he collected his expenses from his client's retainer fund.

When asked if he made it a practice to return parts of the original retainer, Athanson said this is done when his final fees are lower than the original retainer, or when there is extreme financial hardship.

In some cases investigated by The Courant, Athanson not only tabulated up to the full amount of the retainer, but added over $200 to the final bill.

EXHIBIT 5

PROBERS SAY ALIENS ABLE TO BUY WIVES

(By Thomas D. Williams)

Aliens are being sold phony passports and visas to enter the country, then temporary marriages are arranged to keep them here.

Federal investigators in Connecticut exposed this scheme in a continuing probe into immigration that has been under way for a year. Two men have been arrested thus far. They were later released on $10,000 full surety bonds.

Charged with arranging marriages for two Portuguese men were Joaquim Ferreira Pepeira of 667 Noble Ave., Bridgeport, and Secondino (Dino) De Mello Morais of 51 River St., Waterbury.

A federal warrant indicates that Peperia allegedly paid an American woman $1,000 to marry the Portugese alien so he could stay in the country as a permanent resident.

WANTED TO STAY

The alien was reportedly in the United States for a two or three week visit when he decided he did not want to return to Portugal. According to the warrant, Pepeira went with the couple for blood tests in Danbury and later was present when they were married in Bridgeport on June 4, 1968.

In addition, the warrant says the woman was told she did not have to live with the alien and the only time she would see him again was when they got a divorce.

The warrant also makes these allegations:

Pepeira told the woman not to tell marriage license officials that she had been married before.

The woman was instructed to tell immigration officials she had been living with her Portuguese "husband."

After the alleged marriage payoff, the woman was told to apply for petition papers through immigration officials to make her "husband" a permanent resident. She reportedly filed the papers with the Hartford offices of the immigration service on June 10, 1968.

ENTERING COUNTRY

A second federal warrant charges that Morais met with another Portuguese alien in Portugal in August of last year. The accused told the alien he would charge him 55,000 escudos (over $1,900) to come to the United States.

Later, the warrant says, the alien went from Portugal to Spain and to France. He then flew from France to Kennedy International Airport in New York City on Sept. 30, 1969.

Shortly after the alien arrived in this country, the warrant says, Morais met with him at his home in Waterbury to arrange a marriage with a New York City woman. The alien and a Bronx, N.Y., woman were allegedly married on Oct. 15, 1969.

According to the investigation, the couple never lived together. And in fact, the Portuguese man was never able to locate his "wife" after the marriage in order to have her file the necessary immigration papers for his permanent residence.

ARRESTED IN MAY

Both Pepeira and Morais were arrested by federal agents from the Hartford District offices of the Immigration and Naturalization Service in May.

According to Assistant U.S. Atty. F. Mac Buckley, the arrests were not made public until Thursday because it was felt that government witnesses might be "intimidated and scared to talk."

Buckley said the probe is only partially completed and that he will call for federal grand jury indictments of a number of suspects in the fall.

The investigation, he said, was originated by Hartford's immigration offices and has involved probes into racket activities in Bridgeport, Waterbury, Danbury, New York City, France, Portugal and Belgium.

An immigration spokesman said their investigation has been aided by several other district offices along the Eastern seaboard.

Mr. WILLIAMS of Delaware. Mr. President, I submit for appropriate reference a resolution, asking the Committee on the Judiciary to consider these allegations and take whatever steps are necessary, legislative or otherwise, that they deem appropriate. I ask that the resolution be appropriately referred, and that it be printed in the RECORD.

The PRESIDING OFFICER (Mr. HUGHES). The resolution will be received and appropriately referred, and will be printed in the RECORD in accordance with the Senator's request.

The resolution—Senate Resolution 456—was referred to the Committee on the Judiciary, as follows:

S. RES. 456

That the Committee on the Judiciary, or any duly authorized subcommittee thereof, shall, under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, make a full and complete study and investigation of—

(1) the fees being charged by private persons for procuring the introduction into Congress of private relief bills for the benefit of aliens in order to stay deportation proceedings brought by United States officials against such aliens; and

(2) the need for any change in the present rules concerning the effect of the introduction and consideration of such bills upon the staying of those proceedings.

Sec. 2. The Committee shall report to the Senate at the earliest practicable date the results of its study and investigation, together with its recommendations for any necessary legislation.

RECESS UNTIL 9 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 9 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 56 minutes p.m.) the Senate recessed until tomorrow, Wednesday, August 26, 1970, at 9 a.m.

NOMINATION

Executive nomination received by the Senate August 25, 1970:

CORPORATION FOR PUBLIC BROADCASTING

Thomas W. Moore, of Connecticut, to be a member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 26, 1976, vice John D. Rockefeller, 3d, term expired.

EXTENSIONS OF REMARKS

SENATOR PROUTY AND OUR ENVIRONMENT

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, August 25, 1970

Mr. BOGGS. Mr. President, the distinguished Senator from Vermont (Mr. PROUTY) brought to Congress 19 years ago his experience and concern for conservation. In 1951, perhaps we should have heeded men like Senator PROUTY who warned us of the dangers of disregarding our environment. If we had, perhaps we would not be faced with today's ecological problems. In his years of service in Congress, Senator PROUTY has been a strong advocate for legislation aimed at protecting our environment.

I ask unanimous consent that his record be included in the Extensions of Remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR PROUTY AND OUR ENVIRONMENT

Senator Winston Prouty's career as a strong advocate of conservation of our environment started before he entered the United States Congress.

In 1948, Winston Prouty was appointed to serve as Chairman of the Vermont State Water Board after completing a term as Speaker of the Vermont House of Representatives. This service on the board reinforced Senator Prouty's strong respect for our natural environment.

Senator Prouty feels that until recently, one discipline, ecology, has served only the agricultural and medical community. It is the science of ecology that offers us the hope that our knowledge will better serve us and that the knowledge on which we base our actions will be more complete.

As Senator Prouty wrote in a guest column on September 6, 1969: "Pollution is waste management gone wrong, or in the extreme, the absence of waste management."

There is a new sense of involvement with our environment and its relationship with life patterns. This is a good trend and, hopefully, one that will continue until we have reached the objective of a quality environment for all Americans.

Senator Prouty realizes that money alone cannot provide an instant panacea and laws alone are not enough to reach our goal of a quality environment. The people must provide change in their attitude on the environment and its use.

To achieve the good we all desire, Senator Prouty says "We must change our thinking and accounting. Our decisions and our balance sheets must reflect environmental factors. Our actions must be based on ecological knowledge."

In the past, it is interesting to know, for example, that water pollution legislation stems from an 1886 Act of Congress to forbid the dumping of hazards to naviga-

tion in New York harbor. Concern for navigation marked early water pollution legislation, but by 1912 Congress had moved to control water-borne diseases. Subsequently water pollution legislation has responded to the growing awareness of the need to halt abuses of this precious resource.

Concern for the quality of our air was slower in developing. Our nation was midway into the twentieth century before Congress passed the first act in this area, the 1955 Air Pollution Control Act.

Senator Prouty in a recent speech before the Vermont Library Association put forth his ideas of an environmental ethic and environmental accountancy which are basic to the successful solution to the existing problem. As said by Senator Prouty:

"Each day we hear a new figure as to how much it will cost to repair our ravaged earth. Yet probably the most accurate thing that can now be said is that the only thing more expensive than cleaning up our environment is not cleaning it up.

As for determining who is responsible for our environmental dilemma, I would suggest we ignore for a moment President Nixon's admonition that "the fight against pollution is not a search for villains." Let us seek out the villains. We do not have far to look. As the cartoon character Pogo says, "We have met the enemy and they is us."

People are the polluters. Let us realize we all live in environmental glass houses and stop throwing stones. Perhaps we are not comfortable being the villains. But it was our search for comfort and convenience that led to our villainy, that brought us at odds with our surroundings.

It is not so much a question of individual intent, but of collective neglect.

We were led to near disaster by our concepts and must rescue ourselves in part with technology, but also with a new way of thinking, an environmental ethic if you wish.

We must make our economic and social decisions in the context of our surroundings. Our environmental ethic will require more caution in our planning, more care in our daily conduct. It will require that each decision we make be made with concern for our fragile ecology.

We cannot build dams considering only the affect downstream. We must look upstream as well.

We cannot think only of whiter, brighter washes without contemplating our algae-choked streams.

We cannot think of our no-deposit, no-return, throw-away culture as a blessing without considering the problems of solid waste disposal.

Each product we demand cannot be considered in a vacuum. We must consider the cost in the environmental context of its production and use.

The prices of goods must reflect the cost of conserving and restoring our environment. The polluters will pay and since "they is us", we will pay.

We will have to develop not only an environmental ethic, but environmental accountancy wherein our product price tags, corporate balance sheets and national income accounts reflect the true cost of doing business, taking into consideration that a quality environment isn't free.

Clearly we must develop new economic indicators that reflect the quality of our life as well as the quantity of our goods and services.

It is at this point that the forces of anti-progress are arrayed.

They contend that we have too long equated progress with growth. In this they are correct.

However, when they insist that the only way to repair our environment is to stop growth, they advocate abandoning human needs.

We must not become so pre-occupied with environmental problems that other pressing human problems are put aside.

But this is what the advocates of zero growth would do.

I say we must as a nation continue to grow with a new emphasis on how we grow rather than on how much we grow.

Perhaps our most compelling assignment is to look away from the Gross National Product toward a more meaningful indicator of true progress. Man cannot live by Gross National Product alone, and we need indicators that reflect man's need for pure air, clean rivers and lakes, and quiet. Nowhere are these reflected in the G.N.P.

On the contrary, if a new factory pollutes a clear stream, the G.N.P. will go up, not only because of the mill's output, but because of expenditures downstream needed to cleanse the befouled water.

I am not an economist, but I am confident that our knowledge is sufficient to provide new indicators, or adjust or append present indicators, to reflect environmental factors and record our true progress not merely the growth of goods and services.

If we fail to re-adjust our thinking and our accounting and make progress along these lines, the arguments for the zero-growth school will be strengthened and the hopes of those who seek not only a better environment, but better housing, jobs, education, and health care as well, will be diminished."

To Senator Prouty the basic approach of government has advanced from the day when it was only a referee among competing resources to the day when the government must be considered the trustee of the environment for all the people.

The Government must administer this trust, not with stop-gap measures to halt specific abuses, but with a clear top priority national goal of a quality environment for all Americans. Simply declaring this goal is not enough in itself. We must channel our wealth into protecting our future.

Man's stewardship over the earth's environment has guided Senator Prouty as a strong supporter of conservation and environmental legislation.

During his entire career in the U.S. Senate, Senator Prouty has consistently supported and voted in favor of the conservation legislation which has come before that body.

Yet Senator Prouty's attention since he entered the Senate has not only been on an national level, but directly in tune with the conservation needs of the Green Mountain State. It is an important fact that Senator Prouty has used his influence to prevent construction of the Victory Dam and Gaysville Dam. For example, just recently Senator Prouty directly opposed the Corps of Engineers efforts to begin work on the Gaysville Dam which was authorized in the 1930's.

When the public works appropriation bill for fiscal 1970 was referred to the Senate, it contained an appropriation of $500,000 for planning of the Gaysville Reservoir. As a result, Senator Prouty contacted the Chairman, Senator Allen Ellender, and the ranking Minority member, Senator Milton Young (N. Dak.) on October 21, 1969, asking that they remove this amount from the appropriation as not being money which should be spent, since the Gaysville Dam was opposed by him and by the people of Vermont.

In the letter of October 21st, Senator Prouty said:

"I write you today, Mr. Chairman, to express my very great opposition to the portion of the public works appropriation bill which provides for construction and planning activity at the site of the Gaysville Dam at Gaysville, Vermont.

"Mr. Chairman, most, if not all, of the beautiful and productive valleys in the Green Mountains of Vermont are scheduled to be inundated with the construction of additional dams to complete an over-all plan designed years ago by the Corps of Engineers. Unfortunately, this concept does not necessarily consider the people of the State of Vermont, nor does it consider the ever more important necessity for retention of our naturally beautiful areas."

He wrote to the other eight Republican members of the Subcommittee and received word in reply that as long as he opposed the dam, they would also oppose it and it was, therefore, removed from the appropriations report when the bill passed the Senate on November 12, 1969.

Senator Prouty also then contacted the House of Representatives members of the appropriations conference and asked that they recede from their position, which they did do.

As a result, the $500,000 planning grant for Gaysville Dam was removed from appropriations in 1970.

Senator Prouty feels that Vermont has given enough of her beautiful valley to flood control that does not benefit Vermont, just submerges her valleys.

Another example of Senator Prouty's work against the flooding of Vermont is his active support to kill the Victory Dam project and save Victory Bog.

Being a resident of the Northeast Kingdom, the Victory Bog and its preservation is important to Senator Prouty. Since entering Congress, he has kept constant tabs on the Victory Dam project. Senator Prouty has worked behind the scenes with Senator Aiken to prevent a dam the people don't want, and the area doesn't need.

Senator Prouty's constant vigilance of the Victory project has prevented the Corps of Engineers from obtaining the necessary authorization or any money for this dam. The Senator is determined to not only prevent this project, as he has been able to do in the past, but to effectively kill the project so that the Corps of Engineers can no longer undertake any planning for the dam as a result of non-Vermont influence that is presently pushing for the dam. Senator Prouty noted that the effective killing of the Victory project will take some time since the project has been in existence for thirty to forty years. The Senator feels that time is on our side as long as the Governor does not authorize the project as happened in 1967.

A compilation of environmental legislation supported by Senator Prouty during his tenure in the United States Senate follows:

THE 86TH CONGRESS

Sept. 9, 1959—H.R. 3510—Amends the Federal Water Pollution Control Act to increase grants for construction of sewage works and for other purposes.

