors, Ford, Chrysler, and American Motors are, therefore, proposed as defendants.

The conspiracy, which started at least as early as 1955, has lasted so long that many of the participants have abandoned their participation by severing connection with the employers they represented by retirement or otherwise. Too, so many people were involved on behalf of the companies involved that it would be unrealistic to name them all as defendants. The following representative officials who were active in the conspiracy were selected, therefore, as proposed defendants:

PROPOSED COCONSPIRATORS

Corporations and State of incorporation

Checker Motor Corporation (successor to Checker Cab Manufacturing Corporation), New Jersey.

Diamond T Motor Car Company, Illinois.

International Harvester Company (a consolidation of International Harvester Company, a New Jersey corporation, and International Harvester Corporation, a Delaware corporation), Delaware.

Studebaker Corporation (successor to Studebaker-Packard Corporation), Michigan.

White Motor Corporation (successor to The White Motor Company), Ohio.

Kaiser Jeep Corporation (successor to Willys Motors, Inc. a Pennsylvania Corporation), Nevada.

Mack Trucks, Inc. (successor to Mack Manufacturing Corporation), New York.

INDIVIDUALS PROPOSED AS COCONSPIRATORS

All members of the Board of Directors of AMA from January 1, 1953 to the date of the indictment, other than those named as defendants herein.

All members of the Engineering Advisory Committee of AMA from January 1, 1953 to the date of the indictment, other than those named as defendants herein.

All members of the Vehicle Combustion Products Committee of AMA from December 4, 1953 to the date of the indictment, other than those named as defendants herein.

All members of all Task Groups which were subcommittees of the Vehicle Combustion Products Committee from December 4, 1953 to the date of the indictment.

All members of the Patent Committee from January 1, 1953 to the date of the indictment.

———, employed by AMA, acted as its liaison officer between it and its members in the air pollution control equipment field and also as its representative before state, county, and local boards and agencies concerned with motor vehicle air pollution control.

The foregoing corporations are all AMA members and signatories to the cross-licensing agreement, the vehicle about which the conspiracy revolved. They are, therefore, proposed as co-conspirators.

The other proposed co-conspirators are the many participants in the conspiracy.

BACKGROUND

Air pollution is a national problem. Polluting emissions from automobiles is one of the causes. Because of the topography[1] of Los Angeles, California and the high concentration[2] of automobiles in that area, the problem was first recognized by the county and then California state officials, and efforts to compel remedies were first imposed there. This memorandum relates to collusive activities of the automobile manufacturers in connection with research, development, manufacture, and installation of motor vehicle air pollution control devices. As background, the Los Angeles story is important.

The word "smog," derived from abbreviations of smoke and fog, is a misnomer. What is commonly called "smog" is really the result of chemical reactions that take place in polluted air, heated by the sun's rays, and is evidenced by one or more effects much as eye irritation, reduced visibility, high ozone concentration, plant damage, and odor. It is recognizable by a "brownish" or "bluish" haze which many times obscures the surrounding mountains.

The air pollution control program was commenced by the State of California in 1947. In early 1951, Dr. Arie J. Haagen-Smit, a renowned research chemist at the California Institute of Technology, discovered that when oxides of nitrogen, ozone and gasoline (hydrocarbon) vapors were introduced into a plexiglass test chamber and exposed to ultra violet light (artificial sunlight), an irritating haze with all the properties of natural smog was formed. It was this research that pinpointed the motor vehicle as one of the major sources of air pollution and became known as the Haagen-Smit or hydrocarbon theory of smog formation.

Following the publication and general acceptance of the Haagen-Smit theory, the automobile industry finally acknowledged that motor vehicles contributed to air pollution, which it had steadfastly denied prior thereto. The problem of how to control motor vehicle emissions was then turned over by the industry to the Automobile Manufacturers Association (AMA), of which all the automobile manufacturere were and are members.

From the very outset the industry realized that air pollution control devices do not help sell automobiles. (Tr. Vol. XXXVIII, p. 11; Tr. Vol. LVII, p. 170).

In his testimony (Tr. Vol. XXXV, pp. 32–33), Supervisor Hahn of Los Angeles County confirmed the following statement appearing in Ralph Nader's book, "Unsafe at Any Speed" at page 100:

"When Mr. Hahn went to Detroit to get some direct answers about adoption of exhaust controls, a senior official of one of the companies asked: 'Well, Mr. Hahn, will that device sell more cars?' 'No,' said Mr. Hahn. 'Will it look prettier, will it give us more horsepower? If not, we are not interested.'"

A letter of November 17, 1938 from Lloyd Withrow, head of the Fuels and Lubricants Department of General Motors (GM), directed to Dr. L. R. Hafsted of that company, states in part: "financing this work is most expensive, and the incentives for carrying it

Footnotes at end of article.

out are closely related to political considerations." The letter goes on to state that "[t]he development of exhaust control devices cannot be justified on a business basis; the only hope of a return on such an investment is possible legislation requiring their use." After pointing out that none of the devices contribute appreciably to the efficiency, performance, or appearance of the automobile, the letter concludes that on account of the reasons advanced, "the managements of Corporation Divisions are reluctant to undertake the engineering and development of devices, even though they appear to be based on sound principles." (Tr. Vol. XXXVII, pp. 101–105; GJ Ex. 525).

While the general public talks a lot about air pollution, most people prefer doing without control devices rather than to pay for them. As a result the industry engaged in lip service concerning the health and welfare of the community and the necessity for prompt research, development, and installation of motor vehicle air pollution control devices. In fact, as hereinatfer shown, the automobile manufacturers, through AMA, conspired not to compete in research, development, manufacture, and installation of control devices, and collectively did all in their power to delay such research, development, manufacturing, and installation.[3] Indicative of this industry attitude is the very firm position taken in regard to the California authorities, as reported by Dr. J. D. Ullman of E. I. Du Pont after a visit to Detroit in January, 1960:

"Basically, the automotive manufacturers would seek to avoid installing a reactor of any sort on a car because it adds cost, but provides no customer benefits such as improved engine performance or styling advances. From this thinking [the following fact, among others, evolves]:

"(1) A smog abatement device will be installed on cars for California market only after being approved and requested by the Government of California. The industry has told California that cards will be equipped with devices designated by California one year from the date of designation." (GJ Ex. 194).

Also, failure on the part of the manufacturers to purchase devices of independent companies, produced at costs of millions of dollars, discouraged such independents from further research, development, or manufacture of control devices to the great detriment of the American people, science and industry.

An AMA internal memorandum prepared for presentation at Vehicle Combustion Products Committee (VCP) and Engineering and Advisory Committee (EAC) meetings disclosed that as recently as January 15, 1965 the same dilatory considerations prevailed:

"On the basis of the facts the industry is not convinced that exhaust emissions devices or systems are necessary for nationwide application to motor vehicles but believes instead that they will be an economic and maintenance burden on motorists. It is, therefore, not prepared or desirous to initiate any voluntary program to impose these systems or devices on all customers nationwide, or to accept the responsibility for such a decision, in the face of a lack of convincing evidence." (GJ Ex. 411).

The seriousness of the basic problem of air pollution in Los Angeles is highlighted by the following statistics: As late as January 1967, even with the installation of air pollution control devices compelled by law, 12,465 tons out of a total of 14,601 tons per day of contaminants within Los Angeles County are caused by gasoline powered motor vehicles, or in other words, 85.3% of all contaminants in the area are still caused by motor vehicles. (GJ Ex. 486).

Footnotes at end of article.

THE AUTOMOBILE MANUFACTURERS ASSOCIATION

The AMA is a trade association whose members manufacture 99% of the cars, trucks, and buses produced annually in the United States. (Tr. Vol. XX, p. 52; Tr. Vol. XXI, p. 124; GJ Ex. 394). The policies of AMA are made by and the activities of AMA are carried on under the direction of its Board of Directors. (Tr. Vol. XX, p. 59). The Board of Directors is comprised of the President and Chairman of the Board of the automobile and truck companies who are members of the Association. (Tr. Vol XVII, p. 5). Until recently,[4] the President of AMA was chosen from among the members of the Board of Directors. (GJ Ex. 255 and 300).

Most of the work of AMA is done by committees. (Tr. Vol. XVII, p. 6). When the air pollution control program was commenced, the VCP, a subcommittee of the EAC (which consists of the Vice-Presidents in charge of the engineering department of each member company), was established by the AMA. (Tr. Vol. I, pp. 88–90, GJ Ex. 260; Tr. Vol. XXXXVI, pp. 52–56, GJ Ex. 565). Membership in the VCP consists of project engineers of the various member companies. (Tr. Vol. XXXXV, p. 32). The following excerpts from documents and testimony illustrate the broad scope of the assigned VCP responsibilities:

The Vehicle Combustion Products Committee of the Automobile Manufacturers Association which has been assigned the responsibility for the past four and one-half years of conducting an intensive cooperative program dealing with all aspects of the automobile exhaust problem . . . (GJ Ex. 258, excerpt from draft, dated March 10, 1958, prepared for presentation to House Safety Committee).

"As the role of the automobile in smog formation was being disclosed, the AMA Board of Directors, in 1954, instructed industry engineers to look into the situation immediately and make recommendations for industry action.

"INDUSTRY ACTION

"As a result of this investigation, the AMA Board decided that the problem should be dealt with on an industry team basis. Accordingly, it formed the Vehicle Combustion Products Committee to direct all industry efforts on a non-competitive basis." (Tr. Vol. XXXXVI, pp. 52–54; GJ Ex. 565).

Mr. Robert T. Van Derveer, director of Motor Vehicle Components Laboratory, United States Department of Health, Education and Welfare, formerly head of the Fuels and Exhaust Emissions Department, American Motors Corporation (American), testified that this noncompetitive industry-wide approach concerned not only research and development, but also the installation and marketing of devices; that is, that all aspects of company activity in this field were to be coordinated through the AMA (Tr. Vol. XXXXVI, pp. 53–55).

A number of task groups report and make recommendations to the VCP on specific areas of the automobile which affect emissions; e.g., the Crankcase Ventilation Task Group, the Exhaust System Task Group, and the Fuel System Emission Task Group. (Tr. Vol. XVII, pp. 8–10).

The VCP in turn reports and makes recommendations to the EAC. (Tr. Vol. XVII, p. 6). The following excerpt from GJ Exhibit 335, (Tr. Vol. XX, pp. 56, 61–62) sheds light on the role and composition of the EAC:

"The industry cooperative program is directed by the AMA Board of Directors but is under the technical control of our Engineering Advisory Committee whose chairman, Herb Misch, of Ford Motor Company, will preside this noon. Mr. Misch and all of the other members of the Engineering Advisory Committee are vice presidents in charge of engineering affairs of their companies and are therefore in an excellent position to direct the technical activities which are carried on by the Vehicle Combustion Products Committee and its various working groups and panels."

The EAC in its turn reports and makes recommendations to the Board of AMA. (Tr. Vol. XX, p. 62). It is, however, the Board of Directors which makes all of the policy decisions of AMA. (Tr. Vol. XX, pp. 59, 62; Tr. Vol. XXXXVI, p. 4).

THE CONSPIRACY

As early as 1955 and even prior thereto, public speeches and statements made by the top brass of the leading automobile companies heralded the fact that cooperative effort was being undertaken in the automobile industry in order to accomplish a solution to the motor vehicle air pollution control problem as expeditiously as possible.

In a speech made on April 18, 1955, James C. Zeder, then Vice President of the Chrysler Corporation (Chrysler), said:

"Perhaps you are somewhat surprised to find that we are acting cooperatively in the battle against 'smog.' Our industry has a reputation for being fiercely competitive, and we're proud of it. Ordinarily, competition in research and engineering, as well as in production and sales, can be proved to be the best way to get maximum results and progress. The automobile industry and business has been demonstrating this for more than 50 years. But it has also demonstrated that under some conditions, where the public interest is primarily involved, it is possible to get to a solution of a problem quicker by sharing knowledge and by helping each other bear the work load. At such times we cooperate as energetically as at other times we compete." (GJ Ex. 326).

Similarly, in the language of Charles A. Chayne, then Vice President of General Motors and Chairman of the EAC in 1954:

"Before I go further, therefore, let me pause to add my personal salute to the civic spirit that launched the cooperative program, 'Operation Teamwork' which went into effect last August. It is the kind of teamwork which we have adopted in the automotive industry on a number of historic occasions when it was obviously more beneficial to the American people generally for us to set aside for a time our concern about the immediate advantages of competitive action, and apply the combined talents and facilities of the whole industry to the solution of some problem that affected the public interest adversely." (GJ Ex. 583; Cf. Remarks of John F. Gordon, President, AMA, and President of GM, July 31, 1963, GJ Ex. 335, p. 2 of remarks).

Minutes of the Engine and Vehicle Modification Task Group Meeting, September 12, 1962, gives the source of AMA policy in this matter as follows:

"The AMA Board of Directors has instructed the Engineering Advisory Committee to solve the vehicle emission problem through industry co-operative effort and to explore any and all avenues necessary to accomplish this." (GJ Ex. 286; Cf. GJ Ex. 258).

On February 7, 1955, the VCP in accordance with a directive of the Board of Directors submitted in draft a plan whereby an information pool would be established and that "research and test data, devices, methods and the like, whether or not the subject matter of a patent or patent application, as may be submitted by any Vehicle Manufacturing Company to the VCP Subcommittee, and owned or controlled by such Company, are to be available on a royalty-free basis to all Vehicle Manufacturing Member Companies and such non-member companies as the VCP Subcommittees may select which agree to conform to the terms of the Resolu-

tion of the Board of Directors approving this report." (GJ Ex. 260, p. Ia; Cf. GJ Ex. 285, p. 4).

The plan, however, was never adopted. In place thereof, the Board of Directors of AMA "instruct[ed] legal counsel and the AMA Patents Committee to develop a Cross-licensing Agreement which was the key part of the implementation of the cooperative research and development program." (GJ Ex. 258, AMA Staff Report on Smog Problems to Board of Directors, p. 1). The cross-licensing agreement limited the field of activity to six categories. The Patent Committee Minutes of April 5, 1955 at which this plan for a formal cross-licensing agreement was adopted, contains the following statement (similar ones of which were made many times thereafter by the project and industry leaders): "Mr. Heinen has repeatedly expressed the feeling of his Committee (the VCP) that no one company should be in a position to capitalize upon or obtain competitive advantage over the other companies in the industry as a result of its solution to this problem." (GJ Ex. 292).

This position and its antitrust implications are indicated in a May 10, 1954 AMA document authored by Mr. G. J. Gaudson, former secretary of the VCP, now Detroit Branch Manager of the Society of Automotive Engineers (SAE), as follows:

"Heinen asked whether a company coming across a satisfactory device either submitted by an inventor, developed during the course of normal company research, or during the course of Subcommittee studies should make the device and its details known to the other companies participating in the Subcommittee work. The alternative, of course, would be for the company to say nothing and then 'scoop' the other manufacturers with an anti-smog device. In view of the common importance of the smog problem to all of the companies and in view of the satisfactory cooperative nature of the work thus far, the individual company approach was not generally favorable. However, it was recognized that very serious legal problems might be involved in the cooperative acceptance and review of devices." (GJ Ex. 590).

Mr. J. M. Chandler, then Unit Supervisor of the Engineering Research Department, Engineering Staff, Ford Motor Company (Ford), in an intracompany communication dated November 16, 1954, wrote in part:

"LEGAL ASPECTS OF COOPERATIVE ACTION

"Another subject discussed at this VCP meeting was that of the legal complications involved in a cooperative industry solution to the smog problem. Mr. Cronin, General Manager of the Automobile Manufacturers Association, indicated that the legal study had not yet been completed, and that he was not sure how complex it was going to be. There is some difficulty concerned with antitrust action which is being carefully surveyed. The Subcommittee indicated a general moral feeling of free cooperation, but with no binding agreements legally available, there is still some question as to competition versus cooperation. Whatever the legal solution it would not hurt for us to be competitively prepared." (GJ Ex. 593).

To the same effect, the Minutes of the Patent Committee of April 5, 1955, read in part as follows:

"In discussing the need for a formal agreement as opposed to adoption by the member companies of a Board resolution accepting the report on purpose and procedure, Mr. Willits pointed to the cross-licensing agreement employed between the lamp and automobile manufacturers in solving the headlighting problem."

* * * * *

"Mr. Willits raised some fundamental questions as to the extent of accomplishment possible through a cooperative arrangement such as that contemplated here, as opposed to the progress which might be achieved from the strictly competitive approach. It was agreed that, from the standpoint of public relations, concerted action by the members of the industry and their suppliers appeared to be the only satisfactory solution to the problem." (GJ Ex. 260).

The cross-licensing agreement was originally entered into in 1955. It was amended in 1957 and again in 1960. Five year extensions were executed by the signatories in 1960 and 1965. Thus, the basic provisions of the cross-licensing agreement are in effect today. (GJ Ex. 263, 264, 265, and 266). It provides for a royalty-free exchange of patents between the participants and a formula for sharing the costs of acquisition of patents. The provisions of the cross-licensing agreement which accomplish this result are as follows:

"ARTICLE III—LICENSES GRANTED BY EACH PARTY

"(a) Each party to this Agreement grants to each of the other parties and to their respective subsidiaries, a royalty-free, non-exclusive license to make, use and sell and to have others make for it or them Licensed Devices and parts thereof coming under any patents, domestic or foreign (subject to the conditions set forth in paragraphs (b) and (c) of this Article), owned or controlled, either directly or indirectly, by said grantor on July 1, 1955, or at any time thereafter prior to June 30, 1960, or granted at any time hereafter on inventions owned or controlled, either directly or indirectly, by said grantor on July 1, 1955, or at any time thereafter prior to June 30, 1960.

* * * * *

"(c) If any of the parties hereto acquires directly or indirectly a patent otherwise coming within the scope of this Agreement at a cost, exclusive of the expense incurred in prosecuting the patent application or negotiating the purchase, in excess of three hundred dollars ($300), no license thereunder shall be acquired by any other party by operation of this Agreement except upon such party sharing the cost of the patent equitably with the first party and with any other parties electing to take a license thereunder." (GJ Ex. 263).

Section (a) provides for a royalty-free exchange of defined patented devices by all participants provided that development costs in excess of $300 are shared equally. As hereinbefore stated, there is admittedly little or no economic incentive for automobile manufacturers to develop and install air pollution control equipment on vehicles they manufacture. (Tr. Vol. XXII, p. 54). Since the results of any industry advances are to be shared by all, there is no private incentive for gain inasmuch as each company must share the benefits of such advantages with the rest of the automobile industry. (GJ Ex. 566). Delays in technological development engendered by inadequate manpower or facilities will result in no disadvantage to any company should it become desirable or necessary to install such equipment in the future. At the same time it is apparent that the participants in the cross-licensing agreement possess sufficient resources to engage in competitive research and development programs.

Section (c) provides for a royalty-free exchange, between the participants, of patents acquired from third parties, provided that the purchase price in excess of $300 is shared equally. In effect, this provision presents a third party seeking to market a patent to automobile companies with but a single purchaser—i.e., the whole industry. The provision eliminates price competition among the participants with respect to the purchase of patents from third parties. (Tr. Vol. XXII, p. 53).

The intent to control prices of inventions by the cross-licensing agreement is shown by the fact that this agreement, including the above-quoted provision, was modeled after a similar agreement concerning sealed beam headlights. In discussing this agreement, a report of the VCP dated January 10, 1958 reads in part: "There are some industry precedents established in the arrangements which the industry made to insure multiple sources for Sealed Beam headlight units, and *to set the terms for the maximum royalties to be paid for use of light polarizing material.*" (GJ Ex. 338, underscoring supplied).

The cross-licensing agreement provides a most "favored nation clause" whereby third parties must license all participants at the same royalty rate. (Tr. Vol. XXII, p. 48). The provision of the cross-licensing agreement which accomplishes this result is as follows:

"ARTICLE III—LICENSES GRANTED BY EACH PARTY

"(b) If any party hereto as acquired or does in the future acquire either directly or indirectly the ownership, control, or right to license others under patents otherwise coming within the scope of this Agreement conditioned on the payment of royalty, no license thereunder shall be acquired from such party by any other party by operation of this Agreement except upon the latter's agreeing to pay and paying to the licensor of said first party, royalty at the same rate as such first party would have been required to pay had the licensed article been made or sold by it. Royalties accruing under the provision of this subsection (b), if for sales within the United States and Canada, shall be payable in the next succeeding month of January, April, July or October, as the case may be, following the close of the calendar quarter in which said sales occur. . . . (GJ Ex. 263).

Mr. William L. Scherer, manager of the Patent Department of AMA, interpreted the meaning of this provision for the grand jury. He testified that it enables any other party to the agreement to obtain the same kind of arrangements with respect to rights as the first party making arrangement with a patentee. (Tr. Vol. XXII, p. 46). In other words, if one of the companies acquires a license under a given patent, that company must endeavor to make it possible for any other party to the agreement to also obtain a license under that patent, for which royalty would be paid at the same rate as the first company acquiring rights under the patent would have negotiated. (Tr. Vol. XXII, p. 47). This ensures to anyone else who may want to come into the program, or use that patent, that they will get the same royalty treatment as the first individual does. (Tr. Vol. XXII, pp. 48–49).

This provision of the cross-licensing agreement was intended by the participants to eliminate competition between them in the purchase from third parties of rights under existing patents. This conclusion is based on Mr. Scherer's testimony which was as follows:

"The JUROR. Wasn't the patentee told that it would be available to all of the companies? Or was that kept a deep, dark secret?

"The WITNESS. No, I think that when he came, for instance, if John Doe has a device that he says will solve the problem, and he wanted to come to Company A and deal with that company, he could have done so.

"Now, the only understanding is that, if that John Doe, I believe I called him, were to deal with Company B, the only understanding is that he is going to get the same royalty arrangement that Company A has.

* * * * *

"The WITNESS. And he will be glad to do that, believe me.

"The JUROR. Well, in other words, he might go into Company A and agree on a royalty of 10¢ an item, let's say.

"The WITNESS. Yes.

"The JUROR. Now, he went to Company B and he is faced with the fact that that is as much as he can get; is 10¢, because the other company has now made it available to them.

"The WITNESS. That's right. But, remember, he has got a lot more volume.

"The JUROR. Well, that may be so or it may not be so. But, it depends on, in other words, his 10¢ now becomes a fixed——

"The WITNESS. Ceiling.

"The JUROR. Ceiling.

"The WITNESS. That's right.

"The JUROR. He cannot go above that ceiling once he submits to one company; he cannot go above that ceiling. He is hooked.

"The WITNESS. Under what we call the "favored nation clause," yes.

"The JUROR. Well, whatever you call it, he is hooked for that amount.

"The WITNESS. That's right.

"The JUROR. Thanks. (Tr. Vol. XXII, pp. 56–57).

The participants to the cross-licensing agreement have agreed upon a method whereby a third party wishing to do business with any participant must agree with his device may be considered by all of the participants through the Automobile Manufacturers Association.

In 1955, the cross-licensing agreement provided in pertinent part:

"Article VIII—Ideas submitted by persons other than parties

"It is agreed that each idea relating to the subject matter of this Agreement submitted by a person other than a party to this Agreement shall be first submitted to one of said parties accompanied by a waiver in a form approved by the Patent Committee of the Automobile Manufacturers Association by which the submitter shall authorize such party to disclose the idea for appraisal and test to any third party or parties and grant immunity to said party as well as to all parties to whom such disclosure is made from all liability to the submitter arising from such disclosure other than such liability arising from the infringement of any valid patent covering the subject matter disclosed. Each such party shall then submit such ideas to the Vehicle Combustion Products Subcommittee for consideration, after which said Party shall report to the submitter the findings of said Subcommittee, and shall file a copy of said report with the secretary of said Subcommittee." (GJ Ex. 263).

This provision was amended in 1957 to read as follows:

"ARTICLE VIII—IDEAS AND INVENTIONS SUBMITTED BY PERSONS OTHER THAN PARTIES

"Nothing in this Agreement shall prevent any of the parties from receiving, considering or purchasing ideas or inventions submitted by others relating to the subject matter of this Agreement. In the event that such ideas or inventions are submitted to a party by a person other than a party to this Agreement or other than a person under contract to assign such ideas or inventions to a party, such party may submit such ideas or inventions to the Vehicle Combustion Products Subcommittee for consideration provided such party has obtained from the submitter a waiver in a form approved by the Patent Committee of the Automobile Manufacturers Association by which the submitter shall authorize such party to disclose the idea or invention for appraisal and test to any third party or parties and grant immunity to said party as well as to all parties to whom such disclosure is made from all liability to the submitter arising from such disclosure other than such liability arising from the infringement of any valid patent covering the subject matter disclosed. The said party shall thereafter report to the submitter the findings of said Subcommittee, and shall file a copy of said report with the secretary of said Subcommittee." (GJ Ex. 264).

Mr. Scherer testified as follows as to the substantive change worked by the 1957 amendment to Article VIII:

"A. . . . it enables, as I understand it, to have each participating company consider ideas submitted by outside parties, not parties to the agreement, for consideration and test without to the necessity of reporting that information to the (other) participant[s] under the cross-licensing agreement." (Tr. Vol. XVII, pp. 44–46).

Plainly, Article VIII of the 1955 Agreement (GJ Ex. 263) requires third parties dealing with any participant to agree to the submission of their device to the Vehicle Combustion Products Subcommittee of the Automobile Manufacturers Association.[5] As amended in the 1957 agreement (GJ Ex. 264), however, it would seem that referral to the VCP was no longer required. (Tr. Vol. XVII, pp. 44–46).

Mr. Van Derveer, however, testified unequivocally that it was communicated to him by both AMA and his superiors at American Motors that the signatories to the cross-licensing agreement had obligated themselves to insure that before any participant dealt with an independent device manufacturer that the device manufacturer must sign an AMA Suggestion Submission Agreement.[6] (Tr. Vol. XXXXVI, pp. 48–51; GJ Ex. 416). Even after the 1957 amendment, AMA continued to recommend to participants that an AMA Suggestion Submission Agreement be obtained from third parties. (Tr. Vol. XVIII, p. 93).

Mr. William K. Steinhagen, a General Motors engineer in charge of their Power Development Group, testified that when a third party came to him with a device, he was instructed to inform the third party of General Motor's obligations under the cross-licensing agreement and to obtain an agreement from the third party allowing tests of the device to be conducted under the terms of the cross-licensing agreement. (Tr. Vol. XXXII, p. 54).

Mr. Harold Lipchik, Vice President and General Manager of the Advanced Products Division, Chromalloy American Corporation, testified that in attempting to market the AMF–Chromalloy device to the automobile company participants in 1964, it was suggested by Mr. Chandler of the Ford Motor Company that the proper method of procedure would be for Lipchik to execute an AMA Suggestion Submission Agreement and to make his initial presentation to the AMA. (Tr. Vol. XVII, p. 50).

It is apparent from the foregoing testimony that the language change in the 1957 amendment worked no substantive change in the requirement that participants not consider third party devices unless an AMA Suggestion Submission Agreement was executed by the third party.

Minutes of the AMA Patent Committee meeting of May 13, 1959, read in part:

"The Committee reconfirmed the position taken at its September 22, 1955 meeting that it disapproved any meetings between industry members and persons who have not signed the Cross-Licensing Agreement unless the outsiders have executed an AMA Suggestion Submission Agreement and that there should be no exceptions to this policy." (GJ Ex. 260).

That AMA highly regarded the method of dealing with third party devices is further illustrated by the following pertinent excerpt from GJ Exhibit 302, an unsigned memorandum dated April 20, 1965:

"Probably not for publication but Mr. Thornton (an AMA employee) says 1957 amendment was made because of antitrust problems in the first agreement. Changed the way people brought ideas to the committees from outsiders.

* * * * *

Footnotes at end of article.

"Also not for publication—Mr. Thornton says the Patent Committee feels we should definitely renew—especially in view of the CID investigation. It would not be wise to discard the agreement at this time."

Mr. Scherer's testimony on this amendment was as follows:

"Q. In other words, prior to the amendment in 1957, anybody who had signed the cross-licensing agreement was obligated, with respect to their dealings with outsiders, to submit any ideas which they received from outsiders to the Automobile Manufacturers Association Vehicle Combustion Products Committee? Isn't that correct?

"A. That's correct.

"Q. And it was felt in 1957 that there were some antitrust difficulties with that particular method of procedure, was there not?

"A. All I can say to that is that on advice of counsel, it was changed." (Tr. Vol. XVIII, pp. 87–88).

Basically, there are three parts of an automobile emitting pollutants. One, the crankcase (blow-by); two, the carburetor and fuel tank (evaporation losses); and three, the exhaust. Before any devices were affixed to cars, the experts estimated that 25% of the pollutants were emitted from the crankcase, 15 to 25% from evaporation losses, and 50 to 60% from the exhaust.

In 1959 it was discovered at General Motors that a positive crankcase ventilation (pcv) valve, used even prior to World War II for the purpose of keeping the crankcase of military and other vehicles free of mud, sand, etc., was effective in the elimination of blow-by emissions from the crankcase. (Tr. Vol. XXIX, p. 72; Tr. Vol. XXXVI, pp. 15–16). As a result, General Motors could have installed the device on its cars and obtained a competitive advantage since this type of device was not covered by the cross-licensing agreement. However, this was not done, but to the contrary, the cross-licensing agreement was amended in 1960 by the addition of five categories covering crankcase and evaporation losses so that the industry could act collectively with regard to these areas. (Tr. Vol. XXXVI, p. 15; GJ Ex. 265).

A July 27, 1959 memorandum from W. F. Sherman of the AMA staff to the EAC states in part:

"Mr. Delaney called attention to the fact that neither of these areas of investigation or development are covered by the present industry Cross-Licensing Agreement. It was, therefore, the unanimous recommendation of the committee and of Mr. Delaney that the Engineering Advisory Committee should immediately request the AMA Patent Committee to amend the Cross-Licensing Agreement to cover these areas, and to do so in the immediate future to permit the work to go forward rapidly." (GJ Ex. 384).

An agreement was then made by the automobile manufacturers to install the pcv valve on all 1961 model cars to be delivered in California only. (Tr. Vol. XXXXIII, pp. 99–100; GJ Ex. 355, 445, 543). This was heralded as a "voluntary" contribution to the elimination of smog by the automobile industry. (Tr. Vol. XXI, pp. 15–17, GJ Ex. 355; Tr. Vol. XXIX, pp. 73–74). However, a document dated November 13, 1959 written by W. S. Berry of American Motors indicates the real motive for the installation of the device on 1961 models. It reads in part as follows:

"There is time to complete our test work on this breather system before the introduction of the 1961 model. The reasons for making the announcement before test work is completed are as follows:

"1. The opportunity for the industry to voluntarily do something in California which will make a major reduction in emissions at a relatively low cost. In advancing this argument the AMA Staff uses a cost to the customer figure of around '$10.'

"2. On December 4th there will be a hearing in Berkeley which will be held between the California State Department of Health to finalize recommendations on tailpipe emissions. An announcement before that date would possibly slow down any regulatory action on this matter. Likewise, this announcement may deter Governor Brown from holding a special session of the Legislature dealing with the air pollution problem." (GJ Ex. 555).

Quite evidently the cross-licensing agreement was not needed for protection or use of any patent. As a matter of fact, no significant patents were then known to exist affecting development of pollution control devices and no lists of patents were then nor have they ever been annexed to the cross-licensing agreement or any extension thereof. (Tr. Vol. XXII, pp. 54–55). It is submitted that the cross-licensing agreement was merely a vehicle to accomplish the non-competitive and delaying activities of the signatories thereto.'

The evidence adduced before the Grand Jury clearly developed that the signatories to the cross-licensing agreement had the following understandings and agreements with respect to the installation of motor vehicle air pollution control devices: (A) not to publicize competitively any solution to the motor vehicle air pollution problem; (B) to adopt a uniform date for announcement of the discovery of any air pollution control device; and (C) to install devices only on an agreed date. (Tr. Vol. XXII, pp. 49–50).

Minutes of the meeting of the Engineering Advisory Committee on January 10, 1958, read in part as follows:

"The Committee report raised a number of questions for decision by EAC. These were taken up in the following order:

"(1) *Statement on exchange of information and publicity on smog research activity.* The VCP asked concurrence of EAC on this statement which was drafted in August by the VCP members. Mr. Kucher stated that there is no misconception or objection to the objective the VCP has in mind, but he questioned what mechanism would be used; he suggested that specific provision be made for the submittal of plans for speeches and text ahead of time. Mr. Heinen said that the VCP would include such ground rules with the statement.

"Mr. Ackerman commented that there was no doubt about the EAC belief that such a program should be carried out on a cooperative basis. Mr. Chayne moved approval of the proposal, with the instruction that it be sent to the company public relations directors, asking them to join in the effort to carry this out properly.

"The VCP report also called attention to the desirability of re-affirming the idea of a single announcement and a uniform adoption date for any device which the industry may decide to use for smog control. Mr. Chayne moved that this view be included with the previous motion; EAC members approved." (GJ Ex. 339; Tr. Vol. XX, p. 78).

The following further excerpts from documents and testimony are illustrations of the understandings and agreements referred to above:

A. As to the agreement not to publicize competitively any solution to the problem:

"1. Grand Jury Exhibit 338, dated January 10, 1958, (Tr. Vol. XX, p. 74), reads in part as follows:

" 'To a large degree, some of the questions in connection with the publication of data involved consideration of publicity effects which often result when some item of interest is released dealing with the smog problem. The Committee believes that it was the intention of AMA in establishing the VCP activity to avoid situations in which competitive publicity advantages would arise and be seized by any one of the company participants. *EAC re-affirmation of this viewpoint would be helpful.*

* * * * *

" 'Similarly, there have been some fears expressed that technical developments in the air pollution program, which might happen to occur in one quarter rather than another, could lead to a situation in which some automobile companies might be more favorably positioned for the introduction of an exhaust control device than other companies. Here it has been the VCP understanding from the beginning that the public service aspects of our cooperative work on the exhaust gas problem are such that no company should expect to take advantage competitively by being the first, or claiming to be the first, to offer such a device. *It will be extremely helpful in the further conduct of our program if the EAC will take cognizance of the importance which is attached to this problem and re-affirm authoritatively that the companies will participate equally in the public relations benefits that will accrue from a single announcement in the uniform adoption date for any device which may be adopted for use.*' "

The report of the EAC of the same date, January 10, 1958 shows that by vote it reaffirmed "the idea of a single announcement and a uniform adoption date for any device which the industry may decide to use for smog control." (GJ Ex. 339).

"2. Grand Jury Exhibit 345, December 3, 1962 (Tr. Vol. XX, pp. 105–106), reads in part as follows:

" 'The Engineering Advisory Committee is in complete agreement with both the Public Relations Committee and the Vehicle Combustion Products Committee with regard to the need for more and better publicity about industry activities in the air pollution field.

" 'The Engineering Advisory Committee does, however, share the concern of the Vehicle Combustion Products Committee regarding the dangers of ill-considered unilateral publicity. The EAC recommends, therefore, that the proposal for increased publicity by the individual companies, as well as by the Automobile Manufacturers Association, be approved with the proviso that such releases concern only "activities" and that releases concerning specific "solutions" be issued by AMA.

" 'It is essential that all releases be coordinated through AMA and that procedures be established to handle such coordination expeditiously.'

"3. Mr. Scherer's testimony on this subject was in part as follows (Tr. Vol. XX, pp. 76–77):

" 'Q. The matter of publicity, is it your understanding that by the terms of the cooperative arrangement in the industry with respect to motor vehicle air pollution control equipment, that no one company would advertise or publicize the merits of its equipment, vis-a-vis other companies in the field.

" 'A. That was my understanding of their intention, yes.'

"4. An interdepartmental letter of American Motors dated November 28, 1962, reads in part as follows:

" 'In the area of press releases there has been a tacit understanding, if not a written policy, that all individual company press releases will be reviewed by the AMA Public Relations Committee and the VCP. Ford has been the only flagrant violator of this policy, since on two occasions they have issued releases that caught the rest of the industry by surprise (announcement of vanadium pentoxide exhaust catalyst in 1957, and blowby control system in 1962).

" 'The current AMA Public Relations Committee recommendation to the Engineering Advisory Committee, which was initiated by G.M. is somewhat difficult to understand. It has been suggested that it is a "veiled threat" to Chrysler because of that company's success (and related publicity) in making their cars meet the California standard for exhaust emissions without an exhaust treating device. The proponents of this approach say that G.M., because of their overwhelming dominance in the field of smog research (see attached sheet for relative air pollution budgets of AMA member companies), are saying to Chrysler, "Slow down on this approach and don't break the industry front or we will completely submerge you, publicity-wise".' (GJ Ex. 542).

"5. Mr. Van Derveer testified as follows concerning a 1957 publicity release by the Ford Motor Company (Tr. Vol. XXXXV pp. 46, 51–53):

" 'Q. So. Ford issued a publicity statement on the vanadium pentoxide device, and it achieved nationwide recognition?

" 'A. Yes.

Q. And it was a device? A prototype device had been developed?

" 'A. Yes.

" 'Q. Tested on cars?

" 'A. Yes. Not very extensively, but, yes.

" 'Q. And then there was some unhappiness in the industry over Ford's publicity?

" 'A. Correct.

" 'Q. Now, who was the source of the unhappiness?

" 'A. Well, Heinen was probably the most vocal on the thing.

" 'Q. All right. What did Heinen say?

