But lest you immediately concentrate your efforts on getting one of your photographs used on a stamp, take note that the Post Office offers the photographer neither of the two rewards for which we strive: fame or fortune . . . neither byline nor money. Here is an example of society's neglect of the photographer, compared to its respect for the practitioners of other graphic arts, the people designated as "artists" as distinct from "photographers".

Consider the two stamps mentioned. The Post Office made no effort to learn who produced the Lincoln photograph or the Thoreau daguerrotype. And the latter was not used as a photograph; it was given an "artist's rendering" by Leonard Baskin. That has been a standard practice with the Post Office. Joe Rosenthal's Iwo Jima flag-raising picture and NASA's photograph of the "moon landing" made during a dry run on earth were among the photographs the Post Office accepted for use as stamps only after an "artist's rendering" had been prepared.

You might say the processes involved in producing stamps require conversion of photographs to line drawings or the addition of color. Yet the most recent important photographic stamp, the Eisenhower 6c issue, was successfully reproduced from a photographic print.

To compound the Post Office's indifferent treatment of photographers, they have never, as far as I can determine, paid for the use of a photograph on a stamp. "Since the photos we use usually are in the public domain or are owned by publications,' a spokesman for the Division of Philately has written to me, "it is not policy to pay for them. We obtain permission and give credit in publicity."

That would be easier to take if the Post Office had the same attitude to "artists" as it has to "photographers". But in that same paragraph just quoted, I am told that "The present fee to artists is $1,000." I assume this refers to the man who converts the photograph to "art work" though it may also apply to original drawings.

Several well-known photographers have had their work used for stamps. The 1965 Churchill stamp was a Karsh portrait, the Herbert Hoover of the same year was by Fabian Bachrach Sr., and the 1967 Kennedy by Jacques Lowe. Philippe Halsman contributed to two stamps, the 1965 Adlai Stevenson and the 1966 Albert Einstein. If you think a photographer should be willing to let his photograph be used free on a stamp because of the prestige, consider Philippe Halsman, who has attained the ultimate mathematical accumulation in one of the most-sought-after prestige spots in photojournalism, the cover of *Life*. The January 23, 1970 Johnny Carson cover was Philippe's one hundredth. Greater prestige than his hath no photographer attained—yet he was paid for every one of those covers, in money, and at prevailing rates.

As further illustration of the Post Office's disregard for the photographers who created its pictures, it tends to give the "credit in publicity" that it substitutes for money, not to the photographer, but to the publication or news service. Thus the Post Office credits World Wide Photos for the 1966 Roosevelt stamp, *Life* for the 1967 George Marshall, the *New York Times* for the 1967 Eugene O'Neill and the 1967 Kennedy, the *Los Angeles Times* for the 1964 Kennedy, and the *New York Herald-Tribune* for the 1966 Savings Bond stamp. In only one case have I found credit given to both the photographer and his employer. The Eisenhower stamp is credited to Bernie Noble, photographer, and to the *Cleveland Press*, for which he made the picture, but which did not carry it.

Note that it is the Division of Philately that concerns itself with the pictorial aspect of postage stamps. For strictly functional purposes nothing more is needed on a stamp than the information provided by postage meters. But who enjoys receiving a letter with a dull, meter-imprinted stamp? The purpose of the art work is decorative. It forms the basis of stamp-collecting. And, frankly, it sells a lot of stamps. Commemorative stamps, particularly, are looked to by many governments as a profitable source of postal revenue. I would like to see more photographs, particularly color photographs, used for such purposes. But I would also like to see our Post Office recognize that the photographer, like the mail carrier and the mail sorter, is worthy of his hire.

HOUSE OF REPRESENTATIVES—*Monday, November 30, 1970*

The House met at 12 o'clock noon.

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

Thou, Lord, art good, and ready to forgive; and plenteous in mercy unto all them that call upon Thee.—Psalms 86: 5.

O Thou whose love passes understanding, whose wisdom is beyond our highest thought, and whose power strengthens us for every noble endeavor, open our eyes that we may see the leading of Thy spirit across the years and in the present time may we trust Thy patient power and Thy gentle goodness to bring us out of the strife between men and out of the bitterness that blights the brotherhood of man. Confirm us in that greatness of spirit which will make us united in purpose, elevated in our sympathies, global in our outreach, and eager to minister to the needs of men.

In the work of this day may we be attentive to Thy voice and responsive to Thy call that we may walk the way of truth and love for the sake of our country and the peace of the world. In the spirit of Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Wednesday, November 25, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3540. An act for the relief of George K. Liu;

S. 3870. An act for the relief of Dr. Dionisio Teng Libi and Dr. Bernadette Libi;

S. 4029. An act for the relief of Soon Ae Kwak; and

S. 4536. An act to amend the Small Business Act.

TEMPORARY EXTENSION OF FEDERAL HOUSING ADMINISTRATION INSURANCE AUTHORITY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency be discharged from the further consideration of the joint resolution (H.J. Res. 1403) to provide an additional temporary extension of the Federal Housing Administration's insurance authority, and ask for immediate consideration of the joint resolution.

The Clerk read the title of the joint resolution.

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

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, I should like to ask the chairman of the Committee on Banking and Currency one or two questions.

The present authority expires when?

Mr. PATMAN. It expires tomorrow.

Mr. GERALD R. FORD. And this new authority would go until when?

Mr. PATMAN. Thirty days. One month.

Mr. GERALD R. FORD. Is it to December 31?

Mr. PATMAN. To January 1.

Mr. GERALD R. FORD. January 1. As the gentleman from Texas knows, I would have preferred and I think it would have been far more desirable to have the extension until March 1 or March 31. Under the current circumstances that is not possible as a practical matter because of the chairman's attitude. It is important to get an extension in view of these circumstances.

Mr. PATMAN. Will the gentleman yield?

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

Mr. PATMAN. The gentleman discussed it with me, but our committee decided that we had better move in this direction of a 30-day extension, because the housing bill will be up the day after tomorrow, on Wednesday, and that involves this more permanent extension.

Mr. GERALD R. FORD. Will all of the programs for which an extension is sought at the present time be extended on a permanent basis in the proposed new housing legislation?

Mr. PATMAN. Yes.

Mr. GERALD R. FORD. For how long would the new extensions be in the overall comprehensive housing bill?

Mr. PATMAN. I do not recall the exact time, but it would vary by program from 2 to 4 years.

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

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

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1403

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(a) of the National Housing Act is amended by striking out "December 1, 1970" in the first sentence and inserting in lieu thereof "January 1, 1971".

(b) Section 217 of such Act is amended by striking out "December 1, 1970" and inserting in lieu thereof "January 1, 1971".

(c) Section 221(f) of such Act is amended by striking out "December 1, 1970" in the fifth sentence and inserting in lieu thereof "January 1, 1971".

(d) Section 809(f) of such Act is amended by striking out "December 1, 1970" in the second sentence and inserting in lieu thereof "January 1, 1971".

(e) Section 810(k) of such Act is amended by striking out "December 1, 1970" in the second sentence and inserting in lieu thereof "January 1, 1971".

(f) Section 1002(a) of such Act is amended by striking out "December 1, 1970" in the second sentence and inserting in lieu thereof "January 1, 1971".

(g) Section 1101(a) of such Act is amended by striking out "December 1, 1970" in the second sentence and inserting in lieu thereof "January 1, 1971".

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

RUSSIANS SEIZE DEFECTOR FROM COAST GUARD

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

Mr. MONAGAN. Mr. Speaker, Sunday's newspaper carried the bloodcurdling story of the seizure by Russians aboard a U.S. Coast Guard ship in the ocean off Martha's Vineyard, Mass., of a Lithuanian seaman who was making what was called "a dramatic leap for political asylum." The conduct of the American representatives on the scene at that time and those who were consulted in Washington leads one to inquire whether we have in fact abandoned our policy of granting political asylum and whether we have chosen in this instance not to follow the Geneva Convention protocol relating to a situation of this type. This seaman was forcibly returned to his Russian fishing vessel by Soviet crewmen who had boarded the American ship, after permission had been given by the Coast Guard captain for the seaman's removal from the American vessel. The unfortunate man was severely beaten by the Russians while the American seamen looked on. The excuse given by the U.S. officer in charge for this inaction was that he was carrying out his orders.

I do not know what all the facts are on this case. I do not know whether it was the State Department or the Department of Transportation that was responsible for this brutal order, but certainly this is a matter of the utmost importance. It is a matter which concerns our whole tradition of granting political asylum. We must know what the law is, whether we in fact refused asylum and who made the decision to permit the forcible return to the Soviet vessel of this man seeking freedom from tyranny. I will certainly follow this up myself with the departments concerned and I hope that all Members of the House will take a similar interest in clearing up this very important matter and avoiding the setting of a tragic precedent.

SUPPORT FOR EFFORTS TO RESCUE AMERICAN PRISONERS OF WAR INCARCERATED IN NORTH VIETNAM

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

Mr. STRATTON. Mr. Speaker, those of us who were here on Wednesday will recall that there was some difficulty in getting an opportunity to speak either from this well or out of order and to bring to the attention of the House certain important matters. I had sought at that time, and tried to get it in at least by indirection, to make an announcement to the Members of the House that I was sure many Members of this body did not share the sentiments of some of the more vocal Members of the other body as far as the desirability of trying to make an effort to rescue our prisoners of war in North Vietnam is concerned.

I introduced legislation on Wednesday, along with the gentleman from Illinois (Mr. FINDLEY), House Resolution 1282, expressing the sense of this House that we approve the effort to try to rescue those prisoners of war.

I feel sure that many Members of this House will want to support this legislation and join in introducing identical bills. It has been referred to the Committee on Armed Services. The chairman of that committee, the distinguished gentleman from South Carolina (Mr. RIVERS), has indicated his intention of getting it reported out as quickly as possible. I hope that we can pass this resolution with the same kind of enthusiastic response we had with a similar type of resolution last year, the resolution on peace and freedom, which passed overwhelmingly.

Mr. Speaker, I think the people of the United States should know that the Senate of the United States does not express the complete will of Congress.

MEMORIAL FUNDS FOR MARSHALL AND WICHITA STATE UNIVERSITIES

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

Mr. HECHLER of West Virginia. Mr. Speaker, the pall of sadness hangs heavily over my hometown of Huntington, W. Va. Marshall University has not recovered, and I doubt will ever recover, from the unspeakable night of horror on the 14th of November when 75 Marshall University football players, coaches, athletic staff members, and fans lost their lives in that tragic air crash at Huntington, preceded a little more than a month before that by the crash on the 2d of October which killed 31 Wichita State University football players.

Mr. Speaker, over the weekend the "Night of Stars" was telecast over 200 stations throughout the Nation for the benefit of the families of those lost in these tragedies.

The Marshall disaster left 21 widows, 61 children, including 29 orphans who lost both parents in the crash. Receipts from Saturday's telecast will be divided equally between Wichita State and Marshall Universities. Contributions may be made to memorial funds at either of these institutions.

Mr. Speaker, I appeal to my colleagues, as the Christmas season approaches, to contribute generously to either the Marshall University Memorial Fund at Huntington, W. Va., or to the Wichita State University Memorial Fund at Wichita, Kans., for the benefit of the families of these unfortunate people who were lost in the crash.

As one who had the privilege to teach at Marshall University, and knew so many of these fine young people and community leaders, I hope that everything possible will be done to enable their grieving families to carry on—and in particular for the younger orphaned children to gain the benefit of a good education.

HOMER JONES, FORMER MEMBER OF CONGRESS FROM WASHINGTON STATE, PASSES

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

Mr. PELLY. Mr. Speaker, I take this time to inform the Members of the House of the death of Homer Jones, a Member of the 80th Congress from the State of Washington. He passed away on November 26 in Bremerton, Wash.

The late Homer Jones was indeed a fine public servant and, even though I did not have the pleasure of serving with him in the House of Representatives, his long years of dedication to public service are well known and admired by me. Beginning with his election in 1919 to the City Council of Charleston, Wash., he rendered public service to local, State, and Federal governments until a very few years ago. He also served in the U.S. Navy during World Wars I and II.

Mr. Speaker, my wife and I extend our sincere sympathy to his family.

RUSSIAN DEFECTOR REFUSED ASYLUM ON ONE OF OUR COAST GUARD VESSELS

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

Mr. KEITH. Mr. Speaker, the recent incident of a Soviet sailor being refused asylum on a U.S. Coast Guard cutter off Martha's Vineyard has drawn widespread national and international attention.

While the exact sequence of events is still unclear, it is agreed by all concerned that the Soviet ship *Sovetskaya Litva* was tied up to the Coast Guard cutter *Vigilant* last Monday, for an unofficial meeting to discuss coordinating fishing efforts to provide conservation of yellow tail flounder in the North Atlantic region.

At the scheduled end of these discussions, as the ships prepared to separate, a Soviet crewmember leaped from his own ship onto the *Vigilant* and asked for asylum.

After prolonged consultations with the Coast Guard district headquarters in Boston, and with the Soviet ship's captain, the Coast Guard finally allowed several Soviet seamen to board the *Vigilant* and forcibly return the defector to his ship.

As I understand them, these are the facts.

Many questions remain unanswered, however. What advice was asked of the State Department, and what was given, and when? On whose authority were the Soviets allowed to board a U.S. vessel in U.S. waters and forcibly remove the sailor seeking asylum?

Why was there no regulation for the Coast Guard captain to follow when this situation arose? This is not the first time that Soviet and American vessels have been together—and I hope it will not be the last.

Yet, neither the Coast Guard officer in charge at the scene, nor anywhere else, seems to have had any clear and timely idea about what to do.

Because of a lack of preparedness, in coordination and in communications between the Coast Guard and the State Department, the life of a Soviet sailor seeking freedom hung in limbo for nearly 8 hours before he was brutally recovered by his countrymen.

The Coast Guard officers on the *Vigilant* did what they were required to do—they asked higher authority for orders, and followed them. It is inexcusable, in my view, for them to be blamed for shortcomings of others.

I intend, therefore, to request an official investigation of this incident by the Subcommittees on Coast Guard and Fish and Wildlife Conservation, so that both the Congress and the country can hear just what our practices have been and what our policies are in this regard. Both the State Department and the Coast Guard should explain more fully their role in this incident.

It probably is too late now to help or hurt this one sailor who sought asylum; but we can and must insure that this sort of thing is never repeated.

UNFAIR ATTACK UPON VERACITY OF SECRETARY OF DEFENSE

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

Mr. RHODES. Mr. Speaker, on yesterday a prominent Member of the other body took the occasion while being on national television to engage in what I would call a gratuitous and very unfair attack upon the veracity of the Secretary of Defense. The occasion was on the program known as "Face the Nation" and the individual involved was the chairman of the Senate Committee on Foreign Affairs, and the Senator made the remark that all people who are in the Department of Defense find it necessary to lie every now and then. He quoted a former Assistant Secretary of Defense to this effect: That "sometimes you lie to protect your own position," and he very cleverly attributed this type of action to the present Secretary of Defense.

Mr. Speaker, he gave no indication whatsoever, he gave no instance in which the Secretary of Defense who now serves, was anything but truthful. He gave no indication of what he meant, and I call upon him at this time that if he knows of any time that the Secretary of Defense has not told the truth in reply to a question which he was asked, he should bring it forth. Certainly, an accusation like this, which is gratuitous and without any support whatsoever, should not be made. This is no credit to this Nation or to any official thereof to have such an accusation made and to stand.

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

Mr. RHODES. I yield to the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, I happened to see and hear that program and to say the least, I was disappointed in what I heard and saw.

Mr. Speaker, I join with the gentleman from Arizona in making the same request.