THE 87TH CONGRESS

Sept. 6, 1961—S. 174—Establishes a National Wilderness Preservation System. It established a national wilderness preservation system, limited to Federal lands already withdrawn for recreational use and classified in the following categories: (1) Areas in national forests classified as "wilderness" wild or canoe; (2) areas in national forests classified as primitive; (3) areas in national parks and monuments, each of which embraced at least 5,000 acres without roads, and (4) selected portions of wildlife refuges and game ranges already established.

THE 88TH CONGRESS

April 9, 1963—S. 4—Wilderness Act. Explanation same as S. 174.

October 16, 1963—S. 649—Federal Water Pollution Control Act Amendments of 1963. Establishment of Federal Water Pollution Control Administration within HEW to administer programs under the Federal Water Pollution Control Act of 1961. Authority for the Secretary to regulate the discharge from Federal institutions of waste into waters of the United States

August 12, 1964—H.R. 3846—Land and Water Conservation Fund Act. It created a land and water conservation fund from which appropriations would be made to provide outdoor recreation areas and facilities at State, local and Federal levels.

THE 89TH CONGRESS

January 28, 1965—S. 4—Water Quality Act of 1965. Establishment of Federal Water Pollution Control Administration within HEW to administer programs under the Federal Water Pollution Control Act of 1961.

January 18, 1966—S. 1446—Wild Rivers Act. It established a national wilderness system.

July 12, 1966—S. 3112—Clean Air Act Amendments of 1966. A new grant program was instituted allowing air pollution control agencies up to one-half of the cost of maintaining programs to prevent and control air pollution.

July 14, 1966—S. 2947—Federal Water Pollution Control Act Amendments and Clean Rivers Restoration Act of 1966. Established the clean rivers restoration program as a supplement to the existing water pollution control program for planning and construction of treatment works on a river basin basis.

THE 90TH CONGRESS

July 18, 1967—S. 780—The Air Quality Act of 1967. This measure expanded grants for pollution control programs, and promulgated Federal ambient air quality criteria by which the states would establish standards. The measure also required the Secretary of the Department of Health, Education and Welfare to designate air quality regions, to publish information on control techniques, and to enforce established standards.

August 8, 1967—S. 119—Wild and Scenic Rivers Act. This act classified certain streams possessing outstanding scenic, recreational and other values as wild or scenic rivers to be preserved in a free-owing condition, and protected for the enjoyment of all Americans.

April 29, 1968—S. 1401—An amendment to the Land and Water Conservation Fund Act of 1965, which authorized the annual expenditure of $200 million to finance the acquisition and development of Federal and State recreation areas.

P.L. 90–515, The National Water Commission Act. This act created the National Water Commission for the purpose of making a comprehensive survey of the Nation's water resource problems.

P.L. 90–411. An Amendment to the Federal Aviation Act of 1958. This Act authorized the Federal Aviation Administration to set aircraft noise and sonic boom standards.

THE 91ST CONGRESS

June 26, 1969—S. 1075—The National Environmental Policy Act. This act declares, for the first time in the history of the United States, a policy for environmental management designed to create and maintain conditions under which man and nature can coexist in productive harmony. The bill requires all Federal agencies to take into account the environmental impact of all actions they propose. Specific directives to prevent adverse environmental effects of Federal agency activities are indicated. This new law also created, in the Office of the President, a permanent three-member Council on Environmental Quality. The new Council is modeled after the Council of Economic Advisers, and is authorized an annual appropriation to cover the expenses of a professional staff. The principal functions of the council are to recommend environmental policies to the President and to assist him in the preparation of an annual environmental report to be submitted to the Congress beginning in July, 1970.

June 26, 1969—S. 1076—Youth Conservation Corps. This measure would establish a nationwide Youth Conservation Corps, consisting of young men between 14 and 18 years of age who would participate in supervised summer conservation work and educational projects. This bill recognizes that if the future leaders of this Nation are to be expected to understand that the great out-of-doors has a relevant role in their lives, they must experience the sense of accomplishment in completing a difficult task, of understanding the importance of land and water conservation and management, and of working in programs to assure that future generations will enjoy life in a quality environment. The measure is particularly important to urban youth who, because of the lack of adequate job opportunities, often turn from walking the streets seeking jobs to roaming the streets in pursuit of mischief.

October 8, 1969—S. 7—Water Quality Improvement Act of 1969.

S. 2276—An amendment of the Clean Air Act. The law extends for one year research grants of $45 million in air pollution resulting from fuel combustion.

H.R. 11363—Endangered Species Act. This law described by conservationists as the most important wildlife legislation before the 91st Congress, prohibits the importation or interstate shipment of endangered species of fish and wildlife, and protects alligators.

S. 1830—The Alaska Native Land Claims Settlement Act. The claims of the native people of Alaska to the land and to the resources of Alaska have been a source of conflict between the State of Alaska, the native people of Alaska, and the Federal government for a number of years. This legislation would finally resolve these problems, and also provide an opportunity to lay a foundation for social and economic advancement of Alaska Eskimos, Indians and Aleuts, most of whom live under poorer circumstances than any other Americans. The bill also directs that a study be made of all public lands in Alaska and requires the Secretary of the Interior to recommend areas for inclusion in the National Park System.

H.R. 8794—An amendment to the Marine Resources and Engineering Act, which extends for one year the National Council on Marine Resources and Engineering Development. This legislation provides time for the Council to complete their work, and for Congress to take legislative action on their proposals.

S. 2315—An amendment to the Land and Water Conservation Fund. This measure is designed to continue the Golden Eagle passport program due to expire next March, and also to increase the annual fee from $7 to $10. The bill also would continue the advance contract authority for land acquisitions to deal with the increasingly serious problem of land-cost escalation.

Pending legislation in the 91st Congress which Senator Prouty is cosponsoring and supporting:

S. 3468—Environmental Financing Act of 1970—(Senators Scott and Prouty).

To create an Environmental Financing Authority whose purpose is to assure that inability to borrow necessary funds in the market at reasonable interest rates does not prevent any state or local public body from carrying out a waste treatment work project from receiving a grant by the Secretary of the Interior.

1. Five member board of directors (Secretary, Treasurer, etc.).
2. Initial capital—$100 million.
3. Annual Report submitted to Congress.
4. Audit by provision of government corporation control act.

S. 3466—To amend the Clean Air Act—(Senators Scott and Prouty.)

The bill extends for an additional three years (FY 71–73) the general authorization of appropriation for the "Clean Air Act", as well as to the special appropriation authorization in that Act for research related to fuels and vehicles.

1. Compliance testing and certification of motor vehicles and engines.
2. Registration and regulation of fuels and fuel additives.
3. National Air Quality Standards.
4. Stationary Source Emission Standards.

S. 3469—Waste Reclamation and Recycling Act—(Senators Scott and Prouty.)

To authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes to extend the provisions of the "Solid Waste Disposal Act".

1. Study of incentives to reuse of materials from solid wastes.
2. Special consideration to the problems of motor vehicles hulks.

S. 3467—To amend the Land and Water Conservation Fund Act of 1965—(Senators Scott and Prouty).

It would amend the Land and Water Conservation Fund Act to insure that the revenues presently available to the Land and Water Conservation Fund will be effectively augmented by the additional receipts which can be expected to result from the concentrated effort to dispose of unneeded Federal real property.

1. To sell surplus land for park and recreation purpose at public benefit discounts up to 100%.
2. GSA could use receipts from sales of surplus land to relocate government agencies.

S. 3470—To amend the Federal Water Pollution Control Act—(Senators Scott and Prouty).

The bill would add a new section five which would clarify the existing language to indicate the basic purpose to be achieved. The techniques available to achieve these purposes and limitation which apply to the use of these techniques. Major emphasis is focused upon effective performance and substantial improvement of state and interstate programs.

S. 3471—To amend the Federal Water Pollution Control Act—(Senators Scott and Prouty).

The bill would amend the declaration of policy in section one of the Act to express concern for the quality of total environment, amend section three to expand the authority of the Secretary of the Interior to develop comprehensive water quality management programs, and strengthen the enforcement authority in section ten. The bill reflects the modern concept of water quality as a vital part of a livable environment and recognizes the interrelationship of all water resources.

S. 3472—To amend the Federal Water Pollution Control Act—(Senators Scott and Prouty).

The bill would amend section eight of the Act to authorize the Secretary of the Interior to incur obligations in the form of grant agreements or otherwise in an aggregate amount of $4 billion ($1 billion per year from FY 71 to FY 75). The bill would revise the allocation formula to provide greater flexibility to meet the most severe water pollution problems and to give an added incentive to the states to fully utilize the funds allocated.

S. 3388—Establish an "Environmental Quality Administration"—(Senators Scott and Prouty).

To establish an independent agency responsible for developing and conducting comprehensive national policies, programs, and activities to improve the quality of the American environment and to insure that the improved quality of the environment is maintained. Transfer many functions for the areas of air, water pollution and solid waste disposal away from department to the new administration. Federal Water Pollution Control Administration and Water Resource

Commission will become part of the Administration. Serve as a clearing function in the pollution program.

S. 3072—The Federal Low Emission Vehicle Procurement Act. This measure would stimulate the development, production and distribution in interstate commerce of low emission motor vehicles in order to provide increased protection against the hazards of vehicle exhaust emission.

S. 3151—The National Environmental Education Act—(Senators Nelson and Prouty).

This measure would provide financial assistance to all levels of education for developing environmental education curricula and for training faculty to teach such courses. Funds are also provided to generate and disseminate environmental education information.

S. 3598—Authorize Federal assistance for Fish and Wildlife and Recreation Development—(Senators Aiken and Prouty).

The bill would authorize the Secretary of Agriculture to share part of the cost of installing public fish and wildlife or recreation development in resources conservation and development projects, and up to half the cost of any needed land, easements, rights-of-way, and basic public facilities.

S. 4076—Humane Seal Protection Act of 1970—(Senators Goodell and Prouty).

Prohibits the clubbing of seals after July 1, 1972, the taking of seal pups, and taking of female seals on Pribilof Islands or on any other land and water under the jurisdiction of the United States.

THE CONSUMER AGRICULTURAL FOOD PROTECTION ACT OF 1970

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. TALCOTT. Mr. Speaker, ever since my election to the Congress, and before, I have actively and personally worked to improve agriculture, particularly the working and living conditions of farmworkers.

Our Nation depends on agriculture—nutritionally and economically. Agriculture is our Nation's No. 1 industry. Growers in my congressional district lead the world in productivity, innovation, and progress. Farmworkers in my district, including migrants, receive higher wages, and enjoy better working and living conditions than they can find doing anything else anywhere else in the world.

Still this is not good enough and we are trying to improve our produce, our working and living conditions.

We have many migrant farmworkers who follow the harvests—they are the poorest of the poor and the most disadvantaged of the disadvantaged. Migrancy is their nemesis. Their wages are not disproportionate to their skills, but the cost of moving and the lack of regular employment caused by the vagaries of the harvests, keep them poor.

To help the farmworkers in my district, I have proposed comprehensive legislation to compliment the efforts of the industry, the unions, the local and State governments, as well as the public and private social organizations.

I have introduced, and advocated passage of legislation during several Congresses to provide "impacted aid" to school districts through which the children of migrant farm families must swarm.

I have introduced, and advocated, passage of legislation during several Congresses to provide extra and compensatory bilingual training for the children of farmworkers.

I have cosponsored legislation for manpower training to enable farmworkers and their children to develop skills which will permit them to obtain permanent jobs and to escape the grinding poverty of migrancy.

I have supported legislation to establish supervised day care centers for children of farmworkers. I have introduced legislation during the last two Congresses to require all States to provide workers with benefits comparable to industrial labor benefits, including:

First. Regulation of farm labor housing centers and employer-furnished housing accommodations, including standards of sanitation, location, construction, density, and maintenance of housing.

Second. Regulation of farm labor contractors and crew leaders, requiring annual licensing or registration and prompt payment of wages to laborers, and prohibiting such undesirable employment practices as giving false information on terms, conditions, or the existence of employment.

Third. Regulation of transportation of migratory farmworkers, including standards for safety and operation of equipment, qualifications of drivers, and safety and comfort of riders.

Fourth. Regulation of uniform minimum ages for agricultural employees.

Fifth. Regulation of uniform minimum wages for agricultural employees.

Sixth. Regulation of wage payments requiring regular paydays, payment in cash or readily negotiable form, and prompt payment on termination of work.

Seventh. Workmen's compensation providing monetary and medical benefits to agricultural employees injured on the job.

Eighth. Temporary disability insurance providing benefits for agricultural workers for non-work-connected illnesses or injuries.

Ninth. Unemployment insurance laws providing benefits for agricultural employees during periods of involuntary unemployment.

Tenth. Regulation of field sanitation facilities.

It was only recently that a few other Members of the Congress displayed any interest in unemployment compensation for farmworkers—and this was a superficial "grandstand" last-minute amendment to an industrial compensation bill without any prior committee study or deliberation.

Mr. Speaker, recently, while the farms in a small portion of my congressional district were producing approximately 70 percent of the head lettuce consumed in the United States, most of the farming operations were struck. The harvest, shipment, and distribution of head lettuce was choked to a stop. Thousands of agricultural workers—including harvesters, truckdrivers, packinghouse workers, processors, railroad employees, carton manufacturers, and so on and on—were affected.

Additionally, tons of lettuce spoiled in the fields. Growers and farm suppliers lost thousands of dollars—some face bankruptcy. The price of lettuce to the housewife and restaurateur skyrocketed.

In fact, hundreds of thousands of innocent persons were deprived of an important nutritional food.