" 'A. . . . . Well, he said lots of things, actually. But, more or less of a breach of a promise; the fact that this put Ford in a lot better light. And just the fact that the company was getting nation-wide attention for something, the other people were working equally hard on other things and they weren't getting any publicity. That sort of thing.

" 'Q. Was there a little feeling that Ford was reaping too much advantage out of its publicity, and, therefore, Ford should not have issued the publicity statement?

" 'A. Well, that was certainly part of it.

* * * * *

" 'Q. So, there was an attempt to dampen the publicity that was issued a little while before.

" 'A. It wasn't actually a retraction, I guess.

" 'Q. Not a retraction, but an attempt to dampen down the publicity.

" 'A. As I remember, yes.

" 'Q. What was the impetus of Ford to dampen down the publicity: Was it because Heinen was disturbed about this?

" 'A. I am sure it was Heinen and General Motors being disturbed, too. I am sure General Motors had an opinion on it. I never heard it expressed particularly.' "

B. As to the agreement for the adoption of a uniform date for announcement of the discovery of a device:

"1. In an interoffice memorandum from R. J. Templin, Cadillac Motor Car Division, to J. H. Lamb, also of GM, dated October 6, 1959, Mr. Templin stated:

" 'Please note that we are bound by an agreement through Mr. C. A. Chayne with the Automobile Manufacturers Association to withhold any public knowledge about these devices until a joint industry announcement can be made through AMA. These devices must, therefore, be treated as confidential.' (GJ Ex. 499).

"2. Mr. Scherer's testimony on this point was in part as follows (Tr. Vol. XXII, pp. 49–50):

" 'Q. Have they also had the understanding to adopt a uniform date for the announcement of the discovery of any air pollution control device?

" 'A. I would say that's the way the program has operated, yes.'

"3. Mr. Scherer further testified (Tr. Vol. XX, pp. 75–76):

* * * * *

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" 'Now, that's a fact, isn't it, that the industry, from that point on [Jan. 10, 1958], has publicized a uniform adoption date for any device that is produced in this field?

" 'A. You are asking me?

" 'Q. Yes, I am asking you.

" 'A. That's correct. There is one thing to be said for that type of thing: Remember that there were some of the participants in the program who may not have been quite ready to go ahead with the adoption of the device as far as their own testing and knowledge is concerned. They were pressed into going ahead with it, much ahead, perhaps, of the time that they were ready.

" 'Yes, and if they weren't ready, they may also have waited until—

" 'A. If they were ready?

" 'Q. The others could wait——

" 'A. That's possible.

" 'Q. —until the device was ready until everybody could put it on at the same time?

" 'A. That's possible. So, it works both ways.

" 'Q. But, there is no doubt about it that the policy has been consistent and that it is right up to this date, that no device has been adopted by any one company on its own; that they all did it at a uniform adoption date; they all put it on at the same time? Is that correct, sir?

" 'A. I believe that's correct.' "

C. As to the agreement to install devices only on an agreed date:

"1. Testimony by Mr. Scherer on this subject was in part as follows (Tr. Vol. XXI, p. 33):

" 'Q. Is this kind of behavior on the part of the individual companies the result of an agreement among all of them to adopt devices at a uniform date, and that one company would not go ahead with the device unless all of the other companies were in the position to go ahead with the device?

" 'A. We did note in the record that there was such an understanding among the companies, yes.' "

"2. Minutes of the EAC meeting, dated May 17, 1962, read in part as follows:

" 'UNIFORM ADOPTION AND ANNOUNCEMENT OF SOLUTIONS

" 'At this point Mr. Caplan read the rest of his report and raised for discussion the problems that had arisen as a result of publicity and the supplying of some equipment for engine modification to Los Angeles County officials prior to its being supplied to the State Board. This had resulted in a letter from the County Board of Supervisors, which has been acknowledged but not yet answered, urging AMA action by all of the automobile companies to engage in a similar modification program. Mr. Isbrandt suggested that the handling of these problems required simply that all of the participants be cognizant of the responsibilities already outlined and understood in the EAC and VCP activity'." (Memorandum Report, EAC Meeting, dated May 17, 1962; GJ Ex. 379).

Thus we have seen that the non-competitive industry program was not limited to research and development but encompassed promotion, installation, and marketing. On this score Mr. Van Derveer testified (Tr. Vol. XXXXVI, pp. 54–55):

"Q. Mr. Van Derveer, this non-competitive industry program concerned not only the research and development but also the installation and marketing of devices, did it not?

"A. Well, what do you mean by devices? You are talking about——

"Q. Devices or systems, any kind of motor vehicle air pollution control equipment whatsoever.

"A. It was all coordinated through the AMA, yes.

"Q. All aspects of any company activity in this area?

"A. Yes."

POSITIVE CRANKCASE DEVICE (BLOW-BY)

A GM document disclosed that the AMA asked all car manufacturers on June 1, 1961, to give all the reasons that could be developed as to why compliance with a Congressional request that positive crankcase ventilation (pcv) be made standard equipment on all cars would not be desirable. "It must be recognized that they are specifically looking for problems that will justify a negative decision," commented G. R. Fitzgerald, a GM engineer. (GJ Ex. 504). After the successful installation of the pcv valve in California by all companies on 1961 models, a decision was made not to install the device on all 1962 models nationally. Mr. Van Derveer testified that "the board of directors, of course, are the ones that had to make that decision." (Tr. Vol. XXXXV, pp. 71–76.) A poll or vote was taken at a meeting of the AMA Crankcase Ventilation Task Group of the VCP on January 26,, 1961. (GJ Ex. 360 and 442.) Although Studebaker-Packard and American Motors "agreed to the release of positive crankcase ventilation for all 1962 cars," none of the companies did so, in accordance with the industry agreement.[8] (Tr. Vol. XXI, pp. 32–33; Tr. Vol. XXII, pp. 49–50; Tr. Vol. XXIX, pp. 107–110, 130–133; GJ Ex. 360 and 442.)

All GM divisions could have supplied the internal crankcase device as standard equipment for 1962, if required to do so. H. F. Barr, then Chief Engineer of Chevrolet, writing to C. A. Chayne, then Engineering V. P. of GM, said in part:

"Would all GM Divisions be in a position to supply internal crankcase ventilation as standard equipment for 1962 production?

"(Answer) We could if it was a mandatory GM policy, but we would not willingly do so." (GJ Ex. 474).

Similarly, in a memorandum of the Ford Motor Company dated January 10, 1961, James M. Chandler wrote:

"I have recently checked with John Asselstine of Engine and Foundry regarding engineering release of positive crankcase ventilation devices for nation-wide application. Mr. Asselstine informs me that inasmuch as those devices have been released, nation wide, as a regular production option for 1961 automobiles he sees no reason why they could not be applied on all production in 1962. He also feels that we would be in a position to release the crankcase device nation-wide on all commercial vehicles for 1962." (GJ Ex. 454).

As far as International Harvester was concerned, a September 26, 1961 letter from S. G. Johnson of International Harvester to W. F. Sherman of AMA states in pertinent part:

"II. International Harvester is in position to comply with blowby devices on all motor truck models at any date deemed advisable by AMA. (GJ Ex. 364).

As a matter of fact, the device could have been installed on 1961 models:

"The main reason that the motor vehicle industry did not voluntarily undertake to supply internal venting throughout the country on all its new gasoline-powered vehicles, starting with the 1961 models, was that a need had been established in California which has not been established elsewhere. "(Rough Draft of paper presented at ECS-APCA Meeting, by James M. Chandler, Chairman, VCP-AMA, entitled "Current Status and Future Work on Vehicle Emission Control Devices," undated (GJ Ex. 381)).

As a result of this thinking, an interdepartmental letter of American Motors from its VCP member, Ralph H. Isbrandt, dated December 7, 1961, indicates that the AMA Board of Directors as early as December, 1961 determined and agreed that the device should be installed not one year later, in 1962, but two years later, in 1963:

"At the AMA Board of Directors meeting, held December 6, 1961, it was agreed that the Industry would include Positive Crankcase Ventilation devices as standard equipment on all 1963 model cars." (GJ Ex. 556).

An attempt was even made to delay national installation on 1963 models. (Tr. Vol. XXX, pp. 27–32; GJ Ex. 373). Robert J. Templin, Asst. Chief Engineer, Cadillac Motor Car Division, G.M. wrote on September 25, 1961: "To sum it up, there is nothing to prevent our going to positive crankcase ventilation as standard equipment for 1963, if policy dictates it. Our lives will be less troubled, however, if we don't do it." (Tr. Vol. XXXVII, p. 7; GJ Ex. 509). This time, however, the pressure of public officials forced the issue. A memorandum by W. F. Sherman of AMA to the EAC, dated May 25, 1961 reads in part as follows:

"The U.S. automobile industry has been asked to help protect the public health by installing 'on your own initiative' a device in all new cars which destroys crankcase fumes.

"Sen. Maurine Neuberger, (D. Org.) made the request in a letter sent Monday to 14 manufacturers of cars and trucks. She suggested that in the event the automobile industry failed to seize the initiative, it would be subject to 'responsible legislation to prohibit the transportation in interstate commerce of vehicles without the protective device.'

"Sen. Neuberger noted that the Automobile Manufacturers Association had rejected a request by the Secretary of Health, Education and Welfare that the industry install at the factory a device which destroys crankcase fumes, a factor in air pollution along with auto exhaust fumes." (GJ Ex. 365).

A similar memorandum for use by Mr. Sherman at the EAC meeting of May 25, 1961, also reads in part as follows:

"Since all of the companies are presumably receiving a letter from Sen. Neuberger, I have a specific suggestion to make. First, I would suggest that as in the recent past with similar letters, be referred to AMA for a reply.

* * * * *

"Three, I believe it is very much in the interest of the industry to take the initiative before it is pushed further on this matter and that the Engineering Advisory Committee should therefore recommend to the Board of Directors at their meeting on June 15 that a public statement be issued saying that inasmuch as service experience has proved to be at least reasonably satisfactory, it is being recommended to all member companies that as their tooling and manufacturing permits, they proceed to apply the device to all vehicles for sale in all parts of the United States.

"If this action is not taken by the industry, it seems certain that there will be Federal legislation.

"It also seems to me that the opportunity provided in this instance to make a very big distinction between these inexpensive devices and exhaust control devices for use in California, which are more expensive and which are applicable primarily to the photochemical smog problem, might be utilized to position the industry for the future, although we certainly can't ignore the possibility that similar pressures will arise with regard to any muffler devices that are adopted at a later date in California." (GJ Ex. 366).

As a result of this pressure, the attempt to delay installation of the device until at least 1964 failed, and the companies agreed and did install the pcv valve on all 1963 models nationally. (Tr. Vol. XXXXV, pp. 24–25). The same valve that was installed on all 1961 models in California was used nationally on 1963 models, indicating that bar the industry agreement, the device could certainly have been installed nationally at

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least on 1962 models. (Tr. Vol. XXXXIII, pp. 101–102).

CLOSED CRANKCASE DEVICE

After the installation of the pcv valve, it was discovered that the slight remaining emission of pollutants from the crankcase could be eliminated by piping it into the air cleaner where it would be completely dissipated. As a result the Motor Vehicle Pollution Control Board (MVPCB) of California adopted an amended test procedure on December 18, 1962 which could only be met by the installation of the closed type system. New York State officials, too, wanted a closed system. The EAC reviewed both the California and New York situations and reached the conclusion on March 1, 1963 "that the industry definitely does not want to be forced into putting the new systems [closed blow-by] on New York cars for 1963 and 1964." (Tr. Vol. XXXVI, p. 151). Since it seemed doubtful that New York would accept less than California for a crankcase device performance, the EAC decided that California was the place to take a firm stand against the new higher capacity systems. To enforce their position, the EAC asked each member company to provide technical information to show why it was impractical to install high-capacity devices for the years 1963 and 1964. (GJ Ex. 507). The Committee was delegated by Mr. Chayne, GM's vice president in charge of engineering, to prepare a specific list of technical problems which might prevent General Motors Car Divisions from supplying crankcase ventilation systems on the 1964 models which would meet the new high flow requirements and still be reliable in all respects. (Tr. Vol. XXXVI, pp. 149152; GJ Ex. 507). (Cf. GJ Ex. 457, a Ford document, which reads in part: "In March we told California we . . . questioned our . . . readyness for closed systems. Early application for certification [by Chrysler] would cast doubt."

In an interoffice memo, H. F. Barr, GM's member on the EAC, on March 28, 1963, wrote in part:

"I have recently had a call from Mr. Paul Ackerman of Chrysler which indicates they are pulling back their 1964 start of production releases and will release later, effective January 1, 1964, if required at that time by the California law. We are, of course, all hopeful that this will be further extended to start of production of 1965 models before time for this action arrives.

"It is therefore quite important that no General Motors Division make any changes in their 1963 releases for start of 1964 model year production. Since changes would jeopardize the industry position that is being taken with the Air Pollution Board of California." (GJ Ex. 478).

In an intra company memo, Robert Sorenson of Chrysler informed P. C. Ackerman, its EAC member, on January 11, 1963, in part as follows:

"Attached is a letter received from Ben Jensen, Executive Officer, California Motor Vehicle Pollution Control Board officially advising us of the action of December 18, 1962 meeting of the board. His letter indicates that two closed crankcase system devices were approved for both factory and used vehicles . . .

* * * * *

"AMA staff was not favorable to an immediate approach and Harry Williams has taken the matter over personally. I understand that he will discuss it with some of the California Motor Vehicle Pollution Control Board members at a pre-established meeting early in February.

"Because of Chrysler's commitment to handle this on an industry basis, there appears to be nothing further we can do on this matter at this time on a Chrysler only basis." (GJ Ex. 446).

In an interdepartmental letter from Van Derveer to Isbrandt, also American Motors EAC member, dated April 29, 1963, American Motors' position is stated as follows:

"It is the writer's and C. Harbea's opinion that for our 1964 production we have no other choice but to comply with New York's criteria by either the procedure just outlined or by installing the 'closed' system hardware that is released for California production commencing January 2, 1964. However, if we release the '64 California 'fiz' for car one 1964 New York State production, we will run afoul of the A.M.A. policy on this matter, and as you are aware various industry representatives feel quite strongly that industry solidarity is a must on this matter." (GJ Ex. 558).

However, the industry's attempt to delay the installation of the closed blow-by device to the start of production of 1965 models failed since the MVVPCB forced the installation of the closed blow-by system as of January 1, 1964. (Tr. Vol. XXI, pp. 68–73; Tr. Vol. XXXVI, pp. 155–157, GJ Ex. 508). AMA's position at the meting of the MVPCB, in regard to this matter, is indicated in the following GM interoffice memo dated January 24, 1963, as follows:

"At the December meeting, the Board decided to require 'closed' type crankcase devices on new cars beginning with the 1964 model year. George Delaney, representing the AMA, strongly objected to the Boards' action. According to reports. Delaney claimed that the manufacturers had already firmed their 1964 designs and changes could not be made to meet the deadline.

"According to rumors, the AMA was so incensed at the Board's action, they resolved to boycott future meetings, and since the AMA was not represented at the January 17 meeting, a proposal was adopted which may be costly to the industry. Of course, the action might have been taken whether or not the AMA was represented, but the Board didn't even have the benefit of hearing the industry's objections." (GJ Ex. 376).

As to the ability of the auto companies to install a closed blow-by system on their cars, our expert, Wallace Linville, testified:

"Q. Is there any reason why that couldn't have been done by the industry prior to 1964?

"A. No. It is similar to a system that you find and have found for years on particularly dump trucks where they are operating in very dirty areas, and again on the army equipment that we mentioned in the second World War, where they are running in convoy, the vehicles following the first vehicle are operating in very dusty terrain, and as a result of this they have had the system closed by means of this tube to the air cleaner for a good number of years, so I see no reason why this should have offered a substantial or major problem at all." (Tr. Vol. XXXXI, p. 25).

Errol J. Gay, a consultant for TRW and others, and an apologist for the auto industry, when asked the same question testified:

"A. Hell, they could have done it prior to 1938, if necessary." (Tr. Vol. LVII, p. 73).

EXHAUST DEVICES

By California statute passed in December, 1959, all automobile manufacturers were required within one year following certification of any two motor vehicle air pollution control devices to affix an air pollution control device on all cars sold.

Chrysler Corporation developed its Cleaner Air Package (CAP), perhaps as early as 1960. (Tr. Vol. XXIX, pp. 18–19, 30). In a memo dated October 5, 1961, D. R. Diggs of E. I. Du Pont, reported:

"I asked Heinen why Chrysler did not seek California certification of their vehicles without devices if they are as good as he says they can be made. While admitting that favorable publicity would result, he was very forceful in telling me that if this was done Chrysler would be severely chastised by the rest of the industry. He reminded me that the AMA agreement says no one company will gain any competitive advantage because of smog, and that Chrysler was a relatively small cog in the industry. He indicated Ford and GM were calling the shots and implied that Chayne was the industry mastermind." (GJ Ex. 183).

The CAP system consisted of a valve (part of which was patented) and adjustments of the carburetor, distributor and spark timing. Several technical papers on the subject were written by Chrysler employees, Heinen and Fagley, and published by SAE. (Tr. Vol. XXX, pp. 105, 120–23.) Despite an understanding among AMA members to deal only with the California Motor Vehicle Pollution Control Board and not with the Los Angeles Pollution Control District and its then executive officer, S. Smith Griswold, Mr. Heinen dealt with Mr. Griswold, applied for state certification of the CAP, installed the device on 100 cars as a test, and agreed to fulfill specifications contained in Los Angeles County car purchasing invitations for devices which would control exhaust pollution to the extent of emitting no more than 300 ppm of hydrocarbons and 1.5% of carbon monoxide. (Tr. Vol. XXIX, p. 119.)

In early 1964, Chrysler began to deliver cars to the County of Los Angeles with the CAP system affixed. All told about 1,000 cars were delivered in 1964 with that system. (Tr. Vol. XXIX, p. 120.) The fact that Chrysler got the order to supply cars for Los Angeles County in 1964 was resented by the rest of the industry as a breach of the industry agreement and great effort was made to bring Chrysler back into the fold, which was successful as will be hereinafter shown. (Tr. Vol. XXX, pp. 130, 140–41; GJ Ex. 183, 226.) The result of Chrysler's action in supplying 1964 cars to the county resulted in Ford, too, offering cars equipped with an exhaust device to the county in 1965 which controlled emissions to the required degree.[9]

By the end of 1963 and early in 1964, it was quite apparent that the California Motor Vehicle Pollution Control Board (which required that emissions be limited to 275 ppm of hydrocarbons and 1½% CO) would certify at least two devices being produced by independent (not automobile) manufacturers thereby triggering the law and compelling the installation of air pollution exhaust control devices on all 1966 models offered for sale in California in late 1965. (Tr. Vol. XXXVII, pp. 33–37; GJ Ex. 402).

Every effort was thereupon made by the industry members of AMA to delay the installation of such devices at least until 1967. (GJ Ex. 339, 405). A memorandum dated March 9, 1964, from William Sherman of the AMA staff (Secretary-EAC Committee) to his superior Mr. Harry Williams, Managing Director of the AMA, reads in part:

"While we certainly have the objective of holding the line until 1967 models, we know that the stated purpose of the California MVPCB is to approve two catalytic devices in the next few months and trigger the law so it will apply to 1966 models.

"It seems to me that we would be exercising very poor judgment if we suggested or implied that we wanted them to hold off the triggering of the law, or to let ourselves get into any controversial position about it.

"*If they do* act in the near future to approve the catalytic devices, our companies would probably have to take the position, *anyhow*, that there is not enough engineering time to fit the catalytic converters under the frames and chassis of cars in time to meet the schedule of 1966 model production and there would be a strong likelihood of various delays until 1967 introductions.

"It would be very much to our advantage to avoid this topic—shrug it off or ignore it—for a month or two. In the interim a lot of things might change in the picture, including even the withdrawal of the catalytic

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devices now on tests when the submitters analyze the future possibilities for themselves.

"Thus the problem will have some tendency 'to go away' if we don't aggravate discussion of it at this time." (GJ Ex. 402; Tr. Vol. XXII, pp. 14–15).

On March 10, 1964, prior to any certification of third party devices by the MVPCB but in anticipation that such certification was imminent, the AMA issued a carefully worded press release announcing "that member companies have set a target date of the fall of 1966 in their programs to make 1967 model automobiles and passenger car-like trucks for sale in California comply with the state's motor vehicle emissions standards." (GJ Ex. 407).

The EAC at a meeting on January 17, 1964, had adopted the following resolution:

"Members of the Engineering Advisory Committee resolve that as engineering representatives of the member companies of AMA they adopt the goal that starting with 1967 models, all Amerian-built passenger cars and passenger car-like trucks to be sold in California meet the California Exhaust Standard of 275 ppm hydrocarbon and 1½ per cent CO; further, the Engineering Advisory Committee will report to the AMA Board of Directors their intention to proceed with product engineering programs on each of the various engine and transmission combinations and, by January, 1965, further report to the Board of Directors whether necessary changes can be made in time to meet the target date, the beginning of 1967 model production." (GJ Ex. 399; Tr. Vol. XXX, pp. 72–73).

Pursuant to this EAC resolution, the AMA Board of Directors at a meeting on February 26, 1964, accepted the EAC recommendation, and on motion recommended to all companies that they make it the basis for their individual action. (Tr. Vol. XXX, pp. 71–72; GJ Ex. 405). Subsequently, the March 10 press release was issued. At a joint meeting of the AMA Public Relations Committee and the EAC on March 3, 1964, the reasons for the selection of the March 10 date for the press release were given:

"[Mr. Misch, the representative of the Ford Motor Company to the EAC and also its (EAC's) chairman] advised . . . that the Board had discussed the timing of a press release and desired that such a press release should be made on March 10, before the State Motor Vehicle Pollution Control Board meets on the 11th, but that the industry plan should be reported to the Governor and officials of the Motor Vehicle Pollution Control Board before release is made." (GJ Ex. 401).

The lack of sincerity of the EAC resolution is shown by the fact that the references to product engineering indicated that such engineering had not yet begun. Actually, the Chrysler CAP had already been factory produced on 1964 cars for Los Angeles County. The GM ManAirOx system, the Ford Thermactor system, and the American Motors Air-Guard system, whereby in each the exhaust is burned in the exhaust manifold with the addition of air from an air pump, were then sufficiently ready for production (except for the pump) so that when compelled to do so later in 1964, both GM and Ford announced their ability to apply the device on 1966 models. (GJ Ex. 410). As for the pump, a crash program commenced at GM early in 1964 produced the Saginaw pump within five or six months (Tr. Vol. XXXVII, pp. 32, 42).

As a matter of fact Ford was preparing for Job 1, 1966 with its Thermactor system while adhering to the AMA attempt to delay installation of any exhaust device at least another year. A Ford confidential internal memorandum dated June 26, 1964 reads in part:

"It became apparent that the Board was positioning itself to approve two or more exhaust treating devices in mid 1964 so that 1966 models would need to be equipped with exhaust treating devices.

"In light of these actions, the automobile industry through the A.M.A. reviewed its position relative to the California situation. On March 10, 1964, the A.M.A. board of Directors announced that it had adopted a goal of Job 1, 1967 for supplying passenger cars and passenger car-like trucks to California which would meet California's exhaust requirements. At the same time, the Executive Office directed that the Company be prepared to meet the California exhaust requirements by Job 1, 1966.

* * * * *

"It should be recognized that our external program as presented to California is to meet Job 1, 1967, but that our internal program is to meet Job 1, 1966. It is recommended that the 1967 goal remain our public posture." (GJ Ex. 599).

Apparently GM and Ford would have continued their opposition to the installation on 1966 Models of an exhaust device or system, but the possibility of Chrysler's application being granted for certification of its Cleaner Air Package thwarted their hopes:

"There is one disturbing element as far as GM and Ford are concerned in the position they have taken. This is the fact that Chrysler *may* receive certification in California for their Clean Air Package: if so it is doubtful if Ford and GM can delay until 1967 the installation of comparable systems." (Memorandum Report by D. R. Diggs, E. I. Du Pont, dated July 8, 1964, GJ Ex. 190).

FURTHER DELAYING TACTICS

The collective activities of the automobile manufacturers to delay the marketing and application of air pollution exhaust control devices and not to take competitive advantage of each other is illustrated by the following instances:

(1) Since the industry was fortified from the beginning of the program with the agreement among its members not to take competitive advantage over each other, all auto manufacturers were able through the years to stall, delay, impede and retard research, development, production and installation of motor vehicle air pollution control equipment.

As early as January 20, 1959 the Scientific Director of General Motors, Mr. J. M. Campbell, complained to Dr. J. M. Hafsted, the head of GM's scientific laboratory that "Our effort thus far has been at a minimal level required to cover essential areas of this problem while at the same time protecting other essential research programs at current levels." (Tr. Vol. XXXXV, p. 23; GJ Ex. 492).

On September 10, 1962 Dr. Hafsted expressed his concern in similar vein in writing to Mr. L. C. Goad, an executive vice president of GM, as follows: "It is my conviction that this problem needs more attention than it has been getting all along the line in our engine development programs." (Tr. Vol. XXXXV, p. 26; GJ Ex. 493).

A letter dated January 27, 1964 written by Mr. Howard Dietrich, of the Rochester Products Division of GM, to one K. F. Lingg, states that "Mr. Gordon [then the President of GM] feels, and has publicly stated, that anti-air pollution vehicle developments are 'agonizingly slow.'" (Tr. Vol. XXXXV, pp. 34–35; GJ Ex. 494).

Dr. Donald Diggs, Asst. Technical Manager of the Petroleum chemical division, Du Pont Corporation, one of the witnesses before the Grand Jury, wrote several reports evaluating the attitude of the automobile industry towards the development of curative smog devices, such as that of April 21, 1959 which contains the following statement:

"They [referring to the big three automobile manufacturers] are not . . . interested in making or selling devices . . . but are working solely to protect themselves against poor public relations and the time when exhaust control devices may be required by law." (GJ Ex. 182; Tr. Vol. XLV, pp. 29–30).

Dr. Diggs also wrote a report dated May 31, 1962 in which he gave the following cogent description of the industry's attitude:

"Therefore, they cannot justify an extensive research program because the competition might devise a solution which, while perhaps not as effective, would be less costly to the motorist. The only incentive is to just barely solve the problem at the minimum cost. For that reason, each company is reluctant to spend large amounts of their own money for the development of cures." (GJ Ex. 186).

Dr. Diggs testified that he felt the industry could have pushed more rapidly than it did toward a solution of the smog abatement problem, inasmuch as their work was conducted "at rather low levels of activity." (GJ Ex. 198; Tr. Vol. XIV, pp. 155–156).

An official of the Maremont Automotive Products Company volunteered a statement to officials of the Du Pont Corporation which is contained in a report dated May 19, 1960 which confirmed Du Pont's thinking in regard to the automobile manufacturers that they "were keeping up a good front, but were not pushing as rapidly as they could toward a solution of the smog abatement problem." (GJ Ex. 196).

As a matter of fact, one of the functions of the AMA smog working group, according to Mr. James Chandler of the Ford Motor Company, was to "contain" the smog problem. Mr. Chandler was of the view as of May 21, 1959 that the problem "is not bad enough to warrant the enormous cost and administrative problems of installing three-million afterburners." (GJ Ex. 418).

J. D. Ullman, another technical expert in the petroleum chemical division of the Du Pont Corporation also wrote reports on the dilatory approach of the automobile companies toward smog control measures which contain the following statements:

"The automotive industry as a whole has taken a very firm position in relation to the California authorities. Basically, the automotive manufacturers would seek to avoid installing a reactor of any sort on a car because it adds cost, but provides no customer benefits such as improved engine performance or styling advances. [As a result] A smog abatement device will be installed on cars for California market only after being approved and requested by the Government of California." (GJ Ex. 194 dated January 19, 1960).

"We gathered that the automobile industry will continue to do whatever it can within the scope of California legislation and of political pressure to postpone installation of exhaust control devices. The crank case vent will be pointed to as a constructive step by the automobile industry and will be given as much credit as possible for reducing hydrocarbon emissions from the automobile." (GJ Ex. 195, dated April 22, 1960).

(2) The air injection system developed by General Motors was fully described in a paper read before the Society of American Engineers on March 12–16, 1962, entitled, "A Progress Report on ManAirOx-Manifold Air Oxidation of Exhaust Gas" (GJ Ex. 282), but it was not installed on GM cars until all of the automobile companies simultaneously announced antismog systems for all 1966 California models.

(3) As early as 1958 Charles Heinen, the engineer in charge of the air pollution control program at Chrysler, and his assistant, Walter S. Fagley, Jr. coauthored a paper entitled, "Maintenance and the Automobile Exhaust." (Tr. Vol. XXX, p. 105). A second report followed in May, 1962. (Tr. Vol. XXX, p. 120). This paper was omitted from an SAE book entitled, "Vehicle Emissions" published in 1964 which purported to contain an anthology of all SAE papers of significant con-

tribution to the air pollution problem. (Tr. Vol. XXX, p. 123; Tr. Vol. XXX, p. 91). Evidently the omission was influenced by Heinen's desire to equip all cars sold in California in 1962 with the CAP. (Tr. Vol. XXX, pp. 132–136, GJ Ex. 448).

Moreover, when Chrystler decided to submit their Cleaner Air Package to the California MVPCB in October, 1963 for certification "the rest of the industry felt that this was a breach on the part of Chrysler of the Automobile Manufacturers Agreement [which] specified that all manufacturers would work together as an industry rather than as individual companies . . . The final straw . . . came when after Chrysler had submitted their Clean Air Package to the Board . . . the County government decided that whereever possible they would buy only Chrysler vehicles. This, they stated, was to show their appreciation of the attempts by Chrysler to develop a smog-free automobile." (Tr. Vol. XXX, pp. 140–141; GJ Ex. 226).

Despite the success of the CAP, in 1964 Chrysler showed that it came back into line by joining in the aforementioned resolution calling for product engineering and delay of installation until the 1967 models, and by not equipping its cars with the CAP system until installed by all manufacturers on 1966 models to be sold in California. (Tr. Vol. XXIX, pp. 121–122). Chrysler's concern that the industry cooperative smog program be kept intact is clearly evident from a report by R. A. Pittman of the Ford Motor Company concerning a meeting with Bob Sorenson of Chrysler, dated February 6, 1964:

"NOTES ON MY DISCUSSION WITH BOB SORENSON CONCERNING 'SMOG'

"B. Chrysler management is sorry that things have progressed to the extent they have in Los Angeles County and they have been trying to determine how they can back off of what's been said already to Los Angeles County.

* * * * *

"D. Bob again emphasized that his company wanted nothing but a cooperative effort and would entertain any other suggestions as to how to get back on a cooperative basis." (GJ Ex. 461).

A handwritten note on this document written by Arjay Miller, President of Ford, dated February 18, 1964 reads as follows:

"I think Chrysler is playing us as suckers. They get all of the favorable publicity and the *car sales*, while giving up nothing." (GJ Ex. 461).

Despite the pressure of the industry, on March 13, 1964 the MVPCB notified each automobile manufacturer that the Board was then testing four exhaust control devices on an accelerated basis, two of which if certified would automatically trigger the mandatory aspects of the law requiring 1966 models to meet the standards. In a letter to Mr. John F. Gordon, then President of AMA, Dr. J. B. Askew, Chairman of the MVPCB, stated that he was hopeful the industry would "reevaluate your policy decision and work with us to achieve exhaust controls for 1966 models." (Tr. Vol. XXX, pp. 98–99, GJ Ex. 447).

On June 17, 1964 formal approval was given by the MVPCB of California to four devices manufactured by independent concerns outside of the automobile industry. Thereafter, on July 7, 1964, in response to a MVPCB request that the individual car manufacturers present their plans with respect to meeting the California standards for 1966 models required by the certification of outside devices, the automobile companies declared their intention to apply air injection systems (General Motors, Ford and American Motors) and an engine modification system (Chrysler) for 1966 cars sold in the State of California (GJ Ex. 410). This determination was formally announced by the industry at a presentation made to the MVPCB on August 12, 1964. The pressure of events, therefore, compelled the car manufacturers to advance the application date of exhaust devices at least a full year in advance of their resolved plans and then only to meet the requirements of law.

The Chrysler Corporation could actually have installed the CAP on their 1965 model automobiles, according to a report of Mr. J. E. Yingst, of the TRW Corporation dated June 24, 1964, which reads in pertinent part as follows:

"During the last month I have met at the four major automobile corporations with the staff and research level engineering people who are responsible for the exhaust emissions control programs in their respective corporations. These meetings were in conjunction with the presentations of the Texaco–TRW work on a catalytic control system and in response to the interest on the part of Ford, American Motors, and General Motors in our air pump.

* * * * *

"(4) Chrysler stated without reservation that they have now engineered their combustion control system into all of their car models and could, if required, offer the system on even their 1965 cars." (GJ Ex. 420).

EVAPORATION LOSSES

As early as June 1958, J. T. Wentworth, a member of the GM research staff prepared a technical paper on the subject of "Carburetor Evaporation Losses" which was published in a compilation of technical papers presented under the auspices of the SAE. This paper was first discussed at a meeting of the Induction System Task Group held on January 14, 1958. (Tr. Vol. XXI, pp. 96–97; GJ Ex. 280). Wentworth's tests were analyzed in his paper and the results showed that evaporation losses of unburned hydrocarbons were as great as those normally emitted from the tailpipe. (Tr. Vol. XXI, p. 98).

On September 16, 1961 a GM engineer named H. H. Dietrich obtained a patent on a method to control evaporation losses which was assigned to General Motors. His application for this patent was filed on August 8, 1960. General Motors thus knew of the Dietrich system and the art involved in its invention as early as 1960. (Tr. Vol. V, p. 35; GJ Ex. 82).

It should be noted that twenty different papers were written on this subject from 1958 to 1964. (Tr. Vol. XXI, p. 123). A report entitled "Fuel System Evaporation Losses" was issued by the AMA in September, 1961. (Tr. Vol. XXI, p. 113). Clearance for release of this report to the California authorities by the member companies of AMA was not given until March 3, 1965, because, as Mr. Linville testified:

"It would seem fairly reasonable that this report would have triggered a great deal of comment and a great deal of criticism of the industry when there were certain cars over 2000 percent higher than other cars, so it seemed that this could easily have been the reason that this report was kept internal and not allowed to be read by outsiders until modifications could have been made to bring these high emitters down more nearly in line with the low emitters." Vol. XXI, pp. 114–119; GJ Ex. 391 (d); Tr. Vol. XXXXI, p. 37; Cf. Memo. report of VCP Committee meeting held on Sept. 16, 1960, GJ Ex. 351, p. 1).

The cross-licensing agreement was amended in 1960 to include fuel system evaporation losses, and Ford and Studebaker began a study of this problem in that year. (Tr. Vol. XXI, pp. 100–101, 106). Dr. Norman Alpert, Assistant Director of Research at the Esso Corporation testified that if something had then been done to control evaporation losses it would have been equally as important as the elimination of blow-by emissions. (Tr. Vol. V, p. 13). Most members of the Induction System Task Group were of the opinion that carburetor evaporation running losses could be eliminated in March, 1961. (Tr. Vol. XXI, p. 111, Tr. Vol. XXX, p. 155; GJ Ex. 389). Yet the minutes of the Fuel System Emission Task Group of the VCP disclose that as of October 15, 1963 "relatively little is being done by the individual companies on vapor loss control." (Tr. Vol. XXI, p. 112; GJ Ex. 390).

In June, 1959 Union Oil Co. developed a system to eliminate evaporation losses but although tested by the industry through AMA it was ignored. (Tr. Vol. IV, pp. 19–26, 43–45; GJ Ex. 52, and 54). Even to date the auto manufacturers maintain that there is no practical, economic or feasible system to control evaporation losses, although a Ford, a Chrysler, and a GM car were equipped with a charcoal filter developed by the Esso Corporation to control such losses, Esso having furnished each of these companies with a car of its own manufacture equipped with the device on April 4, 1966. (Tr. Vol. XXI, pp. 125–127; GJ Ex. 393, 395). Dr. John Gerrard, project engineer for the Esso Research and Engineering Company, Linden, New Jersey testified that the Esso Corporation system (which controls better than 95 percent of such losses), was successfully tested on these cars. (Tr. Vol. V, p. 19; Tr. Vol. VI, p. 5). The response of the automobile industry to the Esso system, known as the ELCD system, ranged from hostile to "spotty," although all except Ford are still testing the system and they agree, in general, with the results obtained by Esso. (Tr. Vol. VI, pp. 28–33; Tr. Vol. V, pp. 31–32). This system involves no major engineering change in the motor despite assertions to the contrary by industry spokesmen. All that is required are minor carburetor modifications and a tube which runs from the gas tank vent to a canister filled with charcoal which acts as a filter for the polluting emissions. (Tr. Vol. VI, pp. 51–55).

The estimated cost of the system as original equipment would run from $5 to $7, but in great volume it would come down from this figure. (Tr. Vol. V, p. 27).

On September 23, 1964, more than six years after publication of the Wentworth paper and three years after issuance of the Dietrich patent, GM concluded that: "It is necessary . . . for us to begin development programs on devices to control these [evaporation loss] emissions." This action was taken only after the California Air Pollution authorities had advised they would take steps in October, 1964 to require evaporation loss limits on fuel tanks and carburetors. (Tr. Vol. XXXVII, p. 95; GJ Ex. 9524).