PROVIDING FOR CONSIDERATION OF H.R. 16443, AMENDING THE FEDERAL PROPERTY AND ADMINISTRATION SERVICES ACT OF 1949

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1254 and ask for its immediate consideration.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 370]

Abbitt	Cowger	Griffin
Abernethy	Cramer	Gude
Adair	Daddario	Halpern
Addabbo	de la Garza	Hanna
Alexander	Delaney	Harrington
Annunzio	Denney	Hastings
Ashbrook	Dennis	Hawkins
Ashley	Dent	Hébert
Aspinall	Dickinson	Helstoski
Barrett	Diggs	Hull
Belcher	Donohue	Jarman
Berry	Dowdy	Johnson, Pa.
Biaggi	Dulski	Jones, Tenn.
Blackburn	Dwyer	Kazen
Blatnik	Edmondson	King
Bolling	Edwards, Ala.	Kluczynski
Brasco	Esch	Landrum
Bray	Eshleman	Langen
Brock	Fallon	Long, La.
Broyhill, Va.	Farbstein	Lowenstein
Burton, Calif.	Fascell	Lujan
Button	Fish	Lukens
Cabell	Flood	McCarthy
Carey	Flynt	McKneally
Carney	Foreman	McMillan
Casey	Forsythe	Macdonald, Mass.
Celler	Frelinghuysen	Madden
Chisholm	Fulton, Tenn.	Mailliard
Clancy	Gallagher	Michel
Clausen, Don H.	Gettys	Moorhead
Clay	Giaimo	Morton
Cleveland	Gilbert	Murphy, N.Y.
Collins, Tex.	Goldwater	Nedzi
Corbett	Gray	O'Hara
	Green, Oreg.	
O'Konski	Rosenthal	Symington
Olsen	Rostenkowski	Tunney
Ottinger	Roth	Vander Jagt
Passman	Rousselot	Waldie
Patman	Roybal	Watson
Philbin	Ruppe	Weicker
Pirnie	St Germain	Whalley
Podell	Sandman	Whitten
Pollock	Saylor	Widnall
Powell	Scherle	Wiggins
Preyer, N.C.	Scheuer	Wilson, Bob
Price, Tex.	Sebelius	Wold
Purcell	Shipley	Wright
Quie	Shriver	Wyatt
Quillen	Sikes	Wydler
Rees	Smith, Iowa	Wyman
Reid, N.Y.	Snyder	Zion
Reifel	Stanton	
Reuss	Stephens	

The SPEAKER. On this rollcall 275 Members have answered to their names, a quorum.

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

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE A REPORT ON H.R. 19576

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight to file a report on the bill H.R. 19576, to establish the National Advisory Committee on the Oceans and Atmosphere.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 16443, AMENDING THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

The SPEAKER. The Clerk will read the resolution.

The Clerk read the resolution as follows:

H. RES. 1245

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16443) to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 1245 provides an open rule with 1 hour of general debate for consideration of H.R. 16443 to amend the Federal Property and Administrative Services Act of 1949.

The purpose of H.R. 16443 is to assure the selection of the highest qualified architects and engineers to design and offer consultant services in carrying out the Federal Government's multibillion-dollar construction and related programs. It would establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

The bill simply reconfirms the traditional method of securing services of architects and engineers for the Federal Government. It is necessary that we get the best quality of services available. One would be selected who, it is believed, would do the best job. Then a contract would be negotiated with him on a fair cost basis. If it is believed his cost is not fair, a contract would be negotiated with the next architect or engineer until a fair cost basis is reached.

The legislation has the strong support of the Administrator of the General Services Administration and is in keeping with the selection system departments and agencies having construction and engineering responsibilities have established as being most consistent with the public's interest.

Mr. Speaker, I urge the adoption of House Resolution 1245 in order that the bill may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the distinguished gentleman from Texas (Mr. YOUNG) in his remarks has adequately and appropriately explained the rule, House Resolution 1245, providing for the consideration of the bill, H.R. 16443, and I associate myself with his remarks.

Mr. Speaker, the purpose of this particular bill is to place into statutory language the existing governmental procedures of selected architects and engineers to design the Government's construction programs.

Under this system architects and engineers compete on their abilities. The procuring Federal agency rates the architects and engineers in order of their qualifications to perform the proposed project. Negotiations are then begun with the most qualified firm and a contract covering the cost of performance plus the anticipated profit is agreed on. If the most qualified firm is unwilling to perform the services at a contract price deemed fair by the contracting Federal agency, the negotiations are ended and the firm deemed next best qualified is approached.

Mr. Speaker, I urge the adoption of the resolution and reserve the balance of my time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 18884, MARKET PROMOTION AND IMPORT RESTRICTIONS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1246 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H RES. 1246

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18884) to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes, and all points of order against the provisions contained on page 20, line 23, through page 21, line 2, of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The gentleman from California (Mr. SISK) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 1246 provides an open rule with 1 hour of general debate for consideration of H.R. 18884 to amend the Agricultural Marketing Agreement Act of 1937, as amended. Because of the transfer of funds, all points of order are waived against provisions contained on page 20, line 23, through page 21, line 2, of the bill, and the bill is to be read for amendment by titles instead of by sections.

The purpose of H.R. 18884 is to facilitate marketing of commodities regulated by Federal marketing orders. To achieve this goal, domestically produced commodities, including milk, would be promoted and import restrictions would be extended.

By a two-thirds vote of the producers, all Federal marketing orders could be amended to authorize assessments for promotional purposes, including paid advertising. Additionally, a nationwide potato promotion program would be authorized.

Olives, raisins, and prunes would be accorded protection against competition by imported commodities unless the foreign-produced items meet the same grade, size, quality, and maturity standards as are imposed upon the domestically grown produce.

Mr. Speaker, I urge the adoption of House Resolution 1246 in order that H.R. 18884 may be considered.

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

Mr. SISK. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Why protect section 32 funds?

Mr. SISK. I beg the gentleman's pardon?

Mr. GROSS. Why protect section 32 funds?

Mr. SISK. It has to do with transfers of section 32 funds. I am sure my colleague is aware that, in connection with marketing orders, from time to time they do deal with section 32 funds with regard to transfer. That, of course, is language found near the bottom of page 21. It is a transfer of funds within the Department.

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

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, in addition to the remarks of the distinguished gentleman from California (Mr. SISK) I should like to point out that House Resolution 1246 provides for 1 hour of debate, the time to be equally divided, and then the bill will be read by titles instead of by sections.

Mr. Speaker, I recall that last year we had before the House H.R. 2777, which has to do with title III. I supported the bill. However, it was defeated, and I think I lost about 10 points with some of the conservative rating organizations when I did that. I have the impression, talking to some Members around here, that there may be a bit of argument against this bill, so I would suggest that we hear the debate. I urge adoption of the rule, and reserve the balance of my time.

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

I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CORRECTING CERTAIN PRINTING AND CLERICAL ERRORS IN THE LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1411) correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I correctly understand that the corrections are purely technical in nature and would in no way change

the substantive provisions of the legislation?

Mr. SISK. That is my understanding, I say to my colleague and friend from Iowa. I have before me a list of the corrections. I am sorry it has not been furnished to the gentleman. The joint resolution would correct certain words in connection with capitalization and would make similar clerical corrections in connection with grammar. There are actually five minor errors involved. I would be glad to go over those, if the gentleman would like me to do so. But the joint resolution would not change anything in substance. That is my understanding.

Mr. GROSS. I have just been handed a copy of proposed amendments. As far as I can see, there is nothing wrong with the proposals the gentleman makes.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. SMITH of California. Mr. Speaker, further reserving the right to object, I think it would be well if the gentleman would place in the RECORD at this point a list of the five technical errors so that the RECORD will clearly show them. This has been a rather long and involved program. I would be happy to submit the list or the gentleman can do so.

The word "Clerk" has to be capitalized. It was not capitalized in the legislation that was passed.

Then the word "prescribe" is used in one instance. It should be the word "preside." That is one of the proposed changes.

Reference to "rule XV" shows the word "rule" is not capitalized. The word "rule" in front of the Roman numeral XV should be capitalized.

In section 302(b) the word "majority" is spelled incorrectely "m-a-j-o-r-i-y." The "t" is left out. So it is proposed to correct the spelling of that word.

Then there is a clerical error in section 302(e). The reference to subsection "(a)" is a clerical error which should be corrected to read subsection "(b)".

I think it is well to have the corrections appear in the RECORD, Mr. Speaker, and I withdraw my reservation and urge adoption of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES 1411

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following amendments are made to correct certain printing and clerical errors in the Legislative Reorganization Act of 1970 (Public Law 91-510):

(1) The item relating to section 472 in the table of contents of the Legislative Reorganization Act of 1970 (84 Stat. 1142) is amended by striking out "Clerk" and inserting in lieu thereof "clerk".

(2) The last sentence of section 133(a) of the Legislative Reorganization Act of 1946, as amended by section 102(a) of the Legislative Reorganization Act of 1970 (84 Stat. 1144), is amended by striking out "prescribe" and inserting in lieu thereof "preside".

(3) Section 128 of the Legislative Reorganization Act of 1970 (84 Stat. 1160) is amended by striking out "rule" and inserting in lieu thereof "Rule".

(4) The third sentence of subparagraph (2) of paragraph (a) of clause 29 of Rule XI of the Rules of the House of Representatives, as amended by section 302(b) of the Legislative Reorganization Act of 1970 (84 Stat. 1177), is amended by striking out "majority" and inserting in lieu thereof "majority".

(5) Section 302(e) of the Legislative Reorganization Act of 1970 (84 Stat. 1179) is amended by striking out "(a)" and inserting in lieu thereof "(b)".

Mr. SISK. Mr. Speaker, the following printing and clerical errors have occurred in the last stages of the enactment of the Legislative Reorganization Act of 1970—Public Law 91-510:

First. In the section heading of section 472 in the table of contents the word "Clerk" is wrongly capitalized. The word should be in lower case and read "clerk" since it pertains to clerk hire allowances and not to the Clerk of the House.

Second. In the language pertaining to the calling of Senate standing committee meetings in section 102(a) the word "prescribe" should read "preside." The language should state that the ranking majority Member shall "preside"—not "prescribe"—at committee meetings.

Third. In section 128 reference is wrongly made to "rule" XV—rather than "Rule" XV—of the House Rules. The word "rule" should be capitalized since it refers to a specific House rule.

Fourth. In section 302(b), which amended the committee staffing provisions of clause 29 of House Rule XI, the word "majority" is misprinted as "majoriy." This misprint should be corrected.

Fifth. In section 302(e) the reference to subsection "(a)" is a clerical error which should be corrected to read subsection "(b)". Because section 302(e) is a saving provision pertaining to House committee staff appointments, this correction should be made to remove questions as to the application and scope of this saving provision.

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

AMENDING THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. BROOKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16443) to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16443, with Mr. BURKE of Massachusetts in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. BROOKS) will be recognized for 30 minutes, and the gentleman from Alabama (Mr. BUCHANAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

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

Mr. Chairman, this bill is to assure the selection of the highest qualified architects and engineers to design and offer consultant services in carrying out the Federal Government's multibillion-dollar construction and related programs.

H.R. 16443 casts in statutory form the selection procedure universally applied in the procurement of these professional services. It is the system Federal departments and agencies have used for more than 30 years.

Under this system, architects and engineers compete on the basis of their respective capabilities, qualifications, and experience as they relate to the proposed project. The procuring agency ranks the architects and engineers in order of their qualifications to perform the proposed project.

After this selection is completed, negotiations are entered into with the firm deemed to be the most qualified, and a contract is let if a fee that is fair and reasonable to the Government can be agreed upon—the fee comprising the architect's or engineer's cost of performing the services, plus his anticipated profit.

Should the most qualified architect or engineer be unwilling to perform the prospective services at a fair and reasonable fee, negotiations are broken off and the agency must then negotiate with the next ranking firm, and so on, until a contract with the most qualified firm that will also perform the work at a fee fair and reasonable to the Government is entered into.

This approach optimizes the possibility of the Federal Government's acquiring the highest qualified services that will be translated into the most efficient buildings and other facilities costing less to construct and maintain. This approach also allows the Government the benefit of fair and reasonable fees for these professional services.

Negotiations are conducted on the basis of a detailed analysis of the firm's cost to perform the required services. The architect or engineer considered to be the most qualified knows that failure to agree on a fair and reasonable fee will deprive him of the opportunity to obtain the contract.

This approach also avoids the pitfall of bidding or of routine competitive cost negotiation with the amount of the proposed fee a direct factor in the selection

of the firm to perform the work. As in the case of all professional services, there is no predeterminable standard at the time of contract to describe or control the level of effort the architect or engineer will devote to the project in return for the fee he is to obtain.

If fee is injected directly into the selection process, either through direct bidding or routine competitive negotiation, less competent members of these professions, or those willing to provide lower quality services are given an advantage in obtaining the contract. They can offer to perform the work at a lower fee, thereby obtaining a competitive advantage, and then, having won the contract, give a lower quality performance, or exert a lower level of effort in order to protect their profit margin.

The Government's interests lie in optimizing the quality of these services. The cost of the designs, plans, and specifications, for example, furnished the Government in the construction of a building or a facility, amounts to but a small percentage of the overall cost of the building or facility to be constructed. The plans and specifications obtained from the architect or engineer must be "cast in concrete" at a considerable additional expenditure in tax funds.

Failure, for any reason, to provide the highest quality plans and specifications and related work can be directly translated into higher construction costs, functionally inferior structures, and maintenance problems that could plague the Government throughout the decades the building or structure is in use.

This bill has the strong support of the Administrator of General Services and is in keeping with the selection system departments and agencies having construction and engineering responsibilities established as being most consistent with the public's interest.

The bill responds to a recommendation of the Comptroller General of the United States of April 20, 1967, that Congress clarify, by legislation, whether this traditional selection system is authorized under appropriate Federal procurement statutes.

The bill also accepts the substantive recommendations of the Comptroller General that Congress as a matter of policy emphasize the need for the broadest competition in the award of architectural and engineering contracts, and that negotiation of these contracts be on a cost basis rather than conducted in terms of a percentage of the estimated cost of the facility under the 6 percent limitation.

The committee does not accept the recommendation of the Comptroller General that the selection of architects and engineers follow routine competitive negotiation procedures under which the amount of fee to be paid the architect or engineer is considered as a factor in the selection process. Nor does the committee accept the related recommendation contained in the Comptroller General's report of April 1967 that the 6-percent statutory limitation on architect and engineer fees be repealed.

The committee concluded that the 6-percent limitation on architect and engineering fees which has been in effect for some 30 years constitutes a meaningful protection of the taxpayers from ill-advised action on the part of Federal procurement officials.

The committee further concluded that Congress intended that only those services relating to the submission of drawings and specifications should come within the 6-percent limitation. To assume otherwise would be to levy several very serious drafting errors against the House Armed Services Committee relating to the Armed Services Procurement Act of 1947. A study of this act and related statutes does not support the Comptroller General's position. This and related statutes are susceptible to a reasonable interpretation in keeping with the traditional application of these statutes by the executive agencies.

More importantly, if all possible services architects and engineers might perform for the Government were to be included within the 6-percent limitation, it would be necessary to raise the limitation to such a point as to make it ineffective in controlling the principal services members of these professions perform for the Government. If all architectural and engineering services were to be included within this limitation, then the limitation would have to be raised at least to 10 percent and possibly 12 percent, which would not be in the interest of the taxpayers.

Although these statutory fee limitations do not become directly involved in the procurement and negotiation procedure, they do constitute an effective restraint on fee negotiations in keeping with the best interests of the Government.

AMENDMENTS

The committee will recommend one amendment to H.R. 16443.

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

Mr. BROOKS. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Chairman, the gentleman has set forth protective provisions, as I understand it, that will protect the Government and will protect the taxpayer so that this is not just a simple procedure of negotiation and selection of a particular contractor.