Farmworkers, farmers, employees of allied industries and the consumers were injured and harmed. The losses were permanent, unrecoverable. Lost wages cannot be recouped. Spoiled crops cannot be revived.

Such injuries, losses, and waste should not be tolerated by our society. Events which have transpired recently in the Salinas Valley make it incumbent upon me, as the elected Representative of over 500,000 residents of the 12th Congressional District and as the Representative of an agriculture region upon which the 200 million consumers in the United States depend for approximately 30 percent of their principal row crop vegetables, to advocate enactment of agricultural labor management legislation which will protect these consumers from loss or interruption of their nutritional food supply.

Our brains should be applied to develop machinery to resolve farm labor disputes without such permanent injury and unrecoverable losses.

Some ground rules must be adopted at the earliest possible date in order to assure the orderly process of planting, growing, harvesting, and distributing agricultural products so vital to our Nation's health.

Disruptions of the agriculture process, especially of harvests, are quite different from disruptions of a manufacturing process. Assembly lines can often stop and steel ingots and automobiles can be stored or inventoried for weeks without deterioration—as a matter of fact, with an increase in value. No man, group, or government can stem the inexorable process of fruit and vegetable growth and maturation. A strawberry, for instance, must be picked, processed, and packaged within hours of maturity or spoilage begins and losses accelerate.

Agricultural losses are compounded when the processes are interrupted. Even spoiled crops must be picked, or disced under, at additional costs even though they are useless. Vegetables that spoil after harvest while stalled enroute to market, for instance, must be disposed of, as garbage, usually at great cost and without any recoupment.

Farmworkers can least afford a harvesttime strike, with attendant loss of work, because after the crops mature there is no work until the next harvest—which may be months away. Also, harvesttime provides special opportunities for extra work—overtime, additional jobs, longer shifts; when extra work is available, the work stoppages are extraordinarily disastrous for the farmworker.

The flow of farm produce to the consumer is always subject to the exigencies of weather, availability of transporta-

tion, refrigeration, markets—over which the individual farmer and farmworker have no control.

The consumer, when all is said and done, is the ultimate loser in the game of one-upmanship in the current drive to organized agricultural fieldworkers.

Everyone, whether farmer or worker, is a consumer. No self-anointed pressure group, however vocal, should be permitted to force its will on the overwhelming majority of the American people for its own selfish ends.

Obviously an entirely different legal and administrative mechanism—other than the one presently used in settlement of industrial disputes—is necessary for the settlement of disputes in agriculture and the food processing industry.

There are historical, economic, and humanitarian reasons why a Federal Farm Labor Relations Board is necessary. The basic structure of the extant National Labor Relations Board can be useful, but such a Board and its functions and operations must be modified to fit the unique conditions and problems of agriculture, farm labor, and food products.

A unique need is certain—there can be no strike, slow down, or lockout at harvesttime.

I believe strikes and lockouts can be eliminated without jeopardizing the rights or the power of the farmer or the farmworker. I believe a mechanism can be established to protect the farmer, the farmworker, and most importantly the consumer.

Congress should devote its attention toward developing a mechanism to achieve a balance between the demands of agriculture workers and the policies of the farmers in order to protect themselves and the consumer from being exploited or injured.

I have introduced some comprehensive legislation, H.R. 19023, to establish a National Farm Labor Relations Board.

My bill has been drafted with the rights of the individual citizen, the individual consumer in mind. No individual citizen or group is entitled to abridge these rights or to claim favored treatment. A unique feature of this bill prohibits strikes and lockouts. In lieu of strikes and lockouts, I have proposed a Board of Arbitration to expedite the fair settlement of all farm labor disputes. It would be instituted whenever a work stoppage occurs or a labor dispute arises.

The five-man Board of Arbitration would include one representative designated by labor and one representative by management; these two would then jointly select three neutral other members. This Board would assist the parties in reaching a fair settlement of the dispute. If the dispute is not settled within 30 days, the Board would publicly announce the offer of each party which is most favorable to the other party. If the dispute is not settled within 5 days thereafter, the Board will designate the proposal which it considers the more reasonable—not a compromise of the two. The designated proposal will immediately become the agreement of the parties and subject to enforcement by law.

This new legal mechanism will permit the parties to bargain freely; it will provide strong incentives for the parties to bargain promptly and reasonably.

Union representation, collective bargaining, and all other benefits and privileges of conventional labor-management relations are available and encouraged—excepting the strike and lockout.

Most labor-management experts recognize that the strike and lockout are outmoded and barbaric techniques for solving problems in a civilized society. Violence and interference with the rights of third parties must be avoided in labor-management relations just as in other aspects of societal living. Harvesttime work stoppages and interruptions of our food supply must be minimized.

A fair, reasonable, and workable mechanism to replace the strike and lockout is the key feature of my bill.

Time is of the essence. The disruption of the harvest and orderly flow of agricultural products from the farm to the consumer is wasteful, costly, and injurious to the farmer, the farmworker, and the consumer.

It is past time for platitudinous rhetoric, but time for sincere, practical solutions to the problems arising in farm employer-employee relations.

I solicit any objective appraisal of the proposal which I have submitted. I am convinced that the individual agricultural worker will quickly realize that my proposal can settle the emotional as well as the practical disputes.

The text of my bill, H.R. 19023, follows. I welcome the cooperation and counsel of anyone interested in fair farm labor legislation:

H.R. 19023

A bill to be known as the Consumer Agricultural Food Protection Act of 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SHORT TITLE

This Act may be cited as the "Consumer Agricultural Food Protection Act of 1970".

STATEMENT OF FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds—

(1) that the production and distribution of an adequate supply of food at reasonable prices is essential to the health and welfare of the people of the United States;

(2) that the food industry of the United States from grower to consumer is, and has proved itself to be, capable of satisfying the desires and needs of the American consumer with wholesome products at reasonable prices;

(3) that the food industry of the United States has developed under a system in which the role of government has been to build a legal framework in which our competitive system operates to make available abundant quantities of healthful, appetizing food to all Americans at just and fair prices;

(4) that in recent decades there have been dramatic changes in farm technology and productivity and transportation in the preservation and distribution of food products; and

(5) that, because of these changes, the legal structure guaranteeing our food supply must be strengthened in order to maintain the free flow of agricultural products from the farms of the United States to the consumer of such products and to assure that all who have a public or economic interest in the strengthening of this framework, including consumers, agricultural employees and employers, are fairly treated.

(b) The Congress further finds—

(1) that orderly and peaceful relationships between labor organizations representing or seeking to represent agricultural employees and employers of those employees are essential to protect the availability, quality, and price of food products;

(2) that any interruption in those orderly and peaceful relationships between labor organizations and agricultural employers which interferes with the activities of neutral employers and employees who transport, prepare for market, and market agricultural products unfairly jeopardizes the fulfillment of the needs of consumers for adequate food supplies at reasonable prices; and

(3) that coercive or restrictive pressures on consumers of agricultural products unjustly jeopardizes the rightful interest of consumers in such food supplies.

(c) The Congress also finds that agricultural employees are entitled to the right to organize and bargain collectively, if they so wish, in order to establish fair and equitable terms and conditions of employment while maintaining an orderly and peaceful employment relationship.

(d) Because of the perishability of agricultural products and the essential role they play in the health and well-being of our country, the Congress further finds that it is necessary to enact legislation specifically designed to establish an equitable balance between the interests of consumers, agricultural employees, and employers and thereby to protect the production and distribution of food supplies for consumers by establishing a legal system encompassing that production and distribution.

(e) It is hereby declared to be the purpose and policy of this Act, through the exercise by the Congress of its power to regulate commerce among the several States and with foreign nations, (1) to encourage and promote the normal flow of agricultural products produced on the farms of the United States, and to protect the consumers of such products, by providing safeguards for the production and distribution of agricultural products against interruption of the peaceful relationships between labor organizations representing or seeking to represent agricultural employees and the employers of such employees, and (2) to provide an orderly system under which agricultural workers may organize and bargain collectively, if they so wish, which is compatible with the public interest in assuring to consumers adequate and wholesome food supplies.

DEFINITIONS

SEC. 3. When used in this Act—

(1) The term "person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "agriculture" includes farming in all its branches which is in commerce or which affects commerce and, among other things, shall include the cultivation and tillage of the soil; dairying; the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity (including commodities defined as agricultural commodities in section 15(g) of the Agricultural Marketing Act, as amended); the raising of livestock, bees, or poultry; and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with farming operations, including the preparation of any agricultural commodity for market, delivery of any such commodity for storage or to market or to a carrier for transportation to market, and any activity connected with providing housing and food for persons employed in agriculture.

(3) The term "employer" includes any person acting as an agent of an employer,

directly or indirectly, but shall not include the United States.

(4) The term "agricultural employer" means any employer engaged in agriculture affecting commerce who, during any calendar quarter during the preceding calendar year, used more than 500 man-days of agricultural labor. Such term shall also include any person who provides labor and services on one or more farms as independent contractor if such person, during any calendar quarter during the preceding calendar year, provided more than five hundred man-days of agricultural labor. In calculating the average number of agricultural employees employed by an agricultural employer or provided by an independent contractor, one hour or more of employment in any one day shall be considered one man-day and three hundred man-days shall be considered one man-year.

(5) The term "employee" includes any employee of a particular employer and shall also include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment; but such term shall not include any individual—

(a) employed by his parent, spouse, or by an immediate relative;

(b) having the status of an independent contractor;

(c) employed as a supervisor, or in a confidential capacity or as a clerical employee, or as a guard;

(d) employed as a professional or technical employee;

(e) who has quit, been discharged, or been laid off from work and has no reasonable expectancy of being recalled to work within sixty days from the date of lay off; or

(f) who is a tenant or sharecropper and responsibly directs or shares in the management of an enterprise engaged in agriculture.

(6) The term "agricultural employee" means any employee who is employed by a particular agricultural employer and who has been so employed for at least fourteen workdays during the preceding thirty calendar days and has been employed by that employer or another agricultural employer for at least one hundred workdays during the preceding calendar year. If otherwise qualified, a person shall be considered an agricultural employee if the employer pays the wages of the employee and the work is performed for the employer's benefit or on his behalf, even though the supervision, bookkeeping, and the issuance of payroll checks is by a person other than the employer. In calculating a workday of an agricultural employee, one hour or more of employment in any one day shall be considered a workday.

(7) The term "farm" means any enterprise engaged in agriculture which is operated from one headquarters where the utilization of labor and equipment is determined and which, if consisting of separate tracts of land, are within a fifty-mile radius of the headquarters.

(8) The term "representative" includes any individual or labor organization.

(9) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees, as defined in this Act or in the National Labor Relations Act, as amended (29 U.S.C. 151–168), participated and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(10) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any territory of the United States and any State or other territory, or between any foreign country and any State, territory, or the District of Columbia, or within the District of Columbia or any territory, or between points in the same State but through any other State or any territory or the District of Columbia or any foreign country.

(11) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

(12) The term "unfair labor practice" means any unfair labor practice listed in section 206 of this Act.

(13) The term "labor dispute" includes any controversy between an agricultural employer and his agricultural employees concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment.

(14) The term "Farm Labor Relations Board" means the Farm Labor Relations Board provided for in section 201 of this Act.

(15) The term "superior" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(16) The term "professional employee" means—

(a) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine, mental, manual, or physical processes; or

(b) any employee, who (i) has completed the courses or specialized intellectual instruction and study described in clause (iv) of paragraph (a), and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (a).

(17) In determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

(18) The term "ultimate consumer" shall mean the person who purchases an agricultural product for consumption.

TITLE I—PROTECTION OF AGRICULTURAL PRODUCTS

PROHIBITED ACTS

SEC. 101. It shall be unlawful—

(a) For any labor organization or its agents or for any person acting on behalf of a labor organization or to further the objective of a labor organization—

(1) to induce or encourage any individual employed by any person engaged in commerce or in an industry affecting commerce to engage in a strike or a refusal to use, process, transport, display for sale, sell, or otherwise handle or work on any agricultural commodity after such commodity leaves the farm or situs where grown or produced, or to picket or threaten to picket any other person;

(2) to threaten, restrain, or coerce any person; or

(3) to enter into or maintain any contract, combination, or conspiracy with any employer, labor organization, or other person where an object of any of the foregoing conduct, directly or indirectly, is to force, require, or persuade—

(a) any person to cease or refrain from using, selling, displaying for sale, processing, transporting, or otherwise dealing in any agricultural commodity;

(b) any person to enter into any unlawful agreement pertaining to the production, processing, transporting, marketing, or sale of any agricultural commodity;

(c) any agricultural employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees after a valid secret ballot election;

(d) any agricultural employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class; or

(e) any employer or self-employed person engaged in agriculture or in an industry affecting agriculture to join any labor or employer organization.

(b) For any person—

(1) to induce or encourage the ultimate consumer of any agricultural commodity, unless such inducement or encouragement is limited to honest, truthful, and undeceptive publicity and specifically identifies the producer of such commodity; or

(2) to restrain, coerce, or threaten such ultimate consumer, where an object thereof is to force, require, or persuade such ultimate consumer not to purchase, consume, or use such agricultural commodity. Permissible inducement or encouragement within the meaning of paragraph (b)(1) shall not include publicity of any kind if such publicity identifies the producer of an agricultural commodity by, or is directed against, any trademark, trade name, or generic name which may include products of another producer or user of such trademark, trade name, or generic name, and shall not include picketing at a retail establishment.

(c) For any person to initiate, participate in, conspire to, or threaten a strike, picketing, or refusal to perform work, in whole or in part, at a farm (i) if such action will result in a cessation of operations necessary to prevent the loss, spoilage, deterioration, or reduction in grade, quality, or marketability of an agricultural commodity in commercial quantities or (ii) if there is then in effect a collective bargaining agreement with respect to labor performed or to be performed at that farm by agricultural employees.