OXIDES OF NITROGEN

Oxides of nitrogen (NOx) is a recognized pollutant emitted from the automobile exhaust together with hydrocarbons and carbon monoxide. This noxious contributor to the smog problem can be reduced by recycling the exhaust gas back into the combustion chamber. The general technology for its reduction has been known for many years, since the exhaust gas recycling system for reducing emissions of oxides of nitrogen was developed and patented in 1955. (Tr. Vol. V, pp. 8–10; Tr. Vol. XIX, p. 128). In 1962 a paper written by Dr. R. D. Kopa of UCLA in conjunction with Messrs. Jewell and Spangler described a 60–80% reduction accomplishment in nitrogen oxide emissions. (Tr. Vol. XIX, pp. 125–126).

Mr. Albert Jesser, a research and mechanical engineer employed by George Cornelius at his laboratory in San Pedro, California described a device for the reduction of oxides of nitrogen developed at the Cornelius laboratory which tested well below the 350 parts per million standard established by the State of California, and reduced NOx emissions 85%. The cost of this device to the consumer is negligible. (Tr. Vol. XIX, pp. 129–132; Tr. Vol. XIX, p. 128).

Mr. Cornelius is a well-known inventor,

formerly associated with the Holley Carburetor Company, who has done extensive work on research and development of motor vehicle air pollution control systems and devices. (Tr. Vol. IV, pp. 51–52).

The automobile industry was notified of the existence of the Cornelius device in the latter part of 1960 (Tr. Vol. XIX, p. 134), yet none of the companies took any particular interest in the device, and the impression Jesser had of the Ford attitude toward his device was that "this is a sort of nuisance." (Tr. Vol. XIX, p. 148). There were no tangible offers or responses from any automobile manufacturer. (Tr. Vol. XIX, p. 141).

Robert Van Derveer of American Motors testified on June 29, 1967 that none of the automobile manufacturers have come up with a device or system to control the emissions of oxides of nitrogen. (Tr. Vol. XXXXVI, p. 34).

DIESEL ENGINES

Contrary to popular belief, diesel engines do not emit hydrocarbons or carbon monoxide as do gasoline engines; they do, however, emit irritating smoke and odor. Here again, only lip service was given to correcting the problem.

In a statement made before the Muskie Committee (GJ Ex. 429, at p. 931), Dr. P. H. Schweitzer of Schweitzer & Hussmann, State College, Pa., a recognized authority on diesels, said in part:

"I shall not absolve the diesel engine of its polluting effect. I have raised my voice repeatedly in the past against diesel exhaust smoke and odor. In September 1954, at the fifth international symposium on combustion, in Pittsburgh, Pa., I said:

" 'Even enlightened self-interest should induce the industry to take this matter [noise, smoke, and odor] seriously, more seriously than it has in the past. It is easy to predict that government—State or municipal—will soon act if we do nothing about it. An incensed public may force legislators to enact unwise laws to the detriment of all of us.'

"The Automobile Manufacturers Association, which received a copy of my talk, took my advice to heart and formed a task force on diesel emissions. When? Ten years later, in March 1964."

Our expert, Wallace Linville, testified as follows on this problem:

"Q. Can you tell us of any other methods which could have been used since 1955 to reduce smoke and odors?

"A. There are several. Lubribol has to do largely with the control of smoke. It is a fuel additive and very adequate for the control of smoke. It has very little effect on odor. The fumigation I described a few days ago is a means of getting better combustion in the combustion chamber of the diesel engine and this is utilized in controlling both smoke and odor, and the first paper that was written on this by Mr. Schweitzer was in 1957 entitled "Fumigation Kills Smoke." Mr. Schweitzer was with the Penn State University at that time." (Tr. Vol. XXXXVII, p. 7).

No manufacturers of diesel engines have utilized Lubrizol or other types of afterburners satisfactory in both smoke and other control, except from the economic standpoint. (Tr. Vol. XXXXVII, pp. 8–11).

OTHER APPROACHES

Reliance on the agreement not to compete in the research, development, manufacture and installation of air pollution control equipment apparently enabled the automobile manufacturers to disregard several other approaches to the problem, thus further delaying its solution.

For instance, in the late 1950's Ralph Heintz, inventor, developed and patened a stratified charge engine (Tr. Vol. VIII, pp. 10, 12, 25–27) which reduced hydrocarbon, carbon monoxide, and oxides of nitrogen emissions, while at the same time effecting a savings in gasoline consumption (Tr. Vol. VIII, pp. 22–25). Moreover, the stratified charge engine would replace the conventional engine with little or no additional cost to the consumer (Tr. Vol. VIII, pp. 27–29). The development of this engine was publicized generally so that the automobile manufacturers knew of its existence and what it would do (Tr. Vol. VIII, pp. 13–18, 30–31). In fact, Victor G. Raviole, former executive director of the Ford engineering staff, stated on several occasions in the early 1960's that the major automobile companies were investigating such an engine and on one occasion predicted that it might be ready for production before 1965 Tr. Vol. VIII, pp. 29–30, 33; GJ Ex. 607). However, the automobile manufacturers have evidenced little faith in this approach and no such engine has been produced by any of them (Tr. Vol. VIII, pp. 16, 33–35, 38–39; Tr. Vol. XXXI, pp. 166–168; Tr. Vol. XXXII, pp. 158–160; Tr. Vol. XXXV, pp. 158–159).

Similarly, George Cornelius has developed and patented a direct flame afterburner and an exhaust recycling unit which have proven effective in reducing hydrocarbons, carbon monoxide, and oxides of nitrogen (Tr. Vol. IV, pp. 61–64, 77–79; Tr. Vol. XIX, pp. 130–131). A test by Scott Laboratories shows that with this afterburner hydrocarbons were reduced to 28 ppm and carbon monoxide to 0.95% from 620 ppm hydrocarbons and 4.65% carbon monoxide (GJ Ex. 62). Mr. Cornelius estimated that, if produced in large volume, the combined package (afterburner and recycling devices) would cost the motor vehicle manufacturers about $25 to put on new cars (Tr. Vol. IV, p. 92). However, the major automobile companies have exhibited little or no interest in these devices for controlling automotive pollution (Tr. Vol. IV, p. 57; Tr. Vol. XIX, pp. 132, 134, 141–142, 151). In fact, at a meeting in December, 1963, William Gay, Executive Engineer, Engine and Foundry Division, Ford Motor Company, told Albert Jesser, an employee of Cornelius, that "[I]f General Motors and Chrysler do not control their exhaust, we can do nothing and be competitive" (Tr. Vol. XIX, p. 148). Mr. Gay also stated that if the entire package would cost more than $5, Ford would not be interested (Tr. Vol. XIX, also at p. 148).

Several other approaches to the automotive pollutant emissions problem have apparently received little interest from the automotive manufacturers. Phillip S. Osborne of Raymond G. Osborne Laboratories developed and patented in the early 1960's a preinduction smog control concept which effectively reduced hydrocarbons, carbon monoxide, and oxides of nitrogen (Tr. Vol. XI, p. 20). The estimated manufacturing cost of the Osborne device was about $15. (Tr. Vol XI, p. 39). Again, the automobile manufacturers exhibited little interest in this approach (Tr. Vol. XI, p. 31; Tr. Vol. XII, pp. 14, 16, 24), and what interest was shown by the Ford Motor Company was coupled with indications that Ford would try to circumvent Osborne's proprietary position if the concept proved effective (Tr. Vol. XI, pp. 28–31; Tr. Vol. XII, pp. 10, 21).

Mr. Leslie Fox of S–C Carburetor, Inc. developed and patented in the late 1950's and early '60's a unique carburetor which effectively reduced hydrocarbons, carbon monoxide, and oxides of nitrogen while also eliminating evaporative losses, at a manufacturer's cost of about $6. (Tr. Vol. XXXIV, pp. 7–9, 13–14, 19). The automobile manufacturers have shown little or no interest in this device. (Tr. Vol. XXXIV, pp. 16, 21–22).

In sum, although various approaches to the motor vehicle pollutant emissions problem have shown considerable promise, the automobile companies apparently have done little with them. It seems likely that the reason for this attitude is the fact that the AMA cross-licensing agreement placed the automobile producers in a position where they did not have to fear that a competitor would develop an effective device or system for its exclusive use which might become required equipment and thus put the others at a competitive disadvantage.

BOYCOTT

As to the alleged agreement not to purchase or utilize any device developed by a non-signatory to the cross-licensing agreement:

The automobile companies, through AMA, announced in March, 1964 that a target date had been set for the installation of pollution control devices on 1967 model automobiles. The MVPCB of California then approved four devices developed by independent manufacturers (American Machine and Foundry Company—Chromalloy; Universal Oil Products—Arvin Industries; W. R. Grace & Company—Norris-Thermador Corporation; American Cyanamid Company—Walker Manufacturing Company) which, under California law, made the installation of pollution control equipment mandatory on 1966 production. Instead of utilizing any of the approved devices, all auto companies utilized devices or systems which they themselves developed.

Dr. Askew, a member of the MVPCB since its inception, testified that the systems utilized by the industry in 1966 and 1967 did a better job than the catalytic devices approved by the board. He stated further that while the board was not satisfied with these catalytic devices, it approved them and thereby forced the industry to put on its own systems. Thus the California board's approval of these devices was calculated to and did put pressure on Detroit in order to force them to install pollution control equipment. (Tr. Vol. XXXVIII, pp. 16–17).

While it is true that all of the automobile companies used systems developed by themselves, we do not think that any inference of a boycott can be drawn from this circumstance. From the standpoint of simplicity and performance these systems at least compare favorably with the devices developed by independent manufacturers. From the standpoint of cost, too, these internally developed systems compare favorably. (Fisher, Tr. Vol. XXXXIV, p. 44). Even assuming that testimony could be developed which would justify a conclusion that the independent devices were better (and cheaper) than the systems utilized, we still believe we would need more direct evidence of an agreement among the auto companies to establish a boycott.

Nor do we believe that the evidence warrants the conclusion that the independent device manufacturers did not know long before the middle of 1964 that the auto companies possessed capability to solve the problem. AMF-Chromalloy developed perhaps the best of the four independent devices mentioned above. In a letter to the MVPCB dated October 29, 1964, Lipchik of Chromalloy stated that the auto companies "have no intention of using the AMF/Chromalloy device" or any of the other independent devices approved by the board. (Tr. Vol. XVI, pp. 84–85).

This conclusion was based on reports received from his men in the field. The specific conversation with an industry representative upon which this statement is most likely based took place on June 24, 1964 between Chandler of Ford and Ulyate of AMF.

Ulyate testified in this regard as follows:

"A. I felt that he said in general Ford would not use anybody's device, particularly ours." (Tr. Vol. XIII, p. 58).

Although Ulyate does not recall Chandler saying so, he received the impression from Chandler that neither Ford nor any other company would buy the AMF device. (Tr. Vol. XVI, p. 125).

This impression was strengthened by other

observations contained in a trip report Ulyate made to Lipchik after a June 24–27, 1964 visit to Detroit, which reads in pertinent part as follows:

"In general Ford personnel not very receptive to device concept. They indicated that they doubted any device would ever be installed on a Ford car.

"My impression was that they were just going through the motions in even considering an evaluation. With their attitude, I don't see how they can give a fair evaluation to the burner." (GJ Ex. 171).

Mr. Van Derveer testified, however, that American Motors was seriously considering using the AMF device (Tr. Vol. XVI, p. 116), but that it could not have been engineered into American's production in 1966. (Tr. Vol. XXXXVI, p. 133). After an extensive evaluation, Van Derveer stated, AMF "fell flat on their face." (Tr. Vol. XXXXV, p. 154). Van Derveer also testified that after an evaluation of the Norris and Walker devices it was determined that they were inadequate for American Motors 1966 needs. (Tr. Vol. XXXXV, pp. 154–155). As to the last of the four approved devices, Van Derveer testified that UOP would not "have any part of" American Motors (Tr. Vol. XXXXV, p. 155).

Ervin C. Lentz, Manager, Advanced Development and Smog Engineering, Walker Manufacturing Company, testified that as far back as 1960 the automobile companies made it clear that they were interested primarily in their own systems; that the only time they would utilize an independent device was if either their own systems would not work or if the independent device was better or cheaper. Lentz further testified that it was the hope of manufacturing a better and cheaper device that kept Walker working in the air pollution control field, so as not to lose its position as a supplier of mufflers to the automobile industry. (Tr. Vol. XXVI, p. 93).

Ward B. Sanford, Manager, Ceramics Project, 3M Company, testified that his company was told by General Motors in early 1962 that the engine modification approach was more practical and a better potential answer to the emissions problem than were the so-called tack on devices. (Tr. Vol. XIX, pp. 67–68).

Grand Jury Exhibit Number 421, dated April 25, 1960, a TRW document, which reads in pertinent part as follows, throws further light on GM's attitude: "The job of emission should eventually be controlled in the engine, and some engines are nearly good enough now."

Grand Jury Exhibit Number 422, dated June 9, 1961, a TRW document, also states in pertinent part as follows:

"Chayne of General Motors has informed Mr. Riley that their attempts to solve the problem in a different way probably at the engine, have had considerable success, and they expect this work to be completed in a month or so, and would inform TRW of the results at the proper time. Ergo, General Motors is not very interested in regenerative direct flame afterburners."

In September, 1963 Chrysler told AMF that its Cleaner-Air-Package would solve the problem for them. (Tr. Vol. XVI, p. 62). Chrysler even submitted its CAP to the MVPCB for approval in July, 1963. Approval of the CAP system was not, however, forthcoming from the board until late in November, 1964.

The underscored portion of the following quotation indicates that as of March 9, 1964, AMA felt that the catalytic devices approved by the MVPCB would not be used by the automobile manufacturers. Grand Jury Exhibit 402, an AMA document quoted in part, *supra*, at p. 42, states further in pertinent part as follows:

"It would be very much to our advantage to avoid this topic—shrug it off or ignore it—for a month or two. *In the interim a lot of things might change in the picture, including even the withdrawal of the catalytic devices now on tests when the submittors analyze the future possibilities for themselves.*" (Emphasis added.)

It is apparent, also, that AMA's activities were designed to discourage indepedent manufacturers from proceeding with certification, as is evidenced by the reaction of persons connected with independent concerns. In a report dated May 26, 1964, Mr. D. A. Hirschler of the Ethyl Corporation wrote as follows concerning his contacts with AMA:

"With the present likelihood that competitive exhaust devices may be approved in June and our own device late in 1964, all of the automobile manufacturers are making major efforts to find alternate mechanical routes to emission reduction for use in 1967 models, to forestall the mandatory use of the approved exhaust devices. The current thinking is that with this work in progress, no manufacturer of an approved device is likely to make his device available for a possible one-year market on 1966 models." (GJ Ex. 223).

Grand Jury Exhibit Number 418, dated May 21, 1959, a TRW, Inc. document also quoted in part, *supra*, at p. 46, states further in pertinent part as follows:

"Mr. Chandler asked that he be given some time in which to explore this subject among the AMA. He explained that the smog working group, of which he is Vice Chairman, reports directly to the Board of the AMA, which includes Mr. Ford, Mr. Curtice and Mr. Colbert among its members. He implied that few people in the automobile industry appreciated the problem. One function of the AMA working group, he said, had been to 'contain' the problem. His own view was that the smog problem is not bad enough to warrant the enormous cost and administrative problems of installing three-million afterburners."

Dr. Stuart L. Ridgway, formerly senior staff member of the research laboratory of Ramo-Woolridge, a division of TRW, Inc., characterized Chandler's attitude as one seeking to delay the development and installation of anti-smog devices. (Tr. Vol. XXIV, p. 74). Ridgway further testified that the automobile companies acted "in concert." "They acted together and they were all working the same way." (Tr. Vol. XXIV, p. 75).

Ridgway's further testimony was as follows:

"A. What I can distill from a collection of instances, no single one of which I can refer to, was that they were cooperative in making sure that no device was forced upon the automobile industry that would compromise the vehicle. This is the language; this is their position. In other words, they would like to see the problem go away and they stated again and again in all these discussions if there was a device and it was cheap enough and it didn't compromise the vehicle in any way and had no hazards they would be right up front, but what they had done collectively, you know, was to organize to make sure that all of these criteria, performance, of no compromise to the vehicle, of safety, any reasonable critera that could be put up, cost, these barriers they were cooperating in. They were acting in concert. They made organizations whose purpose was to do these things. They spent money, lots and lots of money on instrumentation, on test tracks, on environmental places, dynamometers, to see whether the afterburner would work when the temperature was 120 degrees Fahrenheit in a driving rainstorm." (Tr. Vol. XXIV, p. 77).

Ridgway also testified as follows on the meaning of "contain" the problem as attributed to Mr. Chandler:

"A. Well, no, I got the—the attitude was . . . here was an attitude: I don't know whether it was wholly Chandler's, but between Chandler and Gay, they said that they spent lots and lots of money in the development of deceleration devices, because it was believed that deceleration was 'the' problem.

"And so, everybody had a deceleration device, and, lo and behold, it turns out that deceleration wasn't the problem. So, they had spent all this money for nothing.

"So, therefore, they had been burned. And they were going to make absolutely sure, first, that the problem was really well understood, and that no device that would cause any detriment to the performance of the car, or anything, would be forced down their throats.

"So, it was clear that, from their point of view, this thing was a defensive organization." (Tr. Vol. XXIII, p. 24).

As to an agreement among the signatories to the cross-licensing agreement to eliminate the competition of third parties in the development of motor vehicle air pollution control equipment, the evidence is as follows:

Dr. Ridgway testified that Woodrow F. Gaines, also a TRW employee, told him that a Ford executive (Gaines' stepfather) reported that GM had, in 1961, increased its valve purchases from TRW by 25% in return for TRW going "slow" on development of its pollution control device. (Tr. Vol. XXIII, pp. 50–56; Tr. Vol. XXIV, p. 327). Mr. Gaines, now employed by the Missile Division, Chrysler Corporation, testified that the source of this report was another TRW employee, a technician in the automotive research lab, whose name he could not recall, and that he was not a Ford executive.[10] (Tr. Vol. XXXIII, pp. 13–15). He also testified that as the story originally came to him, the increase in orders was for pistons, not valves, and the increase was in payment of patent rights purchased by GM from TRW. (Tr. Vol. XXXIII, pp. 10–11).

In response to our additional subpoena *duces tecum*, TRW supplied us with the numbers of units and dollar amounts of sales to GM for valves and pistons for the years 1959, 1960, and 1961. Taking 1959 as the base year, GM's valve purchases from TRW increased by approximately 19% in 1960, and declined by a minimal amount in 1961. In 1959, GM purchased no pistons from TRW. In 1960, GM purchased $8,540 worth. In 1961 the amount purchased was $250,321. Total industry passenger car sales in the United States in 1960 were approximately 19% ahead of 1959 sales, and 1961 sales were a minimal amount below the 1959 sales. It is apparent that the GM increase in valve purchases from TRW in 1960 can rationally be accounted for by a rising sales increase. It is further apparent that the 1961 valve purchases followed industry sales closely. At the same time, from 1959 to 1961, GM's share of the market increased from 45.7% to 49.3%. One might even have expected that valve purchases from TRW would have increased. As for the increase in piston sales by TRW to GM in 1961, the total sales figure of $250,321 seems much too low a "compensation" for TRW to go slow on a program in which they had spent approximately $1 million.

Additional witnesses from TRW were called before the grand jury but shed no light on any pressures applied to TRW by automobile companies in this field which are based upon TRW's position as a supplier of products to the automobile industry. Thus we have not developed evidence that any signatory to the cross-licensing agreement attempted in any way to interfere with the efforts of any of the four independent device manufacturers in developing pollution control equipment, whether or not such persons were suppliers of products to the automobile industry. Moreover, the evidence does not show that the industry announcement of the 1967 target date and subsequent utilization of their own systems on 1966 models was a concerted effort by them to boycott the devices approved by the MVPCB of California.

Footnotes at end of article.

As a matter of fact, continued work in the air pollution control equipment field by outside concerns has been prompted by encouragement from the automobile industry. Mr. M. F. Venema, President and Chairman of the Board of Directors of Universal Oil Products Company, (UOP), testified that General Motors told them that they will need a device in addition to their air injection systems in order to meet future criteria. (Tr. Vol. XXXIX, p. 44). UOP is now supplying GM with catalysts. (Tr. Vol. XXXIX, p. 43). Venema stated that the industry's attitude is much better today than it was years ago in that the industry now feels it can gain from outsiders as compared to "their feeling a few years back that the outsiders were more intruders than helpers." (Tr. Vol. XXXIX, p. 43).

With respect to various aspects of the entire situation under investigation here, some significant admissions by John D. Caplan, head of the Fuels and Lubricants Department, General Motors Corporation, and former Chairman of the VCP, are contained in Grand Jury Exhibit Number 491, dated December 9, 1965. Mr. Caplan's remarks are in response to a request by Louis C. Lundstrom, Director, Automotive Safety Engineering, GM, for Caplan's review of and comments on Chapter 4 of the book entitled "Unsafe at Any Speed" by Ralph Nader. Chapter 4 deals with the subject "The Power to Pollute." Caplan prefaced his specific comments by stating that "you will note that I have not limited my review only to criticisms of the chapter but have also acknowledged areas wherein Nader's comments may be valid." (Tr. Vol. XXXV, p. 55; GJ Ex. 491). Referring to specific pages of the book, Caplan made *inter alia* the following comments:

Page 101: "(a) The million dollar a year industry expenditure cited on this page is optimistically high for the 1953 era. . . . (GJ Ex. 491, p. 3; Tr. Vol. XXXV, p. 55)."

Page 105: "Nader's statement that the California MVPCB action in certifying the four devices 'moved' the automobile industry management to up the target date from the 1967 to the 1966 model year appears valid. However, he fails to point out that this could be done only after the MVPCB cooperated to the extent of allowing exemptions for the 1966 model year on many engine-transmission combinations."[11] (GJ Ex. 491, pp. 3–4; Tr. Vol. XXV, p. 56).

Page 106: "(a) The comment that the industry was guilty of 'only speaking with one voice' in the automotive air pollution area is true. Although individual company technical personnel were allowed to present 'company' technical papers, essentially all other types of pronouncements emanated only from AMA statements." (GJ Ex. 491, p. 4; Tr. Vol. XXXV, p. 56).

Page 107: "Mr. Nader's remarks concerning the basic issue (paragraph 3) appear to be the crux of this chapter. His criticism of the lack of recognition of the problem and lack of work on the problem by the industry is easily refuted. Where we must give the 'devil his due' is in the area of implementation of our findings. Does such implementation occur only in response to legislative pressure and public criticism? Development of material to refute this criticism is difficult." (GJ Ex. 491, p. 4; Tr. Vol. XXV, p. 57).

FOOTNOTES

[1] Mountains surround the Los Angeles basin on three sides with but one outlet to the ocean. This basin also has a unique condition called temperature inversion. Ordinarily the air becomes cooler the higher it rises. In the Los Angeles area, during inversion periods, the polluted air is trapped beneath an invisible ceiling of warmer air thus preventing the normal upward flow of air pollutants to a level where it would be dissipated or diluted. Thus a concentration of air pollutants occurs to varying degrees, depending upon the height of the inversion lid. Too, in this area, weak winds prevail which at times stagnate completely, lacking the velocity to blow the pollution rapidy out of the basin, thus giving the abundant sunshine of southern California ample time to produce the photochemical reactions between the pollutants more fully defined herein as "smog."

[2] Los Angeles County has the highest registration of cars per person (2.3 persons/car) of any county in the United States.

[3] As late as July 30, 1963 Motor Vehicle Pollution Control Board (MVPCB) officials visiting Detroit were told: "based on the time that it takes to develop any new innovation in motor car design, the solution of the smog problem by the automobile industry was probably 7 to 10 years away . . ." (Tr. Vol. XXXVIII, pp. 7–9; GJ Ex. 227). As hereinafter shown, the industry was able to and did install exhaust systems or devices in late 1965 on 1966 models when forced to do so.

[4] AMA now employs a full-time president. (Tr. Vol. XVIII, pp. 54–55; GJ Ex. 300).

[5] The cross-licensing agreement provides as follows:

"ARTICLE V—EXCHANGE OF TECHNICAL DATA AND INFORMATION

"Each of the parties hereto further agrees to exchange through its authorized representative with representatives of the remaining parties hereto all technical data and other information pertaining to said Licensed Devices. Such exchange of technical data and other information shall be conducted under the direction of the Vehicle Combustion Products Subcommittee of the Engineering Advisory Committee of the Automobile Manufacturers Association." (GJ Ex. 263, 264, 265, and 266).

[6] The significance of the AMA Suggestion Submission Agreement is illustrated by the following pertinent excerpt from a letter of October 7, 1960 written by R. H. Isbrandt, Director, Automotive Engineering, American Motors Corporation:

As explained in our meeting on September 21st, the automotive companies, working through the Automobile Manufacturers Association, have agreed that the treatment of exhaust gas is an industry problem which will be handled on a cooperative basis. The A.M.A Submission Agreement was developed to be used by all automobile companies in evaluating exhaust devices which are submitted for test. This assures that there will be an interchange of information between the automobile companies and that no one company will attempt to take competitive advantage of any solution which is developed in our current test program. For this reason we have requested that you sign the A.M.A. Submission Agreement. Other suppliers, including chemical manufacturers have signed this agreement recognizing that there is no desire on the part of any automobile company to do anything that would be detrimental to any supplier who can come up with a solution to this problem." (GJ Ex. 534).

[7] When an attempt was made in 1963 to broaden the scope of the cross-licensing agreement "to overcome the restrictions that are currently preventing adequate discussion of technical steps that will lead to solutions" (GJ Ex. 305) the attempt was defeated by the opposition of GM. This is explained in a GM internal communication from H. F. Barr, its member on the EAC, dated May 6, 1965, "Subject: G.M. Policy on A.M.A. Vehicle Combustion Products Com. Work" as follows:

"2. In an endeavor to permit technical discussion, the Engineering Advisory Committee of A.M.A. asked the A.M.A. Patent Committee to propose broader language for the agreement.

"3. In subsequent review of this proposed action for the A.M.A. Board of Directors, in our Engineering Policy Group meeting of March 20, 1963, our management reaffirmed that the A.M.A. agreement should not be changed in this way. On April 30, the E.A.C. further discussed this proposal, with G.M. being the only member opposed to extending the agreement to other areas.

"4. The basic trouble with this problem is the involvement of (1) an established cross licensing agreement for hardware now established, with (2) a need for technical discussion and exchange of information in broader areas. We feel that these are two separate items and need not be combined in a new, broader cross licensing agreement for non existent hardware." (GJ Ex. 325).

[8] The fact that on occasions the pcv was offered as optional equipment indicates the ability to supply this air pollution control equipment, yet the auto manufacturers did not install them on all models quite evidently because of the agreement previously referred to.

[9] This illustrates that bar an agreement, competition to research, develop and manufacture pollution control devices would stimulate and compel rather than delay the installation of devices by all companies. (Tr. Vol. XXX, p. 147).

[10] The testimony was that this technician was known as "Olie." We called a TRW official named Ohly as a witness, but ascertained that he was not the person involved. We have learned since the last grand jury session that the person involved is Merle E. Olson of Chesterland, Ohio. From our experience in this matter, however, we doubt that his testimony will be helpful.

[11] California State regulations permitted only 2% exemptions, At most less than 4% were exempted (Askew, Tr. Vol. XXXVIII, p. 22).

LEGISLATION TO LIMIT BY QUOTAS THE PRODUCTION OF AMPHETAMINES AND AMPHETAMINE-TYPE DRUGS

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

Mr. PEPPER. Mr. Speaker, it gives me great pleasure to rise today and announce that I and nine of my colleagues of the House Select Committee on Crime have today reintroduced our bill to limit by quotas the production of amphetamines and amphetamine-type drugs.

We introduce this bill fully cognizant of the fact that last Friday, HEW Secretary Elliot Richardson agreed with the Attorney General that amphetamines and methamphetamines be rescheduled from Schedule III to Schedule II. That is exactly half of what our bill proposes, and it is exactly half of what we proposed in the last session of Congress.

We are pleased that HEW and, apparently, the Attorney General, now share our concern for amphetamine abuse. The Crime Committee has been warning the Nation of the dangers of amphetamine abuse since we first held hearings on the problem in San Francisco, Calif., in 1969. We are pleased that our educational efforts are now paying off.

But, if HEW has recommended rescheduling amphetamines, and the Attorney General initiates rescheduling proceedings, why, you might ask, are we introducing a bill that has a similar effect? There are two vital reasons.

The first is that the HEW recommendation omits two amphetamine-like drugs that are also subject to abuse: methylphenidate and phenmetrazine. These two drugs, while not greatly abused in this country today, have the same abuse potential as amphetamines and methamphetamines. Sweden, for example, a highly industrial country not unlike our own, had what can only be called a pandemic of phenmetrazine abuse. Today, that drug, and all central nervous stimulants, are banned in Sweden. If we are to greatly curtail the availability of amphetamines and methamphetamines, but take no action on methylphenidate and phenmetrazine, we are only inviting the abuse of these two latter drugs, since their effects and abuse potential are similar to the drugs we are limiting. To limit amphetamines and methamphetamines, but not phenmetrazine nad methylphenidate, is only to shift abuse from the former to the latter.

The similarity of these four drugs and the need for identical treatment of them is even recognized by international convention. The protocol of the International Convention on Psychotropic Substances, which the United States signed on February 21, 1971, places all four drugs in schedule II, just as our bill does. The controls on schedule II drugs under the international convention closely parallel schedule II controls under our own Public Law 91–513.

The U.S. delegation to this convention successfully urged the convention to adopt a resolution urging all States, where possible, to implement the provisions of the treaty prior to its formal ratification. That, Mr. Speaker, is exactly what our bill would do. Administrative rescheduling of amphetamines and methamphetamines alone would not bring our laws into conformity with the international convention. Since the United States proposed conforming national laws to the international convention, it seems clear to me that the Crime Committee's bill is an ideal vehicle to do so.

I have today called upon Attorney General Mitchell to join with the crime committee on supporting this needed legislation. A copy of my letter to Mr. Mitchell follows:

SELECT COMMITTEE ON CRIME,
HOUSE OF REPRESENTATIVES,
CONGRESS OF THE UNITED STATES,
Washington, D.C., May 18, 1971.

Hon. JOHN N. MITCHELL,
Attorney General, Department of Justice, Washington, D.C.

DEAR GENERAL: You are to be congratulated on your decision to move amphetamines and methamphetamines from Schedule III to Schedule II. As you know, the House Select Committee on Crime has recommended this for a long time and we had hoped that these drugs would be controlled in Schedule II over 8 months ago when the "Comprehensive Drug Abuse Prevention and Control Act of 1970" was enacted.

Though it is commendable that you should finally agree with the findings of our Committee, it is unfortunate that your move is but a half measure. We believe that it is unwise to move amphetamines and methamphetamines into Schedule II while leaving methylphenidate and phenmetrazine in Schedule III. The potential for abuse of methylphenidate (Ritalin) and phenmetrazine (Preludin) has been well documented in the medical journals and has been vividly evidenced on a wide scale in Sweden.

For two reasons we believe that it is imperative to consider the whole class of central nervous system stimulants in the same manner and not to single out amphetamines and methamphetamines for special control. First, control of the whole class is essential in order to avoid the pattern of abuse that developed in Sweden when one central nervous system stimulant was tightly controlled while others remained readily available. Second, as you well know, under the provisions of the International Convention on Psychotropic Substances which the United States signed on February 21, 1971 in Vienna, Austria, amphetamines, methamphetamines, methylphenidate and phenmetrazine were placed in Schedule II. The controls of Schedule II in the International Convention closely parallel those of Schedule II in P.L. 91–513. The Schedule III controls of amphetamine-type drugs of P.L. 91–513 are inadequate to comply with the treaty. Also, we understand that at the Conference the United States introduced a resolution, which was subsequently adopted by all member states, urging all states, where possible, to implement the provisions of the treaty prior to its official ratification. At a time when we are calling for international cooperation in the field of drug abuse control, in order for the United States to maintain its credibility, we should do everything in our power to conform to the treaties we have helped draft and signed.

For these reasons, today, with a bipartisan majority of ten Members of the House Select Committee on Crime, I have reintroduced a bill to amend P.L. 91–513 to have amphetamines, methamphetamines, methylphenidate and phenmetrazine transferred together from Schedule III to Schedule II. In order to bring the Unitd States drug laws in line with our pending treaty obligations and to avoid further central nervous system stimulant abuse, we urge you to support our bill, which we expect will have early and favorable consideration in the Congress.

Kindest regards, and
Believe me,
Always sincerely,
CLAUDE PEPPER,
Chairman.

H.R. 8498

A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such Act to schedule II

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (c) of schedule II of section 202(c) of the Controlled Substances Act (Public Law 91–513, 84 Stat. 1250) is amended to read as follows:

"(c) Unless specifically excepted or unless listed in another schedule any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

"(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.

"(2) Phenmetrazine and its salts.

"(3) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

"(4) Methalyphenidat."

(b) Schedule III as set out in such section is amended by striking out paragraph (a) and redesignating paragraphs (b), (c), and (d) as paragraphs (a), (b), and (c), respectively.

(c) Section 202(d) of such Act (84 Stat. 1252) is amended by striking out "or (b)".

(d) Section 1006(b) of the Controlled Substances Import and Export Act is amended by deleting "or (b).".

SST CONTRACT

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

Mr. YATES. Mr. Speaker, I was delighted to hear the statement of the gentleman from Ohio that in view of recent developments and statements by the chief officers of the SST contracting companies of the enormous additional costs needed to revive that program, he was going to vote against further funding of the SST. The gentleman's statement is representative of the attitude of many Members who voted for the Boland amendment and who were left high and dry by the contractors' later revelations. Representations were made on the floor that the termination costs were practically identical with the sum which would be needed to complete the two prototypes. It is clear from the statements of Mr. Allen, the head of Boeing, and Mr. Borch, the head of General Electric, that such statements are just not true.

Mr. Speaker, there is more involved in the latest demands of the contractors than the additional half to $1 billion Mr. Allen said would be needed for start-up production costs on the prototype. That is only a relatively minor increase. Mr. Allen's counterpart at General Electric, Mr. Borch, said, and I quote from Aviation Week and Space Technology magazine for May 17, 1971:

It's important to look at the question realistically, and the SST situation has gotten out of the realm of normal commercial risk. It has gotten to be head-to-head government competition. Britain and France are not requiring any capital carrying charge on the Concorde (i.e., no recovery of R&D costs from sales prices), or charging them any interest.

He said the 90–10 Government contractor cost having agreement should be ended and that the Government should assume full funding of the project.

An earlier press statement issued by a Boeing spokesman in Seattle and quoted in the Wall Street Journal was to the effect that the contractors would now insist that the production costs for turning out the commercial SST aircraft which have been estimated in hearings before the Appropriations Committee to be between $3½ and $5 billion also be assumed by the Government. Further, according to Aviation Week, Mr. Allen "declined to name a figure for the financial support he feels his company needs to offset some of the production costs but he said 'It is in the billions.' "

Mr. Speaker, Members are bewildered by this turn of events, wondering how it is possible proponents of the SST—and the White House, too, which certainly should know better—were so poorly informed about the additional financial burdens which would have to be assumed by the Government if the contract were to be revived. It is obvious the contractors were unwilling to make the further major expenditures required of them under the contract, expenditures which might very well jeopardize the financial stability of their companies.

This SST contract was terminated on March 25. It ought to be allowed to die.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair has announced that the Chair would not call special orders prior to the completion of all the business of the House. However, we are waiting on the Rules Committee, and the Chair requests the indulgence of the House in this matter, but, if any Member objects, the Chair will not call the special orders. However, in order to save the time of the House, the Chair will call the special orders, with the indulgence of the House, at this time.

GOLDEN EAGLE FEE EXEMPTION FOR SENIOR CITIZENS

The SPEAKER. Under a previous order of the House the gentleman from Maryland (Mr. HOGAN) is recognized for 15 minutes.

Mr. HOGAN. Mr. Speaker, I would like to call to the Members' attention H.R. 7401, a bill I have introduced to exempt citizens who are 65 years of age or over from paying entrance or additional fees to our national parks and other recreation areas operated by various agencies of the Federal Government.

Since coming to Congress, I have been contacted on several occasions by individual constituents who have requested me to promote such legislation. By and large, the view expressed to me is that, prior to retirement, they did not have the time to enjoy our national parks, and now that they are retired they cannot afford to visit the parks on their low fixed income.

Being an outdoors enthusiast, myself, I sympathize greatly with their desire to spend as much free time as possible enjoying the beauty and splendor of our parks and wilderness areas.

Although the fees charged for entry to these recreation areas are relatively small and seem entirely reasonable to most of us, I have no doubt whatsoever that this small amount is more than many elderly can afford.

A very large number of retired Government workers and other retirees reside in Prince Georges and Prince Charles Counties which make up the Fifth Congressional District of Maryland. Most of these retirees today are having difficulty paying for the necessities of life due to the high cost of living in this area. As a result, our senior citizens in their retirement years are having to forego many of the pleasures of life to pay their property taxes, and buy food and clothes, and pay their medical insurance and bills. Recreation expenses are among the first to be cut from the family budget.

Although the Golden Eagle passport, the entry-fee program to our national parks instituted in recent years, now costs only $10 annually and can be used without limitation for the period of a year, in many areas there are additional user fees for camping and other activities. I am fully aware of the benefits to be realized to our parks and recreation system through the Golden Eagle program and have supported authorizing legislation in the House. However, I do feel in all probability that very little of the money obtained through this program is received from senior citizens. While little would be lost in the way of financial support for development of our parks, a great deal would be gained by our Nation's 20 million or more senior citizens who would be encouraged to avail themselves of the recreation, national beauty, and serenity to be found in our national parks, wilderness areas, national seashores, and other recreation areas of our Nation.