Mr. BROOKS. That is correct.

Mr. MONAGAN. I want to state that I support this legislation.

Mr. BROOKS. I thank the gentleman for his support and his contribution to its culmination in the committee.

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

Mr. BROOKS. I yield to my distinguished friend from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

What is a ranking architect or a ranking engineer? The gentleman used that expression in his remarks a moment ago. Who ranks the architects and the engineers?

Mr. BROOKS. In the instance of the GSA, when they are letting a contract, they send out the specifications to all architects and engineers they feel might be interested. At that point GSA or the letting agency within the Government—and this has been done for 30 years—selects the three they feel on the basis of prior experience, competence, staff, and so forth, would be most competent to do the particular job.

They then invite the ranking one, the top of those three, the best of those three, to negotiate on the basis of cost, on the basis of the total cost of the building, as to what should be the percentage of the architectural fee, or what the engineering cost should be.

The current limitation is 6 percent of the estimated cost of the proposed facility to be designed. Very often they are able to get an architect-engineer fee of 4 percent, if it is a large building. Sometimes they might have to go to 4½ or 5 percent, if it is a smaller structure.

That is what I meant by the ranking architect-engineer. That is the procedure by which we identify those that are most qualified to perform the particular job.

Mr. GROSS. So it is the General Services Administration that does the ranking?

Mr. BROOKS. Not only them. There are other agencies which build buildings. The Post Office Department and others do so on occasion.

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

Mr. BROOKS. Mr. Chairman, I yield myself 2 additional minutes.

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

Mr. BROOKS. I am delighted to yield to my friend the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. I wish to say, as one who before he came to the Congress, developed several large-scale publicly assisted projects in my view the interests of the American taxpayers will be very well served under the kinds of arrangements the gentleman describes. Architectural firms will be able to compete with each other not only on architectural planning excellence but also their past record and professionalism in estimating prices accurately, and planning economical projects.

Perhaps through this method of enabling the Government to negotiate for professional competence and cost controls as well as the esthetic merits of architectural planning we will be able to avoid some of the disasters we have had on Capitol Hill through the absence of this open-ended ability to seek out the best in the architectural, engineering, and planning professions.

The Rayburn Building, with which we are all familiar, was a disaster both from the point of view of the technical and planning esthetics and from the point of view of tough, hard-nosed cost controls.

The cost overages on the Rayburn Building and garage were an absolute disgrace to this Congress and impugn our professional competence as well as almost everybody's sense of esthetics.

Speaking as one who is concerned about the taxpayer, concerned about Government economy, I cannot think of a better way of assuring economy in design and construction than the tough, hard-nosed ability to live within specific

cost limits as established as a competitive factor among others, in this bill.

I heartily commend the gentleman from Texas for his leadership.

Mr. BROOKS. I thank the gentleman very much.

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

Mr. BROOKS. Mr. Chairman, I yield myself 2 additional minutes.

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

Mr. BROOKS. I yield to my distinguished friend and colleague from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. I thank the gentleman.

Did I correctly understand the distinguished gentleman from Texas to say that this is in response to the Comptroller General's recommendation?

Mr. BROOKS. No. This is in response to a request by the Comptroller General that this matter be clarified by statute in that he differed from the traditional procedure for architect and engineer selection and wanted a clarification in the law as to legality of this procedure. Beginning in April, 1967 we tried to resolve it with him without legislation, but he insists that he does not feel it is proper unless we do have legislation. Now I hope we can get legislation and resolve this matter.

Mr. ECKHARDT. Do I understand correctly this is about the posture of the matter: The Comptroller General has said that the practice of considering persons in order of their listing as consulting architects and engineers and the rejection of each if their fees are too high is, in his view, not in accordance with existing law. Therefore he suggests some change in the law to provide a lawful means of accomplishing the objective. That is No. 1.

No. 2, as I understand it, he recommended that consideration be permissible to treat qualifications along with the question of fees and that all of these factors be lumped together and considered. That would be somewhat of a change from present practice.

Do I understand that correctly?

Mr. BROOKS. As I understand you, I believe these are some of the things he discussed.

Mr. ECKHARDT. I cannot see how you can divorce the question of fees from the question of who should be employed to do Government service.

Mr. BROOKS. To reply to my good friend's question, this procedure does provide a very careful analysis of the fees. If the architect or engineer selected does not meet the requirements of the agency as to what they think is reasonable or fair, they do not give him the contract.

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

Mr. BROOKS. I yield to my good friend from Louisiana.

Mr. WAGGONNER. I thank the gentleman for yielding.

The gentleman and his committee have done yeoman work in preparation for this legislation. I would like to say that I am in full accord with the purposes of the legislation.

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

Mr. BROOKS. Mr. Chairman, I yield myself 3 additional minutes.

Mr. WAGGONNER. Will the gentleman yield further?

Mr. BROOKS. I yield to the gentleman.

Mr. WAGGONNER. The bill, however, is silent in one particular area. I would like to make a little legislative history here in order that we might clarify what I think is the intent of the committee.

The bill is silent about the criteria with respect to giving first consideration, as has been the policy through the years, to so-called local area architects and engineers when projects are located locally. Is it the intention of the committee that when criteria are drawn by the General Services Administration and any other agency heads that consideration will be given to the necessity for giving first consideration to these people who are closer to the scene and who have a better understanding of the local problems?

Mr. BROOKS. That is a good question, and I am glad you brought it up.

I would say in reply to the question of my friend from Louisiana the agencies have always, I believe, tried to consider the best available architects and engineers in an area where they are building the project, if they meet the qualifications and experience. I think in the past they have tried to acquire the services of local architects and engineering firms. I hope they will continue that policy, because certainly we would not want to have them get engineers from one coast to work on the other. This is a wise approach that saves more and results in higher quality plans and specifications as local architects and engineers are more knowledgeable of local conditions.

Mr. WAGGONNER. Will the gentleman yield further?

Mr. BROOKS. Yes.

Mr. WAGGONNER. Can we be a little more specific? You are the author of this legislation and you are to be commended for it. Is it not your intention or the intention of the committee that this practice be the practice where qualified architects and engineers are available?

Mr. BROOKS. Yes. I think it is proper.

Mr. WAGGONNER. Would you be more specific as to the intention of the committee. Is it the intent of the committee that this consideration be given where qualified people are available?

Mr. BROOKS. My friend, the committee did not discuss this particular problem of using local engineers or architects. The test is to be on the basis of quality and competence and not where they live except as in the case of the traditional procedures local professionals have a better knowledge of local soil and other conditions that give them an advantage in design work in their own area.

But I think the past record reflects—and I was one who urged that they continue to do this and it is my intent that they continue to take cognizance of the local people, but if the people in Beaumont, Tex., are not competent to do the job, I certainly do not want them to get it, and I do not care if it is next door whether it be in Beaumont, Tex. or Shreveport, La.

Mr. WAGGONNER. It is true that we are neighbors and I thank the gentleman for yielding. I think the gentleman has clarified the intent.

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

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

Mr. GROSS. Someone—I believe the gentleman from Texas (Mr. ECKHARDT)—raised a question, or the question was pointed out that the General Accounting Office asked for clarifying legislation; is that correct?

Mr. BROOKS. This was my impression of their letter of 1967 and in actions since that time.

Mr. GROSS. But only this year, in July, the Comptroller General asked that action on this bill be deferred.

Mr. BROOKS. Well, I do not think he liked the action he was getting. He did not agree with how he thought we ought to clarify the statute for him. He thought it ought to be clarified in the manner in which he wanted it done. After the most careful study of the problem we could not agree with him.

Mr. GROSS. The fact remains that the General Accounting Office which prompted the need for some legislation in this field does not support it.

Mr. BROOKS. I do not believe they would support any legislation contrary to their views.

Mr. BUCHANAN. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. Mr. Chairman and colleagues who have not had an opportunity to look at the report, I would call your attention to the views expressed by myself in the report and ask that you consider very briefly what we do here today. I do it as much for the purpose of making a legislative record as anything else, because I think it is important, I do it with the idea of persuading the House as I have little illusion that this will be of sufficient moment to most of the Members to cause them concern. However, I would simply point out that what we are undertaking to do in this bill is to legalize a rather narrow segment of cost concerning the GAO when they examined the procedure for acquiring the services of architects and engineers.

Those of us who were at the hearings on this particular matter I think were impressed at the vigorous objection of the architects and engineers to the concept of competition within their profession.

I would submit to you that that was a form of sophistry, because the competition within the profession of architects and engineers is just as genuine as the competition within your own profession here as legislators in which you compete for a seat in the House of Representatives.

In fact, I would suggest that the architects themselves have recognized the necessity to compete by the fact—and this is their language:

Competition, the A.I.A. has always maintained, is one of the best ways to get the best design in areas of public concern.

It has been mentioned that if we get into this competitive process we will somehow sacrifice quality for price. I would submit to you that the GAO recommendation involves both concept and cost and in fact there is a stipulation that cost not be the only criterion.

Mr. Chairman, we are not establishing any precedent because we use the competitive negotiation approach in such things as management and consultant services, in the development of the sophisticated weaponry for which we are responsible. All of these things are the result of competitive negotiations and have had varying degrees of success. There has been no wholesale deterioration of quality.

Mr. Chairman, I would simply say that I would urge you at least to know that what you are doing is sanctifying a practice that has been declared at least of questionable legality. In my view—and it is a very personal view not shared I understand by the American Institute of Architects or the National Engineering Society, both of whom feel that this would do horrendous harm to them—but in my view you would foreclose the young firm or young architect or engineer from being permitted to become involved in Government work.

So I would hope and I would ask that the Members would vote "no" on this bill so that we could then resubmit a bill that would embrace the concept of the GAO in which we would involve competitive negotiation as regards both concept and price.

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

Mr. BUCHANAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the bill, and I wish to associate myself with the remarks made by the chairman of the subcommittee earlier.

In this legislation we seek simply to make clearly possible the continuation of the basic system that has been in operation in the Federal Establishment for some 30 years, and is the traditional system on the part of State and local governments as well. It does contain elements of cost control, but it also puts an emphasis on quality of services that I think is needed. When we are dealing with architecture or engineering in the construction of a building or facility, we are dealing with a very small part of the total cost of such construction, and yet a part that is basic to the quality of the entire construction of a building or facility.

To change to a system which might be one in which we would seek bargain-basement prices would be as unwise as would be the case if we were talking about the services of an attorney or a physician. It seems to me, Mr. Chairman, that this is a time tested procedure; one that has demonstrated its worth, and one which contains several elements of cost control to make it feasible from that point of view without sacrificing or endangering the sacrifice of quality in architectural and engineering services.

So, Mr. Chairman, I would join with the chairman of the subcommittee, the gentleman from Texas (Mr. BROOKS) in urging the approval of the committee and the House of Representatives on this legislation.

Mr. Chairman, I reserved the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. CLARK).

Mr. CLARK. Mr. Chairman, I want to congratulate the chairman of the subcommittee, the gentleman from Texas (Mr. BROOKS) for bringing this very important legislation to the floor of the House today.

Mr. Chairman, I am certain that we all recognize and fully appreciate the valuable contribution architects and engineers have made to the development of this great country. Architects and engineers stand ready to serve the various agencies of our Federal Government, and H.R. 16443 will insure that these agencies will be able to obtain the services of the most qualified and competent architects and engineers to meet the complex needs of our Government.

There are several important facts regarding this legislature that I think should be made perfectly clear, and these are—

First. H.R. 16443 will put into legislative language the procedure of obtaining architect/engineer—A/E—services which has worked successfully for more than 30 years;

Second, the present method of A/E procurement is essential to the maintenance of quality in performance of quality in performance of services. If firms are selected on the basis of fee, we can almost certainly expect to see a reduction in the quality of A/E work;

Third, contractors can bid on projects because they have detailed plans and specifications which tell them what materials they will need and how much. A/E's have no such detail upon which to base a fee estimate. This can only come through negotiation;

Fourth, once an A/E firm has been selected as most qualified, it must still reach agreement on a fee that is equitable and reasonable to the Government. If it cannot, the second most qualified firm is called in; and

Fifth, architecture and engineering are professional services similar to medicine and law. A patient does not go to five or 10 different doctors asking for fee quotations on removal of a tumor. He goes to the best man available for that type of service.

Mr. Chairman, it is for these reasons that I urge my colleagues to support H.R. 16443.

Mr. BROOKS. Mr. Chairman, I yield 10 minutes to the very able and distinguished chairman of the Committee on Government Operations, the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I am opposed to H.R. 16443, relating to the procurement of architect-engineer services, for these very simple and sound reasons:

First. It works against the competitive principle in procurement of technical services generally. Therefore, it sets a bad statutory precedent;

Second. The Comptroller General opposes this legislation on similar grounds, after extensive study of the whole subject;

Third. Alternatives can be devised which recognize the competitive principle without infringing on professional standards or canons of conduct. In fact, a pilot program was instituted by the Department of Defense for competitive procurement of architect-engineer services.

Fourth. The proposed legislation is partial in its coverage, which only serves to complicate even more the present patchwork procurement laws.

Fifth. The Commission on Government Procurement, created by the Congress, has this matter under consideration, and the Congress should have the benefit of its considered judgment and study. There is no reason to rush this bill into law, particularly since the elections are over.

It is not my intent to make a long argument for a lost cause. This is one of those technical, complicated subjects which most Members will not take the time to examine in detail. This is one of the reasons why we have such a hodgepodge of procurement measures today, and why we created a Commission on Government Procurement. As Vice Chairman of the Commission I could not, in good conscience, endorse a half-baked procurement bill.

In saying that the bill lacks uniform coverage on a Government-wide basis, I am aware that since the bill was reported from our committee, the military construction authorization bill for fiscal year 1971 included some brief language exempting architect-engineer services on defense projects from competition unless specifically authorized by the Congress.

In a most unusual addendum to the conference report on the military construction authorization bill—House Report No. 91–1593, October 9, 1970—the distinguished chairman of the House Armed Services Committee asked and received unanimous consent to make what amounts to an ex post facto amplification of the conference report. The sense of the added language, included in the CONGRESSIONAL RECORD of October 14—page 36678—was that the pilot program in the Department of Defense, which I mentioned a moment ago, should be discontinued unless specifically authorized by the Congress.

I regret that this incident occurred. It is another example of the legislative mutilation which goes on in this field—trying to rewrite legislative history after a law is passed. The way to deal with procurement of architect-engineer services is by careful reexamination of the basic statutes and not by running around the barn to make some people happy. These remarks are not intended to be in any way personal. I am talking about an issue in Government procurement.

H.R. 16443 amends one basic statute but not another. It amends the Federal Property and Administrative Services Act but leaves untouched the Armed Services Procurement Act. The latter now has to be construed in the light of the action taken on the military construction authorization bill, all of which adds to, rather than lessens, confusion.

In my supplemental views to the committee report, I pointed out some of

the deficiencies in H.R. 16443. Certainly it is not a very pleasant task, Mr. Chairman, for me to oppose a bill of my own committee, particularly since the House has just honored me by electing me the chairman of that committee. I guess a sensible chairman knows when he is beaten, but he must speak out where an important principle is concerned.

Mr. Chairman, I include with these remarks my supplemental views on H.R. 16443 as contained at pages 24 through 30 of House Report No. 91–1445:

SUPPLEMENTAL VIEWS OF HON. CHET HOLIFIELD

I am opposed to H.R. 16443 as reported from the Committee on Government Operations. This is, in a sense, special-interest legislation. It would freeze into law certain procurement practices with regard to architectural and engineering services. The Comptroller General has criticized these practices as not conforming to the basic procurement laws and as depriving the Government of the benefits of competition in this procurement area.