(b) For any person to picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer where an object thereof is to induce, encourage, force, or require (i) an agricultural employer to recognize or bargain with a labor organization as the representative of his employees, or (ii) the employees of an agricultural employer to accept or select such labor organization as their collective bargaining representative, unless such labor organization is currently certified as the representative of such employees—

(A) where the employer has lawfully recognized in accordance with this Act any other labor organization and a question concerning representation may not appropriately be raised under section 207(c) of this Act;

(B) where within the preceding twelve months a valid election under section 207(c) of this Act has been conducted; or

(C) where a petition has been filed under section 207(c) of this Act.

COURT JURISDICTION

SEC. 102. (a) Whoever shall be aggrieved or shall be injured in his business or property by reason of any violation of section 101 of this Act may sue in any district court of the United States, without respect to the amount in controversy or without respect to the citizenship of the parties, or in any other court having jurisdiction of the parties, and shall recover damages and cost of the suit. Upon the filing of such suit the court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law. Petitions for such injunctive relief or temporary restraining orders shall be heard expeditiously. Petitions for temporary restraining orders alleging a violation of section 101(c) shall be heard forthwith and, if the petition alleges that substantial and irreparable injury to the petitioner is unavoidable, such temporary restraining orders may be issued without notice and shall continue in effect until the court has heard and ruled upon a request for a temporary injunction.

(b) For the purposes of this title, district courts of the United States shall have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in promoting or protecting the interests of employee members or in the solicitation of prospective members.

(c) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

(d) Any labor organization which represents employees as defined in this Act or in the National Labor Relations Act, as amended (29 U.S.C. 151–168), in an industry affecting commerce and any employer whose activities affect commerce as defined in this Act shall be bound by the acts of its agents. Any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforcible only against the organization as an entity and against its assets, and shall not be enforcible against any individual member or his assets.

(e) For the purposes of this section, in determining whether any person is acting as an agent of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling and any person acting on behalf of a labor organization or to further the objective of a labor organization shall be deemed to be acting as an agent of that labor organization. Nothing in this section shall be deemed to preclude an agent being sued both in his capacity as an agent and as an individual.

SEC. 103. (a) It shall be unlawful for any person to threaten or engage in arson, mass picketing, libel, slander, injury to person or damage to property, or other violent conduct where an object is to prevent the display for sale, selling, or transportation of any agricultural commodity.

ESTABLISHMENT OF BOARD; TERMS OF MEMBERS; GENERAL COUNSEL

SEC. 201. (a) There is hereby established a board which shall be known as the Farm Labor Relations Board (hereinafter referred to as the "Board") and which shall consist of three members.

(b) There shall be in the Department of Agriculture an Assistant Secretary for Farm Labor Relations who shall be a member of the Board and shall serve as its Chairman. The Assistant Secretary for Farm Labor Relations and the two additional members of the Board shall be appointed by the President, by and with the advice and consent of the Senate. One of the two additional members shall be appointed for a term of ten years, and the other for a term of five years; and their successors shall be appointed for terms of ten years each, except that any individual appointed to fill a vacancy of any such additional member shall be appointed only for the unexpired term of the member whom he is succeeding. The two additional members of the Board may be removed from office by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

(c) There shall be a General Counsel of the Board who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall have final authority, on behalf of the Board, with respect to the investigation of charges and the issuance of complaints under section 208, and with respect to the prosecution of such complaints by the Board, and shall have such other duties as the Board may prescribe or as may be provided by law.

(d) Each member of the Board and the General Counsel of the Board shall be eligible for reappointment and shall not engage in any other business, vocation, or employment. The duties of the Assistant Secretary for Farm Labor Relations shall be limited to those duties set out in this Act.

(e) A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board and two members shall, at all times, constitute a quorum of the Board. The Board shall have an official seal which shall be judicially recognized.

(f) The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place.

(g) (1) Section 5315 of title 5, United States Code, is amended by striking out "(11) Assistant Secretaries of Agriculture (3)." and inserting in lieu thereof the following:

"(11) Assistant Secretaries of Agriculture (4)."

(2) Such section is further amended by adding at the end thereof the following:

"(92) Members, Farm Labor Relations Board (except Assistant Secretary of Agriculture for Farm Labor Relations).

"(93) General Counsel of the Farm Labor Relations Board."

AUTHORITY OF BOARD; DELEGATION OF AUTHORITY

SEC. 202. (a) The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States. A member of the Board who participates in any such inquiry shall not be disqualified from subsequently participating in a decision of Board in the same case.

(b) The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed in sections 551–559 of title 5, United States Code, such rules and regulations as may be necessary to carry out the provisions of this title.

(c) The Board is authorized to delegate to such regional or area offices of the Department of Agriculture as it deems appropriate its powers under section 207 to determine the unit appropriate for the purpose of collective bargaining as defined in section 207(b), to investigate and provide for hearings, and to determine whether a question of representation exists, and to direct an election or take a secret ballot under subsection (c) or (e) of section 207 and certify the results of such election; but the Board may review any action, taken pursuant to the authority delegated under this subsection, by any regional or area officer upon a request for a review of such action filed with the Board by any interested party. Any such review made by the Board shall not, unless specifically ordered by the Board, operate as a stay of any action taken by the regional or area officer. The entire record considered by the Board in considering or acting upon any such request or review shall be made available to all parties prior to such consideration or action and the Board's findings and action thereon shall be published as a decision of the Board.

OFFICERS AND EMPLOYEES OF THE BOARD

SEC. 203. (a) The Board shall have authority to appoint an executive secretary and such attorneys, hearing officers, trial examiners, and other employees as it may from time to time find necessary for the proper performance of its duties.

(b) The Board may not employ any attorney for the purpose of reviewing transcripts of hearings, or preparing drafts of opinions, except that any attorney employed for assignment as a legal assistant to any Board member may for such Board member review such transcripts and prepare such drafts.

(c) No trial examiner's report shall be reviewed, either before or after its publication, by any person other than a member of the Board or his legal assistant, and no trial examiner shall advise or consult with the Board with respect to exceptions taken to his findings, rulings, or recommendations.

(d) The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed.

(e) Attorneys appointed under this section may, at the discretion of the Board, appear for and represent the Board in any case in court.

(f) Nothing in this title shall be construed to authorize the Board to appoint individuals for the purpose of conciliation or mediation, or for economic analysis.

EXPENSES OF THE BOARD

SEC. 204. All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or any individual it designates for that purpose.

RIGHTS OF EMPLOYEES

SEC. 205. (a) Except as provided in subsection (b) of this section, agricultural employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection except to the extent that such right may impair the rights of aggrieved or injured persons under title I of this Act, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 206 (a) (3).

UNFAIR LABOR PRACTICES

SEC. 206. (a) It shall be an unfair labor practice for an agricultural employer—

(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 205;

(2) to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided*, That, subject to rules and regulations made and published by the Board pursuant to section 204, an agricultural employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay;

(3) by discrimination in regard to hire or tenure of employment or any term or condi-

tion of employment to encourage or discourage membership in any labor organization: *Provided*, That nothing in this Act, or in any other statute of the United States, shall preclude an agricultural employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in section 206(a) of this Act as an unfair labor practice) to require as a condition of employment membership therein on or after the thirtieth day following the beginning of such employment or the effective date of such agreement, whichever is the later, (i) if such agreement is lawful under applicable State laws, (ii) if such labor organization is the representative of the employees as provided in section 207(a), in the appropriate collective-bargaining unit covered by such agreement when made, and (iii) unless following an election held as provided in section 207(e) within one year preceding the effective date of such agreement, the Board shall have certified that at least a majority of the employees eligible to vote in such election have voted to rescind the authority of such labor organization to make such an agreement: *Provided further*, That no agricultural employer shall justify any discrimination against an employee for nonmembership in a labor organization (A) if he has reasonable grounds for believing that such membership was not available to the employee on the same terms and conditions generally applicable to other members, or (B) if he has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership;

(4) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act;

(5) to refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 207; *Provided*, That nothing in this Act shall be construed as requiring an agricultural employer to bargain collectively until a representative of his employees has been determined by means of a valid secret ballot election conducted in accordance with the provisions of section 207.

(b) It shall be an unfair labor practice for a labor organization or its agents—

(1) to restrain or coerce (A) agricultural employees in the exercise of the rights guaranteed in section 205: *Provided*, That this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein: *Provided further*, That it shall be an unfair labor practice under this section for a labor organization to threaten or impose any fine or other economic sanction against any person in the exercise of rights under this Act (including but not limited to the right to refrain from any or all concerted activity, to refrain from compliance with a union rule, policy, or practice which establishes or affects wages, hours, or working conditions at such person's place of employment, or to invoke the processes of the Board); or (B) an agricultural employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

(2) to cause or attempt to cause an agricultural employer to discriminate against an employee in violation of subsection (a)(3) or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership;

(3) to refuse to bargain collectively with an agricultural employer, provided it is the representative of his employees subject to the provisions of section 207(a);

(4) to engage in any activity or conduct defined as unlawful in title I of this Act but nothing in this subsection (b) shall be construed as limiting the rights of aggrieved or injured persons under title I of this Act;

(5) to require of employees covered by an agreement authorized under subsection (a)(3) the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the Board finds excessive or discriminatory under all of the circumstances. In making such a finding, the Board shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, the expected duration of employment, and the wages currently paid to the employees affected;

(6) to cause or attempt to cause an agricultural employer—

(A) to pay or deliver or agree to pay or deliver any money or other things of value for services which are not performed or not to be performed;

(B) to establish or alter the number of employees to be employed or the assignment thereof; or

(C) to assign work to the employees of a particular employer;

(7) to fail to furnish each of its members, within ninety-one days after the close of each of its fiscal years, with a copy of a report setting forth its receipts and disbursements during its preceding fiscal year and its financial condition at the end of that year, together with the report of an audit of the foregoing conducted by a certified public accountant.

(c) The expressing of any views, argument, opinion, or the making of any statement (including expressions intended to influence the outcome of an organizing campaign, a bargaining controversy, a strike lockout, or other labor dispute), or the dissemination thereof, whether in written, printed, graphic, visual, or auditory form, if such expression contains no threat of reprisal or force or promise of benefit, shall not (i) constitute or be evidence of an unfair labor practice under any of the provisions of this title, or (ii) constitute grounds for, or evidence justifying, setting aside the results of any election conducted under any of the provisions of this title. A statement of fact by either a labor organization or an employer relating to existing or proposed operations of the employer or to terms, tenure, or conditions of employment with the employer shall not be considered to constitute a threat of reprisal or force or promise of benefit. No employer shall be required to furnish or make available to a labor organization, and no labor organization shall be required to furnish or make available to an employer, materials, information, time, or facilities to enable such employer or labor organization, as the case may be, to communicate with employees of the employer, members of the labor organization, its supporters, or adherents.

(d)(1) For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment which directly affect work of the employees, or the negotiation of an agreement, or any question arising thereunder, or any question concerning the furnishing of necessary and relevant information, if any, requested by the other party in connection with the negotiation of an agreement or any issue arising under such agreement, or requiring as a condition for entering into an agreement the giving of a bond by either party in a sum adequate to compensate the other party for loss caused by breach of the agreement and the execution of a written contract incorporating any agreement reached if requested by either party. The failure or refusal of either party to agree to a proposal, or to the making, changing or withdrawing of a lawful proposal, or to make a concession shall not constitute, or be evidence, direct or indirect, of a breach of this obligation; nor shall the Board in any remedial order direct either party to make any concession or agree to any proposal or to make any payment of money except to employees who are reinstated with back pay as provided in section 208(c)(1). This section shall not require any employer to bargain collectively with respect to any decision, not prohibited by other provisions of this Act, or to discontinue, contract out, sell, lease, or otherwise change, modify, or dispose of his farm, equipment, or operations, or any part thereof, or to determine the methods, equipment and facilities to be used in producing agricultural products or the agricultural products to be produced.

(2) Where there is in effect a collective-bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification—

(A) serves a written notice upon the other party to the contract of the proposed termination or modification sixty days prior to the expiration date thereof, or in the event such contract contains no expiration date, sixty days prior to the time it is proposed to make such termination or modification;

(B) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

(C) notifies the Federal Mediation and Conciliation Service within thirty days after such notice of the existence of a dispute, and simultaneously therewith notifies any State or territorial agency established to mediate and conciliate disputes within the State or territory where the dispute occurred, provided no agreement has been reached by that time; and

(D) continues in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing contract for a period of sixty days after such notice is given or until the expiration date of such contract, whichever occurs later.

The duties imposed upon employers, employees, and labor organizations by paragraphs (A), (B), and (C) shall become inapplicable upon an intervening certification of the Board, under which the labor organization or individual, which is a party to the contract, has been superseded as or ceased to be the representative of the employees subject to the provisions of section 207(a), and the duties so imposed shall not be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract. Any employee who engages in a strike within the sixty-day period specified in this subsection shall lose his status as an employee of the employer engaged in the particular labor dispute, for the purposes of sections 206, 207, and 208 of this Act, as amended, but such loss of status for such employee shall terminate if and when he is reemployed by such employer.

REPRESENTATIVES AND ELECTIONS

SEC. 207. (a) Representatives selected by a secret ballot for the purposes of collective bargaining by the majority of the agricultural employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the agricultural employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: *Provided*, That any individual employee or a group of employees shall have the right at any time to present grievances

to their employer and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective-bargaining contract or agreement then in effect: *Provided further,* That the bargaining representative has been given opportunity to be present at such adjustment. No person may serve as an officer of any labor organization which agricultural employees are given the right to join under section 205 of this Act unless he is elected as such by secret ballot in election which is conducted by, and whose results are certified by, the Farm Labor Board.