This and similar bills are presently under consideration by the Subcommittee on National Parks and Recreation of the House Interior and Insular Affairs Committee. I am very hopeful that positive action will be taken on this proposal by the committee and I urge the Members to lend their support to its approval.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

As secretary of the Massachusetts State Board of Education, Hoarce Mann's first task was to make people want to improve their public schools. His second job was to show people how the schools could be improved. The reforms that he instituted soon spread to other States. Mann's name stands high on the list of those who made significant contributions to the cause of better education of our Nation's children.

TOTAL OF SIX VESSELS FLYING FLAGS OF NON-COMMUNIST COUNTRIES ARRIVING IN NORTH VIETNAM

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 5 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, during April there were a total of six vessels flying the flags of non-Communist countries arriving in North Vietnam according to information made available to me by the Department of Defense. These include five vessels of British registry and one of the Somali Republic. For the first 4 months of 1971 this amounts to a total of 20 such arrivals, all under these two flags, which compares favorably to the 23 arrivals during January to April, 1970 and to the 37 arrivals during the same period in 1969. These figures show again the progress being made in reducing the level of this aid and comfort to the Hanoi regime.

In 1970, ships flying 5 different non-Communist flags were reported in North Vietnamese ports. These included, in addition to the United Kingdom and the Somali Republic, Cyprus, Singapore, and Malta. Hopefully, the number of countries involved will shrink further although it must be borne in mind that the policy of the Government of the Somali Republic has recently veered very closely toward the Communist camp and that the British-flag vessels involved are reportedly owned by shipping companies based in Hong Kong under the effective control of Red Chinese interests. Nonetheless, I urge the administration to continue to do all that it can to choke off this source of supply as a further important aspect of its overall efforts to wind down the war.

The statistics follow:

FREE WORLD FLAG SHIPS IN NORTH VIETNAM 1971

	United Kingdom	Somali	Total
January	2	1	3
February	5	1	6
March	3	2	5
April	5	1	6
Total	15	5	20

A SALUTE TO THE YAZOO CITY HERALD

The SPEAKER. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 10 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise to salute the Yazoo City Herald in Yazoo City, Miss., which celebrates this week the beginning of its 100th year of continuous service. The newspaper still retains its original motto of "Constructive-Conservative—Dedicated to the Service of Yazoo and Her People."

The newspaper was founded in 1872 by James P. Clark, who later moved to Arkansas to become Governor and U.S. Senator. The present editor is Norman A. Mott III. The newspaper has been in his family since 1914 when it was purchased by his grandfather.

Mr. Mott has carried on the great tradition of the Yazoo City Herald which has won for it recognition for its fair-mindedness and impartiality to all personages and to all issues.

IN SUPPORT OF THE ADMINISTRATION ON THE MANSFIELD AMENDMENT

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 15 minutes.

Mr. ASPIN. Mr. Speaker, today I would like to voice strong support for the administration's position on the Mansfield amendment, which is scheduled for a vote tomorrow in the Senate. The amendment which would cut the 310,000 U.S. troops presently in Europe in half would be an unwise, unfortunate, and inappropriate action at this time.

I believe we should make significant cutbacks in this year's defense budget, and there are some very good arguments for making cuts in the manpower area. But there are better places to do it than in our troop strength in Europe—which is directly related to our national security. I would much prefer to reduce the number of active divisions stationed in the United States.

We presently have four Active and six Reserve divisions in the United States earmarked for the defense of Europe. I think we could cut back there, or on divisions earmarked for Asia, far more safely than we could on our 4⅓ divisions in Europe—since the flexibility of the

Reserve troops in the United States is so severely limited. By the time we could transport the backup troops in the United States to Europe to fight in a ground war, that war could be over.

I think there is room to reduce our troop strength in Europe somewhat, but that should be accomplished not on the basis of a unilateral decree, but through negotiations between our Government and the governments of our NATO allies. If any cutbacks are made in U.S. troop strength in Europe, those cutbacks should be made from the logistics and supply troops, not from combat forces.

I believe we should be very cautious in not overreacting to the tragedy of Vietnam by indiscriminately cutting all areas of the defense budget. I think we can cut significant amounts of fat out of the defense budget in manpower, research and development, and procurement, as well as eliminating much of the waste and cost overruns in defense contracts. But I believe that to insist on a cut in the U.S. troop level in Western Europe would be a mistake, and would damage our national security.

CONSUMER REPORTING

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 20 minutes.

Mr. ROSENTHAL. Mr. Speaker, as someone who has been active in the consumer movement since the mid-1960's, I have watched the news media develop its coverage of this area.

Consumer affairs is probably the single topic of news coverage that most directly affects every newspaper and magazine reader and radio and television listener. Yet it is probably the most neglected area of reportage.

Some of the reasons are chronicled in the latest issue of Columbia Journalism Review by Francis X. Pollock, executive assistant to the director of Consumers Union, publishers of Consumer Reports.

Mr. Pollock is an articulate and experienced observer of consumer journalism. He tells of the problems and pressures that operate in news coverage.

One incident involved the Cleveland Plain Dealer and an article comparing prices of prescription drugs among 30 area pharmacies. The story, written by the paper's consumer reporter, Douglas Bloomfield, was never printed. Plain Dealer editors said the reason was that the article failed to consider variations in the cost of doing business among the stores surveyed. Mr. Pollock's report of the incident shows clearly that the article did, in fact, explain cost factors.

Incidentally, I have introduced legislation—H.R. 4423—which would permit pharmacies to advertise the price of prescription drugs—a practice now prohibited in many States.

I have obtained a copy of Mr. Bloomfield's unpublished article on drug prices and am inserting it in the RECORD with a copy of Mr. Pollock's piece of consumer reporting, as follows:

PRESCRIPTION PRICES VARY STORE-TO-STORE

(By Douglas Bloomfield)

The cost of filling your prescriptions can vary several hundred percent for the same medicine, depending on where you shop, a Plain Dealer survey showed.

A reporter visited 30 drug stores selected at random throughout the Cleveland area with identical prescriptions for 30 capsules of tetracycline, a commonly used broad spectrum antibiotic.

Prices ranged from $1.79 to $4.80. The average was $3.09.

Here are some of the findings:

Twenty-three different prices were charged at 30 different stores to fill the identical prescription.

The highest-priced store charged 268% the amount of the lowest-priced store for identical medicine.

Discount or mass merchandising stores tended to charge less than neighborhood stores.

Prices were slightly higher in low income areas than in middle and upper income ones.

Chain stores tended to undersell the independents, but all were charging prices at both ends of the spectrum.

Prices varied from store to store of the same chain in every instance.

Independent stores tended to charge more if located in medical arts buildings along with offices of several doctors.

Because the prescriptions were written for generic tetracycline, without any brand name specified, pharmacists had a wide choice of brands to choose from. All tetracycline sold to the public must be certified by the U.S. Food and Drug Administration and meet identical standards for identity, strength and purity.

Only two of the pharmacies filled the PD prescriptions with brand-name capsules (Sumycin by Squibb). All others dispensed the generic antibiotic. Twenty-one used identical looking unmarked orange and yellow capsules. The major drug makers put their brand name on the capsules.

Generic tetracycline is available to drug stores for as little as 1.3 cents a capsule, or 39 cents for the 30-capsule perscription; brand-name capsules run about 5 cents each, according to several druggists.

No law dictates how much a drug store may charge retail customers for prescription medicine.

All but one of the druggists filled the prescriptions with the correct number of capsules, 30. Adelstein's Pharmacy, 7824 Cedar Avenue N.E. put only 24 in the bottle. That store's price was $3.25, slightly higher than the average for other stores in low-income areas.

Higher prices were common in poor neighborhoods. Pharmacists say there are many good reasons why.

The cost of doing business is frequently greater in such areas, they explained. Insurance is hard to get, if not actually impossible in some places. It also is difficult to hire people to work there. Crime problems are greater—there are large losses due to shoplifting, holdups and the like.

Some stores have stopped filling prescriptions in high crime areas because they fear their narcotics and other drugs are too tempting an invitation for unwelcome visitors.

The poor pay more for another reason, too. Most do not enjoy the mobility of the more affluent consumer who has a car and can shop around for the best price. The poor often have no choice, and have become a captive audience for a dwindling number of merchants. Lack of competition tends to drive prices up.

Chain and so-called discount stores are rare in Cleveland's black ghetto areas. In fact, prescription-filling pharmacies of any kind are hard to find there.

One pharmacist who used to work in an inner-city chain store said he routinely increased prices on all prescriptions to make up for higher losses in the rest of the store due to pilferage and theft.

Shopping for the best price on a prescription can be difficult.

Although Ohio and Florida are the only states which do not prohibit advertising of drug prices, consumers are not likely to find a sale on drugs advertised in their newspapers. Pharmacists generally oppose the practice.

Robert J. Remenyi, president of the Cleveland Academy of Pharmacy, said his group takes "a dim view" of advertising drug prices.

"They are dangerous drugs and (advertising) perhaps makes youngsters more familiar with the names of drugs which they have no need for," he said.

If persons with prescriptions want to know how much it will cost to have them filled, they should go from store to store asking, he said. Remenyi added he would not quote any prices over the phone.

Remenyi is a pharmacist at Ford-Leader Drugs, 4280 Fulton Avenue S.W., which charged $4.47 to fill the PD's prescription. That was $1.38 above the average.

As drug stores will not advertise prescription prices and most refuse to give them out by telephone, the consumer has little choice but to search in person for the best price.

But this can be difficult, because frequently the customer needs the medicine now and cannot spend time shopping around.

The highest price charged in the PD survey was $4.80 at Lewis Pharmacy, 11444 Superior Avenue N.W., a non-chain, non-discount store in a low-income neighborhood.

Radio-TV personality Art Linkletter, in a commercial for Revco Discount Drug Centers, asks, "How much are you overpaying on your prescriptions?" He invites listeners to "shop and compare."

The Plain Dealer did. Two of the three Revcos shopped in the survey charged the lowest prices of all 30 stores—$1.79. Both used the same generic capsules. The stores were in middle and middle-upper income areas.

A third Revco, in a lower income area, charged $2.39 and used brand-name capsules.

Myron D. Winkelman, Revco's director of pharmacy operations, said company policy is to fill generic prescriptions generically. The store that used the brand-name capsules was out of the generic, he reported after checking with the pharmacist.

Revco policy, Winkelman added, calls for uniform pricing at all the company's stores.

Gray Drug Stores, the largest drug chain in Ohio, advertise "prescription prices that are comparable or lower than any other drug outlet."

They were comparable to many but far from being lower than drug outlets in the PD survey. Prices at the four Gray's sampled were from 62 cents to $1.20 above the bottom. But they were generally below the average for chain drug stores.

All four charged different prices, ranging from $2.41 in Cleveland Heights, a middle-upper income white area, to $2.99 at E. 105th Street and Euclid Avenue, in a black ghetto area.

This is counter to company policy, according to Harol Klawitter, Gray's manager of prescription services.

"We have a pricing schedule we hope is being followed," he told The Plain Dealer. "I wasn't aware of anyone not following them."

He added it is possible three of the pharmacists may have misread their schedules, which call for a price of $2.41 for 30 capsules of generic tetracycline manufactured by Strong, Cobb, Arner. All four PD prescriptions were filled with the same capsules.

Two neighboring Gray's at Severence Center, Cleveland Heights, charged different prices. The pharmacy in the Severence Medical Arts Building was 9 cents lower ($2.41 vs. $2.50) than the store on the mall in the shopping center.

Two Super X stores filled PD prescriptions with the same capsules but were 79 cents apart in their prices.

The higher price ($2.99) was at the store at 4417 Northfield Road, Warrensville

Heights, a middle income area. The store at 3026 Clark Avenue N.W., a low income area, charged $2.20. Average discount drug store price was $2.60.

A third Super X, 1014 E. 152d Street, used a name brand and charged $3.27. The only other store of the 30 surveyed dispensing that brand, a Revee, charged $2.40.

There was a 60-cent gap between prices charged by two Jay Discount Drug stores for the same capsules. The higher price, $3.49, was in the store at 13108 Buckeye Road S.E., a low income area. A Jay in a more affluent neighborhood, 14031 Puritas Avenue S.W., charged $2.89.

Prices at Marshall Drug Co. stores were within a dime of the all-store average. The downtown pharmacy at Euclid Avenue and E. 9th Street charged $3.10 for the same capsules that were $3 in the Marshall's at 19875 Detroit Avenue, Rocky River.

Leader Drug Stores are independently owned pharmacies that utilize cooperative chain-type purchasing methods.

The three Leader stores surveyed by the PD charged three different prices for identical capsules. The lowest price was in the downtown store at 1400 E. 9th Street, $2.95.

The one at 20300 Harvard Avenue S.E. charged $3.60 and at 4280 Fulton Avenue S.W. the price was $4.47.

Consumers can save money by asking their doctors to prescribe medicine by its generic rather than brand name—all meet the same government standards of quality regardless of price.

But as long as druggists refuse to advertise prescription prices in the mass media market place (the way they do every other item they sell), the consumer has no choice but to shop around for the best buy.

Here is a capsule view of the PD survey on drug prices:

	Range	Average
All 30 drug stores	$1.79–$4.80	$3.09
Independent stores (11)	2.50–4.80	3.34
Chain stores (19)	1.79–3.49	2.95
Discount drug stores (11)	1.79–3.49	2.60
Nondiscount stores (19)	2.41–4.80	3.37
Low income areas (12)	2.20–4.80	3.16
Middle and upper income areas (16)	1.79–4.47	3.04
Downtown (2)	2.95–3.19	3.07

Store and location	Drug	Price	More or less than average
Revco Discount Drug Center, 18225 Miles Ave., Warrensville Heights	G	$1.79	−$1.30
Revco Discount Drug Center, 27500 Chagrin Blvd., Orange Village	G	1.79	−1.30
Super X, 3086 Clark Ave. SW	G	2.20	−.89
Revco Discount Drug Center, 12603 Buckeye Rd. SE	B	2.40	−.69
Gray Drug Stores, Severence Medical Arts Bldg., 5 Severence Circle, Cleveland Heights	G	2.41	−.68
Gray Drug Stores, Severence Center, Cleveland Heights	G	2.50	−.59
Woodland-Rand Cut-Rate Drug, Inc., 5420 Woodland Ave., SE	G	2.50	−.59
Beachwood Apothecary, La Place, 2101 Richmond Rd., Beachwood	G	2.60	−.49
Gray, Drug Co., 1958 W. 25th St	G	2.75	−.34
The W. 14th St. Drug Co., 2662 W. 14th St	G	2.75	−.34
Jay Discount Drug Store, 14031 Puritas Ave., S.W	G	2.89	−.20
Leader Drugs, 1400 E. 9th St	G	2.95	−.14
Cedar Center Pharmacy, 13922 Cedar Rd., University Heights	G	2.98	−.11
Gray Drug Star Co., 10412 Euclid Ave	G	2.99	−$.10
Super X, 4417 Northfield Rd., Warrensville Heights	G	2.99	−.10
Marshall Drug Co., 19875 Detroit Rd., Rocky River	G	3.00	−.09
Honecker & Rehburg, 3100 W. 25th St	G	3.00	−.09
Uncle Bill's, Emery and Northfield Rds. SE	G	3.00	−.09
Marshall Drug Co., 903 Euclid Ave	G	3.19	+.10
Friendly Discount Drug, 23176 Emery Rd., Warrensville Heights	G	3.19	+.10
Adelstein's Pharmacy, 7824 Cedar Ave., SE	G	3.25	+.16
Super X, 1014 E. 152d St	B	3.27	+.18
Jay Discount Drug, 13108 Buckeye Rd., SE	G	3.49	+.40
Prescription Center Pharmacy, 12409 Lorain Ave., NW	G	3.50	+.41
Siers Leader Drugs, 20800 Harvard Ave., SE	G	3.60	+.51
Clifton Drug Co., 11534 Clifton Blvd., NW	G	3.67	+.58
Village Square Rexall, 27299 Chagrin Blvd., SE	G	4.28	+1.19
Herd-Leader Drugs, 4260 Pelton Rd., SW	G	4.47	+1.98
Baxters Pharmacy, 1464 H. 105th St	G	4.50	+1.41
Lewis Pharmacy, 11444 Superior Ave., NE	G	4.80	+1.10

Note: These are the stores surveyed by The Plain Dealer and the prices they charged. The G means generic drugs were used, and B connotes a brandname capsule. The column on the right tells how much more or less that store charged than the $3.09 average for all pharmacies.

Consumer Reporting: Underdeveloped Region

(By Francis Pollock)

Where were the journalists in the years when Ralph Nader was working on *Unsafe at Any Speed?* If the consuming public doesn't know enough about what it's buying it cannot protect itself, governmentally or otherwise. The way to defend the market system is to be sure that information, an essential ingredient of any healthy market or any healthy democracy, is adequate.—Max Ways, *Fortune,* October, 1969.

Four years ago the Opinion Research Corporation, in a study for the Bureau of Advertising of the American Newspaper Publishers Association, evaluated interest in 240 items of news-editorial matter and advertisements from all media. Of the twenty-five listed subjects in which readers expressed the most interest, six dealt with consumer matters—a total second only to the nine dealing with the Indochina war or war-related deaths. Three of the top six items concerned consumer matters: a new vaccine for a childhood disease, a brand of dried food being removed on order from stores because of a health question, and a mandated reduction in local electric rates.

There is no question that the public is concerned about consumer matters. There also is no question that the news media have begun to respond to this concern.

In January, 1970, when about fifty persons showed up at a meeting for consumer writers in Washington, D.C., one participant remarked that a similar gathering a few years before might have been held in a phone booth. Today the number of persons writing fulltime about consumer matters is probably closer to 200. At least a dozen major papers have weekly consumer pages or fulltime consumer bureaus, and both AP and UPI have started consumer beats within the past year. In broadcasting, one chain, Westinghouse, has seven consumer reporters, and each of the networks has a handful of people who stay close to consumer affairs.

One experience of Consumers Union provides another measure of progress. Two and a half years ago, CU became concerned about a toy blowgun whose "darts" could inadvertently be inhaled. In Philadelphia alone darts were recovered from the lungs of eleven children. Because more than 4,000,000 blowguns had been distributed for sale in the forthcoming Christmas season, CU sent reports on the problem to nearly every new organization in the country. Not one touched it. Two years later, a CU press conference about eight dangerous toys made front pages across the U.S.

And not long ago, when a consumer reporter who had been invited to address California editors called Ralph Nader for an opinion, Nader declared, "Consumer news really *has* arrived—the Chicago *Tribune* now has a consumer reporter." (The fact is that the *Tribune* has three reporters writing about consumer matters at least part of the time.)

Consumer news may have "arrived" in some media organizations. But its acceptance is far from universal. And serious problems remain. [See "Consumer News: A Mixed Report," Spring, 1967.] One of the most prominent is the attitude of segments of the business community. The dominant tendency to date—at least among some business leaders—has not been to applaud the news media for the kind of candid reporting that, as Max Ways has written, can help protect and foster the market system. Rather it has been, as one observer puts it, to condemn the press and broadcasting for " 'distorted' and 'unbalanced' reporting on business objectives, practices, and achievements." This criticism, says consumer-marketing consultant William Nigut in *Supermarketing* magazine, is manifested "in efforts to discredit courageous consumer leaders and to mute the media's reporting of news unfavorable to the business community." Evidence of such action is abundant.

When *New York* magazine published the first of its monthly consumer sections last winter, *Ad Daily,* which calls itself "the national newsletter of advertising and marketing," published an editorial entitled WHY SHOULD ADVERTISERS SUPPORT "CONSUMERIST" MAGAZINE? After listing magazines "waging this undisguised war on business" (the list included *Good Housekeeping, Parents, Ladies' Home Journal* and *Reader's Digest*), *Ad Daily* then suggested that a businessman has no responsibility "to 'support' media which is [sic] obviously out to get him."

William Nigut quoted one marketing executive as proposing to the Calorie Control Council last December that an Association of American Business be formed with a mission of "harnessing the power of the press" on consumer issues. "It's not hard to find stories in our newspapers, magazines, on radio and television that attack one or more elements of business," the executive said, "but try to find examples of great press coverage where business has fought back." Nigut also quotes Federal Trade Commissioner Paul Rand Dixon as telling the American Advertising Federation that he is "scared" of "Bishop Ralph Nader" and his "pimply-faced boys." Noting that Nader has had wide coverage in the media, Dixon added, "I haven't any more respect for the media." Business leaders, says Nigut, "have stayed back, hoping that Ralph Nader would blow away, but they now recognize this guy and others like him are here to stay, and they're starting to fight back."

Mention of "harnessing the power of the press" recalls the 1962 boast of Paul Willis, then president of the Grocery Manufacturers of America, that he had met with the management of the nation's top magazines "to discuss the facts of life covering advertiser-media relationships." After pointing out that GMA members would spend $1.2 billion in advertising in 1962, Willis said "we suggested to the publishers that the day was here when their editorial and business department might better understand their interdependency relationships as they affect the operating revenues of their company: and as their operations may affect the advertiser—their bread and butter." He then related the success of his efforts: a flood of articles that "will surely help to create a

better understanding of this industry and a favorable public attitude toward it." Among the magazines which Willis says responded to his urging: Look, Reader's Digest, Saturday Evening Post, Good Housekeeping, Ladies' Home Journal, and Life.

A more recent example involved the Cleveland *Plain Dealer*. In April of 1970, Dan Pensiero, Jr., took exception to a *Plain Dealer* editorial chiding the Thomas J. Lipton Company for informing its distributors—but not the public—that one of its products might contain salmonella bacteria. Since Pensiero is the Cleveland area food broker for about thirty national food companies (eighteen of which, he says, "are consistent print advertisers"), he let them know his feelings, too, advising them "it is not in their interest to advertise in the Cleveland *Plain Dealer*." How effective is such advice? "They place their advertising where their brokers ask them to place it," says Pensiero. "Generally speaking, they'll do what the brokers ask them to do."

Lipton's, through its vice president for marketing services, Oscar J. Nickel, denies that any advertising was canceled. Nickel is contradicted, however, not only by Pensiero but by Lipton's Cleveland area market manager Bert Seibert and by *PD* advertising manager William Lostoski. The latter insists that the loss amounted to only a few hundred dollars. Regardless of the amount, the *PD*'s business department complained to editor-publisher Thomas Vail.

Only last July, Rep. Leonard Farbstein of New York accused the food industry of exerting advertising pressure in such a way "that the public cannot look to the news media for full and balanced coverage of consumer questions." Farbstein said he had uncovered "more than twenty case histories of supermarkets and food manufacturers attempting to use their advertising to eliminate unfavorable coverage, and to secure favorable coverage under the guise of news." The ultimate objective, Farbstein said, "is to keep the consumer in the dark as to existing abuses and the need for legislative remedies."

The consumer, meanwhile, is getting more testy. In December, when CBS' *60 Minutes* postponed a scheduled report on toy safety for two weeks, it received so many letters from angry consumers that Mike Wallace opened the Dec. 22 program this way:

Two weeks ago on 60 Minutes, we had scheduled a "Consumer Report" on toys. At the last moment we decided to postpone it till tonight. Seldom have we received more, or angrier, mail.

Between these contending forces stands the be-leaguered reporter who believes that journalism must be as free to report on the marketplace as on other subjects, and has made the marketplace his beat. He often finds himself in muddy waters. Miles Cunningham, who inaugurated the Philadelphia *Bulletin's* consumer beat two years ago at the request of managing editor George R. Packard 3d, says he was given "carte blanche to write 'what had to be written.'" The trouble, at least at first, was that middle-level editors often killed or emasculated his copy on the grounds that such reporting was not what the paper wanted. In time, the situation was corrected, and the *Bulletin* today runs most of the consumer copy that Cunningham writes.

Many consumer writers chafe at obstacles such as the tradition of not "naming names." Several note that it is not enough to be able to document shortcomings and let the other side be heard; they sometimes are required also to defend their "intent" before a story will be considered for publication. Because the consumer reporter's beat tends to be wide-ranging, there are occasional and unavoidable conflicts with other departments (particularly food, real estate, and business), which complain if an outsider ventures into their territory, especially if his reporting points up shortcomings in their own coverage. And because vigorous consumer reporting not only raises the specter of lost advertising but also of libel suits, reporters and editors often are warned by well heeled business interests that lawyers will "be looking carefully" at what they publish. Such veiled threats, though usually bluffs, are never taken lightly.

One of the most memorable examples of the tangle which is likely to result can be found at the Cleveland *Plain Dealer*. In spring of last year the paper announced in a headline its intent to be "first with consumer coverage." Douglas Bloomfield, twenty-eight-year-old staff member who had distinguished himself as a diligent and perceptive aviation writer, was assigned to the beat. But no sooner had he begun than trouble occurred.

On April 21, he wrote a memo to city editor William Treon calling attention to the weekly recall reports of the Food and Drug Administration and the Federal Trade Commission. Noting that the recalls had received little attention, Bloomfield suggested they would make good sidebars for the paper's regular consumer coverage. The response to his suggestion came six days later, not from the city editor, but from executive editor William Ware, who ruled that the lists could be run, if newsworthy. If any local retailers were mentioned on the lists, said Ware, they should be contacted for comments. This policy, he wrote, evolved from discussions with the paper's general manager and advertising manager. Then came the salmonella incident, and area food broker Pensiero's campaign.

Thus when another recall case occurred the going was rougher. Shortly before Halloween Bloomfield reported an FDA recall of 839,000 candy bars because of suspected rodent-hair contamination. (Rodent-hair contamination is something of a euphemism. What it is understood to mean is contamination by rodent feces. Rodents, in cleaning themselves, pull out hairs, ingest them, and expel them in their excrement. The excrement diffuses, making it difficult to locate microscopically or chemically, but the telltale hairs remain.) Bloomfield's story about the contaminated candy bars was forwarded to Ted Princiotto, night managing editor, and apparently stayed with him. Two weeks later, on Oct. 29, an AP story about the recall got two paragraphs in the paper.

Other Cleveland media made much more of the candy recall. And on Halloween Day the paper did run a locally written story about the recalls, but not Bloomfield's. It was written by Janet Beighle, the *PD*'s home economics editor. Miss Beighle's story was headlined CANDY SCARE IS MINIMAL HERE, and featured such reassuring but somewhat oversimplified statements as, "Rodent hair, while not esthetic, is probably harmless."

About the same time, Bloomfield asked for and received permission to do a story on prices of prescription drugs in the area. Similar stories had been done in other cities, and widespread discrepancies had been found in prices for filling identical prescriptions. Executive editor Ware says he approved the proposal. Bloomfield's story showed that the price for the same drug (thirty capsules of tetracycline) ranged from $1.79 to $4.80 in thirty drug stores, and prices were slightly higher in low-income areas than in middle- and upper-middle-income areas.

The story was spiked. Bloomfield discussed it with city editor William Treon, who, Bloomfield says, responded that he hadn't taken into consideration "the different costs of doing business, or the rents for different stores." Russell Reeves, the *PD*'s day managing editor, says: "In the ghetto stores, where the prices are higher, there's a greater percentage of pilferage, and this would be reflected in their drug prices. Of course, there was no explanation of that."

But there was an explanation, in the fourth take of the story Bloomfield submitted:

Higher prices were common in poor neighborhoods. Pharmacists say there are many good reasons why. The cost of doing business is frequently greater in such areas, they explained. Insurance is hard to get, if not actually impossible in some places. It also is difficult to hire people to work there. Crime problems are greater—there are large losses due to shoplifting, holdups, and the like.

"Obviously," says Bloomfield, "they were just looking around for an excuse to kill it and if they hadn't used that angle they might have disliked the way I set the margins on my typewriter."

Last fall, after friction over several other features, including one in the Sunday roto section in which Bloomfield had taken no part, Bloomfield went on leave for a Congressional fellowship. Executive editor Ware says the paper has not been able to find a "suitable" replacement, but that it has no intention of short-changing consumer news. A man in the Washington bureau has been given primary responsibility, mainly, says Ware, because "most of the initiative for this consumer news is coming out of Washington." (Ware declined to say if Bloomfield would be reassigned to the local consumer beat when his leave of absence is concluded.)

Meanwhile, the Cleveland *Press*—the apparent beneficiary of at least some food company dissatisfaction with the *PD*—does not appear even to have attempted the kind of reporting that seems so needed. Herb Kamm, associate editor of the *Press*, says the paper does not see a need for a fulltime local consumer reporter: it has access to material from Washington by Ann McFeaters, Scripps-Howard consumer reporter, and local consumer stories can be handled by general assignment reporters.

The fortunes of consumer reporting, then, remain uncertain, and advertiser pressure could tend to keep things that way. What should be done?

One corrective, it would seem, would be more publicity about incidents of advertiser pressure. No self-respecting editor would knuckle under to a politician's threats. Indeed, when it appeared Vice President Agnew was trying to intimidate the news media, press organizations began passing resolutions and editorial writers blazed back in retaliation. Why cannot the same techniques be used to counter attempted sabotage of independent consumer reporting? Getting the issue above board and keeping it there can have as salutory an effect on business mores as did revelations of the fact that General Motors had hired a detective to investigate Ralph Nader.

Other suggestions, from a group of editors, consumer reporters, consumer leaders, and press critics who were asked about the situation, begin with overcoming the reluctance to "name names."

About a year ago, the *Record*, based in Hackensack, N.J., ran a syndicated series about inflated claims of the cosmetics industry. "In a recent advertisement in an expensive woman's magazine," the first article related, "a cosmetics manufacturer promised his product would make readers look radiant by 'shedding dry wrinkles, sallowness, and nasolabial folds.' His wrinkle remover costs from $14.95 to $46.50. But it isn't worth two cents as far as removing wrinkles is concerned, according to . . . experts to whom I showed the product."

Observing that the product name was missing from the account, one reader wrote the paper: "Suppose your film critic wrote: 'In a recent film showing at an expensive Hackensack theater, the distributor promised great titillation of the viewer's senses, but it really isn't worth the price of the ticket according to knowledgeable moviegoers with

whom I discussed the film.' What is so sacred about a phony cosmetic product that prompts you to play games with your readers?" Similar absurdities occur again and again in action line columns with a policy of not "naming names."

There are, of course, occasional legal problems connected with use of brand names, but they are no different in principle from those encountered in reporting other kinds of news. And there is a question whether law firms for news organizations have fully explored protections afforded by the fair comment doctrine.

Another undesirable practice to be eliminated is casual prostitution of editorial space. Every business office must that an editor sets into type is an admission that he and his news organization have sold off a little more of their professionalism to the highest bidder.

There also should be a complete reevaluation of each department for its consumer service potential. Often this will not only reveal casual prostitutions but also what Walt Wurfel, editor of *Straus' Editor's Report*, calls the "sins of omission." These sins are found in abundance on food pages, where the possibilities of genuine consumer service are limitless but too often readers are given little more than recipes, food-industry boilerplate, and an occasional Department of Agriculture listing of the most economical meat and vegetable buys of the month.

Newspapers could publish complete comparative price lists. Compiling such lists would not be as difficult as might appear, and certainly not as revolutionary (one need only turn to the stock tables on the business page for guidance). Such a list would have several desirable effects: it would enable housewives to make rational price comparisons that are now virtually impossible, and it would undoubtedly engender far more loyal readership, presumably making those papers even more attractive to advertisers.

Food pages also could regularly tell the housewife which stores, if any, had been found to be selling tainted foods or short-weighing meats. They might regularly and prominently run the Food and Drug Administration recall lists of adulterated foods—not only so that shoppers wouldn't buy them but so they could remove them from their own pantries. Papers could also give aid on home economic issues that they now soft-pedal or overlook entirely—issues such as unit pricing and open-dating. These could be discussed vigorously, but by and large they are not. If any attention is given them it seems that it is usually in other sections—and only then in connection with an "event" such as consideration of a bill in the legislature.

Consumer-minded evaluations of other sections could turn up similarly useful features. Travel departments, as Stanford Sesser pointed out in CJR in Summer, 1970, abound in prostitution of consumer interest. Faced with the problem of wrapping copy around lucrative travel advertising, many editors willingly print articles distributed by feature syndicates, some of which, as Sesser states, "are paid by resorts, airlines, or other interests to distribute glowing reports."

As a start toward better consumer service, the travel sections might open letters-to-the-editor columns to reader give-and-take, as the New York Times' travel section does. Other consumer features which might be added: periodic reports on the amount of lost baggage, with, of course, the airlines' names (the publicity probably would stimulate better service); features on how to get the most economical travel rates; surveys of reader experiences with travel agents, resorts, and airlines; and any other report that would help the consumer get better value for his travel dollars.

Criticisms of real estate sections made by Ferdinand Kuhn of CJR (summer, 1966) remain valid. Suggested reforms included turning the sections loose on "news stories, letters, and editorials about highways and bridges, slums and blight, growth and crowding." As Kuhn accurately pointed out, "There would be more room for serious news and discussion of the metropolitan future if publishers would clear their real estate junk."

Editors might also work over their entertainment sections with a view toward delivering information more rationally. Perhaps somewhere among the ads with out-of-context quotes the entertainment editor might insert capsule reviews of all the plays and movies in town—summaries based on the original reviews. Such listings, now run by at least a few papers, particularly aid those readers who didn't see or don't remember the originals.

News organizations could, if they wanted, advise their readers on how one bank's savings plans or mortgage loans compare with those of other area banks. The Rochester Democrat & Chronicle has already done this with Christmas clubs maintained by banks in its area. They could, if they wanted, compare rental car rates. Or, as the Minneapolis Star did, print comparison charts of the octane ratings and prices of gasolines.

They could go even further, into evaluation of goods and services. Papers regularly dole out advice on specific stocks in their investment columns; few sports editors hesitate to inform readers of the relative merits of boxers, football quarterbacks, World Series opponents, and whatever else strikes their fancy; and not an editorial page in the country would shirk from sizing up political candidates. News organizations must resolve the paradox of evaluating movies, plays, books, stocks, basketball teams, and political candidates but not evaluating essential consumer products and services.

The New York *Times* is gingerly getting into product evaluations. Since the first of the year it has published an evaluation of Chevrolet's Vega ("a competent car with fine roadability characteristics, although, as in all mass-produced automobiles, there are deficiencies of detail") and Ford's Pinto ("the Pinto is a delightful and handy car in certain circumstances"). It even did an evaluation of sorts of the water bed, reporting, among other things, that there is legitimate concern that users might be electrocuted by the heating unit should the bed leak. There should be many more such stories.

The low-income consumer, forced to do business in what Sen. Warren Magnuson and Jean Carper call the dark side of the marketplace, is subjected to some particularly outrageous practices—all the more pernicious because they often have the sanction of law. Certainly, greater attention by the media to repossessions, sheriffs and constables, sales, garnishments, and the like could shed light on the question of who profiteers at the expense of the poor.

Citizens must know much more than they do about the strengths and shortcomings of their hospitals and nursing homes, of the quality of municipal services, of the performance of the schools. And on and on. If staff members are incapable of evaluating these or less complex products and services, a paper could easily retain consultants.

News organizations have a vast distance to go before they can really boast of serving the consumer. But some are making great strides.

One is the Troy, O., *Daily News*, whose thirty-three-year-old editor and associate publisher, Thomas Pew, Jr., convincingly backs up his words that his paper's first obligation is to its readers. At the obvious expense of some profits, Pew has a staff of twenty-one writers and protographers, something unheard of for papers that size (10,000 circulation). No business gets special treatment, including the *Daily News*—which, in a recent front-page series, identified itself as one of the polluters of the nearby Miami River which flows through Troy. The paper runs every signed letter to the editor ("regardless of how critical it is of the newspaper"), and has, in each of the past three years, sent a reporter to Vietnam.

Pew's policies about consumer news are refreshingly professional: "We try not only to give our readers as much consumer information as we can that's been worked out at the national level," says Pew, "but whenever we get such things, we pick them apart and apply them to our local situation." A few years back, when the paper was running a series about Ralph Nader's *Unsafe at Any Speed*, Pew says all local car dealers but one ("he had a contract with us") pulled their advertising. They came back within a few weeks. "You can't sell autos unless you advertise," says Pew with a chuckle.

New York magazine, evolved from a *Herald Tribune* supplement, has placed increasing emphasis on consumer-service features since its emergence as an independent publication in 1968. It started with "The Underground Gourmet," an honest guide to good low-cost New York restaurants, and was followed with "The Passionate Shopper," a guide to smart buying in New York City. "These things got incredible responses from the readers," says editor Clay Felker, "and so we decided to expand and add a third section, 'The Urban Strategist.' This covered not how to buy something, but how to get along in New York City." This was followed by periodic articles critically evaluating some of the city's most fashionable restaurants.

New York's biggest stride into consumer service was the addition last December of a monthly pullout section, "The Guerrilla Guide for the Consumer—a Field Guide of Strategy & Tactics for the New York Shopper." The main feature in the first section was a guide to food freshness codes in supermarkets. Another was a how-to-complain guide, listing the phone numbers of presidents of New York's largest consumer companies. The issue was the largest seller in *New York*'s history. "The readers," says Felker, "are very clearly telling us what they want."

There is no lack of hopeful signs. Some encouragement is to be found in the increasing restiveness of news professionals, particularly the younger ones, who are insisting more forcefully than ever that a news organization must face up to its new responsibilities to the public. Encouraging, too, is a growing realization on the part of some editors and publishers that they must respond more adequately to consumer needs. But perhaps most encouraging is the emergence of people like Clay Felker and Tom Pew, who have the somewhat iconoclastic notion that—advertiser threats notwithstanding—a medium's first obligation is to its readers or listeners or viewers, and that one can make a decent living serving them well.