The subject is a complex one, and admittedly the legislative history of the procurement statutes throws little light on the subject. H.R. 16443 will not help very much in clarifying the legislative intent and, indeed, will introduce new elements of confusion. Note, for example, that the bill amends the Federal Property Act and therefore applies only to the civil agencies covered by that act. It does not apply to the vast volume of architect-engineer services procured by the Department of Defense and the military services, nor by the National Aeronautics and Space Administration, all of which are covered by the Armed Services Procurement Act rather than the Federal Property Act. It is true that the bill defines agency heads in a Government-wide sense for purposes of applicability, but since it would add a new title to the Federal Property Act, the meaning of the terms in the title must be construed in the light of the limitations in the whole act, which exclude procurement agencies covered by the Armed Services Procurement Act.

The partial coverage, the use of inappropriate language in some instances, the failure to clarify other important matters, such as statutory fee limitations, and the undesirable precedent which may be set for procurement of other kinds of professional and technical services, all suggest that H.R. 16443 is a good example of how *not* to legislate in the procurement area. We have too many such bits-and-pieces legislation in this field, and the Congress recently has created a Commission on Government Procurement to examine the vast accumulation of procurement enactment in the interests of more consistency and coherence. The subject of architect-engineer services is on the Committee's study agenda. Before legislating on so complex and controversial a subject, the Congress ought at least to have the benefit of the Commission's findings and recommendations.

Another reason for holding off such legislation at this time is the fact that the Department of Defense, in a desire to cooperate with the Comptroller General and comply with recommendations made by the GAO after its own study of this subject, has instituted a test program for competitive procurement of architect-engineer services. The essence of the test program, described in a memorandum attached to these remarks, is to request technical proposals from qualified architect-engineer firms, accompanied by lump-sum price estimates in sealed envelopes. The technical submissions would be evaluated and companies ranked according to the technical merit of these submissions. Then the accompanying price estimates would be examined to determine whether a company's ranking should be changed, which might occur if an estimated price were out of line. The Department of Defense test procedure may not be the last word, but it demonstrates at least a willingness to test the feasibility of competitive procurement in this area. This is a one-year test to be conducted by the Army and the Navy, and certainly we should have the benefits of the results before freezing a noncompetitive practice into law.

There are two aspects to competition—technical and price. The Comptroller General points out, in criticizing this bill, that (a) the procurement laws never expressly exempted architect-engineer firms from competitive negotiations; (b) competition need not rest exclusively on price; and (c) if this bill is enacted, the door is opened to removing other professional and technical services from competition. This bill, to repeat, sets a bad precedent. Many other services are just as technical and sophisticated and demanding as so-called architect-engineer services. Why should we fence off by statute the procurement of these services, and then open the gate to other similar demands?

The Comptroller General has submitted to the committee a draft of a bill (attached to these remarks) which proposes procedures for obtaining competitive procurement of architect-engineer services, including both technical and price considerations. In committee I offered a compromise between the noncompetitive approach of H.R. 16443 and the idea of price competition, which is so strongly resisted by spokesmen for the architect-engineer groups. They say that their professional canon of ethics prevents competing on a price basis, and they contend that price competition leads to price cutting and degradation of design quality. Certainly the professional groups should not object to technical competition. Architects and engineers frequently compete their designs and should be proud to compete.

My amendment would have required architect-engineer firms to submit, along with a statement of their qualifications and performance data, a general description of the design, plan or method of doing the required work. This would be a *general*, not a detailed, description. It would at least afford the Government a chance to compare offerings and select the one most advantageous to the Government on a technical basis.

To put it another way, the companies would be ranked for purposes of negotiation on the basis of what they are offering for a specific project rather than on the basis of their general reputation or status. A particular firm may have a big size and reputation, but it does not necessarily place the best men on a particular Government job or have the best technical answer. My amendment would relate selection more to what the company has to offer than to what is assumed it has to offer by status or reputation alone. Also, this would get away from the practice of picking some well-known firm and negotiating with the same firm time after time on a sole-source basis.

It is my belief that if we intend to effect improvements to the rules currently in effect, we should strive to encourage the kind of competition which will produce better ideas, which at the same time are likely to be more economical to the Government. A good technical proposal, written in terms of a specific project, and spurred by competition, may well produce a new and worthwhile concept that will reduce the cost of construction or maintenance. To me, there is no assurance simply in the reputation or past performance of individual firms that the Government will obtain the most advantageous ideas and plans for a particular size or type of building or facility. It may be that the firms are mainly concerned with how their fees are computed, but the procuring agency should be most concerned about the total cost of the project and the intrinsic values of the ideas which different firms may have.

I should add that the majority report accompanying H.R. 16443 contains considerable interpretative commentary regarding statutory ceilings on fees for architectural and engineering services and takes issue with the Comptroller General's interpretation of the statutes. The bill does not cover the subject of statutory ceilings for such fees, and all the commentary in the majority report on this subject should not be construed as any expression of legislative intent, particularly since these matters were not taken up in the full committee consideration of the bill.

In order that the committee report will be as complete as possible for the information of Members on the floor, I herewith include the text of letters commenting on H.R. 16443 from Comptroller General to me dated July 10, 1970, and from Hon. Barry J. Shillito, Assistant Secretary of Defense (Installations and Logistics), to the Comptroller General with an accompanying memorandum describing the test program for competitive procurement of architect-engineer services.

CHET HOLIFIELD.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., July 10, 1970.

B–152306.

Hon. CHET HOLIFIELD,
House of Representatives, Washington, D.C.

DEAR MR. HOLIFIELD: You asked for my views concerning H.R. 16443 which I understand will be considered by the full Committee on Government Operations next week.

H.R. 16443 would amend the Federal Property and Administrative Services Act of 1949 to establish a Federal policy concerning the selection of firms and individuals to perform architectural engineering, and related services for the Federal Government.

The General Accounting Office made a comprehensive review of the method by which the Federal Government contracts for architect-engineer services and we made a report to Congress on April 20, 1967. We questioned the legality of the procedures which have been followed by the construction agencies, both on the military and civilian side, in that there has not been effective competition in the awarding of contracts for A–E services. We also expressed the view that the 6-percent statutory limitation on fees for architect-engineers, as we interpret the law, is not being followed in many cases.

H.R. 16443 would provide for the selection of firms and individuals to perform architectural and engineering work without any design or price competition, but solely on the basis of the agency's determination of the qualifications of the firm or individual to do the job. Negotiations would first be with the firm or individual determined by the agency to be the most qualified. If these negotiations failed then the agency would negotiate with the second most qualified, etc.

I am concerned that the bill, which I recommended, in a report to Chairman Dawson dated May 15, 1970, and in testimony before the Subcommittee on Government Activities, on June 4, 1970, not be favorably considered does little more than confirm the procedure used in the past in the selection of A–E contractors, and provides no clarification of the fee limitation problem. In addition, I think the Committee should consider the effect of the bill, if enacted, on the procurement of other professional services by the Federal Government. The bill would provide for special procedure for the procurement of A–E services which would allow contracting for those services without either design or price competition. It seems to me that this would establish an undesirable precedent in that the way would be open for other professional

groups to request a similar procedure in contracting for Government work. At the present time other professionally oriented procurements involving a significant degree of expert talent and ingenuity, such as for management consultant services, for research and development, and for sophisticated and technically advanced weapon as aerospace systems, are accomplished successfully by means of competitive negotiation, including competition on both price and technical proposals.

I was informed by the Assistant Secretary of Defense (Installations and Logistics) by letter of July 7, 1970, that the Department of Defense plans to test a new method of contracting for A–E services which will accomplish the essential elements of competition in both the price and technical areas consistent with the recommendations which we made to the Committee in its hearing on June 4. A copy of the letter of July 7 is enclosed. Also, as you know, the method of selection of A–E contractors is scheduled for study by the Commission on Government Procurement, along with other professional services.

Under the circumstances outlined above, I strongly urge that the Committee on Government Operations defer action of H.R. 16443 for the present.

For your ready reference, I am also enclosing a copy of my statement given before the Government Activities Subcommittee on June 4, 1970.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Enclosures.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., July 7, 1970.

HON. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR ELMER: The review of architect-engineer (A–E) source selection procedures, about which I advised you in my letter of 3 February 1970, has been completed. You may recall your letter of 19 February expressed the hope that the study group for this review would take a hard look at competition in the procurement of A–E services. The completed review resulted in a number of recommendations that are under consideration for fostering this objective.

The foremost recommendation concerns the consideration of price in the A–E selection process. I have selected for testing, a contracting method termed "price estimated multiple proposals." By my letter of June 30, 1970, copy enclosed, I have advised my counterparts of the Army and Navy regarding such tests to be conducted in two areas of the United States, one by the Army and one by the Navy. For these tests, I visualize a 1-year application of this contracting method for all A–E awards of $10,000 or more pertaining to Department of Defense real property facilities for the areas selected.

In testing the "price estimated multiple proposals" method, the firms or individuals to whom invitations would be extended for the submission of such proposals would be determined by the current selection procedures. Under these procedures prescribed by the Armed Services Procurement Regulations (ASPR), a preselection board, upon review of data available on interested firms, would recommend to the District or Division Engineer, a listing (slate) of firms considered best qualified for providing the particular A–E services required. Under this concept of contracting, a number of A–E firms would be invited to submit technical proposals accompanied, under separate cover, by lump sum estimated prices without price breakdown. They would be advised that the price estimates do not constitute a commitment on the part of the Government or the A–E firm, they are not considered as bids, but simply are estimates to accomplish the technical descriptions of the work they would undertake as they understand it. The price estimates would be kept in sealed envelopes until technical evaluations (and rankings) of the proposals are completed. The price estimates then would be opened by the selection board and a determination made as to whether pricing considerations warrant a change in the relative ranking of the A–E firms. After careful consideration of technical proposals and prices, and any resulting change in ranking, negotiations would be initiated with the selected firm, and a contract awarded in accordance with current procedures.

Our tests should indicate the degree of receptivity of this method on the part of both the Government contracting offices and industry, the reasonableness of changing our A–E selection practices throughout the Department of Defense, and the worthiness of a change in practices. Under the method being tested, the price estimates from various A–E firms, coupled with the Government estimates, would help in determining the reasonableness of the A–E fee. This method retains technical considerations as the principal factor in making awards, with price as a secondary consideration.

I will keep you informed of progress on the tests being made of this new method for selection of firms for architect-engineer services.

Sincerely,

BARRY J. SHILLITO,
Assistant Secretary of Defense
(Installations and Logistics).

JUNE 30, 1970.

Memorandum for:
The Assistant Secretary of the Army (I.&L.).
The Assistant Secretary of the Navy (I.&L.).

Subject: Joint Review of Architect-Engineer Contracting.

The joint review of architect-engineer (A–E) contracting referred to in my memorandum of February 3, 1970, same subject, has been completed.

On May 19, 1970, I received a briefing on the report, at which time discussion centered on the recommendation to select one of three revised contracting methods proposed for adoption in A–1 contracting concerning Department of Defense real property facilities. I selected for testing the alternative described as "price estimated multiple proposals," with the modification that in the A–E selection process there be received from at least three well-qualified firms, technical proposals accompanied by lump sum estimated prices without price breakdown. A further description of this method as extracted from the report is attached. Other recommendations of the report will be the subject of correspondence at a later date.

For testing this contracting method, I consider it appropriate to have two tests made over a 1-year period, covering all A–E awards of $10,000 or more, one in the Eastern part and one in the Western part of the United States, by the Army Corps of Engineers and the Naval Facilities Engineering Command. Although you may have other suggestions as to where this testing should take place, I propose that this method of A–E contracting be used for DoD real property facilities for a period of about 1 year by a U.S. Army Engineer District in the Western part of the United States, and by a Division of the Naval Facilities Engineering Command in the Eastern part of the United States.

Your views are requested as to the acceptability of these two areas for testing, advising which District or Division should carry out this testing, the earliest time frame within which this testing may be accomplished, and any problems you foresee that should be resolved before undertaking this task.

BARRY J. SHILLITO,
Assistant Secretary of Defense
(Installations and Logistics).

EXTRACT FROM JOINT REVIEW OF ARCHITECT-ENGINEER CONTRACTING

Price estimated multiple proposals.—A minimum of five well-qualified firms, selected by current selection procedures, would be requested to submit technical proposals accompanied by lump sum estimated prices without breakdowns. The A–E firms would be advised that such requests and proposals are confidential to the Government, that they would not constitute a commitment on the part of the Government or the A–E firms, and they would not be considered as bids but simply as cost estimates to accomplish the work as they understand it. The price estimates would be kept in sealed envelopes until technical evaluations (and rankings) of the proposals were completed. The price estimates then would be opened and discussed by the Selection Board to see if pricing considerations would warrant a change in the relative ranking of the A–E firms, e.g., would the best technical approach be worth a substantially higher price? Or conversely would another technical approach by a well-qualified firm having a lower price estimate be wholly acceptable? After these discussions, and any resulting change in ranking, negotiations would be initiated with the selected firm, and a contract awarded in accordance with current procedures (except as modified elsewhere in this report).

Under this method, the multiple-price estimates, coupled with the Government estimates, would help in determining the fairness and reasonableness of the A–E fee. This method retains technical considerations as the principal factor in making awards.

ARCHITECT-ENGINEERING CONTRACT FEES

The military construction authorization bill—H.R. 17604—for fiscal year 1971, in section 604, exempts architect-engineering contracts from competitive bidding and declares in favor of traditional practices in this field unless otherwise authorized by the Congress. See the CONGRESSIONAL RECORD for October 12, 1970, at page 36128. The statement of the managers—page 36132—indicates that this was the House language from which the Senate receded.

Chairman RIVERS called up the conference report on October 13—page 36565. Then, on October 14—page 36678—in a "Correction of the RECORD" item, Mr. Rivers asked and received unanimous consent to add to his October 13 remarks, the following language:

In the language regarding architectural and engineering contracts in Section 604, it is the intendment of the Congress that architectural and engineering contracts should not be awarded through the competitive bidding procedure, as now proposed in a pilot program by the Department of Defense, unless specifically authorized by the Congress. It was the unanimous and enthusiastic agreement among the conferees that contracts for the services of architectural and engineering firms should continue to be awarded in accordance with presently established procedures, customs, and practices.

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

Mr. HOLIFIELD. I yield to the gentleman.

Mr. RIVERS. Mr. Chairman, the gen-

tleman mentioned my name in connection with construction.

Mr. HOLIFIELD. That is right.

Mr. RIVERS. The reason I got unanimous consent to explain the amendment we adopted in conference, and it was unanimous, was I did not want some of these brilliant bureaucrats to go around here constructing something that was not a fact. I want that addition which I put in the CONGRESSIONAL RECORD to be notice to these smart wiseacres downtown in the Department of Defense that what we intended to do is not to have them tell us how to procure architectural and engineering services. They are the ones who concocted this thing. They are the ones who disturbed this great and honorable profession of architects and engineers and this is the reason it was done.

I think this bill is a good bill. Architects place themselves on the same scale with physicians and with dentists and with lawyers and they do not propose to get out here and compete for services. It is as simple as that.

Mr. Chairman, I want to say this too. It is very unusual for me to be in disagreement with the distinguished chairman and really I do not know how to oppose him because I have such high affection for the gentleman.

Mr. HOLIFIELD. The gentleman knows that I also have a mutual respect for him, and I find myself pained that I have to disagree with him on that point. I will say that the gentleman acted completely within the rules of the House in asking for the unanimous consent which was granted and explaining matter to make legislative history on something that had passed prior to the gentleman's request for unanimous consent.

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

Mr. HOLIFIELD. I yield to the gentleman from South Carolina.

Mr. RIVERS. It had not become law and would not become law until a day or so after.