(b) The unit appropriate for the purposes of collective bargaining shall consist of all agricultural employees of an agricultural employer working at the farm or processing facility where such employer grows, produces, processes, or packages agricultural products unless the persons filing a petition under this section and the employer involved agree that a different unit is also an appropriate bargaining unit.

(c)(1) Whenever a petition shall have been filed, in accordance with such regulations as may be prescribed by the Board—

(A) by an agricultural employee or group of agricultural employees or any individual or labor organization acting in their behalf alleging that a substantial number of agricultural employees (i) wish to be represented for collective bargaining and that their employer declines to recognize their representative as the representative defined in section 207(a), or (ii) assert that the individual or labor organization, which has been certified or is being currently recognized by their employer as the bargaining representative, is no longer a representative as defined in section 207(a); or

(B) by an agricultural employer, alleging that one or more individuals or labor organizations have presented to him a claim to be recognized as the representative defined in section 207(a) or that an individual or labor organization which has previously been certified as the bargaining representative is no longer a representative; the Board shall investigate such petition and if it has reasonable cause to believe that a question of representation affecting commerce exists shall provide for an appropriate hearing upon due notice. If the Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof. The date of such election shall be set at a time when the number of temporary employees entitled to vote does not exceed the number of permanent employees entitled to vote.

(2) In determining whether or not a question of representation affecting commerce exists, the same regulations and rules of decision shall apply irrespective of the identity of the persons filing the petition or the kind of relief sought or whether the persons filing such petition did so in good faith. In no case shall the Board deny a labor organization a place on the ballot by reason of an order with respect to such labor organization or its predecessor not issued in conformity with section 208(c).

(3) No election shall be directed in any bargaining unit or any subdivision within which, in the preceding twelve-month period, a valid election shall have been held. Employees engaged in an economic strike who are not entitled to reinstatement shall be eligible to vote under such regulations as the Board shall find are consistent with the purposes and provisions of this Act in any election conducted within three months after the commencement of the strike. In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election. An agricultural employee who has voted in a valid election shall not be eligible to vote in any election at the farm of another agricultural employer in the same geographical area for a period of twelve months thereafter. Any agricultural employee who shall be found to have sought or accepted employment for the purposes of affecting the outcome of an election shall not be eligible to vote in an election conducted pursuant to the provisions of this Act for a period of twelve months.

(4) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the Board.

(d) Whenever an order of the Board made pursuant to section 208(c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under section 208(e) or 208(f), and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript. The court shall not enforce any order of the Board which rests, in whole or in part, upon evidence adduced from witnesses who have not testified under oath and who have not been subject to cross-examination by opposing parties.

(e)(1) Upon the filing with the Board, by 30 per centum or more of the agricultural employees in a bargaining unit covered by an agreement between their employer and a labor organization made pursuant to section 206(a)(3), of a petition alleging the desire that such authority be rescinded, the Board shall take a secret ballot of the employees in such unit and certify the results thereof to such labor organization and to the employer.

(2) No election shall be conducted pursuant to this subsection in any bargaining unit or any subdivision within which, in the preceding twelve-month period, a valid election shall have been held.

PREVENTION OF UNFAIR LABOR PRACTICES

SEC. 208. (a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in section 206) affecting commerce. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, or otherwise.

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than five days after the serving of said complaint: *Provided,* That no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of the charge with the Board and the service of a copy thereof upon the person against whom such charge is made, unless the person aggrieved thereby was prevented from filing such charge by reason of service in the Armed Forces, in which event the six-month period shall be computed from the day of his discharge. Any such complaint may be amended by the member, agent, or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent, or agency conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony. Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the Act of June 19, 1934 (28 U.S.C. 723–B and C).

(a) The testimony taken by such member, agent, or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon the preponderance of the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action including reinstatement of employees with or without back pay, as will effectuate the policies of this title: *Provided,* That where an order directs reinstatement of an employee, back pay may be required of the employer or labor organization, as the case may be, responsible for the discrimination suffered by him: *And provided further,* That in determining whether a complaint shall issue alleging a violation of section 206(a)(1) or section 206(a)(2), and in deciding such cases, the same regulations and rules of decision shall apply irrespective of whether or not the labor organization affected is affiliated with a labor organization national or international in scope. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon the preponderance of the testimony taken the Board shall not be of the opinion that the person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the said complaint. No order of the Board shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any back pay, if such individual was suspended or discharged for cause. In case the evidence is presented before a member of the Board, or before an examiner or examiners thereof, such member, or such examiner or examiners, as the case may be, shall issue and cause to be served on the parties to the proceedings a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within twenty days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

(d) Until the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(e) The Board shall have power to petition any court of appeals of the United States, or if all the courts of appeals to which application may be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein

the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief of restraining order as it deems just and proper, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent, or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its member, agent, or agency, and to be made a part of the record. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the aggrieved party shall file in the court the record in the proceeding, certified by the Board, as provided in section 2112 of title 28, United State Code. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e) of this section, and shall have the same jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board; the findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive.

(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order of the Board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101–115).

(i) Petitions filed under this title shall be heard expeditiously, and if possible within ten days after they have been docketed.

(j) The Board shall have power, upon issuance of a complaint as provided in subsection (b) charging that any person has engaged in or is engaging in an unfair labor practice, to petition any district court of the United States (including the District Court of the United States for the District of Columbia), within any district wherein the unfair labor practice in question is alleged to have occurred or wherein such person resides or transacts business, for appropriate temporary relief or restraining order. Upon the filing of any such petition the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper.

(k) Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph 206(b)(4), the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred. If, after such investigation, the officer to whom the matter may be referred has reasonable cause to believe such charge is true and that a complaint should issue, he shall, on behalf of the Board, petition any district court of the United States (including the District Court of the United States for the District of Columbia) within any district where the unfair labor practice in question has occurred, is alleged to have occurred, or wherein the person alleged to have committed the unfair labor practice resides or transacts business, for appropriate injunctive relief pending the final adjudication of the Board with respect to such matter. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law: *Provided further*, That no temporary restraining order shall be issued without notice unless a petition alleges that substantial and irreparable injury to the charging party will be unavoidable and such temporary restraining order shall be effective for no longer than five days and will become void at the expiration of such period. Upon filing of any such petition, the courts shall cause notice thereof to be served upon any person involved in the charge and such person, including the charging party, shall be given an opportunity to appear by counsel and present any relevant testimony: *Provided further*, That for the purposes of this subsection district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in promoting or protecting the interests of employee members. The service of legal process upon such officer or agent shall constitute service upon the labor organization and make such organization a party to the suit.

INVESTIGATORY POWERS

SEC. 209. For the purposes of all hearings and investigations, which, in the opinion of the Board, are necessary and proper for the exercise of the powers vested in it by section 207 and section 208—

(1) The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. The Board, or any member thereof, shall upon application of any party to such proceedings, forthwith issue to such party subpenas requiring the attendance and testimony of witnesses or the production of any evidence in such proceeding or investigation requested in such application. Within five days after the service of a subpena on any person requiring the production of any evidence in his possession or under his control, such person may petition the Board to revoke, and the Board shall revoke, such subpena if in its opinion the evidence whose production is required does not relate to any matter under investigation, or any matter in question in such proceedings, or if in its opinion such subpena does not describe with sufficient particularity the evidence whose production is required. Any member of the Board, or any agent or agency designated by the Board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(2) In case of contumacy or refusal to obey a subpena issued to any person, and district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testifying or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(4) Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, its members, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and

the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(5) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

(6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

SEC. 210. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

LIMITATIONS

SEC. 211. (a) Nothing herein shall prohibit any individual employed as a supervisor from becoming or remaining a member of a labor organization, but no employer subject to this Act shall be compelled to deem individuals defined herein as supervisors as employees for the purpose of any law, either national or local, relating to collective bargaining.

(b) Nothing in this Act shall be construed as authorizing the execution of application of agreements requiring membership in or the making of any payments to a labor organization as a condition of employment in any State or territory in which such execution or application is prohibited by State or territorial law.

(c) Nothing in this Act shall be deemed to prevent or bar any agency or the courts of any State or territory (including the Commonwealth of Puerto Rico, Guam, and the Virgin Islands) from assuming and asserting jurisdiction over labor disputes not subject to this Act.

SEC. 212. Wherever the application of the provisions of section 272 of chapter 10 of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1898, and Act amendatory thereof and supplementary thereto (11 U.S.C. 672), or the provisions of the National Labor Relations Act, as amended (29 U.S.C. 151–168), conflicts with the application of the provisions of this Act, this Act shall prevail; but in any situation where the provisions of such other Acts shall remain in full force and effect.

SEC. 213. If any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 214. The provisions of this title shall become effective one hundred and eighty days after the date of enactment of this Act.

TITLE III—CONCILIATION OF LABOR DISPUTES IN INDUSTRIES AFFECTING COMMERCE

SEC. 301. The Federal Mediation and Conciliation Service (hereinafter referred to as the "Service") established pursuant to title II of the Labor Management Relations Act, 1967 (29 U.S.C. 171), shall furnish assistance to parties in labor disputes involving agricultural employers and employees and their representatives, including the services of mediators familiar with agricultural operations.

SEC. 302. In order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, agricultural employers and employees and their representatives shall—

(1) exert every reasonable effort to make and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements;

(2) whenever a dispute arises over the terms or application of a collective-bargaining agreement and a conference is requested by a party or prospective party thereto, arrange promptly for such a conference to be held and endeavor in such conference to settle such dispute expeditiously; and

(3) in case such dispute is not settled by conference, participate fully and promptly in such meetings as may be undertaken by the Service for the purpose of aiding in a settlement of the dispute.

TITLE IV—SUITS BY AND AGAINST LABOR ORGANIZATIONS

SEC. 401. Suits for violation of contracts between an agricultural employer and a labor organization representing agricultural employees, or between any such labor organizations, may be brought as provided in section 301 of the Labor-Management Relations Act, 1947.

SEC. 402. In an action brought under section 401 to enforce an agreement not to strike, picket, or lock out, such court shall have power to grant such relief (including injunction or temporary restraining order) as it deems just and proper and its jurisdiction to grant such relief shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101–115) or any other provision of law.

TITLE V—RESTRICTIONS ON PAYMENTS TO EMPLOYEE REPRESENTATIVES

SEC. 501. Restrictions on payments to employee representatives set forth in section 302 of the Labor-Management Relations Act, 1947, shall be applicable to agricultural employers or associations of agricultural employers and representatives of agricultural employees.

TITLE VI—ARBITRATION OF DISPUTES IN LIEU OF STRIKE OR LOCKOUT

SEC. 601. No agricultural employer or agricultural employee shall, as a result of a labor dispute, carry on any strike or lockout, but in lieu thereof each such employer and employee shall have the right to avail himself of the procedure provided in this title for the settlement of the dispute.

SEC. 602. If either an agricultural employer or the representative of his agricultural employees believes that a labor dispute between the employer and such employees cannot be resolved by collective bargaining the employer or the representative may give notice to the other party and in such notice designate one (1) individual as his representative to serve on the board of arbitration. Upon receipt of such a notice, the other party may designate one (1) individual to serve as his representative on such board. The two representatives so designated shall as soon as practicable select three (3) additional individuals to serve on such board. In the event the representatives of the parties are unable to agree upon one or more additional individuals to serve on the board, such additional individuals shall be appointed by, but not from, the Farm Labor Relations Board.

In the event one party fails or refuses to designate a representative to serve on the board or in the event a duly designated representative fails or refuses to act under the provisions of this title, then the Federal Labor Relations Board shall designate a representative to act for the party until the party shall designate an individual who will act as such representative.

SEC. 603. The board of arbitration, immediately upon the designation of the five individuals who are to be its members, shall endeavor to obtain an agreement between the parties, but in the event the dispute has not been resolved within thirty days from the time the notice referred to in section 602 was given, the board shall announce the terms and conditions of the offer made by each side which is most favorable to the other. Within five days from the date of such announcement if the dispute is not sooner resolved, the board of arbitration shall designate which one of the two offers it believes to be the more reasonable considering all the circumstances surrounding the dispute.

SEC. 604. The offer designated as provided in section 602 shall be deemed to be in full force and effect for a term not to exceed twenty-four months without further modification of its terms (except by agreement of the parties), and shall be considered a contract between the parties for the purpose of section 401.

HEALTH

HON. PETER H. DOMINICK

OF COLORADO

IN THE SENATE OF THE UNITED STATES

Tuesday, August 25, 1970

Mr. DOMINICK. Mr. President, much is said about what needs to be done to improve our health care system. I have served on the committee handling this matter with my good friend the Senator from Vermont (Mr. PROUTY), his ability and leadership in this field are clearly seen by his record to date and show clearly the tremendous value which his continued service will provide. I ask unanimous consent that a summary of his record on health legislation be printed in the Extensions of Remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SENATOR WINSTON PROUTY AND HEALTH CARE FOR ALL AMERICANS

Our nation is experiencing a health crisis with a rapidly rising demand for health care services and an inadequate supply of health facilities and personnel.

A member of the Senate Health Subcommittee, Senator Prouty has provided continuing leadership in health legislation.

He helped draft the major health programs of the 1960s and is now revising the legislation for the 1970s.

HEALTH MANPOWER

The Health Professions Educational Assistance Act, the Nurse Training Act and the Allied Health Professions Personnel Training Act were developed and reviewed and revised with Senator Prouty playing a major role each step of the way. His experience in education and manpower training, combined with his understanding of our nation's health needs, has enabled him to contribute significantly to health manpower and education programs.

Prouty has never hesitated to propose bold and innovative programs. He is an author of the Veterans in Allied Health Professions and Occupations Act of 1969. This Prouty measure provides training for veteran "medics" to serve in civilian health roles.