A TRIBUTE TO "BUZZ" HELLRING

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, no words can adequately express one's sentiments at a moment of a tragic loss, but I wish to have recorded these few lines which I have written for my friend:

A TRIBUTE TO "BUZZ" HELLRING

"He came like the wind—and like the wind he left me." So his father, my dear friend said of his son's passing at the young and tender age of nineteen.

"But I enjoyed him for all those years—and all the recollections I have of him are of a wonderful boy—my son," and he held back his tears.

How could a friend not have been moved to hear a father who so dearly loved his son say these words—especially when one has a son of as many years.

Yes, Bernard Hellring, Jr.—Buzzie to me and to his many friends and family—was untimely snuffed out in a cruel and senseless, tragic moment—on a highway.

The Rabbi at the funeral service uttered in a grief-torn voice what was and is in the hearts of all of us who mourn him—"What can I say to you Bernie and Sally to ease your burden, to allay your grief."

Really there is little one can say at such a moment. Today, some weeks later on reflection, I think of my friend Bernie Hellring, Buzzie's father; knowing how deep his loss and his pain all I can say is, "That wonderful boy for whom there was so much promise, who gave to you and Sally so much joy—for whom you dreamed great dreams—and who himself was a dreamer of great and good things.

"That boy has left so much for all of us. With me he left this—the belief that our youth—who questions and wonders and then seeks to find answers to the ills that beset our society—is good for all of us in America—good for mankind.

"And Buzzie was such a one—for while he saw things as they are and questioned—he sought in his quiet way to help make them as they should be. He was gentle, kind and good—and he had a heart full of love and a sensitivity for his fellow man."

Though like the wind he came and like the wind he has left us—still we feel his presence for the wind ever bloweth—

BUDDY DAVIS WINS PULITZER PRIZE

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker, it is always gratifying when someone you like and respect is recognized.

Such is the case with the awarding of the 1971 Pulitzer Prize for editorial writing to Horace G. "Buddy" Davis.

Without question, the Pulitzer prize is considered to be the most prestigious of all journalistic awards in the United States.

And I have been on both ends of his pen—so my accolade is one from someone who can like and respect a man who is an outstanding journalist. No honor could ever again be bestowed upon him which would mean as much.

Buddy Davis was reporting for the Florida Times-Union of Jacksonville, Fla., when I first met him. At that time, I was running for State president of the Future Farmers of America and he was covering our State convention in Gainesville.

I learned to like and respect him then, and that friendship has continued. He covered many of my activities during the year I served in the office and was always a considerate and jovial guy to know.

A lot of water has gone under the bridge since that time. He has been on the journalism faculty at the University of Florida 15 years and is a full professor.

He spent two summers working for the Miami Herald and two for the Atlanta Constitution while a student at the university. He worked for a time with Gene Matthews in Starke on the Bradford County Telegraph and added greatly to his experience with this outstanding weekly newspaper.

He then spent 4 years with the Florida Times-Union.

On a very personal note, Buddy wrote my first announcement for political office. I have never forgotten his kindness and assistance.

His editorial writing has been limited to the Gainesville Sun of Gainesville, Fla., and this is where he won his Pulitzer.

He began writing editorials when Cowles Publications bought the Sun in 1962 and suggested that journalism professors submit editorials. A story about his award quoted him as saying:

I tried one on highway safety. They printed it. I have been writing them on a near daily basis ever since—a two-finger midnight typing chore.

He has been the recipient of the Sigma Delta Chi distinguished service award and a Sidney Hillman Foundation award for a 1963 series which attempted to calm the community during racial street violence.

His Pulitzer came as a result of editorials he wrote in 1970 when a Federal Court ordered cross busing in Alachua County schools and fixed a deadline only 13 days away.

It is significant to note that this is the second Pulitzer for the Sun—the first awarded to publisher John R. Harrison for editorials written in 1965. Quite a record for any newspaper.

In the newspaper stories about the award, I noted a comment Buddy made that he could not live the busy life of a professor, editorial writer and national vice president of Sigma Delta Chi for campus affairs without his understanding and devoted wife. Knowing Buddy, that came from the heart.

They have two children, Gregory and Jennifer,

I share with them their pride in a fine man.

JUSTICE FOR THE MEMBERS OF OUR ARMED FORCES

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

Mr. BIAGGI. Mr. Speaker, I am today reintroducing my bill to provide a meaningful method for redress of grievances by our men in the Armed Forces.

Under the present Uniform Code of Military Justice, the U.S. serviceman is provided with a complete judicial system. Like the civilian courts, the military tribunals have as their basic underlying concept the protection of an individual's constitutional rights.

Thus the Armed Forces are charged with the primary responsibility of protecting its members from certain abuses prohibited by the Constitution, including the right to present grievances and to be protected against discriminatory treatment because of race, creed, or country of origin. In one area of this Code, however, protection of individual rights and constitutional guarantees has not succeeded in practice.

At present, the only avenue open to the soldier for settlement of grievances is section 938, article 138 of title 10, of the United States Code. It is so brief, I will recount it here for the benefit of my colleagues:

Any member of the Armed Forces who believes himself wronged by his commanding officer, and who upon due application to that commanding officer, is refused redress, may complain to any superior commissioned officer, who shall forward the complaint to the officer exercising general court-marshal jurisdiction over the officer against whom it is made. The officer exercising general court-martial jurisdiction shall examine into the complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, send to the Secretary concerned a true statement of that complaint, with the proceedings had thereon.

While this system may suffice in minor cases involving personnel assignments, leaves and other administrative matters, it has not proven satisfactory in cases involving brutality, maltreatment and serious abridgement of human and constitutional rights.

My system would replace the chain-of-command method of adjudicating such complaints with a Military Justice Commission. By eliminating this oftentimes biased command influence in the settlement of wrongs, we will restore the due process concept that has long been absent from the soldier's legal life.

This bill is a result of extensive investigations of military stockade conditions and base conditions I conducted in 1969. Recently, two reporters who covered the investigation for their respective newspapers have written a book entitled "See Paris and Die," which details many of the cases that make the reforms provided for in my bill so necessary.

In brief, my bill would create the judicial machinery to allow an impartial review and determination of grievances concerning unsafe and unfit military penal facilities as well as brutal treatment of military personnel in stockades and under the color of duty. It also would provide for determination of cases deemed to be a denial of the constitutional rights of American servicemen.

In effect, my bill would replace section 938 with an expanded and broader multileveled grievance system assuring our military personnel fair and equitable consideration and redress of their justifiable complaints.

The bill, in particular, establishes a Military Justice Commission composed of 11 members appointed by the President. Five would represent each branch of the military forces. Five would The 11th would in turn be recommended be appointed from the civilian judiciary. by the Commission members for approval by the President to serve as the Commission chairman.

The Commission would also have an investigative division under the direction of a General Counsel appointed by the President. Together with a staff of experts, the General Counsel would be responsible for the receipt, investigation and preparation of all complaints and to make appropriate recommendations to the Commission for trial.

Authorized to issue cease and desist orders, the Commission would also be

assigned certain defined punitive powers in those cases heard before it and determined to be in violation of the provision of the act.

As a further safeguard, the Commission would have the power to initiate, at its own discretion, investigations to determine whether conditions proscribed by the act exist or actions specifically prohibited have been or are being committed. This provision would allow for the periodic investigation of military bases and their stockades to insure compliance and would protect those who, out of fear or intimidation, might fail to file reports of grievances with the Commission.

The bill also calls for the creation of a U.S. Court of Military Grievance as an appellate court for the cases decided by the Commission. Comprised of three civilian judges appointed by the President, this court would hear cases automatically referred to it by the Military Justice Commission or which it would agree to review upon petition from either party to the action.

While the jurisdiction of the Commission would be carefully defined, any violations coming to its attention found to be outside of its jurisdiction would be referred to the appropriate judicial tribunal or agency for adjudication.

When the Vietnam Veterans Against the War demonstrated here in Washington, a copy of the bill was circulated among their number. Support for it was nearly unanimous. Now, whatever a person's inclination might be toward the war is immaterial here. Certainly, however, as a group of ex-soldiers they can testify from experience as to the need for the bill. Similarly various other veterans' groups have expressed interest.

An informal public opinion poll was also conducted here in the Washington area by a group of American University students assisting me in the preparation of the bill for reintroduction. Their representative sampling showed 63.1 percent of the over 1,300 people interviewed for the bill. Only 26.9 percent were against the reform, while 10 percent expressed no opinion.

A breakdown of the survey by area will be included at this point in the RECORD:

In front of the Supreme Court Building

For	349
Against	159
No opinion	74

At Montgomery Mall Shopping Center

For	392
Against	162
No opinion	68

Downtown Connecticut Avenue

For	101
Against	39
No opinion	---

Those interviewed were given a summary of the provisions of the bill to read and then asked if they would support such legislation.

Just across the Potomac River in Arlington Cemetery there is preserved a quote from George Washington to the Provincial Congress written in 1775. He said:

When we assumed the soldier we did not lay aside the citizen.

My bill would assure our present-day soldier that military life does not mean abandonment of the rights enjoyed by the ordinary citizen under the protection of the Constitution. These safeguards will be all the more important if we are to encourage the development of an efficient, volunteer fighting force for the defense needs of the seventies. I sincerely hope my colleagues will join me in support of this reform effort.

RECESS

The SPEAKER. Pursuant to the previous order of the House, the Chair declares a recess subject to the call of the Chair. The bells will be rung 15 minutes before the reconvening of the House.

Accordingly (at 6 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 7 o'clock and 10 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

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

S.J. Res. 100. Joint resolution to provide for an extension of section 10 of the Railway Labor Act with respect to the current railway labor-management dispute, and for other purposes.

TEMPORARY PROHIBITION OF STRIKES AND LOCKOUTS IN THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 447, Rept. No. 209), which was referred to the House Calendar and ordered to be printed:

H. RES. 447

Resolved, That upon the adoption of this resolution it shall be in order to move, any rule of the House to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 642) to provide for a temporary prohibition of strikes and lockouts with respect to the current railway labor-management dispute, and all points of order against said joint resolution are hereby waived. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the joint resolution shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendments recommended by the Committee on Interstate and Foreign Commerce now printed in the joint resolution. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.J. Res. 642, it shall be in order to take from the Speaker's table the joint resolution S.J. Res. 100 and to consider the said Senate joint resolution in the House.

Mr. COLMER. Mr. Speaker, I call up House Resolution 447 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is: Will the House now consider House Resolution 447?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 447.

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

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the able and distinguished gentleman from California (Mr. SMITH).

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

Mr. Speaker, this resolution makes in order the joint resolution (H.J. Res. 642). Of course, in addition to the hour on the rule, the rule makes in order one hour of general debate in the consideration of the joint resolution.

Mr. Speaker, I shall so far as I am concerned leave to the distinguished chairman of the committee on Interstate and Foreign Commerce the explanation of the joint resolution. In general terms this joint resolution is aimed at stopping a paralyzing strike that is going on in the railroads of this country today. I think we all agree that this is an intolerable situation and that it affects the entire economy of the country and that some action must be taken to get the railroads operating.

The House, and the Congress for that matter, are now called upon for the sixth time in the past seven years in an area of emergency to take some emergency action to get the railroads back in operation. I shall not go into the details of that other than to point out that in the 90th Congress we three times were called upon to take the same action that we are taking here today.

In the 91st Congress we were again called upon to enact emergency legislation three times for the same purpose. In other words, in the last four years we have had to act six times to stop a railroad strike. It would seem to me, and this is the purpose of my imposing on those who honor us with their presence here and who are concerned about this matter, that the time has come when we have to face this proposition and enact some permanent legislation in order to deal with this problem.

We cannot afford every year to consider some kind of emergency legislation. Again today we are faced with emergency legislation, with railroads paralyzed, the economy paralyzed, and yet we dilly dally and go on the same course.

I have been around long enough to know that there are political consider-

ations. I have been around long enough to know that certain people who are organized into a minority bring about the situation.

President Johnson recommended permanent legislation to meet the situation. President Nixon in February 1970, more than a year ago, sent a message to Congress asking the Congress to face up to the situation and enact some permanent legislation on the subject. Yet nothing has been done about it.

A few moments ago testimony was adduced before the Rules Committee to the effect that it was not a political situation that can be dealt with. But the same gentleman who made that argument said that every poll that was taken in the country was in favor of some kind of permanent legislation.

When the very distinguished gentleman from West Virginia, the chairman of the Committee on Interstate and Foreign Commerce, was before our committee last year, I raised this question with him then. Others have raised the question. I raised it again today. We are told that while the public is for some kind of permanent legislation, the Congress is unwilling to take action.

So the purpose of what I am afraid are futile remarks that I make today is again to call to the attention of Congress that the people of this country are demanding some action on the part of the Congress.

I anticipate no great trouble in passing this legislation, and I am not going to impose myself on this House any further.

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

Mr. COLMER. I yield to the able and distinguished gentleman from Florida.

Mr. HALEY. I thank the distinguished chairman of the Rules Committee for yielding. The gentleman has stated the issue that is before us today and what has been before us time and time again. This Congress and this committee should face up to the task of passing permanent legislation, not against labor or management, but a measure that will stop this kind of situation that really jeopardizes the economy of this Nation.

I say to the gentleman from West Virginia that I believe we have a very able committee. They could well send to the floor of this House permanent legislation on the subject so that we would not be confronted time and time and time again with the situation we now face in which we must accept something that maybe nobody likes but something that we must do in order to move forward.

So I say to my good friend, the chairman of the committee, for Jesus' sake, bring something back here and let us stop these things that are really a danger to our Nation. I think you have done the best you can under the present situation.

President Johnson asked for permanent legislation. President Nixon has asked for permanent legislation. I believe if the gentleman will bring back to the floor of the House something which will resolve this thing permanently he will have the gratitude not only of the Congress but also of the great majority of the people of the United States.

I thank the gentleman for yielding.

Mr. COLMER. I thank the gentleman.

The gentleman will agree with me that we have no alternative now except to pass this legislation.

Mr. HALEY. I thoroughly agree. I say to the gentleman, the head of this great committee, he has no alternative, but he has been on notice for at least 2 years that we need permanent legislation. So let us get it out here and vote it up or down and find out where we want to go.

Mr. COLMER. Certainly we should have a start.

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

Mr. COLMER. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the distinguished chairman of the Committee on Rules yielding.

I want to say that I agree with the gentleman and with my great friend from Florida about the need for permanent legislation, and the folly of us acting repeatedly on such stopgap or crazy quilt patch-up legislation. But I wonder if the distinguished chairman of the Committee on Rules, who has heard the chairman of the Committee on Interstate and Foreign Commerce, could give us just a word or two about what the amendments are or the content of the bill from the other body is, which this rule makes in order.

We have heard read by the Clerk that points of order are to be waived and that certain amendments will be in order and that the bill from the other body may be considered after action by this House. I am vitally interested in knowing, before I vote on the rule, what the content of those amendments from our own Committee on Interstate and Foreign Commerce might be, or what is contained in the bill just messaged over from the other body. For example, are there pay increases, or will this come out in subsequent debate on the rule?

Mr. Speaker, I would plead for order in the House so that at least the chairman of the Committee on Rules can hear my request.

The SPEAKER. The gentleman will suspend. The House is not in order. Members will be in order. It is late in the evening. The Chair admonishes and pleads with the Members to keep order so that we can expeditiously deal with the matter before the House.

Mr. HALL. Mr. Speaker, there is little or no response to the plea from the Chair. I ask that the aisles be cleared.

The SPEAKER. Gentlemen in the aisles will please be seated or retire from the Chamber. All gentlemen and all employees of the House will cease conversation.

The gentleman from Mississippi has the floor.

Mr. COLMER. Has the gentleman finished?

Mr. HALL. If the gentleman heard my request, I have completed it.

Mr. COLMER. I am not quite sure I did. I am thankful to the gentleman from Missouri for getting a little order here, with the assistance of the Chair.

I said at the beginning that since this matter was so hurried under this emergency the Committee on Rules had not had an opportunity to go as fully into the matter as we would have liked to.

Frankly, I would not undertake to explain all the facets of the bill, but I was going to defer to the gentleman from West Virginia to explain the bill himself.

If my friend from Missouri insists on it, I shall yield to him for that purpose, although he has stated that he would prefer to state it on his own time.

Mr. HALL. Mr. Speaker, if the gentleman will yield, I think a simple explanation by the distinguished chairman of the Committee on Interstate and Foreign Commerce, as to the contents of the expected amendment or the contents of the bill from the other body would be highly in order before we vote on the rule.

Mr. COLMER. I shall be pleased to accommodate the gentleman from Missouri after, if the gentleman will permit—and I am sure he will—the gentleman from California (Mr. SMITH) has made his statement.

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

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, this resolution does provide for 1 hour of general debate with an open rule for the consideration of House Joint Resolution 642. All points of order are waived on the joint resolution so that this matter can be taken up this evening.

Mr. Speaker, I agree with the statement of the distinguished chairman of the Committee on Rules that permanent legislation is certainly warranted and necessary. It is unfortunate that we are faced with this kind of a situation, a clear emergency, and that we have to act in this fashion.

If the railroads do not get back to work, the stoppage of the flow of materials on tomorrow and the days thereafter and the impact on our economy can be catastrophic. Of course, we are placed in this position through no fault of our own, but we must straighten it out. Both the Committee on Interstate and Foreign Commerce of this House and the similar committee of the other body have been working very diligently in an effort to bring this matter to a head this evening. The President of the United States has requested that we do this.

I think everybody has cooperated to the greatest extent possible. The Rules Committee has sat specially to bring this rule here tonight so that this joint resolution could be considered and acted upon.

Mr. Speaker, there are certain differences between Senate Joint Resolution 100—or at least there were earlier today—and the measure we are considering, House Joint Resolution 642. The Senate measure will be in order and will be considered on the floor after passage of House Joint Resolution 642. I understand all differences between the joint resolutions have been worked out. In other words, there is a certain difference in the amount of the pay increase which the other body had in the bill. They reduced the amount on the floor or before the actual vote on it, so that it is now in accord with the provisions of House Joint Resolution 642, which is about a 13-percent increase. It is way, way lower than the amount which will finally be arrived at. I think it will amount to between the 36 percent offered

by management and the 54 percent asked by the unions. It is in accordance with what we did last year in the same amount for the other crafts, so there is no disparity in that particular situation.

In our particular resolution we prohibit a strike until July 20. The other body had October 1 in their resolution. I understand that an agreement has been reached whereby an amendment will be offered to House Joint Resolution 642 to set the date as October 1. In turn the other body has reduced the amount of the pay increase to conform with House Joint Resolution 642. In addition to that, I think there is one page in the resolution where it refers to certain living accommodations of the employees. The words will be inserted in there "some of the employees," because certain railroads are not faced with that problem. The other body has already accepted this. They passed the joint resolution on an oral vote.

On the television stations they have reported that the House is now ready to act and will pass the measure probably on an oral vote. So it seems to me, Mr. Speaker, as long as we all know what we must do here, we can adopt this rule and have an oral vote and go out and have dinner and still go home this evening after a long day's session in the House of Representatives.

Mr. Speaker, I reserve the balance of my time and urge the adoption of the resolution.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. STAGGERS) for the purpose of explaining at this time just what this joint resolution does do.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman from Mississippi for yielding to me this time.

I would like to say that perhaps if I give an explanation now, I will not have to give it after we vote on the rule.

Mr. Speaker, I might say that on yesterday we received a message from the White House saying that an emergency existed, that there was a strike of the railroads in the Nation, and asked us to consider it immediately.

We intended to have some hearings last night, but some of the members of the committee objected to having hearings without the resolution being presented and in front of us, and according to parliamentary procedures, I think they were well within their rights.

So, Mr. Speaker, I scheduled a meeting for 10 o'clock this morning. Meanwhile the Senate committee at 4 o'clock last night passed out their resolution and had it ready for executive session at 9:30 this morning. They went into executive session and passed the resolution. As the gentleman from California (Mr. SMITH) just said, it was brought before the Senate, and the Senate has amended it, passed it, and adjouned.

We found out what the Senate had done, that they had put in certain provisions which were not in the President's original request sent up here. We tried to reconcile our position somewhat with theirs.

The Senate committee had put into their resolution a requirement that any proposed Presidential board recommendations for wages be incorporated in the resolution up until this present time. We did not do that on our side because we felt that if we went beyond our action of last year, we would be favoring this union over some 200,000-odd other workers which had been given pay raises limited to last year, and there would immediately be cries all over this Nation saying that we had done for one, something that was not done for the larger union bodies. Their agreements and contracts have not been signed yet, but they have not struck the railroad. They are trying to work it out in the courts, and they are in the courts, and that is where I think they should be in trying to point out what the law is. We cut out the 4 percent which would have been paid to April 1 in order to make a comparable to what was paid to the unions last year.

The other body had put into their resolution the provision for extending the President's time until October 1, but in talking with different ones on the committee, they said there was no sense in our passing something that we will have to face again—by July 1, and that even if the President wanted something, we could not pass permanent legislation at this time. In other words, it was impossible to do so. It would take many, many months to do anything in the other body in order to get something done. So, they insisted upon the date of October 1, and I said I thought we could possibly go along on this side with them.

They have an amendment on the back of the resolution which accuses all the railroads in this country of not providing proper housing, food, and so forth for the employees while on the road. We put in our form of the resolution wording to the effect that not all the railroads did that, because we did not see how you could take a blank cartridge and shoot it and say everyone was guilty. We said that some needed to be improved, but perhaps not all.

These are the changes which have been made from the Senate resolution, and what was originally sent up to us by the President.

The Senate passed this out of their committee this morning and when we were having hearings, and we had hearings all day until about 4 o'clock this afternoon, starting at 10 o'clock this morning.

When we found out what they had done, we concluded that by amendment we could make it compatible with the Senate resolution and pass it and then adjourn. If we do not, we will not have a resolution tonight, and the strike will not be settled until later, because the Senate has already gone home.

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. COLMER. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. STAGGERS. Well, Mr. COLMER, I think this explains the differences and the amendments that are in the resolution.

If there are any questions, I would be glad to try to answer them.

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

Mr. STAGGERS. I would be happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding, and I listened with rapt attention to every word he said. However, I still do not understand whether or not with the amendments and with the bill passed in the other body which this rule does make in order for consideration at a certain point, whether there is or is not a wage increase involved in the findings of the gentleman's committee by amendment or the action by the other body.

Before we vote on this rule waiving all points of order I sincerely request the gentleman from West Virginia to address himself to that issue.

Mr. STAGGERS. Mr. Speaker, in reply to the inquiry of the gentleman from Missouri, may I say that I thought that I had made it clear. The Senate committee had added more than we had put in the resolution last year, and I will spell this out.

We cut out the 4 additional percent that they had. Now, it carries with it the 5 percent additional increase in wages which the Presidential board had set forth as of January 1, 1970, and a 30-cent increase as of November 1, 1970.

The Senate committee had, as I said, a 4-percent increase as of April 1, 1971. We cut out that April 1 addition because we said that in dealing with the other unions we had not given them this increase, and they represent about 75 percent of the union workers.

Mr. HALL. Mr. Speaker, I thank the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, would the distinguished Chairman of the Committee on Interstate and Foreign Commerce yield?

Mr. STAGGERS. I will be very happy to yield to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. As the gentleman knows, because of other colloquy that we have had in the past, I am very, very interested in, and I believe the country is interested in, permanent legislation to avoid these periodic crises that we face. It seems to me, and I believe it is sound, that we ought to have new legislation that would avoid legislative stop-gap measures such as we have before us once again at this moment.

On December 19, 1970, the gentleman from West Virginia and myself had a colloquy. I asked if the gentleman and his committee would hold hearings on permanent legislation such as that recommended by the President of the United States roughly 15 or 16 months ago.

The gentleman at that time said, and I quote:

> Mr. Chairman, if the gentleman will yield, we will consider holding such hearings, I will tell the distinguished minority leader.

I indicated at that time that I wished he had been more firm in his commitment.

I understand in the committee this morning the distinguished Chairman of the Committee on Interstate and For-

eign Commerce said, and I am quoting from a news story:

> We're going to get to it and pass a bill, and I am sure neither the unions nor the management will like it.

That is encouraging. Can the distinguished Chairman of the Committee on Interstate and Foreign Commerce give us assurances that hearings will be held, and that some legislation will come out of that committee so that not only the committee can work its will, but the House can work its will?

Mr. STAGGERS. If the gentleman from West Virginia could do that I would be a miracle man. I would have to be a type of prophet that I do not believe we have in the House.

I will say we will hold hearings. But to bring legislation out of that committee that would be agreeable to the gentleman or to perhaps the majority of this House is going to be very difficult for us to do. It is going to take months and months of hearings. And if I might say, to quote the distinguished minority Member, the gentleman from Illinois (Mr. SPRINGER) who made this statement before the Committee on Rules in telling what the President of a past administration had proposed when we had a great majority on our side of the aisle——

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. COLMER. Mr. Speaker, I yield 5 additional minutes to the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. The gentleman said that the past President had proposed in his state of the Union message permanent legislation.

The distinguished gentleman from Illinois was speaking then and I probably ought to let him tell it but maybe I can tell it—that the President said he knew the difficulties with the legislation because they had a great majority on the Senate subcommittee—they were all personal friends of his and he could not get it out of that subcommittee in the Senate.

Now we will work at it, but I cannot tell the gentleman from Michigan what will come out. It probably will be very tough legislation. We had some amendments to it offered in the committee which I think probably would have cured the problem, but would not have been agreeable to a lot of people.

But all I can say, as I said before, is that we will hold hearings. There are other bills that I think we ought to be holding hearings on now, and then we probably will get into this.

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

Mr. STAGGERS. I am happy to yield to the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, I know that the gentleman from West Virginia is sincere. I am certain that many members of the committee are as fed up as I am with this periodic crisis coming to the Congress of the United States and, therefore, I hope that these hearings will be initiated as quickly as possible.

I recognize that in the past we have had recommendations from the White House, not only from this administration but from preceding administrations, and I know that no legislative action has been taken. But I honestly feel that the American people today are fed up with these labor-management problems disrupting the economy as they do today and as they have done in the past. The history of labor-management legislation is that the Congress will do nothing until the public says, "You do something." I believe the American public today are telling us something—that we have to act on permanent legislation. I hope and trust the other body will get the message and will follow your recommendation to hold hearings. In the meantime the House Committee on Interstate and Foreign Commerce must do something so that we can act affirmatively.

Mr. STAGGERS. If I may respond just briefly to the gentleman, I can remember when our distinguished former President, President Kennedy, sent a message to our committee. I was not the chairman of the committee. I made the statement which was carried in the press and I said:

> If this legislation is passed as it is sent here by our President, he does not have enough men in the United States army to keep these men working under the conditions which were set forth in that message.

I think we have to be fair with the working men and we have to work this thing out and to be fair to the public and to those who work and also be fair to management. This is not something that can be done overnight. But I would like someone to give me that magic formula and in committee we could just say that this is it.

The SPEAKER. The gentleman from Mississippi (Mr. COLMER) has 1 minute remaining.

Mr. COLMER. Mr. Speaker, in that 1 minute I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 642) to provide for a temporary prohibition to strikes or lockouts with respect to the current railway labor-management dispute.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution House Joint Resolution 642, with Mr. GALLAGHER in the chair.

The Clerk read the title of the joint resolution.

Without objection, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia, (Mr. STAGGERS) will be recognized for 30 minutes and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I think that I have explained the joint resolution to the best of my knowledge. It is a simple joint resolution. I have gone into all the facets of it from the time the President sent up his proposed resolution, to what happened in the Senate, the amendment we adopted to the joint resolution, and the recommendation we are making to the House. We did make some changes in the Senate joint resolution.

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

Mr. STAGGERS. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. As I understand, the gentleman proposes to offer an amendment to the joint resolution to provide for a 5-percent increase retroactive to January 1 of this year, is that correct?

Mr. STAGGERS. That is in the Senate bill, the measure passed by the Senate.

Mr. GROSS. January 1, 1970?

Mr. STAGGERS. That is correct.

Mr. GROSS. Not 1971 but 1970?

Mr. STAGGERS. January 1970; that is correct.

Mr. GROSS. Thirty cents an hour, November 1, 1969?

Mr. STAGGERS. It is 1970.

Mr. GROSS. It is 1970?

Mr. STAGGERS. Yes.

Mr. GROSS. This last year?

Mr. STAGGERS. Yes.

Mr. GROSS. An 18 cents an hour effective November 1, 1970?

Mr. STAGGERS. This is for a different group of people, assistants and helpers.

Mr. GROSS. Yes, I understand.

Mr. STAGGERS. It is not for the mechanics.

Mr. GROSS. Are all of these proposals in the President's recommendations?

Mr. STAGGERS. None of them, sir.

Mr. GROSS. None of them?

Mr. STAGGERS. None of them. They are in the recommendations of Emergency Board No. 179 to the President, and the word came to me by the grapevine, after the Senate passed their version of the bill, it was agreeable with the President. We disagreed with part of the Senate proposal, so we proceeded to cut the Senate bill down from the version they had passed.

Mr. GROSS. It must have been pretty well loaded if this is any indication of a cutback.

Mr. STAGGERS. Four percent.

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

Mr. STAGGERS. I am very happy to yield to the gentleman from Iowa.

Mr. GROSS. So we are here tonight called upon to fix the financial terms of a settlement of a union strike; is that correct?

Mr. STAGGERS. No, sir.

Mr. GROSS. Well, then what are we engaged in?

Mr. STAGGERS. There is a considerable difference between the parties. The unions want 54 percent; the railroads have said that they are willing to give 36 percent. The workers have not had a raise for 20 months. They have children

as do you and I, and they have homes to maintain. This increase ought to be granted. We have not granted an increase for this year, however, because to do so might have meant a fight between unions, and possibly would have brought on a strike.

Mr. GROSS. If the gentleman will yield further, what did the gentleman's committee deduce from the hearings today with respect to fringe benefits? What time did the committee have to spend on justifying any kind of pay increase? What evidence did the committee have? In other words, are we here this evening called upon, as a result of the order of the committee, to provide a financial settlement with the union?

Mr. STAGGERS. No, I do not believe we are. I believe it is a partial settlement. As I argued on this floor last year—and I believe the gentleman was present—when we take away from any person a right—and in this case it is the right to strike—we ought to put something into the scales to balance it. Of course, there are some who would like to put the scales on the floor and say, "The heck with your group." I do not believe that that is proper. I believe that when you take away something from a man, you should give him additional pay or something in equity. We are taking from the men their right to strike. We are giving in return what the presidential board has recommended up to this time. That is all we are doing. We are not going into the merits of the issue or into future questions. This matter will have to be settled by negotiation.

Mr. GROSS. That is exactly the trouble. We are not going into the merits. We do not know. I am opposed to Congress fixing the terms of settlement of strikes in private industry and I will vote against this proposal.

Mr. STAGGERS. Yes, we do know the merits.

Mr. GROSS. And I doubt that you will submit justification this evening for what you are here proposing. I thank the gentleman for yielding.

Mr. STAGGERS. I would say this to the gentleman: I have a great deal of confidence in the recommendations board appointed by the President of the United States. I think they are three of the finest gentlemen in the Nation. They are Paul N. Guthrie, professor of economics, University of North Carolina, chairman; Thomas G. S. Christensen, professor of law, New York University; and Jean T. McKelvey, professor of industrial and labor relations, Cornell University.

Mr. FULTON of Pennsylvania. Mr. Chairman, I believe Congress must act in the current, present, immediate national railroad emergency to save the national economy and the jobs that may be lost, which is a situation that threatens thousands of families in our United States. These people are our people and humanitarian principles require that Congress act in the national interest. But I oppose the following provisions of this bill.

I have made my position clear that I am opposed to injunctions and believe such action is unfair. I favor voluntary agreements and contracts arrived at by negotiations through the collective bargaining procedures.

In my opinion, a really adequate pay raise is due the good railroad workers who should continue negotiations and collective bargaining. In my opinion, it is a mistake for Congress to set the terms of labor-management contracts. This sets aside and destroys collective bargaining.

Congress, setting provisions of labor-management contracts, including wages, hours, pensions, overtime, vacation periods, and fringe benefits, destroys decisions by industry-trained management. Congress action setting wage terms bars and cancels the rights of railroad workers and industry employees who are entitled to representation by union representatives duly elected by their free choice.

I strongly oppose Congress taking jurisdiction to set the provisions, wages, and so forth, in private industry for management, labor, and employees.

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

I am going to try to simplify this, to see if we can put it in context with what we did last December.

At that time we had seven brotherhoods before us. The bill which was brought from the committee to the floor of the House was merely an extension of time mandatorily imposed to allow them to further adjust their differences. When the bill was brought to the floor of the House there was an amendment offered, and it was carried on the floor of the House to that particular legislation, which allowed an increase of January 1, 1970, and November 1, 1970.

We did this this time. Instead of coming here simply with a piece of legislation to extend the time for bargaining purposes we followed more or less the dictates of what the House said ought to be done last December. That is what we have done in this bill. We have provided for an increase January 1, 1970, and November 1, 1970, and the total of that is about 13 percent.

Members may ask: How can we justify putting that in here under any circumstances? We did it in the committee this time because we were sure, in the light of what happened last December, that the House was going to put it in on the floor anyway, that the House was going to put that 13 percent increase in for this brotherhood, just as it did for those brotherhoods last year.

So the House set the example. The House set the pattern by the vote last year as to what we did in the committee today.

It was unanimous, with the exception of three votes. I believe there were 25 present. There were 22, as I understood it, at least, favoring this particular piece of legislation.

One might ask: What is the basis for it? Why should we give them anything?

I believe there is this back pattern to which we could look, in addition to what the House did last December. There is not any dispute that management has already indicated a willingness to settle this whole package for 36 percent. The brotherhood involved is asking for 54 percent. It went before a Presidential Mediation Board, which granted 42 percent, and neither side accepted it. So when we talk about 12 or 13 percent we are talking about only one-third of what management has already offered. So I do not see anything greatly inequitable about this, although last December I thought merely an extension was sufficient.

But the House, in its best discretion and judgment, said it thought approximately 13 percent should be put in here, so we put it in for this brotherhood.

On the Senate side, they gave them an additional amount, and they gave them that raise from November 1, 1970 until April 1, 1971. We felt in our committee that these people were not entitled to a cent more than what we gave the seven brotherhoods last December. Can there be anything unfair about that? We should not give this brotherhood more simply because it held out longer than the seven brotherhoods last year.

I know Members wonder if this is not coming back again. None of us can assure the Members that this is not going to come back October 1, which is the date set in the Senate bill. We cannot assure the Members it will not.

But, with respect to the brotherhoods involved in that legislation of last December, several of them have settled, including the engineers about 10 days ago. It is true that the United Trainmen Union, which involves, I believe, four brotherhoods, is in the courts, so we have no control over that at all. Those that were involved otherwise did get a settlement.

The pattern which we have been talking about leads us reasonably to believe there is a chance of getting a settlement in this case before October 1, 1971. That has been our experience since December of 1970 with the other brotherhoods. I believe it is a hopeful sign.

I know many Members have been interested in the question: Why not have permanent legislation? The chairman and I both have been for hearings. I believe we will get to them as soon as we can. Certainly we have had legislation just as important as this pending before the committee, but we will try to get a hearing this year on some kind of legislation.

May I say, I believe the sentiment is picking up a little bit. The gentleman from Texas (Mr. PICKLE) on this side of the aisle has had a bill in for 3 years.

Mr. HARVEY over on this side of the aisle introduced a bill this year, so now you have at least one bill on both sides. The chairman and I both introduced the President's recommendations last year in the form of legislation. We introduced it with an opportunity for having a hearing, which we did not get to, but we did introduce it at his request. It is still pending before the committee, just as the Harvey and the Pickle bills are.

Mr. Chairman, I could say—and I think this is a fact—that if you took a survey of all of the metropolitan newspapers in this country and you want to take them from clear over on the left to all the way over on the right, I do not

know of a single metropolitan area newspaper in this country that is not for some kind of arbitration in some form or another with reference to these matters involving the public generally.

Also I think it was said here—and I did say this before the Committee on Rules—that every single poll that has been taken by any respectable group that I know anything about indicates that the public supports some kind of legislation like this.

That is all I can report to you today as to legislation pending with a chance of having a hearing and perhaps getting out on the floor.

May I also say that there will be great differences in our committee as to what the form of this bill ought to take and maybe you will come out with some things in the bill that some of you will not be altogether happy about. So I do not want all of you to think that what you come out with here today all of you will agree on.

I want to say—and I ought to repeat this so that there will be no misunderstanding—that at the time President Johnson suggested this legislation in January 1965 nothing happened. I went down in August to talk to him, and he was very frank with me about it. He said:

> I have requested a subcommittee on the Senate side to consider this, and every single member of that subcommittee, both Republican and Democrat, is a friend of mine, but I have not been able to get that legislation out of the subcommittee in the Senate.

So I want to say to you that it will not be an easy job to get legislation out of our committee with reference to arbitration that it has been indicated some of the people on the floor would like to have.

I think it ought to be said also frankly that there will be a lot of political considerations in this bill which will become rather involved when we get into it. I do not want to take the responsibility of saying that we will come out immediately with legislation. I do not know whether we will get any or not. The chairman has indicated, though, wholeheartedly to the Committee on Rules today that he is in favor of some kind of a hearing on it and of going into it in detail to see what can be done.