Mr. HOLIFIELD. I understand. It had been considered in the House, and the gentleman's explanation came a day or so later.

Mr. RIVERS. It came a day or so later before the signing of the bill. I wanted the Members to have the benefit of it before the bill was signed.

Mr. HOLIFIELD. I understand the gentleman's position completely. Since the gentleman has brought up the subject, I wish to point out that this is a special-interest bill for the architects and engineers. It would eliminate any type of conceptual design competition. It would provide a formula which is meaningless as far as competition is concerned. The bill provides that the agency involved shall select three qualified architect and engineering firms for a particular project, but then it does not provide that those three shall compete with each other in conceptual design. It provides that the agency shall negotiate with firm No. 1, and if it does not like the submission of firm No. 1, it may go to firm No. 2, and then if it does not like No. 2, it can go to firm No. 3. I can see that legitimate competition in conceptual design—and I am not talking about final and complete design—but competition in conceptual design would be in the interest of the taxpayers, and it would give to the agency that is buying the service an opportunity to see different concepts in the building of a building of some kind or any other architectural items, and it would give a cautious and prudent buyer an opportunity to compare.

But this is—and I would not want to use the word "phony setup," the picking of three as being a phony setup—I would not want to use that word—but it is an unrealistic concept in that it does not allow any competition between No. 1, No. 2, and No. 3. I say that it would all be done on the basis of the protection of a profession.

I do not believe that when a profession of any kind is dealing with the U.S. Government and we are spending taxpayers' money we should protect the profession against its competing members of that profession. In every other field that I know of there is competition, and for us to come in and pass a special-interest bill for the architects and engineers is, in my opinion, a grave mistake, and I shall vote against the bill.

I understand that the bill will be passed in this House and probably passed in the other body. Nevertheless, I feel it my duty as a Member of this House and as chairman of this committee to stand up and say what I believe about this particular bill.

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

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

Mr. GROSS. I want to commend the gentleman and say to him that I take the same position he does on this legislation.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I take this time for the purpose of directing a question to the distinguished chairman of my subcommittee for the purpose of clarification, and also for the purpose of making some legislative history.

Mr. Chairman, I would like to know whether, in your opinion, the services of landscape architects will come within the confines of the proposed legislation.

Mr. BROOKS. In my opinion, in reply to my distinguished friend and very able member of this particular subcommittee, the bill would cover the various types of architects insofar as the term implies that the individual is professionally trained and qualifies under appropriate State law to practice the profession. The bill does not extend to other type services but, of course, does not exclude the use of this approach for the procurement of other type services when allowed under appropriate provisions of law, regulation, or practice.

Insofar as landscape architects are concerned, this bill would apply when the controlling jurisdiction, under appropriate registration laws, required that persons acquire and maintain a level of professional excellence. I think that would be adequate. In those States and jurisdictions where the term "landscape architect" is applied to individuals without professional requirements, then the bill would not apply.

Mr. MOORHEAD. I thank my chairman very much.

Mr. BUCHANAN. Mr. Chairman, I have no further requests for time.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I rise in support of H.R. 16443, which would amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Government.

Admittedly, there is a clear and present need to establish statutory guidelines in the area of Government procurement of architectural and engineering services. We are informed that for more than 30 years Federal departments and agencies have used a certain system in obtaining the services of architects and engineers. The fact that this happens to be the system which has been incorporated into the legislation which we are considering, is not the decisive element. The de facto system could easily have been one that required changes or improvements. What is more important, from the overall view, its that H.R. 16443 places the Federal Government in as favorable a position as that of a private party in the procurement of the professional services of architects and engineers.

Stated simply, this is effected by a two-step process: First, determine the qualifications of the professional, and, second, ascertain his fee. In the usual bidding procedure, price plays a predominant role. The lowest bidder, whether he be a saint or a scoundrel, usually gets the contract. Too often the lowest bidder, understandably anxious to get the contract, has underestimated his costs and is forced into compromises in order to avoid serious losses in the execution of the contract. The Government is generally a sad victim of such an unfortunate contractual situation.

H.R. 16443, as reported, on the other hand, would prevent such a situation from arising in the first place. Qualified architects and engineers would be rated by the Federal agency head in accordance with current statements of qualifications and performance data. The evaluation would be accomplished in relation to the proposed project. This is a very important requirement, for, while on the one hand, a one-man architect's office may not have the capability of providing the needed professional services in connection with the erection of a multimillion dollar Government building, on the other hand, a proposed Government structure may prove to be outside the scope of a large architectural firm's experience.

It is only after the Federal agency head has assigned numerical ratings to the most qualified architects or engi-

neers for a particular project that the question of fees would be considered. Fees would be decided by negotiation between the Government and the professional man or firm whose services are sought. This procedure is eminently fair to the prospective contractor because he is placed on notice that, despite his high professional standing, if his fee is not reasonable and fair, the Government will break off negotiations and move on to the next highest rated architect or engineer.

Mr. Chairman, the selection process which is provided in H.R. 16443 is also in the public interest. The Government will be assured of receiving the services of the highest qualified architects and engineers at fees which are fair to taxpayers This legislation deserves our wholehearted support.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I join my colleagues in supporting H.R. 16443, which amends the Federal Property and Administrative Services Act. Simply stated, this legislation is giving legal sanction to the current, and time-tested method of selecting engineering and architectural firms to provide services for the U.S. Government. I say it is time-tested; certainly we should know a system which has been in operation for over 30 years has proven workable.

I have received supporting mail from throughout the profession, including their associations, in support of this legislation.

I agree with the principle of this legislation. A contract with an engineer or an architect differs greatly with a contract for a piece of hardware or equipment. Technical counseling and design services are spawned from an exact construction science, but these services incorporate many intangibles that weigh beauty with function. Obviously, technical counseling and design appears to be a field where you get what you pay for and I believe there are sufficient checks within our agency system to prevent agency heads from awarding contracts at excessive prices to the Government.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. DORN).

Mr. DORN. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I enthusiastically support the fair and reasonable legislation first introduced by the gentleman from Texas (Mr. BROOKS) which is now before the House. And may I add, Mr. Chairman, that it has been my privilege to join Mr. BROOKS in sponsoring this bill. H.R. 16443 will assure that the Federal Government will continue to receive the highest quality of professional architectural and engineering design services at prices fair and reasonable to the Government. This bill writes into law what for many years has been the method by which the Federal Government has selected firms to perform professional architectural and engineering services. Under this system, the Federal agency head selects firms on the basis of their professional qualifications. This procedure is economy-minded, since the better the design of a structure, the lower the cost to the Government of construction, operation and maintenance. We would not advocate that our people select professional medical care on the basis of lowest bid, and neither should we allow government contracts for professional design services to be granted on the basis of cheapest price.

Mr. Chairman, this bill contains adequate safeguards for the public interest, for if the contracting agency head cannot negotiate a fee with the most qualified firm that is fair and reasonable to the Government, the agency head is directed to begin negotiations with the next-most qualified firm, and so on.

Mr. Chairman, this is economy-minded legislation which is truly in the public interest. I support it and I urge my colleagues to do the same.

Mr. BROOKS. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Texas has 6 minutes remaining.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT). The gentleman is opposed to the bill.

Mr. ECKHARDT. Mr. Chairman, first I want to recognize the generosity of my colleague, the gentleman from Texas (Mr. BROOKS) for whom I have a very great deal of respect for affording a nonmember of the committee time here. I hesitate even to question the bill, because I know the gentleman is highly qualified, and he is certainly strongly motivated in favor of the bill and I know for sincere reasons, but I must disagree with his proposition.

Mr. Chairman, it seems to me that what this bill does is select the architect on the basis of his reputation rather than on the basis of his ideas. I think the crux of the question is found in the answer of the Comptroller General, Mr. Staats, in his letter to the gentleman from California (Mr. HOLIFIELD) dated July 10, 1970, in which the Comptroller General says:

> The bill would provide for special procedure for the procurement of A–E services which would allow contracting for those services without either design or price competition.

It seems to me that this would establish an undesirable precedent, in that the way would be open for other professional groups to request similar procedures in contracting for Government work.

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

Mr. ECKHARDT. I am delighted to yield to the able gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, of course, this is the thing I am worried about. We set a precedent here that a group that comes up and says they are professional experts will be exempted from any type of competition with their peers. I am hoping that as time goes on, the Congress will realize what we are doing. We are setting a precedent wherein any profession can come up and ask for exemption from competition on the same grounds.

Mr. ECKHARDT. Mr. Chairman, my distinguished friend, the gentleman from California, is absolutely right. The Comptroller General then points out that competition with respect to technical inventiveness could be on the same basis.

Architecural design and design of technical equipment is not essentially different in this respect. There are ways to design a building to serve its purpose which may be better and cheaper than ways of designing it, just as there are ways to design a craft that goes to the moon in one manner and on one type of fuel that are cheaper than trying to do it in another manner with another type of fuel.

Mr. HOLIFIELD. Or they can build it with cheaper materials if the design is acceptable.

Mr. ECKHARDT. My colleague, the gentleman from California, and I are not speaking against the scientist or the professional man, but in his behalf. What the bill as presently presented would do is to make the bureaucrat the master of design and not to utilize a competition between trained professionals to obtain the best and least costly design.

What we should do is to let professionals who know the problems, outside of Government—who know them on the basis of their experience, inventiveness, and ability design or perfect architecture or engineering—to let them compete to see which design would be the best and cheapest. All in the world the Comptroller General is insisting on is that the question of price and the question of ability be considered at once. How can the Government do other than that? How can we divorce the two? The question is what pragmatically, cheaply, and effectively solves the problem. It is not who has the greatest reputation in the field of architecture.

What this bill would do would be to discriminate against the inventive and the innovative and the new and not yet distinguished young man in the engineering or in the architectural profession. That is what this would do. It decreases competition within the profession and tends to crystallize the jobs among those who already have the reputation—not on the basis of their ideas but on the basis of what people now think of the man who is making the bid for the job.

Mr. Chairman, I am most opposed to the bill. I feel this as one who is concerned about the young man in the profession, about the talented man in the profession, about the innovator in the profession. I do not think that the Member who is concerned about them is opposed to the profession—opposed to architects and engineers. He should receive their plaudits.

But the Member who is concerned about the old "fuddy-duddy" established firm, that already knows the people who give the contract, the Member who is concerned about limiting competition among persons in the profession—the Member who is misled in this way would tend to support the bill—I do not say for

those reasons, but I do say that is the result.

Therefore, I do not believe we buy credit with the profession at large by supporting a bill that limits opportunities to a very few who already have the reputation, men perhaps 65 or 70 years old, while we cut out that great range of men recently educated with new and different ideas who may give real service and afford fresh ideas that may save the taxpayers money.

Mr. BROOKS. Mr. Chairman, I have no further request for time.

Mr. BUCHANAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of H.R. 16443. I would note for the benefit of the Members that the administration supports this bill, and specifically we have received communications, both written and verbal, from Mr. Kunzig, the Administrator of the General Services Administration, and from Rod Kreger, Assistant Administrator.

Specifically they ask that two sections of the draft bill be changed, sections 903 and 904, and there is a committee amendment appended to the bill here today. Among other things, it makes it clear that the procurement procedures must deal with no less than three of the firms deemed to be most highly qualified to provide the services required.

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

Mr. REID of New York. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. The gentleman says the administration supports this bill. What about the language to be found on page 27, in the letter from the Comptroller General, in which he asks that action on the legislation, H.R. 16443, be deferred.

Mr. REID of New York. The Comptroller General, I will say to the gentleman, in my understanding is essentially an agent of the Congress and not a part of the administration.

The point the gentleman makes is correct. The Comptroller General does have reservations, and he has made that point very explicit.

I would say to the gentleman, this bill is not an open and shut matter. There are differences on the committee. The distinguished gentleman from California (Mr. HOLIFIELD) properly expressed concern as to the precedent which might be involved here.

This is an attempt to try to concern ourselves both with the competitive bid process—which could lessen cost—and with higher qualifications—which could improve quality. There are a number of differing points of view, on this matter.

I believe that basically the necessary protections from a financial and economical standpoint are in the bill, plus an emphasis to try to negotiate bids and contracts mindful of the need for quality, and not just the lowest bid.

The Comptroller General, I say to the gentleman, does have reservations. As I understand his position, he would be opposed to the bill in its present form.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

I should like to call to the gentleman's attention the experience of at least one delegation in the House who received wires which I suspect all Members received from their various architectural and engineering State societies.

This particular Member, when he received his wire asking him to support this legislation—a rather curt wire which simply instructed him to vote "yes" on this matter—checked with the association State office. The only response he could get from the association State office was that all the girl in the office knew was that somebody from Washington had called her and told her to send the wire. She had not had an opportunity to check with anyone else in the office. She had just done as she was told, as she was directed by the Washington office.

I would submit and what I am explaining to the gentleman is that support of this measure as written by the national associations of both groups does not necessarily reflect the true feelings of the membership of those associations.

I thank the gentleman for yielding.

Mr. REID of New York. I thank the gentleman for his comments.

As I tried to indicate in my earlier remarks, the situation is that there is a difference of opinion on the bill. Many associations are for it; some individual architects oppose it; others support it. I would hope the objectives of the bill, which would be to get quality at the lowest cost, could be sustained. It may well be that this bill will have to be proven one way or the other in practice if it carries. However, the effort of the committee was to try to pay greater attention to quality along with an attempt to get reasonable economy as well.

I thank the gentleman for yielding, and I yield back the balance of my time.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 16443, which would establish by statute a Federal policy for the selection of individuals and firms to perform architectural, engineering, and related services for the Government. The purpose for these amendments to the 1949 Federal Property and Administrative Services Act is to clear up some of the confusion under existing law by writing into law the time-tested selection procedures which have been in existence for over 30 years. These procedures and this bill recognize the importance of procuring the highest qualified architects and engineers to provide the designs, plans, and specifications in the construction of Government buildings and facilities.

Under the procedures authorized in this legislation, architects and engineers will continue to be chosen on the basis of their respective capabilities, qualifications, and experience as they relate to a proposed project. The procuring agency will rank the architects and engineers according to their qualifications and then begin negotiations with the most qualified. A contract would then be let at a fee considered fair and reasonable by the Government. If such a fee cannot be agreed to, negotiations would be broken off and commenced with the next most qualified firm.

This procedure is designed to insure planning and design work of the highest quality and thus avoids the pitfalls inherent in injecting the fee factor into the selection process. Obviously it is to the advantage of the Government and the taxpayer to acquire the highest qualified services at this stage for they will be translated into the most efficient buildings and facilities costing less to construct and maintain. In the words of the committee report:

> Failure, for any reason, to provide the highest quality plans and specifications and related work can be directly translated into higher construction costs, functionally inferior structures and maintenance problems that could plague the Government throughout the decades the building or structure is in use.

Mr. Chairman, I think it is important to keep in mind during the course of our debate today that in discussing architectural and engineering services, we are talking about professions which present very unique considerations as far as procurement is concerned. The committee report, in fact, likens them to the professions of medicine, law, and accounting with regards to the amount of learning, skill, and integrity demanded. For these reasons, most State and local statutes exempt architectural and engineering services from bidding requirements on public contracts.

Mr. Chairman, I make this point because there will be those who will argue that we will be setting a very dangerous precedent by the enactment of this legislation. In response, let me only point out that it can hardly be a matter of precedent when we legislatively ratify a procedure that has been practiced for over 30 years; and, secondly, that we recognize the very unique nature of the services involved in this legislation. I for one would certainly not condone this selection process in other areas of procurement where competitive bidding is so practical and necessary, and I do not see how a vote for this bill can be construed as setting precedent in these other areas. All we are doing in this legislation is recognizing that direct price competition will not secure the highest qualified professional services which are so crucial in insuring an efficient and economical facility. This must be our primary consideration if we are truly interested in a facility of high functional and esthetic value and low construction and maintenance costs. These benefits will simply not accrue if we do not demand the highest caliber of professional workmanship in the planning and design stages. For these reasons I strongly urge the passage of this bill.