Prouty also co-sponsored a measure to provide $100 million in emergency assistance to the nation's financially troubled medical schools.

Both these measures were passed by the Senate as part of the extension of the Allied Health Professions Personnel Training Act of 1966.

Senator Prouty is a co-sponsor of the National Health Service Corps of 1970. This measure would set up a VISTA-type program within the Public Health Service.

The National Health Service Corps would provide a framework within which the idealism and social commitment of our young

health professionals and medical school students can be put to work in rural and urban areas short of health personnel.

Senator Prouty also co-sponsored the Family Practice Act of 1970, which has passed the Senate. This measure authorizes a $457 million five-year program of grants to medical schools and hospitals to encourage and promote the training of medical and paramedical personnel in the field of family medicine.

While supporting the measure's intent, Senator Prouty was concerned that the bill's restrictions might hinder the progress of the Family Practice Program at the Medical College, University of Vermont. Consequently, Senator Prouty, revised the bill so it provides $10 million annually for special developmental grants to enable a medical school such as Vermont's to build on its existing family practice programs.

Another bill co-sponsored by Senator Prouty focuses on the shortage of family physicians. "The Family Physician Scholarship and Fellowship Program Act", when enacted, will provide special assistance to young men and women who agree to practice in areas designated as physician-shortage areas. The four-year scholarship and loan program recognizes the particular need for family physicians. At present only 15 percent of medical school graduates plan to enter general practice. The bill will provide incentives for medical students to enter general practice in the areas where such practitioners are particularly needed.

The Vermont Republican is not content with merely setting up programs, therefore, he has consistently pressed for adequate appropriations for health manpower programs to educate and train doctors, nurses and medical technicians.

Looking to the future, Senator Prouty continues to press for new patterns of federal assistance to the nation's medical, dental and nursing schools. Prouty envisions a form of assistance which encourages rather than discourages innovation and initiative.

HEALTH FACILITIES

The Hill-Burton program provides the basic federal support for hospitals and other health facility construction.

Senator Prouty has consistently pressed to make this program more responsive to the needs of Vermont.

Hill-Burton funds are allocated to the states on a formula basis, with each state receiving a minimum allotment. Senator Prouty successfully raised this minimum allotment from $750,000 to $1.2 million, thus providing Vermont an additional $450,000 for hospital construction each year.

Prouty also discovered that complicated regulations hampered Vermont's spending of the funds and he amended the Hill-Burton Act to remove these expenditure restrictions. Thanks to Senator Prouty, Vermont will not have to turn back any Hill-Burton funds as it has in the past.

In 1968, Prouty realized that grant assistance was not enough and he co-sponsored an amendment to the Hill-Burton Act to provide for federal guarantees of hospital loans with interest subsidies. In 1970, such provisions were enacted, thus easing the community burden of financing a hospital.

Realizing that emergency care begins not in the emergency room but where the patient is, Prouty drafted an emergency treatment provision of the Hill-Burton Act to provide federal grants for improved emergency transportation systems. These grants would stress innovation such as helicopter ambulances.

While pleased with his accomplishments to date, Senator Prouty noted at the May second ground-breaking ceremonies for the Northeastern Vermont Regional Hospital that further modifications of the Hill-Burton program are necessary to simplify the federal grant structure.

HEALTH RESEARCH

Senator Prouty has continually supported the activities of the National Institutes of Health and sufficient funding to retain our nation's health research momentum.

Senator Prouty has been concerned that while some health research must be undertaken in huge urban complexes, the National Institutes of Health must not overlook smaller research facilities. In 1970 when research funds were scarce, Prouty, the ranking Republican on the National Science Foundation Subcommittee, brought to the Foundation's attention the excellent cancer research at the Putnam Memorial Hospital Institute for Medical Research. The Foundation's review of the Institute's work led to the support of the Institute in 1970. Thus Bennington remains a vital center for cancer research.

Senator Prouty has consistently helped researchers at the Medical College, University of Vermont, obtain research grants and thus continue the excellent work and reputation of the College.

HEALTH CARE DELIVERY

"Health research is not an end in itself, the results must be applied," Prouty insists. And he has sought to provide new and innovative ways of bolstering the delivery of health care to everyone.

Prouty helped enact the Regional Medical Program legislation of 1965, which led to the establishment of the Northern New England Regional Medical Program.

This program has set up a system of coronary care units throughout Vermont. However, the Program, based in Burlington, wants to expand its activities and assist regional planning efforts for efficient health care delivery systems.

Prouty was particularly encouraged by the excellent efforts of the Connecticut Valley Health Compact and sought to provide expanded authority to allow the two programs to work together.

The Vermont Republican was able to redraft legislation to provide greater flexibility for local initiatives.

HEALTH PLANNING

The Partnership for Health Act of 1966 provided for federal assistance for health planning purposes at the state and local level. Senator Prouty, who helped draft the initial legislation, this year sought to bring the health planning agencies which set health strategy into a closer working relationship with the Regional Medical Program which provides tactical assistance to communities. Prouty's efforts have succeeded and he looks forward to a pilot project in Vermont testing new ways of bringing together the existing medical resources to provide every Vermonter adequate health care.

MENTAL HEALTH AND RETARDATION

The Senate Health Subcommittee in 1963 drafted the first comprehensive approach to mental retardation and mental health. The Mental Retardation Facilities and Community Mental Health Facilities Construction Act of 1963 was an important first step.

However, in the seven years since its enactment, Senator Prouty realized that much improvement was needed in our efforts to aid those with developmental disabilities or emotional problems.

Consequently, Prouty worked toward creating a new federal assistance program to states and communities for developing and maintaining appropriate services and facilities for the mentally retarded.

The programs set up by the Development Disability Services and Facilities Construction Act of 1970 are similar in approach to the Community Mental Health Centers approach.

To Senator Prouty, the Community Mental Health Center Program is "perhaps the best program to come out of the 1960's." Prouty is determined to build on the program's successes. He and other members of the Senate Health Subcommittee drafted legislation on expanding assistance for operating the Centers with extra assistance for poverty areas.

As enacted into Law, the Community Mental Health Centers Amendments of 1970 represent a significant increase in federal support to the centers.

While the support has been expanded, Senator Prouty believes that the next extension of the program should provide for perpetual federal support of these centers which have gained great community support.

COMMUNICABLE DISEASE CONTROL

While the Partnership for Health Act of 1966 was supposed to take care of communicable disease programs, it became apparent that an additional approach was needed, particularly in view of the possible outbreak of another rubella (German Measles) epidemic. Prouty and other members of the Senate Health Subcommittee worked out the Communicable Disease Control and Vaccination Assistance Amendments of 1969, which provides funds for state and local programs for controlling tuberculosis, diphtheria and other communicable diseases.

ALCOHOLISM

About fifty million Americans are directly or indirectly affected by the disease of alcoholism. Senator Prouty has recognized the need to bolster efforts to prevent the spread of alcoholism and treat and rehabilitate those affected by alcoholism.

Prouty contributed to the expansion of the Community Mental Health Center program to include specific projects for alcoholism. However, it became apparent that increased efforts were needed, and co-sponsored the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 to provide a bold and comprehensive approach to alcoholism, yet one that can be carried through the Community Mental Health Centers and other community agencies.

Prouty worked on the measure to insure that it provided some funds to each state to gear up a program to combat alcoholism.

DRUG ABUSE

Senator Prouty realizes that growing drug use and abuse is not merely a matter of law enforcement and education. While he has supported measures to increase the penalties for those selling dangerous drugs and drafted legislation to provide educational programs to prevent drug use, Senator Prouty has also co-sponsored a bill to provide a comprehensive program for treatment and rehabilitation of drug abusers.

The Prouty co-sponsored measure, known as the Federal Drug Abuse and Drug Dependent Prevention, Treatment and Rehabilitation Act of 1970, will provide federal support for coordinating state and local plans to respond fully to mounting drug abuse.

FAMILY PLANNING

Senator Prouty believes that family planning assistance should be available to all who want such assistance. He has co-sponsored legislation to assist state and local voluntary family planning programs. In the Health Subcommittee he helped draft a measure which coordinates family planning programs and population research in the Office of Population Affairs in the Department of Health, Education and Welfare.

The Prouty-sponsored legislation provides for training of family planning personnel, construction of family planning centers and allocates money to the states for voluntary family planning programs.

HEALTH APPROPRIATIONS

In 1968 with Senator Prouty's assistance, education programs were exempted from any statutory spending limitations. This move sets a clear priority for education. In June

of 1969 when this provision was successfully defended, Senator Prouty supported a similar provision for health programs. This amendment to exempt health programs was narrowly defeated in the Senate. Subsequently, Senator Prouty, joined a bi-partisan effort to achieve this exemption for health programs. The effort succeeded and now most health programs are exempted from statutory budget ceilings. Health funds appropriated must be spent.

NATIONAL HEALTH INSURANCE

There is much talk about national Health Insurance. Several proposals are pending in Congress which bear price-tags of up to $37 billion annually. Senator Prouty is aware that neither Medicare nor Medicaid has proven adequate to meet an exploding demand for health care or to control a rapid and inflationary escalation of health care costs. The situation is much the same for private health insurance. Although 85 percent of the American people have some form of private health insurance, such insurance covers only a third of their health care expenditures.

Senator Prouty is convinced these gaps must be filled. Like his colleagues on the Health Subcommittee, who have continued to study our health care system, he knows that we must continue to develop the capacity of the system through planning, innovation and accelerated health manpower programs. His record in this regard is as progressive as that of any member of Congress. His proposals have been far reaching for he knows that we must move toward an adequate health insurance system for all Americans. He knows that we must increase the supply of quality health-care services as we increase the demand for such services.

Senator Prouty is not committed to any one of the several national health insurance proposals pending. Each, he feels, demands careful study and consideration.

For this reason Senator Prouty joined a majority of his colleagues on the Health Subcommittee in support of an amendment requiring reports on various national health-care plans. The amendment instructs the Secretary to develop through utilization of the systems analysis method, alternative plans for health-care systems. Under the amendment the alternative plans must be submitted to Congress by June 30, 1971. A second part of the amendment requires a cost and coverage report on pending national health insurance proposals before December 31, 1970.

Senator Prouty believes we must proceed with our study of alternative health-care proposals as we revamp and expand our health-care system. Senator Prouty will continue to propose and press for innovative health-care programs.

VERMONT HEALTH CARE

Senator Prouty maintains close contact with Vermont's health officials and community programs. Vermont's health needs and the responsiveness of federally-supported programs in Vermont are of prime importance to Senator Prouty in forging new health programs.

Senator Prouty is proud of the efforts of Vermonters in community responses to health needs. He seeks to continue to build on these successes in attacking our health care failings.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE SILENT MAJORITY

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. REES. Mr. Speaker, those who defend President Nixon's policies in Southeast Asia are fond of saying that the silent majority of Americans—including the majority of America's young people—are also in support of the President's policies.

There is nothing, in my judgment, which could be farther from the truth. The vast majority of America's young people, particularly, are saddened and disturbed by the continuing moral and military disaster in Southeast Asia.

To emphasize the point that opposition to the war is broadly based among the young, I am pleased to insert in the RECORD the following petition signed by 12 district presidents of the California Association of Student Councils, including the president, vice president, and secretary of the State association:

DISTRICT 19, THE CALIFORNIA ASSOCIATION OF STUDENT COUNCILS

The undersigned, acting under only their own consciences, are presidents of various districts of the California Association of Student Councils.

A declaration by concerned individuals against the war to the U.S. Senate and the U.S. House of Representatives:

We, the undersigned, being of the philosophy that continuing and expanding the war in Southeast Asia is illegal and immoral, declare our dissent from the existing national policies.

We dissent from the actions of our internal security forces which blunt our sense and turn the ordinary acts of daily life into a painful struggle.

We dissent from the monstrous absurdity of a world where nations stand poised to destroy one another and men must kill their fellow man.

Name	District	Area
Steve Ross	19	Los Angeles County.
Richard Johnson [1]	8	Monterey-Salinas.
Jan Passovoy	21	Orange County.
Steve Halasey	CASC State	Vice president.
Regina Catterin	7A	San Mateo County.
Larry Maguire	11	Napa and Solano Counties.
Bruce Lymburn	21	ASB president, Newport. Harbor High.
Robert Sharrah	14	Fresno and Madera Counties.
Joe Peixoto	7B	Santa Clara County.
Cathernie McCauley [2]	8	Monterey County.
Dan Manley	20	Los Angeles County.
George Rojas	13	San Joaquin County.
John Savage	12B	Butte and six other counties. North of Sacramento.

[1] Richard Johnson is the CASC State president.
[2] Catherine McCauley is the CASC State secretary.

RESIGNATION OF DR. LEE DuBRIDGE

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. DADDARIO. Mr. Speaker, it is with genuine regret that I note the departure of Dr. Lee A. DuBridge from his office as the President's Science Adviser. Dr. DuBridge has served his country long and well, not only in academic research and teaching, but in vital defense research which he conducted during the second World War in the field of radar development. As president of the California Institute of Technology from 1946 through 1968, he led that institution to new pinnacles of excellence, and contributed significantly to the success of the U.S. space program. His professional and civic activities are too numerous to mention but I should like to point out that he has made invaluable contributions to our major scientific and philanthropic institutions, in the arts as well as in the sciences.

Dr. DuBridge assumed the post of Presidential Science Adviser at a most difficult time in the history of our Nation. Since World War II we have seen an unprecedented expansion of scientific activities in the United States. This was initially spurred by the realities of the cold war, and later fueled by American reaction to Sputnik. The goal of manned exploration of the moon, first initiated by President Kennedy, reached its culmination during Dr. DuBridge's tenure in office.