That is the best than can be said, I think.

With that, I think with the amendments that are coming up, our bill will be identical and we will not have to go to conference and you will not have to stay any longer and we can get this bill passed this evening and down to the White House for signature.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from California, a member of the committee (Mr. Moss).

Mr. MOSS. Mr. Chairman, and members of the committee, I think some attention should be given not to percentages here but to actual earnings and the earning patterns of the people we are affecting by the legislation which the committee seems to be so very anxious to adopt here at this moment.

These are the signalmen. They are electricians. They are skilled electricians. Now, electricians in the building trades will get from $7 to $9 an hour today. These electricians in 1962 were drawing $2.65 an hour. Today, 10 years later, they are drawing salaries of $3.81 an hour. If they work full time for a year, they will earn $7,847. We have very, very few Federal employees who draw salaries that low and almost none on our own staffs drawing salaries that low. We are talking about low-salaried people, skilled people. The amendment will put into effect a 5 percent or 19.7 cents per hour and a 30-cent increase for a total of 49 cents and bring them up to $4.40 an hour.

Let me assure you that this is not an arbitration action by the Congress imposing a high-pay increase or inflationary wages of these people. They waited 20 months to try to get a part of that package.

Some have asked why we do not have permanent legislation. We do not, because we are dealing with one industry in this country where for several years we have never permitted free collective bargaining to work and as a result, in almost every skill employed in the industry it is under the prevailing wage for comparable work at comparable levels of activity in other industries outside of the railroads.

Mr. Chairman, this pattern is not going to open it up, and bring it up today to the levels of comparable employment.

Mr. Chairman, I make these observations, because I think you ought to know that we are not doing anything here to load down the railroads and we are not giving any prize to the workers.

Mr. Chairman, I want to take an additional minute here—and I would like the attention of the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), because as I left the hearings today following a quorum call— and we were interrupted about five times in those hearings by quorum calls— I noticed on the ticker tape out here where the gentleman had characterized the committee as dragging its feet. I want to assure you that our committee did not drag its feet on this issue or any other, today or any other time. We proceeded expeditiously to deal with the request of the President, and in all responsibility we should at least have taken the time, and we took the absolute minimum, to hear the witnesses from the Department of Labor, from the unions and from the railroad bargaining group. We concluded the hearings at about 4 o'clock and went back at 4:15 to draft the legislation and get it up to the Rules Committee so that it could be brought to the floor of the House.

That is not a characteristic of foot-dragging, and I want the RECORD to reflect the fact that the Committee on Interstate and Foreign Commerce does not drag its feet on any important issue.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I rise today as a Member of this body who has spent almost the entire weekend wrapped in thought and contemplation anticipating the resolution on which we will be asked to vote today. What I have to say is of signal importance to me, and I only hope that I am able to convey to you in words, the thoughts that haunt my mind. You have heard me seek and obtain clarification of our legislative situation.

In the 12 years that I have sat in these Chambers, I have seen many similar, six I believe, resolutions come and go; with the vote that I and other Members of this House cast, eventually being construed as a vote for management and against labor, or for labor against management. In all honesty I must state that I have always considered that my vote was cast against neither, but in the national interest. However, that is now water under the bridge—or is it?

Today we are faced with another such decision, which is different I think in this respect; here in 1971, we are not going to decide on whether labor or management is right or wrong; we are not going to decide on the right to strike or the right to work; we are not even going to decide on whether or not this important national transportation system should be kept going. It goes much deeper than that. I put it to you, that today we must take the position that the time has come to halt the rampaging inflation that is threatening this Republic with total bankruptcy. I put it to you, that as long as this Nation continues to lower its protective tariffs, and compete on the basis of Yankee know-how—or technical breakthroughs—with cheap labor around the world; we cannot, I repeat, we cannot in good conscience, vote to accede to the exorbitant demands of labor, and contribute to the soaring profits of industry, by looking with favor upon this resolution.

I have heard all of the labor-management arguments, about who will or will not cast the first stone. I know that you have too. But maybe today is the time for the first stone to be cast, and I feel certain that the Members of this body should be the ones to cast it. We are, after all the Representatives of all the people of this Nation, who in the long run will suffer the consequences of the decision we arrive at today.

Mr. Chairman, how long will Congress be forced to legislate solutions to wage disputes? Why should we interfere with the self-regulating forces on the free marketplace? What other industries and unions will begin to abdicate their responsibilities and request that the Congress arbitrate their differences? The trend and precedent we establish today has the potential of destroying the very system that has provided more goods and services, and a higher standard of living to a greater portion of our society than to any previous society of civilization. The time has come to realize our excessive demands are killing the "goose that lays the golden egg."

Therefore, as for me: Whether this resolution be as suggested by labor, offered by management, or a compromise worked out by our Government, I will vote against it in lieu of permanent and equalizing legislation. I would have preferred protection of our standards. I choose to "cast the first stone," and try to save jobs and the Republic. If our

standard of living must retrench a little as a result, so be it? I further suggest that the House of Representatives now take a 5 to 10 percent across the board reduction in salaries, allowances, clerk-hire, and personnel; in the national interest of economy and security for the future. Then and only then can logic or reason begin to prevail; and Government desire—or "jaw boning"—can have affect without need for socialistic wage, price, and finally job fixing.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I rise to direct a few questions to the distinguished chairman of the Committee on Interstate and Foreign Commerce.

I note there is a schedule of pay increases listed there which reads as follows:

January 1, 1970: 5 per centum for all employees.

November 1, 1970: 30 cents per hour for leaders and mechanics.

November 1, 1970: 18 cents per hour for assistants and helpers.

I was wondering if the distinguished chairman of the committee would care to elucidate a little bit so that the other Members of the House will have a full understanding of precisely what this language means?

Mr. STAGGERS. I will be very happy to. I am glad the gentleman brought this up, because there might be some misconstruction about what is meant here. The 5-percent increase applies to all employees subject to the joint resolution, and the November 1 increases also apply to all such employees.

On November 1, 1970, there is a 30-cent-per-hour increase for leaders and mechanics, and it does actually mean all of those who are higher in rank.

Mr. DINGELL. Would the gentleman define exactly the words "leaders and mechanics" so we can have a full understanding of precisely what is meant by that?

Mr. STAGGERS. I just do not know to a complete extent what is meant by the term "leaders and mechanics" except in the electrical field. It is a technical term. But I do know it means those two have higher skilled work to do. And it sets forth in the next column 18 cents per hour for assistants and helpers, and that means just exactly that, but all employees subject to the joint resolution's prohibition against striking would be included under the terms "leaders and mechanics" or "assistants and helpers."

Mr. DINGELL. I thank the gentleman for his explanation.

Mr. FRENZEL. Mr. Chairman, few people will agree with the theory that this country can tolerate a major transportation breakdown such as confronts us today. In our age of interdependence, we cannot allow 10,000 employees and a handful of employers to deprive one-half million people of their transportation to and from work, and possibly put out of work millions more due to the stoppage of the vital flow of materials and merchandise.

The pity of it is that Congress has had remedial legislation before it for several months. This strike deadline came as no surprise. If we in the Congress did not want to accept the administration's proposal, we had all the time in the world to develop our own.

The fact that this transportation breakdown occurred at all, and that it lasted a couple of days, is surely the fault of Congress. We have no excuse for failure to take timely action. There is no way to blame the administration or the employers or the employees when we had the means to keep our vital transportation system moving.

Obviously, we must vote for the resolution before us. Again, however, it is a temporary measure. If Congress ever had a responsibility, it is here and now to provide some kind of continuing machinery under which this country can be assured that our transportation system will continue to operate. If we continue to solve each major dispute separately in a piecemeal fashion, the public can be assured of future 1- or 2-day stoppages at regular intervals. The public deserves better from us.

I intend to vote for this resolution, and I urge that this Congress provide a permanent solution to this most difficult problem.

Mr. MIKVA. Mr. Chairman, I am deeply troubled by the action which this House is taking in interfering with the labor dispute between the railroads and their employees.

As my colleague, the gentleman from Texas (Mr. PICKLE), states, Congress seems incapable of functioning in this area except in the face of a crisis. That is not the way in which this legislative body should act. It is absurd to think that a nationwide industry such as the railroads can be properly and fairly regulated in a matter of hours by 435 men of diverse backgrounds, and different bases for making judgments on what is or is not a fair settlement with respect to wages, working conditions, and all the elements of a labor dispute.

What concerns me most about Congress' playing at arbitration is not simply that it is beyond our proper legislative competence, but that it clearly interferes with free collective bargaining. As several of my colleagues pointed out during the hasty discussion, this is not the first time Congress has intervened to prevent a nationwide railroad strike. We are by now at the point where the possibility, even the probability, of eventual congressional intervention is taken into account by the parties to a labor dispute as an additional factor to be reckoned with, and an additional bargaining chip. The willingness of Congress to be used in this way has increased the likelihood that crippliing strikes will occur, for it undermines the incentive to the parties to hammer out their differences at the bargaining table. The day of reckoning, which is such an important element in the delicate dialectics of collective bargaining, is no longer the strike deadline but rather the action taken by Congress. We must move collective bargaining back to the bargaining table, and cut the parties at the table from three to two. The shadow of congressional intervention must not be permitted to hang over free negotiations between labor and management. We are doing neither labor nor industry nor Congress nor the country a favor by our present crisis intervention course. And the obituary notice for collective bargaining will list industry and the unions as the bereaved.

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

Mr. STAGGERS. Mr. Chairman, I have no further requests for time from our side, and I suggest the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference Committees or by their employees, in the conditions out of which such dispute arose prior to 12:01 antemeridian of July 1, 1971.

SEC. 2 Not later than ten days prior to the expiration date specified in the first section of this joint resolution the Secretary of Labor shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees; and

(2) any such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate.

SEC. 3. This resolution shall take effect immediately upon enactment.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the joint resolution 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 West Virginia?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 10, strike "July 1, 1971" and insert in lieu thereof "July 20, 1971".

SUBSTITUTE AMENDMENT OFFERED BY MR. STAGGERS FOR THE COMMITTEE AMENDMENT

Mr. STAGGERS. Mr. Chairman, I offer a substitute amendment for the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS as a substitute for the committee amendment: Page 2, line 10, strike "July 1, 1971" and insert in lieu thereof the following: "October 1, 1971".

The CHAIRMAN. The question is on the substitute amendment for the committee amendment.

The substitute amendment for the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended by the substitute.

The committee amendment, as amended, was agreed to.

COMMITTEE AMENDMENT

The SPEAKER. The clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, following line 7, insert:

"SEC. 3. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this joint resolution shall be increased in accordance with the following table:

"Effective as of:	Pay increase
"January 1, 1970__	5 per centum for all employees.
"November 1, 1970_	30 cents per hour for leaders and mechanics.
"November 1, 1970_	18 cents per hour for assistants and helpers.

"Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section.

"SEC. 4. It is the sense of the Congress that the living accommodations of some of the employees who are subject to the first section of this joint resolution, while they are on travel status, are unsatisfactory. Accordingly, the Congress does not intend, by limiting the effect of Section 3 to rates of pay, to endorse the continued furnishing of substandard quarters to employees and urges management and labor to negotiate an agreement to provide, as soon as possible, substantially improved living quarters for employees on travel status."

And renumber section 3 as section 5.

AMENDMENT OFFERED BY MR. STAGGERS TO THE COMMITTEE AMENDMENT

Mr. STAGGERS. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS to the committee amendment: Page 3, immediately before line 8, insert the following:

"SEC. 5. Not later than July 31, 1971, the Secretary of Labor and the Secretary of Transportation shall submit jointly to the Congress as full and comprehensive a report as feasible on the impact of the current work stoppage. Such report shall include an analysis of all the recoverable and nonrecoverable losses suffered as a result of the stoppage; the extent to which rail traffic was diverted to other means of transportation, and the secondary effects on other industries and employment. Not later than July 31, 1971, the Secretary of Defense shall submit to the Congress as full and comprehensive a report as feasible on the impact of the current stoppage on movement of goods vital to the national defense; the extent to which rail traffic was diverted to other means of transportation and the status of plans to provide for the movement of defense articles in the event of a railroad work stoppage or lockout."

And renumber the following section accordingly.

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. ECKHARDT

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

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: Amend House Joint Resolution 642 by inserting therein after line 10 on page 2 the following and renumber succeeding sections accordingly:

SEC. 2. With respect to the above dispute the following provisions shall be in effect as subsections (b), (c), (d), and (e) of Section 10 of the Railway Labor Act (45 U.S.C. 160), after 12:01 antemeridian, October 1, 1971 (if the above dispute has not been settled by such date) and remain in effect respecting the dispute and the parties involved therein until such labor dispute is terminated by agreement or until January 1, 1972, if no agreement has been reached at that time:

"(b) It shall be unlawful for any carrier at any time to lock out any craft or class of its employees, or any segment of any such class or craft, or in any manner to diminish its transportation service in consequence of any dispute subject to this Act unless such carrier is caused to diminish such service by a strike of all or some portion of its employees, and then only as permitted by applicable agreements and in accordance with the notice and other provisions of said agreements.

"(c) Whenever any carrier has proposed a change in agreements affecting rates of pay, rules, or working conditions in accordance with section 6 of this Act and all procedures required under this Act have been exhausted with respect to such change, such carrier may make such change effective without agreement, except where (1) such change was proposed by the carrier in response to or in anticipation of a change or changes in such agreements proposed by a representative of employees and considered concurrently therewith and the carrier's transportation service has not been interrupted by a strike of the employees whose representative initiated the proposed change; or (2) such change is not permitted by other provisions of this Act.

"(d) Whenever a representative of employees has proposed a change in agreements affecting rates of pay, rules, or working conditions in accordance with section 6 of this Act and all procedures required under this Act have been exhausted with respect to such change, the employees represented by such representative may strike, subject to the limitations and obligations and partial operation imposed by subsection (e) of this section, all of the carriers to whom such proposal was directed, or may selectively strike any of such carriers or carrier systems without concurrently striking other carriers to whom such proposal was also directed and who may have been jointly or concurrently involved with the struck carrier or carriers in the previous handling of the dispute under this Act. For the purposes of this subsection a strike shall be a 'selective' strike if not more than three such carriers or groups of such carriers operating in a system in any one of the eastern, the western, or the southeastern regions are concurrently struck and the aggregate revenue ton miles transported by all such carriers in any one region who are concurrently struck did not in the preceding calendar year exceed 40 per centum of the total revenue ton miles transported by all carriers in such region in such year. The eastern, the western, and the southeastern regions as used herein mean, respectively, the carriers represented by the Eastern, Western, and Southeastern Carriers' Conference Committees and any other carriers operating in the territories in which such carriers respectively operate.

"(e)(1) Whenever a selective strike or a strike of any combination of carriers occurs, such carrier or carriers and representative or representatives of the employees on strike shall provide service and transportation for such persons and commodities as may be directed by the Secretary of Transportation pursuant to the provisions of subparagraph (2). Such service and transportation shall be provided pursuant to the rates of pay, rules, and working conditions of existing agreements.

"(2) The Secretary of Transportation after consultation with the Secretary of Defense and the Secretary of Labor shall determine the extent to which services and transportation of any struck carrier or carriers are essential to the national health or safety, including but not necessarily limited to, transportation of all defense materials, coal for the generation of electricity, and the continued operation of passenger trains including commuter service. Such determination shall be made on the basis of facts known to the Department of Transportation, shall be made in writing, shall be based on the findings of facts stated in the determination, and shall be conclusive unless shown to be arbitrary or capricious.

"(f) Nothing in this section, except as specifically provided for herein, shall be construed as either to interfere with or impede or diminish in any way the right to strike, or to affect any existing limitations or qualifications on that right."

Mr. ECKHARDT (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment may be dispensed with.

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

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. ECKHARDT) is recognized.

Mr. ECKHARDT. Mr. Chairman, I compliment the committee and its chairman for meeting an immediate emergency and, particularly for the intensive study of the problem that was given in the short period of time available.

I also recognize the dilemma that is presented to this House whenever the right to strike is suspended or sought to be suspended by a proposal like that the President made in this case. The quid pro quo that we have devised in these circumstances is the granting, along with the suspension of the right to strike, of a certain part of the demands contained in the union's proposals. Perhaps this is necessary, but it is most lamentable. What we are doing on this floor, I think for the third time, and only the third time, if I have counted right, is writing substantive provisions of a labor agreement. Now, this is probably the worst thing that Congress can do, and Congress is probably the worst equipped body to do it. And yet as for you on the other side of the aisle who complain about writing these provisions respecting wages, if you would do exactly what the President asked us to do and suspend the right to strike, you would do the same thing. The right to strike is a part of the relationship between labor and management, and you are writing a contract in the form of a statute prohibiting the exercise of that right.

Once you get into this can of worms you have got to go the whole way, and we are going farther and farther, and we will continue going farther and farther unless we provide, at the conclusion of any period in which the right to strike is suspended, that the bargaining relation which had brought us to crisis situation be altered, that the pattern of nationwide bargaining and suasion be broken up.

And what is that situation? It is a situation in which labor and management bargain nationally with respect to all railroads. When a strike occurs, all railroads are struck, and this is a completely inadmissible result that Congress is always going to change when we are called upon to stop a strike that will happen tomorrow. We are in the position tonight of being called upon to go along

with the Senate amendments verbatim because the Senate has adjourned and gone home. So we do not consider it any further.

We give up our rights as a body and accept the Senate measure, because we think it is not admissible to permit a strike to continue tonight.

That is not any way to do legislative business, particularly legislative business that deals with such an important matter as the basic right to strike.

I suggest this amendment as a means of ending both labor and management's coming to us to pull their chestnuts out of the fire, as a means of ending the writing of a labor agreements on the floor of the Congress of the United States.

The amendment does one simple thing. It provides that at the termination of this period in which the strike right is suspended, on October 1, there is no further limitation with respect to selective strikes. If you put in this provision and you come down to October 1, I will assure you that there will be a settlement before that date. There will be a settlement before that date because there is then the pressures of a strike. Therefore this amendment does just one thing: It deals only with this dispute, but permits the ordinary process of a single strike against a single employer at that time.

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

Mr. ECKHARDT. I am glad to yield to the gentleman from Georgia, my colleague on the committee, if the gentleman will assist me in getting a little additional time.

Mr. THOMPSON of Georgia. Perhaps I can get some additional time if the gentleman's time runs out.

The gentleman has said that his amendment would do only one thing. I had an opportunity in the committee to review the amendment quickly, and it appeared to me as though it would do more than one thing. It appeared to me as though it would unbalance a labor-management situation. As I understand it, today we can have a national strike, which is now in process, or we can have a national lockout. Your amendment would provide for selective strikes, but it would prohibit selective lockouts.

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

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

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. THOMPSON of Georgia. As I understood the amendment of the gentleman from Texas, it would prohibit an individual railroad from engaging in a lockout but it would allow employees to strike an individual railroad.

I concur; there is some merit to eliminating nationwide strikes and many support legislation for individual company-by-company bargaining, and, should that break down, strikes. But it appears to me to be inequitable when all the weight is put on one side and it is not balanced on the other side.

I would submit the gentleman is in error when he says his amendment does only one thing. It does more than one thing. I wish I had more time to study the amendment further, because I believe other things also are done in the amendment.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield so that I may answer the point raised?

Mr. THOMPSON of Georgia. I yield to the gentleman from Texas.

Mr. ECKHARDT. The amendment does not outlaw a selective lockout because that is already outlawed under the Railway Labor Act. What it does is outlaw a retaliatory nationwide lockout in case the union strikes selectively. If we do not do this, of course every strike could be made a nationwide strike by the employer extending it to a lockout, and it would be of no value whatever to the objective we are seeking here to bring about the old-fashioned type of bargaining where one strike could occur which does not shut down the whole Nation's railway system.

That is why I put that in.

Mr. THOMPSON of Georgia. If I may interrupt, in reading the amendment, which I saw in the committee, I read it as outlawing selective lockouts. I may be in error. But it is obvious even the committee members have not had enough time to read this amendment entirely and to know what is included in the entire amendment. For that reason I would certainly hope the membership here would not vote in favor of an amendment they have not had an opportunity to see, which has such broad ramifications.

Mr. STAGGERS. Mr. Chairman, I rise to oppose the amendment.

Ordinarily I would be for the amendment. I voted for the amendment in committee today. But this is not the time to bring it up. As the gentleman in the well said, the Senate has gone home. If we are to settle this strike tonight we have to vote on this now.

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

Mr. STAGGERS. I am happy to yield to the gentleman from Illinois.

Mr. PUCINSKI. Does the gentleman know whether or not if we do in fact adopt the suggestion made by the committee, as amended, this strike can be settled tonight and the railroads can start operating before tomorrow?

The reason why I ask the question is indeed if the strike can be settled tonight perhaps the thing to do is to accept the gentleman's recommendation. But if, for reasons beyond our control, this strike is going on into tomorrow, certainly the suggestion made by the gentleman from Texas is one worthy of consideration by the House.

Does the gentleman know whether or not, if we act affirmatively and accept the other body's version, the trains can start rolling tonight? Or are we going to lose another day for reasons beyond our control?

Mr. STAGGERS. In answer to the gentleman I would say that if the strike continued it would be illegal. I dare say every union man would abide by the law.

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

Mr. STAGGERS. I yield.

Mr. PUCINSKI. The fact that a strike is illegal does not preclude the union from going into court and protecting and defending its rights.

I am willing to vote for the recommendation made right now, if I have some assurance that we will see the strike end and the railroads running. But if we have no such assurance, I believe it is mandatory for this House to give some consideration to the recommendation of the gentleman from Texas.

Mr. STAGGERS. I can give all the assurance I have in the power of the courts, and their coercive forces, that the men will be back to work as soon as possible. But that will not be needed—I am sure the union leaders and the men will obey the law.

As I said, Mr. Chairman, I am for the amendment normally, but tonight I urge its defeat.

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

This is a very, very far-reaching amendment, as is any revision of the Railway Labor Act. As far-reaching an amendment as this ought to receive hearings. This morning is the first time I ever heard of this amendment.

This is a far-reaching amendment changing, in my estimation, the whole tenor of the Railway Labor Act in two ways.

First, it points out and makes legal the selective strikes. Secondly, it says that:

> It shall be unlawful for any carrier at any time to lock out any craft or class of its employees or any segment of any such class or craft or in any manner to diminish its transportation service in consequence of any dispute . . .

These are far-reaching words that may change the whole Railway Labor Act. This is not the time to consider this kind of an amendment, in my opinion.

Now, we had this up in the committee and it was defeated by a vote of 18 to 12, I believe. I believe that is the correct figure. No hearings have been held on it. I think the committee acted correctly this morning, because we did realize the implications of it and the complications of it in trying to adopt an amendment at this time in these proceedings.

For that reason, I agree with the chairman that this amendment ought to be voted down.

Mr. MOSS. Mr. Chairman, I rise in support of the amendment, and I yield to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I rise to very briefly make a few corrections in the statements made by the distinguished ranking minority member of our committee.

This amendment is not a sweeping amendment. Indeed, this amendment is entirely in accord with the spirit and direction of the case of Delaware & Hudson Railway Co. et al. against United Transportation Union, which is the last word of the courts on this point. It is the decision of the court of appeals on the question of the right of selective strike.

The amendment is necessary regardless of the fact that the last and the highest court that has ruled on the question has held without any other court of

equal authority holding otherwise that selective strikes are permissible. The amendment is nevertheless necessary in order to provide certain statutory provisions to govern the area of the selective strike that cannot be supplied under court determination of existing law.

One question that arises is what about a retaliatory nationwide lockout, which is the question raised by the distinguished gentleman from Georgia in a question to me. The answer is that you have to block the retaliatory nationwide lockout or else you do not accomplish the objective of limiting the strike.

Another matter that the amendment addresses is the matter of restriction of the selective strike to not more than 40 percent of the ton-mile revenue in a given railroad area such as the eastern or western area, and so forth.

Also there is the restriction that prevents the striking of more than three railroads in any given area.

In addition this amendment makes certain provision for emergency and essential movement of goods during a strike.

Beyond these matters the decision of the court, ultimately I think, will cover the matter of selective strikes.

This is not a sweeping amendment. It is not a permanent change of the act. It merely deals with the specific question involved here.

Mr. JAMES V. STANTON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, while the Members on the other side of the aisle are extremely desirous of voting quickly on the rights of labor men affected by this legislation, I wish to remind you that the President of the United States was not nearly as concerned about the rights of labor when he suspended the Davis-Bacon Act.

I submit to you, gentlemen, that the amendment that is offered here is an attempt by those who were concerned not about labor's delaying your supper again, but rather providing supper for labor. And, if you support the amendment as offered by the gentleman from Texas, you will make an advance. If those of you on the other side of the aisle who are desirous of aiding labor in terms of finding a settlement of the problem, you should support this amendment.

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

Mr. Chairman, in answer to the last speaker, I will only say that if you are interested in labor, why are you not interested in settling this strike?

In my district, as of today, there are approximately 4,500 people laid off because of this stirke. We are not talking about labor unions alone, but we are talking about labor all across this country. I think what the gentlemen are trying to do tonight is to get legislation in order that the other body will not have to act on it again, because if that be the case, you have another day and you will have men laid off tomorrow, and this could go on for a couple of more days.

If you are interested in labor, you should support the proposal of the gentleman from West Virginia.

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

Mr. Chairman, I rise to oppose the amendment on the basis of what the gentleman from Illinois (Mr. SPRINGER) has said. I think this is far-reaching and should have additional study. However, I would like to yield to the chairman of the Committee on Interstate and Foreign Commerce for a brief colloquy.

I know, Mr. Chairman, that the House is restless and anxious to get home. But I do have a couple of points which I would like to bring to the attention of the chairman. I am a new Member of this body. I was not here last December when adjustments were made for the other railroad brotherhoods. However, I am prepared to go with you tonight and try to settle the strike.

But, Mr. Chairman, I would like to ask this question: Is it commonplace for this body to be put in the situation of having to accept, pro forma, and verbatim an agreement prepared basically for us by the other body simply because they have chosen to adjourn for the evening?

Mr. STAGGERS. No; that would certainly be wrong. We are a free body. We are here to deliberate. I would say to the gentleman from Kentucky that your committee deliberated a great deal today and came out with this, and it was almost unanimous. We brought to the floor the best bill we could. I might say that we did have contact with the other body and they conceded on two points over there.

Mr. MAZZOLI. Mr. Chairman, I appreciate this, and I am satisfied that the distinguished gentleman from West Virginia has done a very good job. But may I suggest, perhaps, as a point of future reference, and if it is at all possible, that I would like to have before this body information as to the amounts of money involved, because, frankly, we are buying a right expensive package on the basis that it is the best thing we can do under the circumstances. In other words, we are pretty much locked in, because the other body has adjourned.

I want to indicate to you, Mr. Chairman, that I am not the only Member in this body tonight who feels he is between a rock and a hard place.

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

The amendment was rejected.

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

Mr. Chairman, as a member of the Commerce Committee, I rise in opposition to the joint resolution now pending before us. I do it with great reluctance. I have the highest respect for my chairman who is most sincere in trying to find a solution. I have the highest respect for the members of the committee.

However, Mr. Chairman, for nearly 10 years we have been handling this type of legislation in this manner, case by case, on an ad hoc basis.

The same speeches were made last December that are being made tonight. This is the fourth or fifth time in the last 15 months that we have been called upon to settle a strike. We have reached a point where we must say no. Each time we sincerely believe that we have settled this matter, but we have not settled it, and we come back again with the same difficult situation facing us.

On October 1 it is likely that you are going to have the same problem, and we will have the same speeches, and we will have the same pious cries for permanent legislation, and we will vote for another ad hoc solution, and then we will wait until another strike occurs.

The gentleman from Texas made a very pertinent observation when he said that we are dealing in substantive changes here when we advocate this kind of a bill.

I have voted for postponement in the past, I am no lily-white. I have voted to give some increases in the past, and I have voted for some of these changes, as many of the other Members in this House have, thinking that it was a definite solution. But we have not made any solution to it, and if we vote it again tonight—as I think we will, because the hour is late and the Nation is suffering—if we vote it again we will have the same thing facing us next October 1.

I do not believe that labor is happy. Surely friends of labor cannot be happy that we are making substantive labor changes here by this action. They did not get what they wanted. Indeed, they do not get even as much as the Emergency Board had offered them at one time. And I cannot believe, Mr. Chairman, that management is going to be happy because we are not settling the strike, and we are giving them a pay raise in the meantime.

Now, how are you ever going to get any kind of a permanent solution to this problem? How can you blow hot and cold in this manner?

I say to you that we have reached the point where we must register our voices. Therefore I am going to just simply vote "no" as a protest to the continuation of this type of legislation. We have reached the point where we must say "No." I will tell you why. The public is the one that is suffering. I doubt very much, as intense as the feeling is here, if the Members of this House really know how much the public protests this type of solution. The American public, I tell you, is going to demand that something be done.

Will you do it with hearings? The chairman is sincere about holding hearings, but he has just said that it will take months and months, and indeed it has taken 7 years that I know of. So we have no reason to expect any kind of an immediate solution to the problem.

So I submit to you that what you have done, Members of the House, is that you have continually—and I have also been a party to it—voted the exception to where it now is the rule. I submit to you that there is very good reason to believe that you will not have permanent legislation, although I have introduced and have had a bill before us for 6 years. I think we have set a pattern by continually meeting this type of emergency in this manner. I submit you will be doing it again next October. I submit it will be

done again. We have accomplished little.

For that reason your chances of getting permanent legislation, my friends, is not good. The only way we are ever going to do it is to say, "No" in these special cases—and get to the business of making some permanent changes. In the meantime we are going to go on down the patchwork path and do the same thing we have. I hope the membership, enough Members in this body will vote "No" which is the same as saying to the American people "This—and no further."

Mr. PICKLE. Mr. Chairman, we are in the second day of another shutdown of the Nation's railroads. Already economic shock waves are spreading throughout the many industries who haul by rail. If the strike goes on, how much food will waste? How many people will lose their jobs?

Once again, the Congress is poised and at the ready with a traditional answer—unfortunately, that answer is patchwork legislation.

The House will remember that I have—for 6 years running—introduced permanent legislation which incorporates a choice of procedures, or an arsenal of weapons which would be available for the President to use in the question of national transportation tieups.

Last year, President Nixon sent up his version. Also, several of my colleagues have introduced versions of permanent legislation. We have seen bills introduced by many of our colleagues: Congressmen ECKHARDT, JARMON, ADAMS, HARVEY, and others. At least our small band recognizes the need to up-date the antiquated machinery of the Railway Labor Act. Our approaches vary, but at least we are willing to make the effort to save collective bargaining. It is not working now.

There will be no legislative heroes. Someone will get branded by either labor or management. However, neither labor nor management have clean hands in the matter.

Mr. Chairman, the pattern is too painfully clear. Both House and Senate committees will meet, pass out temporary legislation, and then forget the long-range problem. Forget it, that is, until another strike emerges.

I am weary of the Congress acting as an arbitration board. I ask my colleagues to join me in this request for action on permanent, long-range solutions to a permanent, long-range problem.

This Nation simply cannot withstand the rigors of a national transportation tieup. We should not have to. We should modernize the labor laws.

I call for immediate hearings on this needed legislation.

Over and over, I have asked for hearings.

Over and over, I have presented my legislation to the House.

Over and over, I have been met with complete silence.

Perhaps the noise made by men not working—perhaps the noise made by trains not running will at last help my bill to be heard.

Mr. Chairman, I cast no aspersions on my committee. I am certain that many felt each time we patched up a transportation dispute that this would be the last. This hope was reenforced by the court decision allowing selective strikes.

But the hard, cold fact remains—temporary solutions will not work. Ad hoc legislation will not work. We need to act now to update our labor legislation.

The CHAIRMAN. If there are no further amendments to the text of the bill, the Clerk will read the preamble.

The Clerk read as follows:

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and certain of their employees represented by the Brotherhood of Railway Signalmen threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the objectives in a manner which preserves and prefers solutions reached through collective bargaining; and

Whereas the recommendations of Presidential Emergency Board Numbered 179 for settlement of this dispute did not result in a settlement: Now, therefore, in order to encourage these parties to reach their own agreement, be it

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. GALLAGHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 642) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway-management dispute, pursuant to House Resolution 447, he reported the joint resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is the engrossment and third reading of the joint resolution.

The joint resolution 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 join resolution.

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

Mr. PICKLE. 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. The Chair will count.

Two hundred thirty-nine Members are present, a quorum.

Mr. HALL. Mr. Speaker, I demand the yeas and nays on this vote.

The yeas and nays were refused.

So the joint resolution was passed.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, pursuant to the provisions of House Resolution 447, I call up Senate Joint Resolution 100 for immediate consideration.

The Clerk read the title of the Senate joint resolution.

The Clerk read the Senate joint resolution, as follows:

S. J. RES. 100

Joint resolution to provide for an extension of Section 10 of the Railway Labor Act with respect to the current railway labor-management dispute, and for other purposes

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and certain of their employees represented by the Brotherhood of Railway Signalmen threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential trasportation services be maintained; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the objectives in a manner which preserves and perfers solutions reached through collective bargaining; and

Whereas the recommendations of Presidential Emergency Board Numbered 179 for settlement of this dispute did not result in a settlement: Now, therefore, in order to encourage these parties to reach their own agreement, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference Committees or by their employees, in the conditions out of which such dispute arose prior to 12:01 antemeridian of October 1, 1971.

SEC. 2. Not later than ten days prior to the expiration date specified in the first section of this joint resolution the Secretary of Labor shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees; and

(2) any such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate.

SEC. 3. Not later than July 31, 1971, the Secretary of Labor and the Secretary of Transportation shall submit jointly to the Congress as full and comprehensive a report as feasible on the impact of the current work stoppage. Such report shall include an analysis of all the recoverable and nonrecoverable losses suffered as a result of the stoppage; the extent to which rail traffic was diverted to other means of transportation, and the secondary effects on other industries and employment. Not later than July 31, 1971, the Secretary of Defense shall sub-

mit to the Congress as full and comprehensive a report as feasible on the impact of the current stoppage on movement of goods vital to the national defense; the extent to which rail traffic was diverted to other means of transportation and the status of plans to provide for the movement of defense articles in the event of a railroad work stoppage or lockout.

SEC. 4. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this joint resolution shall be increased in accordance with the following table:

Effective as of:	Pay increase
January 1, 1970----	5 per centum for all employees.
November 1, 1970---	30 cents per hour for leaders and mechanics.
November 1, 1970---	18 cents per hour for assistants and helpers.

Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section.

SEC. 5. It is the sense of the Congress that the living accommodations of some of the employees who are subject to the first section of this joint resolution, while they are on travel status, are unsatisfactory. Accordingly, the Congress does not intend, by limiting the effect of section 4 to rates of pay, to endorse the continued furnishing of substandard quarters to employees and urges management and labor to negotiate an agreement to provide, as soon as possible, substantially improved living quarters for employees on travel status.

SEC. 6. This resolution shall take effect immediately upon enactment.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

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

Mr. HALL. 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. The Chair will count.