Mr. CORMAN. Mr. Chairman, I rise in support of H.R. 16443 to establish a Federal policy regarding the selection of architects and engineers for the construction of Federal projects.

Enactment of this measure would make it the policy of the Federal Government to negotiate architectural and engineer-

ing contracts on the basis of demonstrated competence and qualification for the type of service being contracted. This is a practice which is currently followed by many Government agencies but one which I feel should be a standard practice of all the agencies.

Without an established policy, contracts are many times awarded to a firm who has submitted the lowest fee without the Government paying any attention to the ability of the firm they are hiring. When firms are required to compete solely on a fee basis there is always a temptation to cut corners on the design stage so that a lower estimate can be presented.

An investigation into the situation shows, however, that design costs are minor in comparison to the total cost of constructing a building. And if the principal design plans are poor, the construction and maintenance costs of a building can unnecessarily be high which thereby increases the total cost of the building.

Under the provisions of Mr. BROOKS' bill and its companion bill which I introduced—H.R. 18892—Government agencies would invite all architects and engineers interested in a specific project to submit data as to their qualifications and performance.

Each firm would then be rated by the agency head according to its qualifications to undertake the contract then under consideration. The agency head would then be free to negotiate with the most highly qualified applicant, and assuming a fair and reasonable price, would award the contract to him. Should no agreement be reached, the next most qualified would be given a chance to negotiate and so on until the contract is let.

Considering the billions of dollars which the Government will invest in building during the decades ahead, I think it is only wise for us to make certain that we insist on getting the highest quality of services for the funds expended. Why attempt to save money in the short run by settling for second-rate services when the results of inferior quality are more costly in the long run?

I am hopeful that my colleagues will not hesitate in joining with me in voting for the passage of this measure which will provide for the improved management of Federal funds.

Mr. CULVER. Mr. Chairman, I rise in support of H.R. 16443, which I have cosponsored. This legislation would make it Government policy that contracts with architects and engineers on Federal projects be negotiated on the basis of demonstrated competence and at fair prices.

Contracts with architects and engineers are not suited for the ordinary competitive bidding process. Awarding contracts on the basis of lowest price works well only when the quality and specifications of the item to be procured are readily definable. The quality of professional services is hardly definable in this manner.

Under this bill, all interested architects and engineers would submit data as to their qualifications and performance to the Government agencies they desire to do work for. The agency would then rank those architects and engineers according to their qualifications to undertake particular design contracts under consideration. The agency would first negotiate with the highest qualified architects and engineers. If a contract was not successfully negotiated with them at a fair and reasonable price, the agency would then negotiate with the second highest qualified firm, and so on until a contract was agreed upon.

This process would insure that the services provided by architects and engineers on Government contracts will be both of the highest quality and obtained at a reasonable price.

While a low price for the design may initially represent apparent savings, it might well actually increase the cost to the Government in the end. For example, the firm selected would not be able to expend as much energy on studies and analyses of such things as construction alternatives and future maintenance costs. In the process set forth in this bill, these concerns would naturally receive their proper attention.

Mr. Chairman, although, as a percentage of the total cost of construction projects, the architect and engineer allocations are a small portion, nearly the entirety of the building construction stems from the designs and building specifications provided by the members of these professions. It goes without saying that the broadest possible competition, designed to achieve the services of the best qualified architects and engineers, is a most vital objective in the overall effort toward improved and expanded construction of Federal buildings and other facilities which will best meet the needs of our people and our Nation.

Approval of H.R. 16443 today, will follow a 3-year study of architect and engineer selection practices in the Government by the House Government Activities Subcommittee, on which I have been privileged to serve during these last 2 years, and I would like to take this opportunity to strongly urge my colleagues to join me in supporting this important legislation.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IX—SELECTION OF ARCHITECTS AND ENGINEERS

"DEFINITIONS

"SEC. 901. As used in this title—

"(1) The term 'firm' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture or engineering.

"(2) The term 'agency head' means the Secretary, Administrator, or head of a department agency, or bureau of the Federal Government.

"(3) The term 'professional services' includes those of an architectural or engineering nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform.

"POLICY

"SEC. 902. The Congress hereby declares it to be the policy of the Federal Government to negotiate contracts for professional services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

"REQUESTS FOR DATA ON PROFESSIONAL SERVICES

"SEC. 903. In the procurement of professional services the agency head shall invite firms engaged in the lawful practice of their profession to submit, in accordance with the terms of the invitation, a statement of qualifications and performance data. The agency head inviting such proposals shall evaluate the submissions received and shall select therefrom, in order of preference, no less than three of the firms deemed to be most highly qualified to provide the services required.

"NEGOTIATION OF CONTRACTS FOR SERVICES

"SEC. 904. (a) The agency head shall negotiate with the highest qualified firm for a contract for such professional services at a fee which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

"(b) Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally teminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"(c) Should the agency head be unable to negotiate a satisfactory contract with any of the qualified firms, he shall, in his discretion, either select additional firms in order of their competence and qualification, or reissue a new request for proposals."

Mr. BROOKS. Mr. Chairman, I ask unanimous consent that the bill may be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, strike out line 23 and all that follows down through page 3, line 5, and insert in lieu thereof the following:

"SEC. 903. In the procurement of professional services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be most highly qualified to provide the services required."

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Mr. Chairman, in reading the amendment the Reading Clerk left out the words "for each proposed project." Are they in the copy?

The CHAIRMAN. The Chair is informed that those words are in the amendment, but the Clerk left them out.

Mr. GROSS. I thank the Chair.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. HICKS

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

The Clerk read as follows:

Amendment offered by Mr. HICKS: On page 4 of the bill, after line 13, add the following new language to read as follows:

"SEC. 905 (a). Section 2304 (g) of title 10, United States Code, as amended, is further amended by inserting therein, immediately after the words 'all negotiated procurements', the following '(except procurements of architectural or engineering services)'.

"(b) Section 2304 is further amended by adding the following new subsections at the end thereof:

"'(i). In the procurement of professional services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be most highly qualified to provide the services required.

"(j)(1). The agency head shall negotiate with the highest qualified firm for a contract for such professional services at a fee which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope complexity, and professional nature thereof.

"'(2) Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"'(3) Should the agency head be unable to negotiate a satisfactory contract with any of the qualified firms, he shall, in his discretion, either select additional firms in order of their competence and qualification, or reissue a new request for proposals.'"

Mr. HICKS. Mr. Chairman, by direction of the Committee on Armed Services and the chairman thereof, I have offered this amendment. In my opinion it will obviate one of the objections of my other chairman, the gentleman from California (Mr. HOLIFIELD), in that it does now bring the armed services into the same bill as the General Services Administration and it is the same language.

Mr. Chairman, as a member of the subcommittee, the Brooks subcommittee that held hearings on this bill, I subscribe to the bill and support it completely.

However, as presently written, I believe the bill is deficient since it would not in my opinion affect the armed services procurement section or any statute covering the operations of the military departments as currently drafted, but only amends the Administrative Services Property Act.

The bill does contain a statement of policy which would be effective on a Government-wide basis.

This, in effect, does for the military exactly what the main bill, the bill presented to the House, does for the General Services Administration.

In addition, as was pointed out by the gentleman from California (Mr. HOLIFIELD), this Congress has already enacted Public Law 91–511 which does for the military what this bill does for the General Services Administration, but it does it on a temporary basis. By amending this bill in the manner that I have proposed, it makes permanent for the Department of Defense that which we have already done on a temporary basis.

I urge the support of the amendment and I urge the adoption of the bill.

Mr. BROOKS. Mr. Chairman, I have examined the amendment carefully, and I have no objection to it. I feel it would add considerably to the legislation.

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

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

Mr. MOORHEAD. Mr. Chairman, the gentleman from Texas and I had a colloquy during general debate on the subject of landscape architects, and would those same statements apply with respect to the amendment offered by the gentleman from Washington (Mr. HICKS), if it were to be adopted?

Mr. BROOKS. Mr. Chairman, in reply to the inquiry of the gentleman from Pennsylvania I would state that to my way of thinking they would. The language of the amendment seems to be substantially the same type as the basic legislation.

Mr. MOORHEAD. I thank the gentleman for yielding.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment offered by the gentleman from Washington (Mr. HICKS).

I oppose the amendment on the same grounds and for the same reasons that I opposed the original bill. This furthers the particular case, the special interest case, to all architects and engineers who may function for the Committee on Armed Services the same as the bill did for the architects and engineers which are applicable to the General Services Administration and other agencies which might be under some jurisdiction of our committee. This is compounding the injury which we are doing to the taxpayers. This is raising a new qualification which goes under the name of professional. There are all kinds of professions. There is the engineering profession, there is the chemistry profession, there is the physics profession, and there are many other kinds of professions, so if we are going to play favorites, if we are going to give to the architects and engineers for the Defense Department and the General Services Administration particular special interest, thus eliminating conceptional designs from any type of competition in the conceptional designs, then we might as well do it for all the professions. And this seeks, of course, to put into the RECORD what the distinguished chairman of the Committee on Armed Services put into the colloquy of the debate under a unanimous consent request a day or two after the conference report was passed on the floor of this House.

I can appreciate the objectives of these gentlemen in doing this, without any disparagement of their motives, but I can only again repeat that this compounds the injury to the taxpayers in that it eliminates even a conceptional design from being considered in a competitive way.

The bill provides that three qualified firms shall be selected in the architectural and engineering fields, but it does not provide any competition between the three. It just merely says pick three firms, and if you do not like the first one you go to the second one, and it is not until then that you have more than one conceptional design, and if you do not like the second one you go to the third one, and, of course, by that time you have the three conceptional designs.

Now, why do we not start off by giving this an honest play and letting the three qualified organizations that have been selected by the agency submit some conceptional designs, not in the final, ultimate complete design form, which, of course, runs into many hundreds and sometimes thousands of pages, but the conceptional design as to how they are going to approach a particular architectural and engineering job, what kind of materials they are going to use, what kind of architectural design they are going to use, and at least an estimate of how much it would cost the Government.

This way you have no competition in those fields of conceptional design and approach. And as one of the gentlemen said, the gentleman from Texas (Mr. ECKHARDT), this is a grandfather protection clause for the well-established architectural and engineering firms, and it will keep the rest of them that have not been able to achieve that widespread architectural and engineering reputation out of the running, because they will never get down to them.

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

Mr. HOLIFIELD. I yield to the gentleman.

Mr. RIVERS. By the same token, if you selected your architects by competitive bidding, one could be the low bidder and you would be stuck with him if he were responsible and if you brought in a bond, or whatever they require, you would be stuck with him whether he was worth a continental damn or not.

Take the Rayburn Building. Say that somebody underbid the architect on that. You would be stuck with him. You would not know how to get rid of him.

Mr. HOLIFIELD. I understand the gentleman, but my time is running out.

Mr. RIVERS. I will get the gentleman additional time.

We have it every day in the military with the so-called contractors who are nothing more than brokers. They come in with a bond. They are responsible and they get the contract. They go out and foul up a project and the bonding company has to build it.

What the gentleman has said does not any more follow than the man in the moon.

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

(Mr. HOLIFIELD asked and was given permission to proceed for 3 additional minutes.)

Mr. HOLIFIELD. Mr. Chairman, in response to the distinguished gentleman, no one has advanced the idea that this should be competition on the basis of cost—no one that I know of. It is one of the facts that certainly should be considered. But what I am talking about is that you eliminate the Government knowing what the cost factor of a different kind of building might be as against a kind that the grandfather firm offers to build for you. So you have no idea at all of the competitive value. It might very well be a building of a different material or a different design that might serve the Government's purposes just as well as a more expensive building. If that be true then and the Government decided—and remember these three architect and engineering firms have been selected on the basis of their qualifications—so we are not talking of what the gentleman is talking about. He is bringing in another subject matter that is not under consideration in the bill.

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

Mr. HOLIFIELD. I yield to the gentleman.

Mr. RIVERS. That is what the DOD wanted to do. Take for instance, the Rayburn Building.

Mr. HOLIFIELD. I do not know what the DOD wanted to do. We are talking about the legislation that is before this House.

Mr. RIVERS. The Department of Defense is the biggest contractor in America.

Mr. HOLIFIELD. That is right.

Mr. RIVERS. The DOD is the biggest contractor in America, to the extent of about $2 or $3 billion a year.

Mr. HOLIFIELD. Now in this bill, with the Hicks amendment, you are prohibiting them from having any kind of conceptual or design competition.

Mr. RIVERS. Oh, no; you are not.

Mr. HOLIFIELD. Yes, sir; you are.

Mr. RIVERS. No, sir; you do not.

Mr. HOLIFIELD. Yes; you are because you are looking at only one design.

Mr. RIVERS. The gentleman completely misses the idea of the whole business. Take the Rayburn Building. Somebody found a stream under there and the man did not know how to cope with it.

When you go into a community and get the local engineer, he knows what is under the ground in this place and the way they select them now is the only way they can build a foolproof—if there is any such thing—way of procuring people who create things.

Mr. HOLIFIELD. The architect of the Rayburn Building was selected without competition, as I understand it, and then they found a river or a creek.

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

Mr. HOLIFIELD. I yield to the gentleman.

Mr. GROSS. Yes, they found this Tiber Creek under that building and it has been on every plat in the District of Columbia.

Mr. HOLIFIELD. I agree with the gentleman.

Mr. RIVERS. It has been on every plat in the last 150 years.

Mr. STEIGER of Arizona. Mr. Chairman, I would submit that what the gentleman has portrayed in reference to the distinguished chairman's reference to the Rayburn Building, as a direct result of one-company negotiation, and very properly that this was a result in which the architect was negotiated with no attention to competition or the prospects of other designs. As a result, they came up with a creek they did not know about.

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

Essentially the same factors apply to military procurement as to civilian procurement. You are talking about the young architects and young engineers. They could be entirely out in the cold as far as Government business is concerned if we do not adopt this kind of legislation. Young men starting out in business cannot afford to invest in draftsmen and talent for an elaborate, complete or conceptual design. We must think of the young architects and engineers. Unless we pass this legislation with this amendment, their opportunities are going to be minimized as far as getting jobs with the Government in defense or in Government in general.

Everyone talks about competition. Nobody likes to have it. I want to say this about architects and engineers: Under the system that the Government has been utilizing for 30 years and as reflected in this legislation we have competition. Three people are chosen whom you think can do the job best for the country. You select one of them. You select the one you think is the best and say to him, "Now, partner, what are your costs to do this job? This is what we think the job is worth based on what we feel will be the cost and the size of the job."

By this means put a price on it. You have a man you know can do the job, and it is the only way to get a good job. If we are going to auction off design contracts for big buildings, we are going to get some pretty sorry buildings. We will enhance the maintenance cost. We will enhance the original cost. Anybody who has ever built any structure bigger than a chickenhouse knows that you cannot go out and auction off the job of architecting and engineering. Nobody does that. Nobody would do it. I say that we would make a serious mistake if we should turn this over to auctioneers. I do not want an auctioneer to determine the doctor who will operate on me. I want to pick a good one, and then we will talk about what he will charge me. But I want to pick him first. You do not advertise in the newspaper for a man to do heart surgery on you.

I think the amendment is wise. It would continue the opportunity that architects and engineers have had to do a good job for this country as they have for the last 30 years.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I asked the gentleman to yield for the purpose of at least clearing up in my mind a statement the gentleman just made, because I do not believe that is what he really meant. The gentleman said:

> We will negotiate with this individual firm on the basis of price only. We will ask them, "Will you do the job?"