A number of circumstances have made the past few years extremely difficult for those of us concerned about the welfare of American science. Dr. DuBridge has had to contend with fickle currents of history, a new romanticism if you will, which has blindly castigated the rationalism of science and condemned the massive applications of technology which it has made possible. Some have criticized him for continuing to defend large budgets for scientific research, development, and education. Others, within the scientific community, have complained that he acquiesced in damaging reductions in support for American science. I believe both are wrong, and that within the context of the times in which we live, Dr. DuBridge has done as much as anyone in his position could possibly have done to maintain the scientific leadership of our country.

Many of us believe that our country has reached a watershed in our Government-science relationship. Now is the time of changing national goals. Science has attained the very difficult objectives determined for it in the fields of defense and space during the decades of the 1950's and the 1960's. It now faces new challenges in the civilian sphere of interest, such as the complex ecological and social problems which we face. The Federal Government, which was so successful in attaining those goals it set for science in the defense and space fields, has been unable to keep up with the public expectations in these new and quite different areas. We have not, so far,

properly focused our scientific and technical expertise on solutions for these problems facing our society. Ironically, because of this we are finding over the last few years American support for scientific research and development has been reduced drastically, thus further increasing the gap between expectation and accomplishment.

Dr. DuBridge has performed an important public service in his untiring efforts to cope with these knotty problems during this frustrating period for American science. His stature, dignity, and good judgment have been invaluable.

This does not, however, mean that I am pessimistic concerning the future of science in our Nation. To those who believe that our ecological and social crises are the result of the misapplication of science and technology, I would say that these problems can be cured only by increasing the intelligent application of an ever more sophisticated use of these tools. During this transition the President's Science Adviser will continue to play a vital role.

Our subcommittee has had a constructive relationship with Dr. DuBridge and his staff, as well as with his predecessors, during the past years. With the appointment of his successor, Dr. Edward E. David, Jr., we look forward to mutually helpful relationships of equal value in the future. I think it is appropriate that during this period in our national life where increasing emphasis is placed upon the application of scientific knowledge to practical social problems, that an engineer of the competence of Dr. David be selected for this post. I would expect, however, that this in no way indicates a lessening emphasis by the Nixon administration upon the role of basic research in the attainment of our national goals. Our Nation has no alternative to a continued commitment to the basic sciences if we are to retain our security and our preeminent position in the technology-intensive sector of the world market place.

To Dr. DuBridge I offer congratulations for a job well done, and heartiest best wishes for a rich retirement. I am pleased to note that his influence in our national policies respecting the support of science will continue to be felt as a result of his new appointment as a member of the President's Science Advisory Committee.

I look forward to further mutually beneficial relationships between the Subcommittee on Science, Research, and Development and the President's Office of Science and Technology. The subcommittee has always worked closely with OST and will continue to do whatever it can to insure the success of Dr. David in his new and extremely important post during the coming years.

ENCHAINED CZECHOSLOVAKIA

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. MARSH. Mr. Speaker, time tames our indignations of the moment, and it may be that this usually is for the best.

Two years ago, we were revulsed by the cruel spectacle of bloody repression of freedom in Czechoslovakia by the military might of the Soviet Union. If our national fidelity to the principle of individual liberty is not to become flawed, this unhappy memory must not pale.

Czechs and Slovaks in the unhappy homeland continue to feel the tightening screws of Communist conformism, and sadness at the plight of relatives and friends dilutes the relief of the exiles who have found asylum.

We shall be in recess a week from today—August 21—the anniversary of the Soviet occupation, but we can spare a moment for reflection on that sad anniversary in recognition of the sacrifices made by Czechs and Slovaks over the years in their struggle to gain and retain freedom.

In our preoccupation with current crises in the world, we must not forget that Czechoslovakia remains a captive nation, the overwhelming majority of whose people, outwardly resigned to the regimen of Communist masters, still tend zealously in their hearts secret fires of liberty.

VISITS IOWA'S SCHOOLS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CULVER. Mr. Speaker, in the 6 years I have been privileged to represent Iowa's Second District in Congress I have visited most high schools in the district at least once every 2 years. I have had the chance to meet with the students and discuss their plans and aspirations. I have been very pleased to note how many of them are heading for institutions of higher learning.

Our Nation can be justly proud of its system of colleges and universities, which provide for the youth of America, educational opportunities unexcelled anywhere on this planet. This is a time, however, when these institutions are being faced with growing pressures from a number of different directions. One of the most critical of these comes from skyrocketing costs and the necessity of finding a way of paying for them in a manner which will enable all our children to benefit.

Education is an investment. It is an investment in the future well-being of our country. Through better preparation and training our men and women will become productive citizens, capable of using modern technology to produce the goods and services which contribute to our national prosperity. They will also gain exposure to other ways of life and acquire the understanding essential if our Nation is to remain strong.

But it is an expensive investment. The costs of running and maintaining a university are rising at an alarming rate, forcing up the fees which the institution must charge each student for room, board, and tuition. For example, the University of Iowa recently was forced to raise its tuition and fees by over 66 percent from 1968 to 1969 and 1970 to 1971. In calculating the total cost of 1 year at college, of course, one must add to these expenses the amount which could have been earned by the student if he were not studying. When he was president of the University of Iowa, Howard R. Bowen estimated that the total cost of 1 year of college during the academic year 1968–69 was $6,566.

The problem of paying for higher education is likely to become much greater in the next decade. By 1980 it has been estimated that there will be at least 11 million students, or more than double the present figure. Operating costs, faculty salaries, and the cost of new construction will continue to increase. The difficulties of the State-supported institutions are compounded by the scarcity of State funds and by demands made upon them by other pressing needs.

The increased costs are falling more heavily upon the individual student and his family. Traditionally, each student has paid 20 to 25 percent of the total costs, but more recently his share has been about one-third of the total.

These trends pose grave problems for our Nation, if we are to continue to provide high quality education and at the same time realize the goal of equal opportunity for all qualified students. As tuition and other costs increase, many talented youth will find themselves unable to afford a college unless substantial assistance is available.

The Federal Government is already bearing a large part of the cost of higher education, and most experts in the field agree that it must continue to do so in the future, if the quality of education in the United States is to remain high. At the present time, Federal programs for higher education consist of direct assistance to the institutions and assistance to the student. There are four main programs in the latter category:

Educational opportunity grants, which provide funds for low-income students on a matching basis with the college or university.

Work-study programs, which provide employment for low-income students on the campus or college community in jobs of public interest.

National defense student loans, from Government funds and repayable after graduation or the termination of education.

Guaranteed loans, from private sources, administered by the banks, in which the Government pays the loan interest while the student is in college.

Following President Nixon's message to the Congress on higher education, the character of these programs has been the subject of intensive debate. Changes are being carefully considered in Congress at the present time, but it is not likely that the debate will be resolved before the 92d Congress convenes in 1971.

The deliberations center upon the three major problems of the existing programs:

Inadequate funds, which have forced colleges to turn away applicants;

Uncertainty for the student, who cannot predict how much aid he is going to receive; and

Inequity in funding, which many times finds students who need it most, not getting enough money.

The outcome of this debate will be of the utmost importance, since it is likely to determine Federal policies on higher education for much of this decade.

EQUAL RIGHTS

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. REES. Mr. Speaker, the passage of the equal rights amendment by Congress this year should not blind this House to the fact that a great many women feel that equality between the sexes is not enough, and that working women particularly need greater protection under the law.

In this regard, I have received a petition signed by approximately 400 southern California women, members of the Workshop of Working Women, setting forth a seven-point program for legislative action.

Clearly, they speak from the heart in calling upon the Congress to enact their program. I urge all Members of this House to give their petition the most careful consideration.

The petition follows:

PETITION OF THE WORKSHOP OF WORKING WOMEN

A mounting work crisis is developing for working women. In the coming highly technical, computerized society, many work roles are becoming or about to become obsolete, particularly in the clerical or white collar field where the largest numbers of women are employed. Experienced women, phased out of past jobs, and the growing numbers of highly educated women coming out of the colleges and universities are overqualified for the available work roles for women, and their talents and potential are not being utilized. Additionally, the breakdown of marriage, diminished family size, add growing numbers of married, single, divorced, and widowed women in the work arena.

We respectfully request the Federal government plan a new area of work roles commensurate with the needs of society for women, to retrain and reeducate women in the areas of human needs, medicine, public health, mental health, community work, social service, and communications, as well as programs to upgrade them in both the existing private and public work sectors. The potential of the women work force should be utilized to its fullest in the making of the future society.

We ask the following:

1. Minimum wage commensurate with rising cost of living, not to drop below $2.50 hr.

2. Women's educational grants (a special fund) to aid women to complete their education, particularly those who had to drop out due to marriage, childbirth or dependents' responsibilities.

3. On-the-spot training programs by industry, flexible hours and subsidies to further education to upgrade women into more highly-skilled responsible work roles.

4. Day care centers wherever women work, study and live at minimal cost.

5. Paid maternity leaves and guarantee of job after child birth.

6. Guaranteed wage for women unable to work, or in unpaid housekeeping or housewife roles.

7. Tax aids for lone women head of family and single women.

NATIONAL CONVENTION OF THE AMERICAN LEGION

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mrs. GREEN of Oregon. Mr. Speaker, on August 28 in my home city of Portland, Oreg., the American Legion will host the 52d annual convention of the American Legion.

Portland and the State of Oregon are pleased to have the Legionnaires visit the Pacific Northwest and are particularly pleased that past hospitality of Oregonians have persuaded the Legion to return for their second national convention in our city in the last 5 years.

Following is a statement by American Legion National Commander J. Milton Patrick which explains the objectives of the Legion's convention and expresses the hope that the meeting will be a peaceful and productive gathering:

AMERICAN LEGION NATIONAL COMMANDER J. MILTON PATRICK GIVES LEGION POSITION ON UPCOMING NATIONAL CONVENTION IN PORTLAND AND THREATS OF VIOLENCE FROM DISSIDENT GROUPS

WASHINGTON, D.C., August 13, 1970.—J. Milton Patrick, National Commander of The American Legion, today issued the following statement concerning the Legion's National Convention, to be held this year in Portland, Oregon from August 28, to September 3, 1970:

"Legionnaires everywhere look forward to our return this year to Portland, Oregon—the hospitable "City of Roses"—for our 52nd Annual National Convention. We were thrilled and delighted to accept the city of Portland's invitation to return again to this lovely setting.

"This year marks the third time in American Legion history, and the second time in the past five years, that we have chosen Portland for our convention. This is most certainly not a coincidence. We have always found the people of Portland to be open and friendly; we have found convention facilities unequalled anywhere; and we have found city and state authorities exceedingly cooperative.

"The purpose of our National Convention, like the convention of any organization, is to provide the working base for the continuation of the good works of The American Legion through the coming year in our areas of primary concern. These are primarily aimed at serving the veteran through rehabilitative efforts in job training, medical care and education, and working for legislation at all levels of government to promote those ends. Additionally, the Legion concerns itself with matters of National Security, Americanism, Child Welfare and Community Service. The G. I. Bill, to which so many veterans owe their college or other training, was a direct result of Legion efforts. The Veterans Administration, which services 27 million veterans through one central agency, is another result of Legion effort. The thousands of youths who yearly pass through The American Legion's youth programs—Legion baseball; local, state and national oratorical contests with college scholarships as prizes; Boys and Girls State and Nation—all positive efforts to reach the youth of America with programs promoting good citizenship and patriotism, are continuing Legion concerns. Our Child Welfare program which has, since its inception, channeled more than 200 million dollars in benefits to needy children, is still another Legion effort to help youth.

"This, in brief, is our business in Portland. These are the matters our commissions and committees will be discussing through this five day period. We believe they are matters which emphasize the positive aspects of life in America, just as the Legion has always stood for what is right and positive about America. Our programs are constructive for we believe in building and not in tearing down this country of ours.

"We are, of course, aware of the fact that certain groups plan a jamboree during the period The American Legion will be in Portland. We have been told that the express purpose of these gatherings will be to attempt a confrontation with The American Legion. I assure the people of Portland that The American Legion comes to your city again this year, and at your invitation, with only peaceful intentions to transact the business I have described. We seek no confrontation with dissident groups. Predictions of trouble, of possible violence, have not come from the Legion. Our Portland convention has been planned for several years, with Portland's invitation winning out over similar invitations submitted by many other cities. We look forward to the same pleasant conditions we have heretofore enjoyed in Portland. It is the belief of the national body of The American Legion that any questions concerning the other groups, who will allegedly be present in Portland during the period of the Legion convention, for whatever purpose, should be addressed to authorities of the city of Portland who have cognizance of such matters."

CULVER INTRODUCES NUTRITION PROGRAM FOR ELDERLY

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CULVER. Mr. Speaker, those of us in the Congress who are particularly concerned with the needs of our senior citizens have been gratified by the legislative action already taken toward a solution of these problems. The increase in social security benefits is, perhaps, the most important example of these measures.

Many difficulties remain, however. Testimony last year before the Senate Select Committee on Nutrition and Human Needs emphasized the fact that the lack of social contacts and proper nutrition, which often occur in the later years, reduce an individual's ability to derive maximum satisfaction from life.

In 1965, under title IV of the Older Americans Act, Congress authorized a number of projects to provide a comprehensive nutrition program in a social setting. These projects were successful in bringing the participating individuals out of their isolation and in affording them the opportunity for proper nourishment, which, because of a lack of mobility, skill, knowledge, or desire, they could not provide for themselves. Twenty-seven projects were carried out during a 3-year period and were concluded about

a year ago. They demonstrated not only the desirability but also the feasibility of a larger, more comprehensive Federal effort in this direction.