One hundred and sixty-nine Members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 265, nays 93, not voting 74, as follows:

[Roll No. 102]

YEAS—265

Abernethy	Brotzman	Davis, Ga.
Abourezk	Broyhill, N.C.	Davis, S.C.
Adams	Broyhill, Va.	de la Garza
Addabbo	Buchanan	Delaney
Anderson, Ill.	Byrnes, Wis.	Dellenback
Annunzio	Byron	Denholm
Arends	Cabell	Diggs
Ashley	Caffery	Dingell
Aspinall	Camp	Donohue
Badillo	Carey, N.Y.	Dorn
Begich	Carney	Downing
Belcher	Carter	Drinan
Bell	Casey, Tex.	Duncan
Bennett	Celler	du Pont
Bergland	Chappell	Edmondson
Bevill	Clark	Eshleman
Biaggi	Clausen, Don H.	Evans, Colo.
Bingham	Collier	Evins, Tenn.
Boggs	Collins, Ill.	Fascell
Boland	Colmer	Flood
Bolling	Conable	Flowers
Brademas	Cotter	Ford, Gerald R.
Brasco	Crane	Ford, William D.
Bray	Daniels, N.J.	Forsythe
Brinkley	Danielson	Fountain
Brooks	Davis, Wis.	Frelinghuysen
Frenzel	McDonald, Mich.	Schwengel
Frey	McKay	Scott
Fulton, Pa.	McKevitt	Seiberling
Fulton, Tenn.	McKinney	Shipley
Fuqua	Madden	Shoup
Galifianakis	Mahon	Shriver
Garmatz	Mann	Sikes
Gibbons	Mathis, Ga.	Skubitz
Grasso	Matsunaga	Slack
Gray	Mayne	Smith, Calif.
Griffin	Mazzoli	Smith, N.Y.
Gubser	Meeds	Spence
Hagan	Melcher	Springer
Haley	Metcalfe	Staggers
Halpern	Michel	Stanton, J. William
Hamilton	Miller, Calif.	Stanton, James V.
Hammer-schmidt	Miller, Ohio	Steed
Hanley	Minish	Steele
Hansen, Wash.	Mink	Steiger, Ariz
Harsha	Minshall	Steiger, Wis.
Hastings	Monagan	Stokes
Hathaway	Montgomery	Stratton
Hawkins	Morse	Stubblefield
Hays	Mosher	Stuckey
Hébert	Moss	Sullivan
Hechler, W. Va.	Murphy, Ill.	Symington
Heckler, Mass.	Murphy, N.Y.	Talcott
Helstoski	Myers	Taylor
Henderson	Natcher	Teague, Calif.
Hicks, Mass.	Nelsen	Teague, Tex.
Hillis	Nichols	Thompson, Ga.
Hogan	O'Hara	Thone
Holifield	O'Neill	Ullman
Horton	Patten	Van Deerlin
Hosmer	Pelly	Vander Jagt
Howard	Pepper	Vanik
Hull	Peyser	Veysey
Hunt	Pike	Vigorito
Ichord	Pirnie	Waggonner
Jarman	Podell	Waldie
Johnson, Pa.	Powell	Wampler
Jonas	Preyer, N.C.	Watts
Jones, Ala.	Price, Ill.	Whalen
Jones, N.C.	Pucinski	Whalley
Jones, Tenn.	Purcell	White
Kazen	Quie	Whitehurst
Kee	Quillen	Widnall
Keith	Rarick	Wiggins
Kemp	Reid, Ill.	Wilson, Bob
Kluczynski	Reid, N.Y.	Winn
Koch	Riegle	Wolff
Kyl	Roberts	Wright
Kyros	Robison, N.Y.	Wydler
Latta	Roe	Wylie
Leggett	Rooney, N.Y.	Wyman
Lennon	Rooney, Pa.	Yates
Link	Rodino	Young, Fla.
Lujan	Roncalio	Young, Tex.
McClory	Roush	Zablocki
McCloskey	Ruppe	Zion
McCollister	St Germain	Zwach
McCormack	Sandman	
McDade	Sarbanes	
	Scheuer	

NAYS—93

Abbitt	Edwards, Ala.	Martin
Abzug	Edwards, Calif.	Mikva
Andrews, N. Dak.	Esch	Mitchell
Archer	Findley	Mizell
Ashbrook	Fisher	Nedzi
Aspin	Flynt	Obey
Baker	Fraser	O'Konski
Baring	Gallagher	Perkins
Bow	Goldwater	Pettis
Brown, Mich.	Gonzalez	Pickle
Brown, Ohio	Goodling	Poage
Burke, Fla.	Gross	Price, Tex.
Burke, Mass.	Gude	Rangel
Burleson, Tex.	Hall	Reuss
Burton	Harrington	Robinson, Va.
Clancy	Harvey	Rosenthal
Clawson, Del	Hicks, Wash.	Rousselot
Cleveland	Hungate	Roybal
Collins, Tex.	Hutchinson	Ruth
Conte	Jacobs	Ryan
Conyers	Johnson, Calif.	Satterfield
Culver	Karth	Saylor
Daniel, Va.	Kastenmeier	Scherle
Dellums	Keating	Schmitz
Dennis	Landgrebe	Sebelius
Derwinski	Landrum	Smith, Iowa
Devine	Lloyd	Snyder
Dickinson	Long, Md.	Stephens
Dow	McEwen	Terry
Dulski	McFall	Ware
Eckhardt	Macdonald, Mass.	Wilson, Charles H.

NOT VOTING—74

Alexander	Andrews, Ala.	Blanton
Anderson, Calif.	Barrett	Blatnik
Anderson, Tenn.	Betts	Broomfield
	Biester	Burlison, Mo.
	Blackburn	Byrne, Pa.
Cederberg	Grover	Railsback
Chamberlain	Hanna	Randall
Chisholm	Hansen, Idaho	Rees
Clay	King	Rhodes
Corman	Kuykendall	Rogers
Coughlin	Lent	Rostenkowski
Davis, Wis.	Long, La.	Roy
Dent	McClure	Runnels
Dowdy	McCulloch	Schneebeli
Dwyer	McMillan	Sisk
Edwards, La.	Mailliard	Stafford
Eilberg	Mathias, Calif.	Thompson, N.J.
Erlenborn	Mills	Thomson, Wis.
Fish	Mollohan	Tiernan
Foley	Moorhead	Udall
Gaydos	Morgan	Whitten
Gettys	Nix	Williams
Giaimo	Passman	Wyatt
Green, Oreg.	Patman	Yatron
Green, Pa.	Poff	
Griffiths	Pryor, Ark.	

So the Senate joint resolution was ordered to be read a third time.

The result of the vote was announced as above recorded.

The Senate joint resolution was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 642) was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the joint resolution just passed.

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

There was no objection.

AUTHORITY FOR CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED AND TRULY ENROLLED

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House until 12 noon tomorrow, May 19, the Clerk be authorized to receive messages from the Senate, and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

NEED TO REGULATE DEEP WELL DISPOSAL

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

Mr. KEMP. Mr. Speaker, today I have introduced H.R. 8532, the Liquid Waste Subsurface Disposal Control Act. The purpose of this act is to regulate deep-well disposal of liquid wastes, that is, disposal by injection into deep subsurface strata of sewage or any liquid used in, or resulting from, any process of industry, manufacture, trade, business, or agriculture.

The Administrator of the Environmental Protection Agency would be responsible for the implementation of this act, in keeping with his responsibilities for

the regulation of other aspects of waste treatment and disposal. He will have exclusive authority for determining: first, sites for deep-well disposal; second, character of liquids suitable for such disposal; and third, construction and operation of deep wells.

I am told that deep wells have been used for over 40 years by the petroleum industry to dispose of oilfield brines. Disposal of other wastes by this method is comparatively recent. Although considerable work has been done in the area of deep-well dispoal and the U.S. Geological Survey has looked at the problem in some depth, areas of uncertainty still remain. Many technical people feel that a new technology must be developed to fully evaluate the effects of deep well disposal.

Injecting wastes under pressure in deep wells is not really a solution to waste disposal. It can be thought of as a detained storage center with the waste eventually getting into usable waters.

Flow in the ground waters is determined by the hydraulic pressures. As one injects a fluid into these waters under pressure, it changes the flow characteristics in the injection zone. Often the zone of injection has some other liquid present in it. Chemical reactions with this liquid are possible. The increased pressure often forces water from this zone into other more usable zones. There have been cases where deep-well disposals have contaminated fresh water aquifers. As a result of an interaction with fluids in the injection zone, careful studies must be made of what the effects will be as the waste material combines with the fluid in this zone.

A Federal water-quality study survey released last year warned that several million Americans drink water containing potentially hazardous amounts of chemical or bacteriological contamination; 12,000 different toxic chemical compounds are in industrial use today—and more than 500 new chemical compounds are developed each year. Add to this a growing roster of weedkillers, fungicides, fertilizers, phosphates and numerous other substances—all of which are finding their way into our water systems and overburdening water treatment facilities.

The best and surest way to accomplish the removal of contaminants from our waters is not to introduce them at all. This act will help prevent any further contamination of our waters which might result from the growing number of fluid-injection wells.

The Environmental Protection Agency has confirmed that injections of liquid into deep wells can also cause geological disturbances. Earthquakes have been observed in areas of Texas, Utah, and Colorado as a result of these injections.

H.R. 8532 includes provisions which will guard against future geological disturbances resulting from deep-well injections of liquid wastes.

Deep-well disposal is exactly what its name states: disposal—not treatment, and hence it should be clearly established that this method of disposal is not an acceptable substitute for effective waste treatment, especially if those wastes can be treated by conventional methods, nor can it become a means of circumventing the intent of the various environmental protection laws.

However, because of increasing pressure on industry caused by increasingly stringent regulatory agency standards regarding the quality of surface waters, the popularity of deep-well disposal of hard-to-treat wastes has increased markedly. There were less than a half dozen industrial deep wells in the United States in the early 1950's. Today a conservative estimate includes about 1,100 fluid injection wells involving waste disposal, ground water recharge, and protection against salt water intrusion.

The mushrooming complexity of waste products coupled with the growing severity of surface water pollution is causing industry to view deep-well disposal as an expedient and economical method of waste disposal and so this number is apt to increase.

A 1970 government-sponsored survey optimistically forecast that U.S. industries could turn waste to profit—through the sale of recovered waste byproducts—by using readily available desalting machinery. Such innovative programs deserve encouragement and they will, I hope, soon make legislation such as this unnecessary. But until these programs become a practical reality, the Liquid Waste Subsurface Disposal Control Act is needed as an integral part of the overall pollution control program of the United States today.

I urge support and passage of H.R. 8532, which does have as a matter of equity, a provision that provides for just compensation for the previous construction of a deep well which the Environmental Protection Agency might subsequently rule as unsafe.

WATER POLLUTION CONTROL BY TANKER TRAFFIC CONTROL

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, we are hearing much these days about oil spills as one of the causes of water pollution.

Mr. Martin J. Barry, in an article printed in the Oil and Gas Journal of July 6, 1970, offered what appears to be an intelligent solution to such incidents by proposing that tankers be monitored and controlled in much the same way as airplanes during their approach to terminals. Mr. Barry's proposal points out how we have tended to let old and obsolete traditions conflict with efforts to improve our very existence.

Many of us live in coastal areas where shipping is an important contribution to our economic status and would find Mr. Barry's "Proposal for Traffic Control and a System for Precise Navigation of Vessels from Offshore Coastal Waters to A Sears Island Marine Terminal," a most interesting and timely solution to incidents in our own areas. An ounce of prevention is worth a pound of cure.

I include Mr. Barry's letter and proposal in the RECORD at this point:

[From the Oil and Gas Journal, July 6, 1970]

TRAFFIC CONTROL MAY CURB TANKER SPILLS

DEAR SIR: I have followed with great interest the feature articles on oil spills—where we are and where we are going. . . .

Reference to the major oil spill tabulation in a recent issue (OGJ, June 8, p. 67) shows 525,740 bbl of oil spilled as a result of tanker groundings, collisions, or hull failure. This was 63% of the total listed oil spills. There were 67% of all oil spill incidents which included storage tank failures, drilling spills, etc.

The key to prevention of such tanker incidents lies in a precise traffic control of all ships' movements plus enforcement of specific requirements for sophisticated navigation equipment and practices along with high competence for personnel in responsible charge, plus strict standards for the ship's hull design and operating equipment.

A ship's track and movements in coastal waters can be monitored and controlled from shore in the same manner as is done with aircraft. A tanker on entering a U.S. coastal area can be put into a traffic pattern with a specific ship's track assigned.

Shore control should monitor it and have absolute authority to determine whether the weather and traffic conditions are suitable to permit it to come into port or whether it should stand off in a holding pattern at sea. Similar control should be exerted over ships leaving port.

At the discretion of the shore control authority, tankers could be required to be serviced by tug on entry into coastal water according to weather and other conditions in order to assure safe passage into port.

Some consideration is being given at this time to broader U.S. ship traffic control. Even now there is in effect inbound and outbound sea lanes in certain ports (OGJ, May 25, p. 58). The proposals to date do not go far enough to achieve the required effectiveness which is readily possible with the sophisticated navigation and control equipment available today.

Every ship's position in coastal waters can be precisely known and controlled in a manner to practically eliminate oil spills from tanker incidents in such areas. Such regulation is in conflict with some old traditions of the sea but such traditions are obsolete and incompatible with the present day level of sea transport.

Sooner or later the same degree of control will have to be instituted over ships, and over tankers in particular, as is currently applied to aircraft.

MARTIN J. BARRY,
Petroleum Engineers, Westport, Conn.

PROPOSAL FOR TRAFFIC CONTROL AND A SYSTEM FOR PRECISE NAVIGATION OF VESSELS FROM OFFSHORE COASTAL WATERS TO A SEARS ISLAND MARINE TERMINAL

(By Martin J. Barry)

GENERAL

All vessels, including tankers, barges and dry-cargo container ships, destined for the Sears Island Marine Terminal while still in the offshore coastal waters will come under the control of the Terminal Transit Control Station. In addition to the transit control function, the station will monitor weather, tide and general sea conditions.

No vessel bound for the Sears Island Terminal will be permitted to enter the approaches to Penobscot Bay without receiving clearance to proceed and a detailed transit plan which will take into account such things as traffic, sea and weather conditions, route assignment, pilot and tug assistance, speed and schedule of movement along the route, etc. In addition, each vessel in transit will be under constant surveillance and traffic control by the transit control station, and will be subject to revisions of its transit plan

as dictated by changes that may develop during transit.

While the transit control discussed here would only have jurisdiction over traffic associated with the Sears Island Terminal, the service of the facility could readily be extended to other shipping interests. This would be encouraged for maximum effectiveness.

There are at least four separate approaches from the offshore coastal waters of Maine that are available and suitable as entrances to Penobscot Bay depending on draft of vessel and conditions of the weather and sea.

In Penobscot Bay itself, the chain of islands of which Isleboro Island is the largest forms a natural separation of eastern and western passages.

The naturally occurring multiple approaches and entrances plus the separation of passages in Penobscot Bay are unique. They make Penobscot Bay eminently suited to a major port operation wherein strict traffic and precise navigation control can be exerted by a central land-based transit control station in a manner comparable to that used in air traffic control.

It is proposed to segregate the movement of vessels into inbound and outbound routes. See map showing charted routes attached at the end of this section.

Constant traffic direction and monitoring using a redundancy of visual and electronic navigation aids will provide a safe navigation system. Such a system in conjunction with the use of pilots, tug assistance and standards for restricted operation in accordance with sea and weather conditions will assure safe operation under all conditions and provide an extremely high order of freedom from marine hazards of all kinds.

LIGHT DRAFT VESSELS

These vessels will constitute the bulk of the traffic to the oil terminal proposed for Sears Island. They will generally be towed or pushed barges of 4,000 to 13,000 tons or 30,000 to 90,000 barrels capacity. Small tankers might also be used. They will transport products in bulk from the proposed Sears Island refinery.

The traffic movement would involve an average of four light draft (approximately 30 feet) vessels per day.

Generally, this traffic will approach Penobscot Bay in offshore coastal waters from the southward and go in the opposite direction when departing.

Coming in, the vessels will make Cape Ann Lighted Whistle Buoy #2, then shape a course for Manana Island Lighted Whistle Buoy #14–M and then enter Penobscot Bay through Two Bush Channel. The channel is well buoyed and the approaches are clear. Additional navigation aids would be installed to provide supporting dual systems for a precise navigation operation. This will be discussed later under the section on Vessel Transit Control and Navigation Aids.

Two Bush Channel is currently used by most large vessels and tows. It is a well-established commercial shipping channel. Neverthless, it is proposed to make a detailed hydrographic survey with side scanning and wire dragging as part of an overall survey of this and all the other proposed traffic routes to confirm and add to the existing knowledge of the character of the bottom.

In addition to the Two Bush Channel, the light-draft vessels can make use of the three other approach channels which are available for deep-draft vessels and discussed under that heading.

After entrance into Penobscot Bay, it is proposed in general to move all inbound traffic up the Bay on the eastern side of Isleboro Island to the Marine Terminal at the south end of Sears Island.

Outbound traffic will depart around the western side of Isleboro Island.

DEEP-DRAFT VESSELS

These are tankers of 100,000 to 200,000-ton capacity and large container ship dry-cargo vessels.

An average of only one tanker of 200,000-ton capacity per week carrying a draft up to 60 feet is contemplated. They will move crude oil to the Sears Island Oil Terminal as feedstock for the proposed Sears Island Refinery.

The large container ships will have a much lesser draft than the large tankers but will probably be about 40 feet. It is contemplated that they would generally be assigned to the deep-draft routes. This operation is in a preliminary development stage so the traffic volume is not known at this time.

All deep-draft vessels will be restricted to specific deep water approaches to Penobscot Bay. Once in the Bay, they will proceed in the proposed traffic pattern up the east side of Isleboro Island. At the north end of Isleboro they will proceed via a dredged channel leading to a dredged turning basin and berth at Sears Island Marine Terminal.

After discharging cargo, the deep-draft vessels will be of sufficiently shallow draft to depart and pass outbound west of Isleboro Island.

From seaward there are three possible approaches for deep-draft vessels that converge toward Junken Ledge for entrance to Penobscot Bay.

The approaches are well marked by lights and radio beacons on Monhegan Island and Matinicus Rock.

The most westerly deep-water channel trends northward past Bantam Ledge and passes between Foster Ledges and Large Green Island.

Going easterly, the next approach extends northward east of Ragged Island and passes between Matinicus Island and Wooden Ball Island and then west-northwest to Junken Ledge.

The third and most easterly approach is via an east-west route, lying north of Three Fathom Ledge, and Matinicus Island which goes to Junken Ledge.

All three alternate deep-water approaches are clear and have more than adequate width in excess of 3,000 feet all the way to the proximity of Junken Ledge. The most easterly approach north of Three Fathom Ledge has the greatest width and has very deep water. Under certain conditions of weather and sea, this may be a preferred course for assignment to the deepest draft vessels.

South and east of Junken Ledge, all the deep-draft approaches converge to a trench of very deep water one to two miles in width. From this passage there are at least three usable deep-water channels of approximately 2,000 to 3,000 feet in width passing the east side of Junken Ledge into Penobscot Bay, and alternatively a deep-water passage on the west side of Junken Ledge. Beyond Junken Ledge there is approximately one to two miles of width of deep water all the way to the northern part of Isleboro Island in both east and west passage.

The deep-water passages around Junken Ledge have located between them a few knolls with peaks at low mean water which vary in depth from about 47 feet to 62 feet. The deep-draft vessels with pilots and tug assistance and with the availability of high-precision navigation aids could easily be navigated with safety through these passages.

With the very limited traffic at an average of one 60-foot draft vessel per week, the timing of arrival could readily be arranged for passage of this area during periods of suitable sea and weather conditions and at a time of high water.

It would be more convenient and easier and impose less traffic restriction if the knolls separating the passages were removed. This could readily be done by demolition, and then there would be very deep, straight channels past Junken Ledge, each having a width of at least three-quarters of a mile. It is recommended and proposed that the passages around Junken Ledge be improved by the removal of the tops of these obstructions.

Beyond Junken Ledge there are more than adequate widths of deep water going up the east side of Isleboro Island for loaded deep-draft vessels to a proposed dredged channel from the northern end of Isleboro to the Sears Island Marine Terminal. Similarly, there is more than adequate water for unloaded deep-draft vessels to past outbound on the westerly side of Isleboro Island.

The proposed installation of high-precision electronic navigation aids covering the whole length of the transit routes inbound and outbound, plus the use of pilots and tug assistance will provide a safe all-weather navigation capability in Penobscot Bay. This will be augmented by a further measure to ensure safe operation by way of restrictions on vessel movements related to conditions of tide, currents, wind, wave, fog and other similar phenomena.

VESSEL TRANSIT CONTROL AND NAVIGATION AIDS

It is proposed to impose precise and strictly enforced transit plans and traffic control. All marine traffic inbound and outbound from the Sears Island Marine Terminal will be directed and monitored from a shore-based control center in the same manner as is done with aircraft coming into an airport.

Each incoming ship while outside the seaward approaches to Penobscot Bay will be assigned a transit plan and a specific ship's track to be followed into port. A similar procedure will apply to outbound vessels.

The shore-based transit control center will consider weather and traffic and sea conditions in establishing the transit plan. It will determine whether conditions are suitable for a ship to proceed in its assigned transit route to port or stand off in a holding pattern at sea until conditions become acceptable for proceeding to port. The center will maintain a precise chart plot of the position and track of all ships under its direction.

Precision navigation control will be made possible through the following:

1. Pilots who will board all vessels from existing stations at Manana Island Lighted Whistle Buoy No. 14–M or at Matinicus Rock.

2. (a) Tug assistance will be required at all times for vessels of deep draft—40 feet and up. This will extend either from the pilot stations outside the channel approaches to Penobscot Bay or at a station south of Junken Ledge according to sea and weather conditions, and thence over the whole transit route to the berth at the marine terminal at Sears Island. The same procedure will apply in the reverse direction outbound.

(b) Tugs for barges and other vessels of draft under 40 feet will be used as necessary according to weather and other conditions.

3. A network of visual and electronic navigation aids will be established extending from the coastal water approaches with complete coverage of every transit route specifically established for the Sears Island Marine Terminal right to the terminal. There will be a redundancy of overlapping and back-up systems in depth. In this way one system can be used to check another system and the overall operation can be maintained at all times in spite of any failure of any element of a system. The contemplated systems include the following:

(a) Visual aids consisting of buoys, lights and radar reflectors will be used to mark the traffic lanes and to designate hazards outside the traffic lanes.

(b) Point source electronic aids will be provided including:

(I) Radio beacons marking channel entrances, breakwaters, etc.

(II) Omni/Vor beacons for radio position

finding used in conjunction with special receivers on shipboard of vessels including the assistance tugs.

(II) Radio telephone communication.

(c) Area coverage electronic aids will be provided including:

(I) A Radar network with scanning stations and radio communication will cover the whole length of all transit routes. This equipment on both the vessel coming into port and on the land-based stations will provide the greatest simplicity, ease and speed of position determination of any existing electronic navigation aid. In addition, it will provide a surveillance capability not possible with any other system. The whole area and objects within the range of the equipment can be seen under all weather conditions. The shore-based network of scanning stations will relay to the central transit control station which will see the incoming or outgoing vessels in relation to other traffic and in the same manner as the radar operator on the vessel itself. All vessels under transit direction will be in constant radio communication as well as being constant radar surveillance.

The Decca Radar System will be established with a duplication of critical equipment and an automatic emergency power supply.

A Decca spot system will be incorporated in the shore control displays. This is a unique feature by which a series of bright spots enables traffic lanes, channels, anchorages, piers, etc. to be permanently displayed with great accuracy. The spots are at known locations and distances apart. This will greatly assist the transit control in tracking ships, determining speed and course, and passing positional information on to ships. The transit control operator knows instantly and continuously the location of any ship relative to any point of reference.

A computer-assisted measurement system (CAMS) together with video recording to be incorporated in the transit control installation will provide the ultimate in operator surveillance. It enables the operator to take virtually instantaneous measurements of a ship's position relative to any point on the display and store it in the computer memory.

Based on this, the operator can instantaneously determine at any time the speed and course made good. Furthermore, he can determine the predicted course which will show as a dotted line on the display. The video recording allows any of the computer stored information to be replayed back on the display at any time exactly as if it were on live radar.

(II) Overlapping chains of Decca Systems will provide high-precision position fixing capability for vessels equipped with Decca receivers.

Receivers and plotters on assistance tug and/or the vessels being assisted will continually pinpoint and record the ship's position. The same data will be continuously relayed to the shore-based transit control station. This Decca system will support and confirm the radar navigation system.

The overall combination of Radar and Decca systems provides the ultimate in precision navigation aid that exists today. It will permit precise transit operation regardless of the weather.

A CALL FOR A $15 MILLION TO $20 MILLION APPROPRIATION FOR VA DRUG CENTERS

The SPEAKER. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 10 minutes.

Mr. ST GERMAIN. Mr. Speaker, every kind of horror story has come out of the Vietnam war. We have heard of civilian deaths, boobytrap deaths, fragging deaths. Now we have the grim details of "Living Death"—American soldiers hooked on heroin.

Reports are coming out of Vietnam that 10 to 15 percent of our troops are using heroin. That means somewhere between 25,000 and 40,000 men. It does not count addicts who have already come home.

The heroin is high quality, 94 to 97 percent pure, not the 6 to 12 percent kind sold by junkies on American streets. The high concentration makes it more addictive. The quality is so good that even smoking it gives a high. Some of our soldiers mistakenly think they would not get hooked that way. They are wrong, and GI's are becoming addicts.

Between September and December in Southeast Asia and the Pacific area 67 American soldiers died from drug overdoses. Heroin accounted for most of the deaths. In January of this year 15 Americans died from drugs in Vietnam. In February there were 19 drug victims. There is no way of knowing how many accidents or battle deaths resulted from drug-clouded thinking and heroin-slowed reflexes. No wonder heroin is called "white death."

The drug problem in Vietnam has gotten a lot of attention. There is concern about the corruption it shows in Saigon, Laos, and Thailand—where blood money is being made at the expense of our soldiers. There is concern about the effects on our military operations, and concern that this is an enemy plot to weaken our efforts in Vietnam.

I too am deeply concerned—deeply concerned about the American soldier hooked on heroin. What is being done for him? How is he being helped? In my opinion the Vietnam heroin addict should be regarded as much a war casualty as someone hit by shrapnel. He is a victim of the latest Vietnam boobytrap.

Vietnam heroin addiction should be regarded as a battle wound, an illness, not a crime.

These men deserve understanding and the best treatment methods available, not punishment. I blame it on the war. In my opinion, the Federal Government has a heavy obligation to do everything possible for these men.

What happens when an addicted soldier returns to the States and is discharged from the service? To whom does he turn?

I am personally acquainted with one case. It involves a young man from an excellent family who was drafted and assigned to the infantry in Vietnam. He received two Purple Hearts. While in Vietnam he was introduced to narcotics. He returned to this country as a war casualty. During the time he was recuperating in a VA hospital here in the States, he applied for help with his narcotics problem. He never heard anything in return.

Eventually, he turned himself in to a non-VA hospital. He is now at home being tended by a private physician at his family's expense. The cost is substantial.

This is wrong. The Government has a heavy responsibility to help veterans with drug problems. The Veterans' Administration must make an all-out effort to rehabilitate every single one. We must see to it that the best medical care and the most advanced treatment methods are made available to veterans who seek help.

I know that the Veterans' Administration has opened five drug clinics and 13 more are to be activated in July of this year. An additional 12 are scheduled to open in July 1972. This will only begin to cope with the magnitude of the problem.

The Veterans' Administration and the Defense Department are both aware that the figures used to project these 30 centers are out of date. The addiction rate in Vietnam has mushroomed since the plans were drawn up. We really need to aim for between 50 and 60 centers and have them in operation within a year.

The fiscal year 1972 appropriation request for VA drug units is approximately $3 million. It is my understanding that the VA could responsibly use six times that amount.

Conservative estimates on the number of narcotic addicts range between 200,000 and 250,000. I am told that in public and private clinics around the country approximately 25 percent of those who seek help are veterans. That would mean there are 50,000 to 60,000 veterans who are addicts—and the number is fast increasing. It costs about $2,000 a year to give quality care to an addict. This includes hospitalization for withdrawal, methadone treatment, some psychiatric counseling, vocational counseling, and laboratory fees. A good program would require $2,000 per patient, no less than that. Multiply that figure by 50,000 to 60,000 veteran addicts. It means at least $100 million. Not all addicts, of course. seek help.

But the $3 million for fiscal year 1972 will not begin to deal with this situation. Just to operate effectively the 18 centers now planned for this year, the appropriation figure should be more than doubled. In addition, funds should be appropriated for starting about 40 new centers immediately. Moreover, money should be made available for contract services in areas where no VA center is operating. Indeed, even if the VA drug clinics are doubled, contract services will still be necessary.

A VA drug unit is now open in New York City. Even if there were room, which there is not, this is no help to a veteran who lives in Rhode Island. Because of the nature of the rehabilitation methods, the clinic needs to be close to where the patient lives and works. After 2 to 8 weeks of hospitalization, the treatment usually involves methadone maintenance which requires outpatient care over a long period of time, including daily visits to the clinic. Meanwhile the veteran can work or go to school.

The VA cannot set up the hundreds and hundreds of clinics within daily reach of every veteran in the country with a drug habit. It can set up clinics in the major population centers, and in other areas pay the bill for veterans who go to public and private clinics, such as the facilities established under the Narcotic Addict Rehabilitation Act.

I have urged Mr. BOLAND, chairman of the Appropriations Subcommittee

which funds the Veterans' Administration, to designate at least $15 million to operate existing VA drug units, to start new ones, and to provide contract services for fiscal year 1972. Perhaps as much as $20 million should be considered.

Also, I have written today to the head of the Veterans' Administration, Mr. Donald Johnson, requesting that he set up the mechanisms to provide contract services for addicted veterans who are outside the range of existing VA drug clinics. In addition, I have urged Mr. Johnson to initiate an advertising and public relations effort to inform veterans that they are eligible for rehabilitation treatment either at a VA drug unit or, where that is lacking, at a State, community, or private clinic approved by the VA. It must be made clear that anyone seeking help will not be subject to arrest or other punitive measures. The word must get around that the Federal Government, through the VA, has made a commitment to do everything possible to help addicted veterans.

I believe that kind of commitment should be made. It can only happen if this Congress appropriates between $15 and $20 million for fiscal year 1972.

MORATORIUM ON CLEAR CUTTING OF TIMBER

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

Mr. RONCALIO. Mr. Speaker, today I am introducing legislation which calls for a 2-year moratorium on clear cutting of timber resources of the United States on Federal lands, and for the establishment of a commission to investigate and study the practice of clear cutting.

Mr. Speaker, it is time that we in the United States start living with, rather than fighting against, our environment. Throughout our Nation we see examples of abuse to our national forests which have caused severe damage, damage that will take generations to correct, if it can be corrected at all.

It is now clear that we must call a halt to indiscriminate destruction of our national forests; we are long overdue in a study and investigation of the practice of clear cutting with a view to determining whether such a practice is in the best interest of the United States and our remaining timber resources.

My proposal would allow for the establishment of an "Inter-Disciplinary Clear Cutting Practice Study Commission" composed of 17 members—five from the Senate; five from the House of Representatives; two representatives of the timber and lumber industry; three from the staff of an accredited school of forestry; and two recognized leaders in the field of conservation.

It would give us a chance to stop and take a look at what we are doing to our national forests and to weigh our present destructive practices against the possible outcome. If we continue to proceed along the clear-cutting path we are now pursuing, we threaten to turn our national forests into national wastelands.

BIGHORN CANYON NATIONAL RECREATION AREA

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

Mr. RONCALIO. Mr. Speaker, today I am introducing legislation to make available a sum of not more than $780,000 for the acquisition of land and interests in land for completion of the Bighorn Canyon National Recreation Area, situated on the Wyoming-Montana border.

The Bighorn Canyon National Recreation Area was established by the 89th Congress in 1966. The act, at that time, provided that not more than $355,000 could be appropriated from the land and water conservation fund for land acquisition and right-of-way. This appropriation was earmarked for the construction of a road from Lovell, Wyo., to Fort Smith, Mont.

Unfortunately, construction of this road has been delayed to the point where it has become necessary to increase the ceiling placed on land acquisition costs provided for in the act. It is now estimated that the total amount needed for right-of-way acquisition is $680,000 and an additional $100,000 is needed for land acquisition costs.

The Bighorn Canyon Recreation Area is currently third in visitor usage in my State of Wyoming, which indicates its potential once it is completely developed. Full development, however, cannot be realized until a good highway is completed.

The money for this increase is available under the land and water conservation fund, and it is my hope the Congress can act with haste on this matter so as to effect a means whereby the total development and use of the national recreation area can be fulfilled.

FASCELL INTRODUCES PRISONER-OF-WAR RESOLUTION

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

Mr. FASCELL. Mr. Speaker, I am joining Chairman CLEMENT ZABLOCKI and the members of the Foreign Affairs Subcommittee on National Security Policy in introducing a resolution concerning American prisoners of war.

I believe this clean bill represents the strongest and most effective legislation which the Congress has seen on the prisoner-of-war situation.

Essentially the bill approaches the issue in three ways. First, it expresses the sense of the Congress protesting the inhumane treatment of POW's and calling upon the North Vietnamese Government to abide by the Geneva Convention on the humane treatment of prisoners of war.

Second, this legislation expresses the congressional sentiment that the allies should unconditionally release 1,600 North Vietnamese prisoners of war now being held in South Vietnam. This humane action would not jeopardize our security, but it would bring the influence of world opinion on North Vietnam to respond in kind.

Third, the resolution urges the President to undertake further steps to negotiate a date for withdrawal of all American forces from Southeast Asia, contingent on satisfactory arrangements being made, at least 3 months prior to such a date, for the release of all POW's.

My enthusiasm for this legislation is especially strong because it incorporates the provisions of my own legislative proposals in this area, including unconditional repatriation, as well as a proposal I made in testimony to the subcommittee during its consideration of legislation concerning the POW issue.

In that testimony I said:

> The Prisoners of War must not be made to bear the responsibility for a policy which requires that a substantial number of American support forces remain indefinitely in South Vietnam. The diplomatic risk of assuring complete withdrawal of all American forces has one distinct advantage: it brings the focus of world opinion down hard on the North Vietnamese government. Therein lies the real, and perhaps the only, incentive for North Vietnam to negotiate the issue.

Mr. Speaker, I am hopeful that the bill which is finally reported to us by the full Committee on Foreign Affairs will be substantially the same as the bill which I am introducing today. I am also hopeful that our colleagues will join in support of this important legislation.

SENATOR CLAUDE PEPPER

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

Mr. FASCELL. Mr. Speaker, we in this House know that our distinguished colleague, CLAUDE PEPPER, serves his Nation, State, and district ably and with great distinction.

He is a powerful member of the great Committee on Rules. He chairs the Select Committee on Crime which is doing such a notable job in the related drug abuse and rehabilitation problem. He also serves on the Internal Security Committee.

Senator PEPPER's colorful career started in the U.S. Senate where for many years he gave outstanding leadership on foreign and domestic matters.

Although he was defeated in a reelection bid the Senate's loss was the House's gain because Senator PEPPER has again risen to positions of power, leadership, and responsibility.

Recently Tropic, the Miami Herald Sunday magazine featured an article by Lawrence Mahoney on CLAUDE PEPPER's career.

Because I know that my colleagues in the House are interested in the great public career of CLAUDE PEPPER I am including the article in the RECORD:

THE FALL AND RISE OF CLAUDE PEPPER

(By Lawrence Mahoney)

Claude Pepper is a strider at 70; a 28-year-old gets winded maintaining his pace from the Cannon Office Building to the House, where the congressman must meet a quorum

call on an important trade bill. Pepper bounds up the marble stairs, nodding to various Capitol policemen and bureaucrats who, like his staff, acknowledge him as *Senator*.

After the quorum, Pepper rambles off for a luncheon with the Florida delegation, which includes Sen. Lawton Chiles. Pepper is the first of the 12 congressmen to arrive. Momentarily, in the basement hallway of the U.S. Senate, Pepper is surrounded by three other men from Florida who have been elected to that body: Spessard Holland, Edward Gurney and Chiles. With the absence of one, these four are the men Florida has sent to the Senate in the past quarter of a century, the years of the state's most crucial development. Absent is George Smathers, the man whose election ended the Senate career of Claude Pepper.

Instead of one senator among 100 (or 96, as it was in his day), Claude Pepper, since 1962, has been one congressman among some 470. The prestige and the power are not the same, but Pepper seems to thrive in the lower chamber, where he is a respected and important leader.

Claude Pepper is special in this way: He was an untypical southern senator and national leader, perhaps the most important senator Florida ever sent to Washington; an early and primary victim of the "soft-on-communism" campaign techniques of the McCarthy era; a good example of American political pragmatism; a legislator operating ahead of his time.

Pepper sits at desk No. 48595, the massive brown teak of the House of Representatives, room 432 of the Cannon Building, the high walls plastered with photographs and plaques of 40 years in politics.

Claude Pepper, unlike a lot of silver-tongued politicians, never really had the good looks to complement what was coming out of his mouth. Short and homely, he would be a media man's disaster in these days of statewide television. When Pepper did his campaigning, though, being a golden boy probably didn't matter all that much. More decisive talents were his. He was master of the cypress or palm stump, of mullet and hushpuppy oratory at the fish fry, of the motorcade and the sound truck, of the Baptist preacher variety of joke.

Pepper the senator was adept with the federal pork barrel, too, and the blossoming of forts and airfields in Florida during the early days of World War II was not entirely attributable to sunshine and vacant palmetto scrublands; FDR remembered his New Deal and lend-lease ally, and this made the military pork sizzle all the more in Florida frying pans.

Pepper retains a good measure of that flair and style today. He represents an urban, largely northern-born and heavily Jewish congressional district at the tip of Florida, a constituency that bears hardly any resemblance at all to the underpopulated state which counted Claude as its man in Washington in the 1930's and '40's.

Claude Denson Pepper was born on September 8, 1900, on a farm near Dudleyville, Alabama. His mother once said that he began to talk when he was nine months old, and he's been talking ever since. When Claude was 10, the family moved 10 miles down the road to Camp Hill, in the heart of Black Belt cotton country. The family was poor and Pepper worked from early on. One of his first jobs was as a wandering blocker of hats; after a customer threatened to kill him for ruining a Sunday-go-to-meeting hat, he took a test and became a school teacher in the peanut town of Dothan, then worked as a steel hand in the furnaces near Birmingham before entering the University of Alabama.

Working his way through Tuscaloosa, Pepper managed to escape World War I's draft by joining the campus training corps. He graduated Phi Beta Kappa and went north to the Harvard Law School, where, after three more years of double duty as waiter-student, he got his law degree and was ranked in the first six students of his class. It was 1924 and, as a son of the South with political ambitions, he went down to teach law at the state university of Arkansas, where he turned down a high-paying job with a utility company.

One of Professor Pepper's students was a bright youth named William J. Fulbright. Both young men were to represent southern states in the U.S. Senate; both were to be powers on the Senate Foreign Relations Committee.

The Florida boom beckoned and Arkansas opportunity looked pale by comparison, so Pepper took a job in the law office of Judge W. H. Davis at Perry, a scraggly little pine tree town at the peninsula's Big Bend on the Gulf. It was 1925 and his starting salary was $125 a month.

He did well, became a partner and trained his sights on politics, stumping for Al Smith in 1928 and gaining election to the Legislature's House the next year. After one term, the voters of Taylor County turned down his bid for reelection. Pepper promptly moved to Tallahassee, his star rising despite that defeat.