I believe the figure mentioned by the gentleman was 4 percent. What I think the gentleman meant was, "Will you do the quality of job we would like if this is the price?" Is that not correct?

Mr. BROOKS. What I meant was that we will pick three firms that we feel are highly qualified, competent, and able to do the proposed job. Then we would select one that we would feel was qualified. He will already have scanned the job. He would be familiar with the specifications. He has made his evaluation. Then you talk to him about what you are going to pay him. You have already reached the decision between yourselves as to who can, who will, and who wants to do the job properly.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield further?

Mr. BROOKS. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I think there is the nub of the difference between the gentleman's position and that of the chairman of the full committee and myself. We honestly feel that if we use the talents of all three of these agencies and require them to come up, all three of these firms, require them to come up with a concept which the purchasing officer can then analyze, you will end up with a better product. We are both talking about the same thing. We do not want to shop the price. We want to get the best possible design. I think therein lies the nub of the argument.

Mr. BROOKS. In reply to the statement of the gentleman, if each of them puts up a design, it will undoubtedly cost the Government more money, because someone has to meet the costs of those designs that were not accepted.

Second, if you shop the price between three people, you might as well shop it among 100 because, in the first instance you know when you get down to the nub of the matter, it will be a question of price, and you might as well go in low. This is the disadvantage of that particular approach. I think we should pick on the basis of quality, competence, and ability. Those are the first characteristics. Then you discuss what you want to pay.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. HICKS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ECKHARDT

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

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: Page 3, line 18, after the word "shall", add the following: ", after consideration of such alternate conceptual designs and consideration at their feasibility and costs as may be deemed by the agency appropriate,".

Mr. ECKHARDT. Mr. Chairman, this amendment accomplishes the purpose that was argued for a moment ago by the gentleman from California. The way the bill is now written, as you will note in section 904, and I quote:

The agency head shall negotiate with the highest qualified firm for a contract . . .

The only criterion between the three firms, as I read it, is which is the most highly qualified firm. That is just the same as the firm with the highest reputation. Of course the agency can take into account, as provided at the end of this sentence: "the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof."

What we are considering is which firm is qualified to do a specific job, but the job is wholly defined by a bureaucrat. The determination of how the job can be done is wholly crytallized.

Mr. Chairman, that is what is wrong with this bill. What ought to be permitted is some competition with respect to the manner in which the job is to be done. An engineer knows a cheaper way to build a bridge. An architect knows a better way to build a building, so that more space will be utilized. An architect knows how to put the elevators into a certain place so as to afford more service to more areas in the building cheaper than if the elevators were put in another place. As between the three architects that bid, we ought to be able to take into account conceptual design. That is what this amendment does. It does not in any way change the basic idea of the bill. It simply brings in this additional criterion, in addition to the highest qualified firm, that is, in addition to the one with the best reputation.

After consideration of such alternate conceptual designs and consideration of their feasibility and costs—and note this—"as may be determined by the agency appropriate," then they can act.

If the agency does not want to deem any change appropriate and the agency wants to say, "Look, it has to be done our way, and there is no choice, and we do not want any other alternative suggested," then the agency can say that, because the qualification is that the alternate designs will only be considered if the agency deems the offering of those designs appropriate.

This amendment does no harm to the bill. This amendment does bring into consideration things other than just the kind of stuffed-shirt reputation that may carry one old firm to success over some new firm that has a better idea. That is all this does.

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

Mr. ECKHARDT. I yield to the gentleman from Washington.

Mr. HICKS. Mr. Chairman, I have gotten a great deal of mail on this particular bill. I suspect the gentleman has also. Has the gentleman gotten any mail from the young architects or engineers he is talking about, saying he should vote on this bill? All of my mail has been in favor of it.

Mr. ECKHARDT. Mr. Chairman, I suspect those people do not even know the bill is up. I imagine they are in a pretty remote position, but I imagine there are some young men who have some ideas to give in this field. Why cut them out?

Mr. HICKS. Mr. Chairman, I understand the gentleman has a great reputation as a lawyer prior to coming to Congress, and he still has it, but is not that how he got much of his business, because he has had this great reputation?

Mr. ECKHARDT. Mr. Chairman, if the gentleman will permit me to say so, if I had that much reputation, I probably would not have run for Congress. But there were many others in the same game with me. I was able to compete with them, as every professional man must do, on the basis of my ideas. No lawyer wants somebody to tell him how to try his case. I tried to settle a case out of court if I could, just as I think an architect ought to try to work out his problems the cheapest and most effective way possible.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. The gentleman from Washington raised a question which I simply feel is invalid. While it has been raised many times in the course of the discussion over this matter, the equation of the legal profession and the medical profession with the architect-engineer profession I believe is invalid, and I believe it merely muddies the water. We are dealing here with specific conceptual ideas as to specific buildings.

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

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

Mr. STEIGER of Arizona. I want to congratulate the gentleman for his concern and his approach. I wish to point out that if we do not either adopt the gentleman's amendment or reject the bill as it now stands, we are outlawing competition legally and almost certainly for all time, because the strength of the lobbying efforts of the established architect-engineering firm has been clearly demonstrated.

I urge that if we fail to adopt the gentleman's amendment we should vote the measure down.

Mr. ECKHARDT. I appreciate the gentleman's remarks, and I believe he is correct.

Even if there were an analogy with the legal profession, I want to point out that my amendment does not reintroduce price competition, but it reintroduces the idea competition which I should like to invite from a lawyer or an architect or a doctor.

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

I would say concisely I believe the amendment would do nothing but add to the cost of any construction. If this amendment were made a mandatory provision which it is not or if it were used extensively, these dangers of over extension of the amendment are of particular concern to me. If we require three architect-engineers to render conceptual designs, we cannot assume that the design work of all three firms will be paid for by the Government. This would increase the cost of the entire project.

Remember that in most instances this is what we employ an architect or engineer to do a design. The specifications state the number of rooms, the purpose of the building, the number of reception rooms, the number of meeting rooms, and so on, and generally what facilities they will have and what they will be used for.

From those facts the architects and engineers do conceptual designs. They may, after they get the job, do two or three or four design concepts before deciding upon the most effective considering all the essential data they have gathered and evaluated during the design process.

We are now considering the possibility of having conceptual designs by the three ranking architects and engineers before they give him the job. My argument is that anybody can submit a picture, a design, sketch or a drawing, if he wants to, but until they finally select the architect and engineer it is not very likely they are going to get a very substantial conceptual design to meet the requirements under the specifications. In many cases the basic data such as ground conditions may not even be available.

For these reasons I feel that this amendment would be unwise and unnecessary. Furthermore, if for any reason application of the concept were to go beyond those projects in which it was clearly appropriate, the effect of the amendment would be unnecessarily costly to the taxpayers and would discriminate against smaller firms of architects and engineers.

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

Mr. BROOKS. I am glad to yield to my friend and neighbor from Texas.

Mr. ECKHARDT. May I suggest to the gentleman that his argument is well taken and would have been effective if it had not been stated here that such conceptual design as may be deemed by the agency appropriate is what is involved. It does not require the agency to ask for it, but it permits the agency to ask for it.

Mr. BROOKS. I believe that the agency, if it believes it advisable, would certainly welcome such design now. Any architect who thought it was a good idea could submit one now, if he just happened to have a few draftsmen around

and wanted to spend $20,000 or $30,000 and wanted to gamble.

This is just the type of thing that would eliminate any young architect, any young engineer who is bright and willing to gamble, from the opportunity of obtaining a design contract with the Government.

Mr. ECKHARDT. Since there is no requirement for such a conceptual design, and since the highest qualified firm must get the bid, once the agency has put out its bid it may not ask for alternate conceptual designs. This is only permissive, to permit them to do it before making a final selection.

Mr. BROOKS. I understand the gentleman's position. There is no objection to anybody who wants to do a conceptual design on any number of buildings that the Government is submitting right now. To the extent that authoratative data are available, anyone can go ahead and submit a conceptual design if they want to gamble that kind of money. I think it is unrealistic, and unfair and if overzealously applied would waste tax funds. For these reasons I oppose the amendment.

Mr. HOLIFIELD. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I cannot sit here and allow the logic of the argument of the gentleman from Texas (Mr. BROOKS), to obtain, because no one can send in a conceptual design unless they are among the three selected as qualifying. No small or unknown or partially known or well-known agency, even, that is not selected among the top three could send them a design. I doubt whether two out of the three can send in a conceptual design, because the bill requires the agency to negotiate with one; the one that they consider the most qualified. It does not permit the other two to send in conceptual designs.

If the gentleman from Texas (Mr. BROOKS), will accept the amendment offered by the gentleman from Texas (Mr. ECKHARDT), then the three architectural engineers would be qualified and only those three could submit conceptual designs for the consideration of the agency. That is all we are asking. if you want to put any kind of competition at all into this field, we should accept this amendment. We are saying let us have three conceptual designs for the job placed before the agency. Then the agency picks the top one and sees if he is qualified under the bill and negotiates with him. If that turns out to be unsatisfactory, they can negotiate with No. 2. Then, if that turns out to be unsatisfactory, they can negotiate with No. 3.

We are trying to bring some semblance of competition into this bill, which, in my opinion, is a completely inadequate bill.

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

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

Mr. BROOKS. I want the gentleman to understand that a conceptual design is a pretty involved presentation.

Mr. HOLIFIELD. The gentleman is quite aware of it, and the gentleman also knows there is quite a bit of difference between a conceptual design and a complete design.

Mr. BROOKS. That is right.

Mr. HOLIFIELD. The gentleman also knows that any competing architect or engineer would finance his own conceptual design and send it in and it would not cost the Government 1 cent if they lose, but the cost would be borne by the architect or the engineer who lost because of his effort to get the business.

Now, this happens in practically every phase of business today where different people are competing for services or projects. They send in conceptual designs, including their estimate of the cost.

Mr. BROOKS. That is exactly what I want to point out. When the Government advertises its specifications, it sends them to dozens of architects around the country for presentation of bids on this particular job. Any architect who takes a look at that specification can then submit over a period of months—months—before they submit their bid. The three most qualified are chosen. All during that period of time, if, as the gentleman points out, they want to submit a design then they can.

Mr. HOLIFIELD. The language of the gentleman's bill does not provide that. It says in section 903:

SEC. 903. In the procurement of professional services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evalute current statements of qualifications and performance data on file with the agency—

That is not the conceptual design—

together with those that may be submitted by other firms regarding the proposed project, and shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three or the firms deemed to be most highly qualified to provide the services required.

I will ask the gentleman this one question. Will the gentleman from Texas yield for just one question?

I will ask the gentleman from Texas this question: Do the three qualified firms selected by the agency have any opportunity to submit conceptual designs unless they are requested to do so?

Mr. BROOKS. Mr. Chairman, if the gentleman will yield further, yes, they do, as well as, perhaps, 50 other architects who have known for 2 or 3 months that such a proposal is going to be made and they can at that time submit one.

Mr. HOLIFIELD. But the gentleman's bill does not contain that qualification. It says that they shall submit their statement of qualification and performance data and does not provide an invitation for a conceptual design.

Mr. BROOKS. Of course not. One does not submit a conceptual design on qualifications.

Mr. HOLIFIELD. The negotiation is with the No. 1 firm selected by the agency as to the evaluation of their qualifications.

Mr. BROOKS. On your qualifications and basic merit and ability and not on a particular job. This is to determine whether or not you might be capable of doing a conceptual design and final design on a job that might be determined when you submitted the qualifications.

Mr. HOLIFIELD. However, the agency is mandated to select three qualified firms. How could the other firms submit a conceptual design?

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

Mr. REID of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

As I understand the amendment which has been offered by the gentleman from Texas, it would permit one of the three firms, or all three of the firms, to provide conceptual designs and their price estimate.

It seems to me that that would be a rather necessary ingredient in any fair evaluation and, indeed, if a firm could not get some conceptual design and some estimate of the cost involved, I think the Government would not be in a full position to make a fair judgment. Is that a fair statement of the gentleman's amendment?

Mr. ECKHARDT. Not precisely. The one thing I tried to point out in the colloquy is that this is only when the agency may ask for conceptual designs among the three top firms.

Mr. REID of New York. It was my understanding that it was permissive and could go beyond the statute and be put into practice by the GSA which could be somewhat derelict in making judgment if it did not take into consideration both the qualifications and performance data of the firm and to some extent some ideas that go beyond the number of rooms and total floor space to the conceptual design and, indeed, the estimate of the cost.

It seems to me that would be a reasonable thing an executive would want to look at.

As I understand it, the amendment which has been offered by the gentleman from Texas does not require it, but it makes it possible.

Mr. ECKHARDT. The gentleman from New York is correct. It includes the consideration of the cost in the body of the amendment. The consideration of the cost is also written in the last phrase.

Mr. REID of New York. I thank the gentleman. I think it is a good amendment and should be supported. The consideration of price is not necessarily the most important consideration—design, for instance, might be more important—but nevertheless I do not think that we should exclude price as a consideration. This amendment simply makes possible the consideration of both design and price, in addition to the qualifications of the firms or individuals applying for the contract.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

Mr. Chairman, I would only point out the fact that I join with the gentleman in support of the amendment. If we do not use the language in this amendment, we have foreclosed the young architectural engineer, because imagine if you will, the young architect which approaches No. 2 firm or No. 3 firm and says, "I have an idea and I want you to look at it." They say, "We are not going to be negotiated with." He says, "I have a plan for you to the No. 1 firm," and the No. 1 firm says, "We do not need any conceptual ideas."

At least, this will permit the analysis of some new ideas.

Mr. Chairman, I urge support of the amendment.

Mr. REID of New York. I thank the gentleman for his comments.

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

Mr. Chairman, I would like to underline some of the remarks of our distinguished chairman in his supplemental views which are a part of the report:

> We have too many such bits-and-pieces of legislation in this field, and the Congress recently has created a Commission on Government Procurement to examine the vast accumulation of procurement enactments in the interests of more consistency and coherence. The subject of architect-engineer services is on the Commission's study agenda. Before legislating on so complex and controversial a subject, the Congress ought at least to have the benefit of the Commission's findings and recommendations.

I would say concerning this that we are not advocating any innovations here this afternoon in this legislation as it is. We are saying let the departments and agencies continue the practices which they have been practicing for 30 years, and if the Commission which the Congress has created desires to come up with some alternative recommendations let us then consider them at the time the Commission makes such recommendations. What we are now doing in this proposed amendment is trying to change the established system without benefit or advice of the Commission we organized and created for that purpose.

Mr. BROOKS. Mr. Chairman, if the gentleman will yield, I might say in support of the position of the gentleman from Alabama in opposition to the amendment, that this would possibly increase the cost to the Government without any compensating benefit. If this language were overzealously applied in the form of formal, detailed conceptional designs, this additional design work would then increase their costs. I feel that the architects and agencies, like most people, would end up passing on these costs to the consumer, or in this case to the Government.

Mr. BUCHANAN. I certainly concur that this would tend to increase the cost of the architectural and engineering services, and I oppose the amendment.

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

Mr. Chairman, I think the purpose of the amendment is good; namely, to have the firms that, from the point of view of experience and background, seem qualified to do this job, at the invitation of the agency involved where appropriate to have them also submit some kind of preliminary design concept. A preliminary design concept would vary with the nature and requirements of the project. In no event should the preparation of a preliminary design concept involve unreasonable expense for the participating firm. If this amendment is agreed to I hope that we will make some legislative history that we would want the agency to limit what would be submitted by the engineering and architectural firms under the heading of conceptual designs so that there would not be a runaway competition where firms might end up spending thousands of dollars.