I am a cosponsor of legislation which would have this effect by providing the elderly with low-cost, nutritionally sound meals served in strategically located centers. The bill envisions Federal, State, and local funding on a matching basis for the preparation of at least one hot meal per day at a reasonable low cost to the participant.

The Congress has demonstrated its concern for the health of the Nation's senior citizens through the medicare program, but medicine does little good to a body consistently deprived of proper nourishment. I believe that this program would make a significant contribution to their general well-being and enjoyment, and I urge its early passage.

I insert in the RECORD at this time the opening sections of the bill and the statement of "Findings and purpose":

H.R. 19041

A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Title VII of the Older Americans Act of 1965 is redesignated as title VIII, and sections 701 through 705 of that Act are respectively designated as sections 801 through 805.

SEC. 2. Section 101(1) of the Older Americans Act of 1965 is amended by deleting the semicolon and inserting a comma and inserting immediately thereafter the words "except for the purposes of title VII where the term 'Secretary' shall mean the Secretary of Agriculture."

SEC. 3. The Older Americans Act of 1965 is amended by inserting the following new title immediately after title VI thereof:

"TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

"FINDINGS AND PURPOSE

"SEC. 701. (a) The Congress finds that the research and development grants, title IV, Older Americans Act, nutrition program has demonstrated the effectiveness of and the need for permanent nationwide programs to provide the nutritional and social needs of millions of persons aged sixty-five or older who are unable to overcome the complex and intertwining problems of inadequate diets. Many of these elderly persons do not eat adequately because they cannot afford to do so, while others, who are economically better off, do not eat well because they lack the skills to select and prepare nourishing and well-balanced meals, have limited mobility which may impair their capacity to shop and cook for themselves, and have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

"(b) In addition to the food stamp program, commodity distribution systems and old-age income benefits, there is an acute need for a national policy aimed at providing the elderly with low cost, nutritionally sound meals served in strategically located centers such as community centers, senior citizen centers, schools, and other public or private nonprofit institutions suited to such use and through other means toward this purpose. Besides promoting better health among the older segment of our population through improved nutrition, such a program, implemented through the use of a variety of community resources, would be a means of promoting greater opportunity for social contact ending the isolation of old age, increasing participants' knowledge of nutrition and health in general, and promoting positive mental health and independence through the encouragement of greater physical and mental activities.

MORE ON POPULATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CRANE. Mr. Speaker, in recent months there has been a great cry about the need for immediate and far-reaching controls over the most private decision a couple can make—namely, how many children to have. Some of us have cautioned against intemperate action, and fortunately, the Congress has not enacted any legislation which is irreversible. Two different matters have recently come to my attention on this subject. The first of these is an article by the distinguished Newsweek columnist and Yale University professor, Henry C. Wallich. Professor Wallich's article "More on Population" answers some of the quick questions which are frequently raised in this regard.

The second item is a straight news article from the front page of the Washington Post of August 13, 1970. Here the headline tells the story: "Census Forecast for Year 2000 Lowered as Much as 100 Million." The article, based on the latest Census Bureau findings, indicates that any projections are really a "tentative and risky" business.

I commend these two items to the attention of the readers of the CONGRESSIONAL RECORD at this point.

MORE ON POPULATION

(By Henry C. Wallich)

In Newsweek, June 29, I wrote a column, "Population Growth," which argued that population control was urgent for developing countries but not for the U.S. and that the proposal for zero population growth was positively mischievous. In effect, the wrong problem, in the wrong country, at the wrong time. Unfortunately, I cannot deal individually with a pile of about 300 letters—mostly critical, to put it very mildly. Hence, this collective rejoinder.

My critics, whether they know it or not, are writing a distinguished tradition. The Rev. Thomas Robert Malthus, one of the great classical economists, produced the first great population scare book in 1798. Malthus said that population tended to increase in geometric progression (1, 2, 4, 8 . . .) while food increased at best algebraically (1, 2, 3, 4 . . .). Unacquainted with modern birth-control methods, Malthus concluded that "vice and misery" would check population growth unless people practiced "moral restraint." Except for Marx's prediction of progressive pauperization of workers under capitalism, Malthus's was probably the worst forecast ever made by an economist.

As we know, food increased faster than population. After a temporary bulge, while death rates came down ahead of birth rates, Western countries leveled off with moderate population growth. Today's underdeveloped countries are going through a similar process. They are being urged to speed it up, because cutting the growth of their numbers would greatly raise the growth of their income per capita.

CREDIBLE MOVE

Some of my correspondents agree that the U.S. is different. But, they say, how can we give credible advice to others without applying it to ourselves? I am unable to follow. If my friend is dangerously overweight, I might take it upon myself to urge him to diet. If my own weight is normal, must I diet too?

But many of my correspondents are deeply worried about U.S. population growth. Some worry about running out of space, or if not out of space, then out of food, or if not out of food, then out of other natural resources, or if none of those, they identify population growth with pollution. Many of them refute one another; they are all contradicted by the logic of the case.

Lack of space clearly is an implausible concern for the U.S. Lack of food seems a peculiar fear in a country historically plagued by farm surpluses. Other resources will indeed be exhausted some day, whether we increase our numbers or not. Substitutes will have to be developed for coal, oil, iron and all the rest, in the event that by then these products have not become obsolete. This is a question of cost; the technologies can be developed. Pollution is a very serious problem. It exists and needs to be tackled now. But if we are told that pollution is directly dependent on population levels, that is not so. A rich nation can have a clean country if it is willing to pay the price.

NEEDLESS WORRIES

Many of my correspondents use the arithmetic of the late Rev. Mr. Malthus. If population grows at 3 per cent, it doubles in 24 years, if at 2, in 36 years, and so on. A look at past and present population projections for the U.S. shows up the fallacy. An important set of estimates was published by the National Resources Committee in 1938. The lowest of these had the U.S. population leveling off in 1955 at about 137 million and then dropping; the highest had us reaching about 174 million by 1980. Then came the post-World War II baby boom, utterly ruining these estimates. By 1956, we had reached a net growth rate of 1.81 per cent. Reverberations of this high figure can be heard in the letters reaching me. Meanwhile, the worries once more have been outdistanced by the facts. In 1968, the net growth rate was down to 1.0 per cent.

A nation that within a dozen years voluntarily reduces its growth rate by almost one-half obviously can make very flexible decisions about family size. If people should feel seriously crowded, or incommoded by the high cost of rearing their children, they will reduce the birth rate further. There is no need for a tax on "excess babies," which, with the white fertility rate far below the non-white, would be predominantly a tax on blacks. And when there are so many real and urgent problems before the country, the population issue is a false alarm. One can do damage by crying "fire" in a theater when there is none, even when that theater is very thinly populated.

CENSUS FORECAST FOR YEAR 2000 LOWERED AS MUCH AS 100 MILLION

(By Richard Harwood)

The Census Bureau announced yesterday a major downward revision in its population projections for the next 30 years.

It is possible, the bureau said, that there will be nearly 100 million fewer Americans in the year 2000 than had been forecast in one maximum projection made just three years ago.

The revised projections are based on the dramatic decline in birth rates experienced in the United States in the 1960s. The birth

rate in 1968, for example, was the lowest in American history.

The bureau's new projections foresee a population of between 266 million and 320 million by the year 2000, compared with about 205 million now. The 1967 projections ranged from 283 million to 361 million. The median decline in the projections amounts to 29 million since 1967.

All of these projections are based on certain assumptions about births, deaths and immigration in the years ahead. They may prove to be grossly inaccurate because it is impossible to predict future attitudes toward family size and its effect on the environment or to predict effects of possible abortion law changes.

In the early years of the last decade, birth rates were relatively high. If they had continued at that level—3.35 children for each woman during her child-bearing years—the population of the United States in the year 2000 would have been 361 million. But they did not continue and, in fact, fell off sharply after 1963.

The new projections are based on four possible birth rates and continued net immigration in the years ahead. The highest projection—called Series B—assumes that the birth rate over the next 50 years will match the birth rate of the early 1950s—3.1 children per woman.

If the Series B assumptions are realized, the population in 2000 will be 321 million.

The Series C projection is based on the fertility rate experienced in the 1940s—2.78 children per woman. This would produce a population of 301 million thirty years from now.

Series D is based on the fertility rate of the late 1920s which is approximately the current rate—2.45 children per woman. It would produce a population of 281 million in 2000.

Series E is based on a rate of 2.11, which is the rate necessary to produce just enough babies to replace the people who die. If that rate prevails for the next 30 years, the population in 2000 will be 266 million. The growth would come about because of the inrceased number of women of child-bearing age and because of continued immigration.

The Census Bureau makes one more projection—a hypothetical Series X. It assumes a fertility rate of 2.11 with no net immigration after 1969. Under those conditions, said the bureau, the U.S. population would level off at 276 million in the year 2037.

The tentative and risky nature of population projections is recognized by the bureau and is illustrated by the errors made in 1967.

Similar miscalculations may be involved in the current projections. The highest projection—Series B—is in line with what young married women are currently saying about family size.

But those expectations could change, the bureau said, "in view of the current concern with population growth and its effect on the environment, along with possible changes in the laws on abortion." It is even possible, said the bureau, that the fertility rate could drop below the level needed for population replacement—2.11 children per woman.

If that kind of stability is reached, the nature of the American population in 2037 would be far different from what it is today. The median age would rise from 27.7 to 37.3 Only 20 per cent of the people would be under the age of 15, compared with 29 per cent today. The percentage of people over 65 would be 16 per cent, compared with 10 per cent now.

CULVER CITES AIR POLLUTION DAMAGE TO FARM PRODUCTION

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CULVER. Mr. Speaker, in recent months much attention has been drawn to the damage which modern society inflicts upon our environment, but not enough emphasis has been placed on the damage suffered by the farmers from air pollution. We hear how our lakes and streams are becoming choked with poorly treated sewage and industrial wastes. We hear how the air of our cities is being poisoned by the exhaust fumes from automobiles and industrial smokestacks. And we hear how our landscape is being clogged with rusting automobile carcasses and other solid wastes.

This realization is long overdue. In the flood of concern for the polluted air and water afflicting our cities, however, sight is too often lost of the great damage done to the farmer and the production of our national food supply by these pollutants. Of course, rural residents have long been aware of the problems caused by dust originating from many different sources. It is the danger posed by certain chemicals on which more attention should be focused. According to the best available estimates air pollutants alone cause $500 million in crop and livestock damage annually.

Sulfur dioxide from fuels used in homes and factories can slow down and stunt the growth of alfalfa, cereal grains, sweet corn, and a number of other crops.

Airborne fluorides have become a serious toxicant to vegetation and animals over the last few decades in areas near certain industries, including aluminum, steel, and some nonferous metal plants and phosphate fertilizer manufacturers. Fluorides act as cumulative poisons to plants. For example, 0.005 parts per million of hydrogen fluoride in the atmosphere will be concentrated to 178 p.p.m. dry weight of corn foliage in only 150 hours. Large amounts of fluorides in plants can cause chronic fluorosis in cattle and other livestock. Although small amounts of fluorides can be safely ingested by livestock if they are in good health, amounts in excess of 1 or 2 milligrams per kilogram can cause excessive wearing of the teeth, pitting of the enamel, and exposure of the dentine. Severe cases can result in bone damage.

A number of dangerous pollutants are produced through the reaction of sunlight on the exhaust gases of motor vehicles. Ozone is one of these and in sufficient quantities can be a threat to field and forage crops. A concentration of 0.25 p.p.m. for 2 hours will burn back the tips of onions and will kill 20 percent of the foliage. It has been responsible for the kill of the ponderosa pine in the San Bernardino National Forest 80 miles east of Los Angeles.

Peroxyacetyl nitrate—PAN—another chemical created by the reaction of sunlight on exhaust gases, can be dangerous to many field crops including alfalfa and a long list of leafy vegetables. Some gases, such as nitrogen dioxide, may slow plant growth without causing visible injury.

Also originating from the exhaust fumes of automobiles and from the tetraethyl lead added to gasoline are lead compounds. These have often been found concentrated in large quantities, especially in grasses along highways. Although there is little evidence of lead poisoning to livestock up to the present time, numerous authorities believe that the situation is becoming critical.

Except in the Far West and the East damage from sulfur dioxide, ozone, and PAN is presently limited to the areas immediately surrounding urban areas. Farmers all across the country, however, should be aware of the potential danger to their own crops if this pollution spreads. Although agriculture adds less than 1 percent of the contaminants into the atmosphere, and although farmers generally live far enough away from cities not to be overly burdened by oppressive air conditions, all should realize the large stake they have in reducing the poisons we are sending into the air every day.

SENATE—*Wednesday, August 26, 1970*

(Legislative day of Tuesday, August 25, 1970)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. GEORGE MCGOVERN, a Senator from the State of South Dakota.

The Reverend Lester Cotto-Thorner, pastor, Orlando United Methodist Circuit, Orlando, W. Va., offered the following prayer:

Almighty God, direct and bless those of our generation who speak where many listen, and write what many read. Shape our desires and our deeds in accordance with Your purpose for the world, that, seeking first Your kingdom and righteousness, we may set forth the true welfare of mankind. Guide the rulers of this Nation and of the world with Your wisdom, and restrain the passions of the people, so that bloodshed may be averted and peace be preserved.

Look, O Lord, upon Your family of nations and men, to whom You have given power in trust for our mutual health and comfort. Save us, O Lord, and help us, lest we abuse Your gifts and make them our misery and ruin. Heal our divisions, cast out our fears, and renew our faith in Your unchanging purpose of good will, and peace on earth.

In Thy name we pray. Amen.

THE REVEREND LESTER COTTO-THORNER

Mr. RANDOLPH. Mr. President, I am very grateful for the understanding of the leadership in permitting me this privilege to speak at this moment.

The Senate prayer this morning was