Five years of building a name for himself later, Pepper went after big game: The U.S. Senate seat of powerful Park Trammell. Pepper ran hard and well and appeared the victor until the Tampa vote came in "hot" for Trammell. That "hot" vote, probably much of it illegal, was not protested by Pepper; his gentlemanly reserve would count next time around.

Next time came far sooner than expected. In 1936, with the death of Duncan U. Fletcher, the senior Florida senator, Pepper ran without opposition for the remainder of the term. That same year he married Irene Mildred Webster of St. Petersburg.

Claude Pepper took Capitol Hill by verbal assault. His maiden speech in the Senate was an indictment of his peers and colleagues for deserting the New Deal; in no time at all, he was the most prominent of the freshmen and his stature was soon to eclipse most of the veterans.

By 1938, slick-haired Claude Pepper, eyes heavenward, gesturing in front of a red Ford which had large megaphones mounted atop, was on the cover of Time as "the Florida fighting cock (who) will be a White House weather vane." The New Republic wrote of his record "of having gone down the line with the administration on every issue." Seeking a full six-year term, his platform was for fair wages, reasonable hours, the old-age revolving pension plan, relief, the WPA and the New Deal.

Pepper proved a good barometer for the President and his program: He won and his conspicuousness mushroomed; some saw him as "the great liberal" and others considered him "the most dangerous man in the Senate since Huey P. Long."

As an observer at the Nuremberg Nazi Congress, Pepper watched another master of the podium from afar and returned to Washington convinced that Adolf Hitler was out to conquer the world. Pepper, collaborating closely with FDR, pioneered lend-lease legislation and pushed for a destroyers-for-bases agreement with Great Britain; he also promoted compulsory military service. The hawk from Florida was hanged in effigy on the Capitol lawn by "The Mothers of the United States of America."

Domestically, the senator stayed strongly by FDR. The unfriendly *New York Herald Tribune* chided him: "When the White House has an important balloon to send up, it invites Senator Pepper to supply the necessary oratorical helium." He aggravated a lot of people in Florida by breaking with the southern bloc and co-sponsoring legislation to repeal the poll tax.

The war ended with Pepper safely in the Senate for another five years. He began to operate in an internationalist sphere, particularly in relation to the Soviet Union, the U.S.'s major wartime ally. Pepper, who had been considered a warmonger in 1940, had by the second half of the decade become a peacemonger in the eyes of many. "I believed that the seeds of a third world war were present at the end of the second," Pepper said in a recent interview, "and the advent of nuclear weaponry made that possibility all the more horrible. I wanted to do everything in my power to keep the two giants, us and the Soviets, from becoming enemies. If I had had more support, if I had been more effective, the world would have been spared all of this Cold War, all of the troubles of the past 25 years."

On a 19-nation tour of the war-ravaged lands of Europe and the Middle East in 1945, during which he advocated that Miami's Vizcaya become the seat of the infant United Nations, Claude Pepper had a fateful meeting with Joseph Stalin.

In the ruins of Berlin, Senator Pepper hopped aboard a Russian military transport and flew to Moscow. Once there, Pepper went with a translator into the bowels of the Kremlin, where he talked for nearly an hour with the dictator.

He left convinced that the Russians were war-weary, that the U.S. had treated them badly by plainly ignoring a request for a $6 billion recovery loan, that the Red army was demobilizing and that Stalin wished to work for peace and amity with the United States. Pepper wrote about it in a page one piece supplied to *The New York Times* and other papers by the North American Newspaper Alliance (NANA), which financed his trip. Allying himself with Henry Wallace and the Progressives, he split with Harry S. Truman over the military phases of the Marshall Plan, in particular the arms shipments to Greece and Turkey, where communist revolts were being squashed. In 1948, he urged Dwight Eisenhower, then president of Columbia University, to oppose Truman for the Democratic nomination; briefly he put up his own name for that office.

Unfriendly eyes were watching all of this, especially at Pepper's home base. That meeting in the Kremlin, that article in *The Times* and Pepper's entire record and attitude toward the Soviet Union were to be used cynically and fervently—and deadly effectively—against the senior Florida senator who, in 1950, became the first and most prominent political victim of the Cold War in the United States.

In that campaign, Claude Pepper would become the "Red" Pepper, apologist for Joe Stalin, "a pervert by assonance," an associate of an uppity nigger named Paul Robeson, a proponent of socialized medicine, the very symbol of all that was far left field in the New Deal, an anti-business cohort of union gangsters and racketeers. In short, Pepper got both barrels, point-blank.

That year, midway in the century, was a pivotal point in the politics of Florida, the South and the nation. A march to the right, the spawning moment of McCarthyism, the rise on the national scene of Richard Nixon—all were signaled to begin by the purge of Pepper.

The tumult and the shouting of 1950 were memorable for their heat, hatred and nastiness. What prompted the successful challenge of Pepper by Smathers, a young man with a liberal political past who had once compaigned for the senator, who Pepper aided in the early stages of his legal and public career? The answer goes beyond George Smathers.

Claude Pepper's tolerance of the Soviet Union and his insistence on continuing with the New Deal idea that the people who had the big money should be made to pay for raising up the blacks and the poor whites were anathema to some people who had a lot

of money. By 1944, the special interests were sick and tired of FDR and everything and anyone having to do with his policies. Pepper persisted as the region's primary eloquent voice for liberalism; he stayed with it past all bounds of political safety.

In particular, he offended Edward Ball, baron of the billion-dollar Florida DuPont interests.

By 1950, Ball and his empire, along with the U.S. Chamber of Commerce, the American Medical Association and the National Association of Manufacturers, had fueled, primed and launched the most elaborate crusade of political annihilation ever seen in the South. Their gunslinger, wavy-haired young Congressman Smathers, back from the Pacific wars, was anything but gentle and ineffectual; nor would any nobility of fair play enter into it this time. Smathers was a willing weapon of the people who, not so much in support of him, were desperate to pry Claude Pepper out of the Senate. Thus the stage was set for battle.

Smathers on the attack: "The leader of the radicals and extremists is now on trial in Florida. Arrayed against him will be loyal Americans . . . Standing against us will be certain northern labor bosses, all the socialists, all the radicals and all of the fellow travelers . . . Florida will not allow herself to become entangled in the spiraling spider web of the Red network. The people of our state will no longer tolerate advocates of treason. The outcome can truly determine whether our homes will be destroyed, whether our children will be torn from their mothers, trained as conspirators and turned against their parents, their home and their church. I stand for election on the principle of the free state against the jail state."

A scenario of the spring of 1950: George Smathers, eyes glinting like Clint Eastwood in an Italian-made Western, entertains—and confuses—a gathering of North Floridians with the most famous phraseology of the campaign. "Are you aware that Claude Pepper is known all over Washington as a shameless extrovert? Not only that, but this man is reliably reported to practice nepotism with his sister-in-law, and he has a sister who was once a thespian in wicked New York. Worst of all, it is an established fact that Mr. Pepper, before his marriage, practiced celibacy."

Three weeks before election day, the Saturday Evening Post, in an article written by the late Ralph McGill, early oracle of Deep South liberalism, carried a frontal attack on Pepper, calling him a spellbinding pinko supported by ultra-left-wing friends. It was one of the worst blows of the campaign, pushing even liberals and moderates, rare critters that they were, over to Smathers. (McGill later expressed shame and sorrow over the article, saying that Smathers' father had tricked him into writing it.) A little book, The Red Record of Senator Claude Pepper, came out during the campaign's last week; Miami, a Pepper stronghold, got nine tons of the hatchet-job alone.

Both barrels. Point-blank.

Up against the smear, Pepper fought hard but futilely, backtracking a bit on the Dixiecrat-aggravating FEPC by saying that while he had voted for the civil rights legislation during the war, he had twice since voted against it in committee (Smathers called this one of the best-kept secrets of the post-war years); and the senator's efforts to bring President Truman in on his side were rebuffed.

At the ballot box, populist Panhandle folk and Tampa-Miami moderates deserted Pepper in droves. The smear put Smathers in office by 67,000 votes. From Manhattan, Henry Luce's magazine empire trumpeted: "Republicans joyfully saw the result as a harbinger of a national conservative trend . . . a blow to the Fair Deal nationally and a warning of the communist issue which Republicans are sure to raise this fall."

The primary of 1950 was a crushing blow to Claude Pepper, not only politically but personally. "I sometimes wonder how he survived the first years after he left the Senate," one of his friends said. "He had campaign debts to pay off and, unlike a lot of senators, he had not been too busy looking after his own financial interests while in office." The ex-senator and his wife Mildred, who had no children, returned to Florida and began to pick up the pieces.

He expanded his Tallahassee law firm, opening an office in Miami Beach. His old talent for the law proved endurable, and he kept his interest in politics and public issues alive, appearing on platforms with Adlai Stevenson in 1952 and 1956. But he desperately missed the U.S. Senate. In 1958, he tried to return, running against Spessard Holland. Pepper got 321,000 votes, but it wasn't enough.

South Florida's swelling population presented another kind of an opportunity for Pepper to go back to Capitol Hill. In 1962, a new congressional district was carved out of northern Dade County. Pepper easily won the election. At the age of 62, Claude Pepper became a freshman congressman. The return to Washington seemed to rejuvenate him.

George Smathers left the Senate in 1969, his health bad, his reputation largely that of a senator who looked after his friends and cultivated his special interests; a man of considerable influence with John Kennedy and Lyndon Johnson, but also linked to Rafael Trujillo and Bobby Baker.

So at 70, and 40 of those years in public office, Claude Pepper has politically outlived the man who took away his Senate seat in 1950. From his seat in the House of Representatives, Pepper endures. He is still able and he is still liberal, and the times haven't entirely caught up with him yet.

The Americans for Constitutional Action (ACA), the rightist equivalent of the liberal and better-known Americans for Democratic Action (ADA), consider Claude Pepper the most liberal southern member of either house of Congress. Ratings after the 91st Congress last year, cumulative to 1957, gave Pepper a near negligible score of three per cent. Even Fulbright got a 24 per cent, and J. Edward Burke, whose district borders Pepper's on the north, got a 96 per cent. The average for Florida's 14-man delegation was 63 per cent, which might mean, in the eyes of the ACA, that Pepper was 20 times as liberal as the average Florida congressman.

As such a liberal, Pepper might be considered some kind of a hero by the young New Left. But not so, and certainly not among the young of his district.

Robert Kunst, chief of the Florida New Party and now working with Dr. Benjamin Spock and Gore Vidal on the national anti-war level, considers Pepper "wishy-washy, a has-been liberal whose liberalism has been overtaken by the times." So it goes with some of the more articulate young.

Yet, if Pepper represents the elders on the bread-and-butter issues (and does it well), he is also youth-conscious, probably more so than ever before because of the 18-year-old vote. He is pushing for a cabinet-level Office of Youth Affairs. And, as chairman of the Select Committee on Crime, he's delving into the drug issue and the treatment of juvenile offenders by the courts and the jails. The 70-year-old often comes to moments like this in his conversations:

"Yes, I am reading up on marijuana and all of that. We've listened to Art Linkletter, whose daughter died of LSD, or was it speed? Somehow or another, we need the best brains in the country to educate the people, especially the young, on these drugs. We shouldn't put it to 'em by preaching. We need a rock 'n roll star to popularize a song for the wholesomely exhilarated. . . ."

The press of office business cuts into the congressman's meanderings about pot and rock. A Populist slogan he uses to this day is *Pepper Cares*, and this means doing personal work for his constituents. As the consummate politician, he knows it pays off at the polls.

Leaning back in his plush congressional chair, Pepper rings up the chief of a federal bureaucracy in Miami. "I'm calling on a mission of mercy," he softly explains to the bureaucrat. "This Mrs. Smith is, I understand, about to be let go, is that right? She's 64, blind, has three sisters partially dependent upon her? (The official explains that the woman is not capable of putting in a day's work, that she will have retirement rights, etc.)

"Well, at least don't fire her until after Christmas," Pepper asks. "I appreciate it. I hate to bother you, but we all have to do that on this kind of thing."

Such Ombudsman-like work is done by all congressmen. Like all of them, Pepper loses some and wins some, but help, he says, is the best thing he does in office: "Help people legislatively and individually." It is very satisfying work, he adds.

Besides his chairmanship of the crime committee, a plum he got because his fellow congressmen hold him in high regard, Pepper also sits on the powerful House Committee on Rules, a sort of Dardanelles through which legislation must sail into the arena or die.

Pepper's third committee assignment is one of great irony. When, in 1969, Speaker of the House John McCormack and powerbroker Wilbur Mills asked him to become a member of the House Un-American Activities Committee, Pepper's first reflex was to say that he wanted nothing to do with it, with HUAC of the witch-hunting, blacklisting '50's and early '60's. "In 1950, a lot of Smathers' material was leaked from the HUAC staff," a legislative aide said.

But McCormack and Mills told Pepper they wanted him on HUAC because they did not want a witch-hunting committee. Pepper took the seat. Today he is the ranking Democrat on the committee, since renamed Internal Security. It is possible that he might someday be its chairman.

Such is the nature of American political pragmatism: A time and a season for all things and all positions. Claude Pepper, short on ideology but firmly in the camp of the liberals, in 40 years of public office has been hanged in effigy as a war-monger, damned as a peacemaker, a man burned by the Red-baiters and Super-Americans, who sits today on the House's onetime commie-hunting apparatus to keep it from going berserk again, an early liberal whose record does not mean so much to the Left of this decade. With it all, Claude Pepper has not heard his last hurrah.

THE JUSTICE DEPARTMENT AND THE ANTISMOG AUTO POLLUTION CASE

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

Mr. ROSENTHAL. Mr. Speaker, on September 2, 1969, I joined with Mr. BURTON of California, in a letter to Attorney General John Mitchell, protesting reports that the Justice Department was about to compromise one of the most important antitrust cases affecting the health and welfare of the American people. At issue, was the Department's civil case against certain automobile manufacturers and the Automobile Manufacturers Association, for allegedly agreeing to suppress research, development, and application of pollution control devices for automobiles.

Our fears were quickly confirmed. The

Justice Department did accept a plea of no contest from the defendants and entered into a consent decree. That action by the Justice Department, after extensive and ex parte discussions with the chief auto industry lobbyist, deprived the American people of their right to know all the facts about one of America's wealthiest industries, raised formidable barriers to the many treble damage suits by cities and States, which could have been initiated after a full and open trial of the issues, and seriously undermined the deterent effect of our antitrust laws. Most importantly, Justice's anticonsumer manuever, represented a callous disregard for the health of millions of Americans who are suffering the toxic effects of air pollution, 50 percent of which is caused by automobile exhaust.

I am now in possession of an internal Justice Department document, which conclusively demonstrates that folly of the consent decree. The Justice document states, in part:

We are convinced that we have shown the grand jury and are in possession of evidence to prove beyond a reasonable doubt the existence of an industry-wide agreement and conspiracy among the auto manufacturers, through AMA. not to compete in the research, development, manufacture and installation of motor vehicle air pollution control devices for the purpose of achieving interminable delays, or at least delays for as long as possible.

In Mr. Turner's language, contained in his Supplemental Memorandum for the Attorney General, dated May 12, 1966, "if the grand jury investigation discloses an absence of justification for the agreement not to compete, as seems quite likely, the agreement *would be so plainly unlawful as to warrant a criminal proceeding." It is respectfully submitted that the grand jury investigation clearly disclosed such an agreement and absence of justification.* Throughout the entire conspiracy, the participants were cognizant of the antitrust implications of their activities. Despite this fact the conspiracy was carried on for economic reasons. The health and welfare of the community were disregarded. *In these circumstances, criminal prosecution is clearly indicated* (Emphasis Added).

Mr. Speaker, notwithstanding this recommendation for a criminal prosecution by its antitrust division the Justice Department entered into an innocuous consent order. This flouting of the antitrust laws and abuse of the public interest by the Department of Justice, is intolerable—especially from an administration that alleges concern for the rule of law.

What is at stake here is not merely the rule of law. But also, the health of millions of Americans. The automobile is responsible for dumping more than 90 million tons of pollutants into the atmosphere each year, more than twice as much as any other single pollutor. It accounts for 91 percent of all carbon monoxide, 63 percent of the unburned hydrocarbons and 48 percent of the oxides of nitrogen emitted from all sources. In the Los Angeles area, automobile pollution represents 85 percent of the contaminants emitted into the ambient air, daily.

But Los Angeles is not the only city in America under mortal attack from air pollution. In New York City—my city—the death rate from emphysema has increased 500 percent between 1960 and 1970. During the same period, deaths from chronic bronchitis in New York increased 200 percent.

Mr. Speaker, the public loses confidence in their system of government when the chief law enforcement agency looks the other way in the face of law violations. This must not be allowed to happen again.

NATIONAL PATRIOTIC EDUCATION WEEK

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

Mr. JONES of Tennessee. Mr. Speaker, today I am introducing a joint resolution to authorize the President to issue an annual proclamation designating the period between October 12 and 19 to be National Patriotic Education Week.

The purpose of thus designating one specific week each year is to focus the Nation's attention upon the democratic ideals on which our country was founded. Each community would emphasize our national heritage in its own way during the week.

The rates of October 12–19 are not arbitrarily chosen. The week would begin on Columbus Day, marking the discovery of the New World, and it would end on Yorktown Day, commemorating the last decisive major battle in America's War for Independence. During these 7 days, all Americans, regardless of their points of view could study and emphasize those freedoms which we all enjoy and hold dear.

Mr. Speaker, at this point I ask unanimous consent that this joint resolution be printed in the RECORD.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MILLS (at the request of Mr. ALBERT), on Tuesday, May 18 from 6:30 p.m., Wednesday, May 19, Thursday, May 20 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 60 minutes, on May 24, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. SPENCE) and to revise and extend their remarks and include extraneous matter:)

Mr. HOGAN, for 15 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. PRICE of Texas, for 30 minutes, today.

Mr. MCCLOSKEY, for 5 minutes, today.

Mr. CHAMBERLAIN, for 5 minutes, today.

(The following Members (at the request of Mr. RONCALIO) and to revise and extend their remarks and include extraneous matter:)

Mr. MONTGOMERY, for 10 minutes, today.

Mr. ASPIN, for 15 minutes, today.

Mr. ROSENTHAL, for 20 minutes, today.

Mr. RODINO, for 10 minutes, today.

Mr. FUQUA, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. BIAGGI, for 15 minutes, today.

Mr. CHAPPELL, for 60 minutes, on May 19.

Mr. RARICK, for 15 minutes, today.

Mr. ST GERMAIN, for 10 minutes, today.

Mr. CHAPPELL, for 60 minutes, on May 25.

(The following Member (at the request of Mr. MILLER of Ohio) and to revise and extend his remarks and include extraneous matter:)

Mr. KEMP, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RONCALIO.

Mr. MONAGAN in two instances.

Mr. FULTON of Pennsylvania, immediately following the remarks of Mr. STAGGERS during general debate on House Joint Resolution 642, in the Committee of the Whole today.

(The following Members (at the request of Mr. SPENCE) and to include extraneous matter:)

Mr. MINSHALL in four instances.

Mr. MORSE.

Mr. WYMAN in two instances.

Mr. HOGAN in five instances.

Mr. SEBELIUS.

Mr. DERWINSKI.

Mr. DU PONT.

Mr. HALPERN in two instances.

Mr. KEMP in three instances.

Mr. KEITH in six instances.

Mr. LENT.

Mi. MILLER of Ohio.

Mr. SCHMITZ.

Mr. CONTE in two instances.

Mr. ZWACH.

Mr. DUNCAN.

Mr. BROYHILL of Virginia in two instances.

Mr. SCHWENGEL.

Mr. VEYSEY.

Mr. MIZELL in three instances.

Mr. BAKER.

Mr. SHRIVER.

(The following Members (at the request of Mr. RONCALIO) and to include extraneous matter:)

Mr. ASPIN.

Mr. CARNEY.

Mrs. HICKS of Massachusetts.

Mr. ROSENTHAL in five instances.

Mr. COTTER.

Mr. JARMAN.

Mr. BURKE of Massachusetts.

Mr. BOLAND in three instances.

Mr. MCFALL in two instances.

Mr. PATTEN in three instances.

Mr. EDWARDS of California in two instances.

Mr. MEEDS.

Mr. EVINS of Tennessee in four instances.

Mr. ANDERSON of Tennessee in three instances.

Mr. KAZEN.

Mr. JACOBS.

Mr. HATHAWAY in two instances.

Mr. GONZALEZ in two instances.

Mr. KASTENMEIER.

Mr. SCHEUER in two instances.

Mr. HAGAN in three instances.
Mr. JONES of Tennessee.
(The following Member (at the request of Mr. MILLER of Ohio) and to include extraneous matter:)
Mr. LATTA.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1181. An act to remove certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes.

ADJOURNMENT

Mr. RONCALIO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 30 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 19, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

735. A letter from the Acting Administrator, National Highway Traffic Safety Administration, U.S. Department of Transportation, transmitting a proposed highway safety program standard on accident investigation and reporting, pursuant to 23 U.S.C. 402(h); to the Committee on Public Works.

736. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend titles 37 and 38, United States Code, relating to promotion of members of the uniformed services who are in a missing status; to the Committee on Armed Services.

737. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to extend the school breakfast program and special food service program for children through fiscal year 1972; to the Committee on Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 429. Resolution authorizing the payment of additional amounts out of the House contingent fund to defray expenses of the House restaurant and the cafeteria and other food service facilities of the House for the remainder of the fiscal year ending June 30, 1971; (Rept. No. 92–205). Ordered to be printed.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 418. Resolution relating to telephone allowances of Members of the House of Representatives, and for other purposes; (Rept. No. 92–206). Ordered to be printed.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 420. Resolution providing additional postage for Members and officers of the House of Representatives; (Rept. No. 92–207). Ordered to be printed.

Mr. NEDZI: Committee on House Administration. House Joint Resolution 169. Joint resolution authorizing the acceptance, by the Joint Committee on the Library on behalf of the Congress, from the U.S. Capitol Historical Society, of preliminary design sketches and funds for murals in the east corridor, first floor, in the House wing of the Capitol, and for other purposes; (Rept. No. 92–208). Referred to the Committee on the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. House Joint Resolution 642. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; with amendments (Rept. No. 92–209). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 447. Resolution providing for the consideration of House Joint Resolution 642. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; (Rept. No. 92–210). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 8476. A bill to increase the security and protection of imported merchandise and merchandise for export at ports of entry in the United States from loss or damage as a result of criminal and corrupt practices, and for other purposes; to the Committee on Ways and Means.

By Mr. ADDABBO:

H.R. 8477. A bill to provide for a 5-percent reduction in the individual and corporate income taxes for taxable years beginning after December 31, 1970, and before January 1, 1973; to the Committee on Ways and Means.

By Mr. ALEXANDER:

H.R. 8478. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. CARTER:

H.R. 8479. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles and farm vehicle drivers from the provisions thereof; to the Committee on Interstate and Foreign Commerce.

H.R. 8480. A bill to amend the Communications Act of 1934 in order to prohibit the broadcasting of any advertising of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

By Mr. EDMONDSON:

H.R. 8481. A bill to amend certain Federal laws relating to the State of Oklahoma; to the Committee on Interior and Insular Affairs.

H.R. 8482. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

By Mr. EDWARDS of California:

H.R. 8483. A bill to suspend the death penalty for 2 years; to the Committee on the Judiciary.

By Mr. GRAY (for himself and Mr. SCHWENGEL):

H.R. 8484. A bill to amend the National Visitor Center Facilities Act of 1968 to authorize the Secretary of the Interior to provide for an additional parking facility in the District of Columbia, and for other purposes; to the Committee on Public Works.

By Mr. GUDE (for himself and Mr. HOGAN):

H.R. 8485. A bill to authorize the District of Columbia to enter into the interstate agreement on qualification of educational personnel; to the Committee on the District of Columbia.

By Mr. HÉBERT:

H.R. 8486. A bill to incorporate the Fleet Reserve Association; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 8487. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 8488. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 8489. A bill to amend the National Housing Act to require that certain private housing projects for lower income families must receive approval from a board composed of residents from the locality in which such project is to be located as a requisite of receiving Federal assistance; to the Committee on Banking and Currency.

H.R. 8490. A bill to exempt citizens of the United States who are 65 years of age or over from paying entrance or admission fees for certain recreational areas; to the Committee on Interior and Insular Affairs.

H.R. 8491. A bill to amend title III of the Public Health Service Act to authorize grants for projects to develop or demonstrate programs designed to rehabilitate elderly patients of long-term health care facilities or to assist such patients in attaining self-care; to the Committee on Interstate and Foreign Commerce.

H.R. 8492. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health-care facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 8493. A bill to amend the Agricultural Act of 1956 to allow for the donation of certain surplus commodities by the Commodity Credit Corporation to State and local panel institutions, and for other purposes; to the Committee on Agriculture.

By Mr. MEEDS:

H.R. 8494. A bill to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes; to the Committee on Banking and Currency.

By Mr. O'NEILL:

H.R. 8495. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of establishing certain portions of the tidelands, Outer Continental Shelf, seaward areas, and Great Lakes of the United States as marine sanctuaries and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 8496. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for motor vehicle insurance premiums; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 8497. A bill authorizing the President of the United States to present a gold medal to the widow of Robert F. Kennedy; to the Committee on Banking and Currency.

By Mr. PEPPER (for himself, Mr. WALDIE, Mr. BRASCO, Mr. MANN, Mr. MURPHY of Illinois, Mr. RANGEL, Mr. WIGGINS, Mr. STEIGER of Arizona, Mr. WINN, and Mr. KEATING):

H.R. 8498. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 8499. A bill to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards; to the Committee on Education and Labor.

H.R. 8500. 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.

H.R. 8501. A bill to amend title 18, United States Code, to protect the people of the United States against the lawless and irresponsible use of firearms, and to assist in the prevention and solution of crime by requiring a national registration of firearms, establishing minimum licensing standards for the possession of firearms, and encouraging the enactment of effective State and local firearms laws, and for other purposes; to the Committee on the Judiciary.

H.R. 8502. A bill to provide for the elimination of the use of lead in motor vehicle fuel and the installation of adequate antipollution devices on motor vehicles, and for other purposes; to the Committee on Ways and Means.

By Mr. REID of New York:

H.R. 8503. A bill to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning; to the Committee on Interior and Insular Affairs.

H.R. 8504. A bill to provide for the protection, development, and enhancement of the public lands; to provide for the development of federally owned minerals; and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 8505. A bill to implement the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354); amend Public Law 89-669 (October 15, 1966); and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 8506. A bill to amend the Fish and Wildlife Coordination Act, as amended; to the Committee on Merchant Marine and Fisheries.

H.R. 8507. A bill to amend the Endangered Species Conservation Act of 1969 to extend the provisions therein to rare species of fish and wildlife, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 8508. A bill to extend to hawks and owls the protection now accorded to bald and golden eagles; to the Committee on Merchant Marine and Fisheries.

H.R. 8509. A bill to permit a State to elect to use funds from the highway trust fund for the purposes of urban mass transportation; to the Committee on Public Works.

By Mr. ROBINSON of Virginia:

H.R. 8510. A bill to amend title 10 of the United States Code to provide that educational institutions receive a reimbursement for each student commissioned through the ROTC program at the institutions; to the Committee on Armed Services.

By Mr. RONCALIO:

H.R. 8511. A bill to establish a commission to investigate and study the practice of clear cutting of timber resources of the United States on Federal lands; to the Committee on Agriculture.

H.R. 8512. A bill to amend section 5 of Public Law 89-664 which established the Bighorn Canyon National Recreation Area; to the Committee on Interior and Insular Affairs.

By Mr. ROSTENKOWSKI (for himself, Mr. BADILLO, and Mr. DANIELSON):

H.R. 8513. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. SATTERFIELD:

H.R. 8514. A bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law; to the Committee on Foreign Affairs.

H.R. 8515. A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes; to the Committee on Public Works.

By Mr. STEED:

H.R. 8516. A bill to establish environmental laboratories within the States, regions, and Nation pursuant to policies and goals established in the National Environmental Policy Act of 1969; to the Committee on Science and Astronautics.

By Mr. THOMPSON of New Jersey:

H.R. 8517. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. THONE:

H.R. 8518. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALEN (for himself and Mr. MIKVA):

H.R. 8519. A bill; Newsmen's Privilege Act of 1971; to the Committee on the Judiciary.

By Mr. WINN (for himself, Mr. BOB WILSON, Mr. DON H. CLAUSEN, Mr. ROBINSON of Virginia, Mr. CRANE, Mr. PRICE of Texas, Mr. ARCHER, Mr. MCCLURE, Mr. MONTGOMERY, and Mr. SCHERLE):

H.R. 8520. A bill to amend the Food Stamp Act of 1964, to exclude from coverage by the act every household which has a member who is on strike, and for other purposes; to the Committee on Agriculture.

By Mr. WOLFF:

H.R. 8521. A bill to prohibit commercial flights by supersonic aircraft into or over the United States until certain findings are made by the Administrator of the Environmental Protection Agency and by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Tennessee:

H.R. 8522. A bill to amend the Communications Act of 1934 in order to provide that licenses for the operation of a broadcasting station shall be issued for a term of 5 years; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK:

H.R. 8523. A bill to promote the foreign policy of the United States by strengthening and improving the Foreign Service personnel system of the Department of State and of the U.S. Information Agency; to the Committee on Foreign Affairs.

My Mr. BIAGGI (for himself, Mr. DUNCAN, Mr. MOSS, Mr. HALPERN, Mr. COLLINS of Illinois, Mr. FRASER, Mr. MIKVA, Mrs. ABZUG, Mr. RANGEL, and Mrs. CHISHOLM):

H.R. 8524. A bill to amend title 10 of the United States Code to establish procedures providing members of the Armed Forces redress of grievances arising from acts of brutality or other cruelties, and acts which abridge or deny rights guaranteed to them by the Constitution of the United States, suffered by them while serving in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BURKE of Florida:

H.R. 8525. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer; to the Committee on Interstate and Foreign Commerce.

H.R. 8526. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DANIELSON:

H.R. 8527. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. DU PONT:

H.R. 8528. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 8529. A bill to amend section 5042(a)(2) of the Internal Revenue Code of 1954 to permit individuals who are not heads of families to produce wine for personal consumption; to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 8530. A bill to provide for overtime pay without limitation for officers and members of the Metropolitan police force of the District of Columbia, the U.S. Park police force, and the Executive Protective Service in those cases of serious civil disturbance; to the Committee on the District of Columbia.

H.R. 8531. A bill to authorize the District of Columbia to enter into a compact with a State with respect to cooperative efforts and mutual assistance in the prevention of crime; to the Committee on the District of Columbia.

By Mr. KEMP:

H.R. 8532. A bill to regulate the disposition of liquid wastes by deep-well subsurface injection; to the Committee on Public Works.

By Mr. KOCH:

H.R. 8533. A bill to amend the Merchant Marine Act, 1936, in regard to the restoration of the vessel *Kaiulani*; to the Committee on Merchant Marine and Fisheries.

By Mr. LENT:

H.R. 8534. A bill to amend the Federal Aviation Act of 1958 in order to provide for more effective control of aircraft noise; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. CULVER, Mr. BINGHAM, Mr. WOLFF, Mr. FASCELL, Mr. FOUNTAIN, Mr. GALLAGHER, Mr. FRASER, and Mr. MONAGAN):

H.R. 8535. A bill to amend section 3 of the Peace Corps Act to prohibit the expenditure of funds authorized by that act to carry out the functions of the Peace Corps under any agency created by Reorganization Plan No. 1 of 1971; to the Committee on Foreign Affairs.

By Mr. SCHWENGEL (for himself, Mr. BURKE of Massachusetts, Mr. CLEVELAND, Mr. CÓRDOVA, Mr. DUNCAN, Mr. FINDLEY, Mr. FORSYTHE, Mr. FOUNTAIN, Mr. GAYDOS, Mr. HARRINGTON, Mr. KEE, Mr. LEGGETT, Mr. LINK, Mr. MAYNE, Mr. MAZZOLI, Mr. MEEDS, Mr. MELCHER, Mr. MYERS, Mr. PEPPER, Mr. RAILSBACK, Mr. RANGEL, Mr.

RYAN, Mr. THONE, Mr. WRIGHT, and Mr. ZION):

H.R. 8536. A bill to authorize the Secretary of the Army to investigate, plan, and construct projects for the control of streambank erosion; to the Committee on Public Works.

By Mr. SIKES (for himself, Mr. FUQUA, and Mr. FREY):

H.R. 8537. A bill limiting the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond, and for other purposes; to the Committee on Public Works.

By Mr. SKUBITZ:

H.R. 8538. A bill to amend part II section 204 of the Interstate Commerce Act to establish limitations on Federal regulation of small trucks and trucks engaged in local hauling of farm products; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI (for himself, Mr. PELLY, Mr. ANNUNZIO, Mr. PUCINSKI, Mr. PIKE, Mr. CARTER, Mr. ASHLEY, Mr. KING, Mr. WYDLER, Mr. GROVER, Mr. TERRY, Mr. DENT, Mr. MATSUNAGA, Mr. GALLAGHER, Mr. PRICE of Illinois and Mr. DENHOLM):

H.R. 8539. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADEMAS (for himself and Mr. BOB WILSON):

H.J. Res. 643. Joint resolution authorizing the President to proclaim the month of October 1971 as "Project Concern Month"; to the Committee on the Judiciary.

By Mr. CHAPPELL (for himself, Mr. SIKES, Mr. GIBBONS, Mr. RONCALIO, Mr. PEPPER, Mr. HENDERSON, Mr. EILBERG, Mr. STEPHENS, Mr. UDALL, Mr. FLOWERS, Mr. MANN, Mr. FULTON of Tennessee, and Mr. BEVILL):

H.J. Res. 644. Joint resolution relating to the war power of Congress; to the Committee on Foreign Affairs.

By Mr. JONES of Tennessee:

H.J. Res. 645. Joint resolution to authorize the President to issue annually a proclamation designating the period from October 12 through 19 of each year as "National Patriotic Education Week"; to the Committee on the Judiciary.

By Mr. MIZELL (for himself, Mr. BAKER, Mr. BUCHANAN, Mr. CAMP, Mr. COLLINS of Texas, Mr. DERWINSKI, Mr. DEVINE, Mr. FLOWERS, Mr. JONAS, Mr. LENT, Mr. MINSHALL, Mr. MONTGOMERY, Mr. POAGE, and Mr. SCOTT):

H. J. Res. 646. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. FASCELL:

H. Con. Res. 308. Concurrent resolution calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BINGHAM:

H. Res. 444. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mrs. HICKS of Massachusetts:

H. Res. 445. Resolution condemning the harassment of American fishing vessels by Soviet vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. THOMPSON of New Jersey (for himself and Mr. ASHBROOK):

H. Res. 446. Resolution to authorize additional investigative authority to the Committee on Education and Labor; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

177. By the SPEAKER: Memorial of the Legislature of the State of California, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

178. Also, Legislature of the State of West Virginia, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CULVER:

H.R. 8540. A bill for the relief of Eleonora G. Mpolakis; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 8541. A bill for the relief of Adolfo Martin Laska; to the Committee on the Judiciary.

By Mr. RIEGLE:

H.R. 8542. A bill for the relief of Yang, Jung Ai and Yang, Hye Jung; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

COMPREHENSIVE CHILD CARE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1971

Mrs. ABZUG. Mr. Speaker, today Representative CHISHOLM and I are introducing, as cosponsors, a comprehensive child care bill calling for an appropriation of $5 billion, $8 billion and $10 billion over a 3-year period.

This bill is drafted as a series of detailed amendments to H.R. 6748, the bill introduced by Congressman BRADEMAS and other members of the Select Subcommittee on Education of the House Committee on Education and Labor, earlier in this session of Congress.

We feel that H.R. 6748 is a good bill, but that it does not go far enough. It provides child care only for American communities of an as yet unspecified size; it deemphasizes the needs of women; and—most important of all—it is unlikely to be funded at anything like the level necessary to meet the needs of the Nation's women and children.

Our bill tries to deal with these problems. In drafting it, we have relied heavily on the suggestions of other people—working mothers, community leaders and child care experts. Last February, for example, I called a public hearing on child care in New York City. There I heard many women testify to the need for round-the-clock child care, and we have specifically provided for such services in our bill.

At this point in the RECORD, I would like to include a copy of our bill, together with the testimony which I gave earlier this morning to the select subcommittee. I am also including the transcript of the excellent testimony given at our New York hearings:

H.R. 8402

A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Child Development Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that (1) millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years; (2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of America's children and should be available to all children regardless of economic, social, and family background; (3) children with special needs must receive full and special consideration in planning any child development programs and, until such time as such programs are expanded to become available to all children, priority must be given to preschool children with the greatest economic and social need; (4) the absence of comprehensive child development programs has denied to thousands of American women the opportunity to achieve their full employment potential; (5) while no mother may be forced to work as a condition for using child development programs, such programs are essential to allow many parents to improve their economic condition by undertaking full or part-time employment, training and education; and (6) it is crucial to the meaningful development of such programs that their planning and operation be undertaken as a partnership of parents, community, State and local governments.

(b) It is the purpose of this Act to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs and services so as to (1) assure the sound and coordinated development of these programs; (2) recognize and build upon the experience and successes gained through the Headstart program and similar efforts; (3) make child development services available to all children who need them, with special emphasis on preschool programs for economically disadvantaged children and for children of working mothers and single parent families; (4) provide that decisions as to the nature and funding of such programs be made at the community level with the full involvement of parents and other individuals and organizations in the community interested in child development; and (5) establish the legislative framework for the future expansion of such programs to provide universally available child development services.