In the early days of the urban renewal program this took place, where development sponsors and their architects were competing for large jobs in New York, Chicago, San Francisco, and the other major cities, and there the competition just ran wild, and the firms were spending literally thousands of dollars on their architectural planning propositions. And it finally became the practice for cities in advertising for urban renewal sponsors to limit architectural and planning proposals that could be made to a certain number of pages, where the models could not be larger than x number of square feet, so that the expense was held to a modest amount.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, I want to call to the attention of the Members of the House that the gentleman from New York (Mr. SCHEUER) has engaged in some of the largest building operations in the way of apartment houses and things of that kind before he came to the Congress, and probably knows more on this subject than possibly any other Member, and what he is saying here I concur in, and it is the way that I think it ought to be, particularly regarding qualified architectural and engineering firms, and then let them submit conceptional designs in competition with each other, and then let the negotiations proceed.

I will say this, that if the gentleman from Texas (Mr. BROOKS) wants any semblance of competition at all in this bill, and will accept this amendment, or if the House passes this amendment, I will vote for the bill, otherwise I will have to vote against it.

Mr. SCHEUER. I thank the gentleman, and I say that I support the amendment. I think where appropriate it is an excellent thing to have proposals on architectural planning and design. It is often clear the places in which it is appropriate, and those in which it is not. For a housing project, a school, a library, a visitors' center, it may be appropriate. For a sewer plant or for a road it probably would not be.

Mr. Chairman, I urge the House to make this legislative history that if agencies are empowered at their discretion to invite submissions of architectural design, planning and esthetics that they be limited in what the architects and engineers are permitted to offer to keep the costs down to a minimal level so as not to limit competition by extravagant costs that we know have been incurred historically in urban renewal presentations.

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

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

Mr. WHITE. Would not the provision to provide for three submissions of constructural designs by selected architects help to eliminate the danger of cronyism—rather than to have the selection of one architectural firm by the decision of one agency?

Mr. SCHEUER. I think the whole idea of opening up large Government jobs to competition is an excellent one. This bill sponsored by the gentleman from Texas does that. I think it is an excellent thing to add the additional dimension of competition that is offered by this amendment, namely, esthetics of the design concept and planning concept.

My only caveat is that we restrict the cost of preliminary conceptual designs to the minimum by limiting what architects and engineers will be permitted to enter as their design concept. This is necessary to keep the cost of presentations from getting out of control.

Limiting the costs of design submissions is especially important to smaller firms. If the costs of submissions were allowed to get out of bounds smaller firms would find themselves at a severe disadvantage in competing with larger, more affluent firms.

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

The question was taken; and on a division (demanded by Mr. ECKHARDT), there were—ayes 32, noes 26.

So the amendment was agreed to.

The CHAIRMAN. Are there any further amendments to be proposed?

Mr. ECKHARDT. Mr. Chairman, I ask unanimous consent that the amendment placed in the bill by the gentleman from Washington (Mr. HICKS) in section (j)(1) be permitted to be open for amendment at this time. I think I am joined by the gentleman in this request.

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

There was no objection.

The CHAIRMAN. The action by which the amendment of the gentleman from Washington was agreed to is vacated and the amendment is open for amendment.

AMENDMENT OFFERED BY MR. ECKHARDT TO THE AMENDMENT OFFERED BY MR. HICKS

Mr. ECKHARDT. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Washington (Mr. HICKS).

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. ECKHARDT to the amendment offered by Mr. HICKS: In section (j)(1) of the amendment, after the word "shall", add the following: "after consideration of such alternate conceptional designs and consideration of their feasibility and costs as may be deemed by the agency appropriate,".

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, this only makes the section concerning the military conform with the provisions of the original bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT) to the amendment of the gentleman from Washington (Mr. HICKS).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington, as amended.

The amendment, as amended, was agreed to.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I take this time in order to ask the gentleman from Texas whether, in the consideration of the Eckhardt amendment providing for the submission of preliminary conceptual designs as part of the element of competition, it was not the intention of the House that the agencies that would invite the three most qualified firms to submit schematic drawings would make it very clear that they intended such offerings to be economical, to be of modest cost, and that they would limit the type of presentation and the number of exhibits, the size of the model, and the complexity and sophistication of the exhibits so as to avoid unreasonable or exorbitant costs, so that it would be possible for each of the three firms to submit such schematic drawings and exhibits at a modest and minimal cost? Was this not the intention of the House?

Mr. BROOKS. In reply to my friend, I would say I hope that my concern lies principally with an overzealous application of the language as contrasted to a fair and reasonable application of the amendment that would be added to the bill. As I have previously indicated, this language could be interpreted to require costly and time-consuming design concepts to be submitted by the ranking firms at a time when authoritative data essential to the development of an optimum design might not be available and under circumstances which could discriminate against the younger and smaller architectural firm who would not have the financial resources to develop design concepts on projects for which they did not have a firm, binding contract with the Government.

In reply to my friend, I would say that the amendment is subject to a reasonable interpretation—that this amendment is to give the constructing agency a general idea of the design approach that the firm would take—that the amendment relates and is limited to preliminary concepts and that it is not intended to become a costly and unpaid-for burden or expense on firms wishing to participate in Government work. Certainly, we do not want the experience you cite in urban renewal; namely, the submission of preliminary conceptual designs costing thousands of dollars, to come about as a result of this language.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PRICE of Illinois) having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 16443, to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government, pursuant to House Resolution 1245, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whcle.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MARKET PROMOTION AND IMPORT RESTRICTIONS

Mr. FOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18884) to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. FOLEY).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 18884, with Mr. BURKE of Massachusetts in the Chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Washington, (Mr. FOLEY), will be recognized for 30 minutes, and the gentlewoman from Washington (Mrs. MAY), will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, this bill brings together for the convenience of the committee and the House four matters which are grouped in titles I to IV of the bill. It would have been possible for the Committee on Agriculture to report these as separate bills, but it was felt that in the final days of this session of the Congress, it might be more convenient to consider them as titles to one bill, because they do, in many ways, deal with similar material.

Title I of H.R. 18884 authorizes the amendment of marketing orders for milk, to include authority to provide for paid advertising and to allow separate marketing orders to be amended for the purposes of research and development projects as well as advertising, excluding granddad advertising, and to engage in other promotional and educational programs to enhance the sale and consumption of milk and milk products.

Title II of the bill provides the same authority for marketing orders for other commodities. We have had a number of proposals introduced and referred to the Agriculture Committee to allow the amendment of marketing orders to include research and promotion. The House has actually favorably acted on two of these bills, which were recommended to it, those dealing with apples and papayas. When it became clear to the Committee on Agriculture that a number of other bills would be introduced to ask for similar treatment for other commodities, it seemed more efficient to recommend to the House general authority for the amendment of marketing orders for any commodity and to put all of these commodities on a similar footing with respect to promotion and research and advertising.

Because of a technical problem in the Marketing Agreement Act of 1937, the milk section, which was a different section of the Act, has to be treated as a title all by itself. That is title I.

Title II deals with all other commodities.

Title III of this bill is authority for the development of a national research and promotion program for potatoes. This proposed legislation is exactly similar to that which passed the Senate. It is the result of an effort to accommodate this legislation to recommendations of the Department of Agriculture.

The Senate version which is incorporated in title III of this bill is adapted from the recommendations of the Department of Agriculture to an earlier bill. It is true that similar legislation was defeated on the floor on November 12 of

last year, but this legislation now involved in title III is different in that it incorporates the Department of Agriculture's recommended modifications.

The title would authorize the creation of a national potato promotion board and the assessment of not more than one cent per hundredweight of commercial potatoes by handlers for the development and promotion of a national plan for the advancement of potato consumption and research.

The board would be selected by the Secretary of Agriculture from nominations made by producers.

The board would have authority to expend these moneys, but all of them would be accountable to the Secretary for the proper utilization of the funds presented. There would be limitations on what could be expended.

It would not be possible; for example, to carry on any advertising program against any other commodity, and the Secretary would have the authority to review the conduct of the program by the board.

In order for the plan to come into effect it would have to be supported by two-thirds of the producers by number or volume, but at least a majority of the producers in the country; and a majority could terminate the plan, or it could be terminated by the Secretary.

The need for a national potato promotion program arises out of the fact that there are hundreds of thousands of potato producers in the United States. They are in a situation where falling income requires every effort to increase the consumption of potatoes and potato products. They want to engage in a self-help effort to provide the funds for advertising and research and promotion themselves.

But it is literally impossible to effect such a program by voluntary action because of the great number of producers in all the 48 continental States which would be affected by this program. Attempts at voluntary contributions and voluntary effort without some form of government structure have just not been considered very promising. Inevitably some producers would bear the burdens of the program and others would benefit.

This plan is very similar to the cotton research and promotion program which was authorized by the House and enacted by Congress in 1966. As in the cotton promotion program, there is an opportunity for any producer who does not wish to participate in the program to apply for and receive a refund of any contribution he has made.

Those farmers who farm less than 5 acres of potatoes are not considered commercial under the act and are excluded altogether.

The final title, title IV of this bill, deals with some restrictions on the importation of olives, raisins, and prunes. Where existing grade, quality, and maturity standards apply to American production of these commodities, this section would require similar standards to be met by imported commodities.

Now, there is one exception to the bill as reported. The gentleman from California (Mr. SISK), one of the principal sponsors of this legislation, will offer an amendment which will be accepted by the committee to eliminate Spanish-style green olives from the provisions of title IV. This will remove the objection of the Spanish Government and the Spanish olive association to the enactment of this title.

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

Mr. FOLEY. I yield to the gentleman.

Mr. FINDLEY. I am sure the gentleman will recall that the potato bill was up the last time together with the support of some other commodities and it had some amendments in it, one of which placed on the resources produced through the checkoff the full administrative cost of the program, the initial referendum cost and the administrative expense each year. Can the gentleman state whether or not in the proposal now before this body the potato measure is in the form in which it originally came to the floor of the House last year or has it been amended as it was amended on the floor last year to provide that the total administrative, referendum, and other expenses would be borne by the proceeds of the checkoff?

Mr. FOLEY. It is in its original form as it was reported to the floor before amendment.

Mr. FINDLEY. Can the gentleman give us an estimate as to the number of dollars the taxpayers may reasonably be expected to pay to cover the cost of the referendum and the annual administrative expense on the potato items as well as the other items of the bill?

Mr. FOLEY. The report from the Department of Agriculture indicates that the estimated cost of the referendum for the potato section, which is title III, would be $325,000 for the initial referendum if a full-scale referendum by voting at local ASCS offices were undertaken, but the Department has stated that if the potato associations could provide up-to-date and reliable mailing lists, the referendum could be conducted by mail at a cost that they estimate would not exceed $180,000. We were assured in the hearings that such mailing lists are available to meet satisfactorily this requirement of the Department. So, in answer to the question of the gentleman, the cost of conducting the referendum for the potato section would be $180,000 for the initial referendum. The annual estimated cost by the Department for administering such a program, if adopted, would be $80,000 a year.

Mr. FINDLEY. The gentleman, I believe, stated that this bill goes beyond the potato bill of last year and includes olives, prunes, raisins, and milk.

Mr. FOLEY. Yes; the estimated costs of those titles are as follows: It is estimated the milk section, title I, would cost, in Department of Agriculture figures, $200,000 for each of the first 2 years and a lesser amount thereafter. Title II, which deals with other commodities than milk, is estimated to cost about $7,500 for each amendment to a marketing order. The Department does not expect more than eight such orders to be amended within the first 2 years of the bill. New orders, that is, those that do not exist at all for any commodity, are estimated to cost about $25,000 a year to administer, but this deals with the amendment of existing marketing orders for commodities to include promotion, and it would not cost the full $25,000 because it would require only some slight additional administration.

Mr. FINDLEY. But the bill reduces the cost, at least during the first 2 years, by at least $1 million to the taxpayer; does it not? Would that be a reasonable ballpark estimate?

Mr. FOLEY. No; I think that is high. We have estimates that it would cost $180,000 to conduct the potato referendum and $80,000 on top of that which would make it $260,000. Then $200,000 for the milk section would be a total of $460,000 and not more than approximately $60,000 to $65,000 for the other commodities. So I would say it would be in the neighborhood of one-half of what you mention or about $500,000.

Mr. FINDLEY. I thank the gentleman.

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

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

Mr. TEAGUE of California. Whether it is $300,000 or $400,000 or $500,000 or even $1 million, it seems to me we should bear in mind the fact that these are essentially self-help programs and a few hundred thousand dollars to help these producers who are not subsidized by the Government and who do not participate in our feed grains, wheat, and corn programs is virtually nothing. I think that distinction should be borne in mind.

Mr. Chairman, anyone who voted for the omnibus farm bill, which I did not, certainly ought to be able to vote for these essentially self-help programs.

Mr. FOLEY. This is basically a self-help-type program which I think ought to be encouraged. The gentleman from California and I differ on the omnibus farm bill, as the gentleman knows, but I agree with the gentleman that it would seem strange if the House, having supported the omnibus farm bill at a cost in excess of $3.7 billion annually, would now reject this bill because of a cost of about $500,000. I must repeat that this bill provides for a variety of self-help programs by commodity producers who do not share in general price-support legislation. The cost of this bill is about one ten-thousandth of the cost of the general farm program. It is surprising that Members of Congress would come down so hard on self-help programs by insisting upon extracting even the administrative costs of the program from the producers.

I agree with the gentleman that these producers should be encouraged rather than discouraged. The effort to extract the cost of the administration from these programs when we extract them from no other program is difficult to justify.

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

Mr. FOLEY. Yes; I yield further to the gentleman from Illinois.

Mr. FINDLEY. The gentleman indicated that the committee would accept an amendment dealing with Spanish olives. Does the gentleman know if the committee will accept an amendment to

place the administrative cost of these programs on the income of the checkoff?

Mr. FOLEY. I would personally oppose such an amendment.

Mr. FINDLEY. The gentleman might oppose it, but the committee has not taken a position on it?

Mr. FOLEY. No; it has not.

Mrs. MAY. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I thank the distinguished gentlewoman from Washington for yielding to me this time.

Mr. Chairman, I want to point out to the House that title II of H.R. 18884, the bill we are considering at this time, is practically the same as the wording used in H.R. 2777 which was rejected by this House on November 12, 1969.

Today we have an omnibus bill with four titles.

Now, we could have sweetened this bill considerably by adding honey. For some reason or other the honey people were excluded. No one has ever given me a legitimate reason as to why they should have been excluded. They have asked for the same privilege.

Mr. Chairman, I want to warn the House that if we pass this bill today we are opening a Pandora's box. Every farm commodity group will be entitled to exactly the same consideration.

Mr. Chairman, we have absolutely no precedent for this bill. There are those who say we do have a precedent and refer to wool and cotton. Wool and cotton, I would remind the Members of the Committee of the Whole House on the State of the Union, are not food but, rather, fiber. They were given that privilege in order to compete with synthetics, and for no other reason. We are definitely setting a precedent because this is the first time we have had a checkoff program for financing one food as against another food commodity.

This bill can only mean increased costs to the consumer, the producer, and the Treasury of the United States.

Now, a word about the potato title:

This bill will only benefit a very small number of producers. A producer in this bill is defined as anyone raising 5 acres or more of potatoes. There are 310,000 potato producers in the United States, and under this bill only 17 percent would benefit, so we are actually excluding about 94 percent of the potato producers.

As has been stated, the USDA has estimated that a referendum will cost about $325,000, with a yearly administrative cost of about $80,000.

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

Mr. GOODLING. I yield to the gentleman from Washington.

Mr. FOLEY. The gentleman from Pennsylvania does not dispute, does he, that the Department has estimated that the cost of the referendum would be $180,000 by mail, and that in the committee testimony was received that such was feasible, and lists were available to conduct the referendum?

Mr. GOODLING. That is correct, if a list were made available, but as the gentleman will recall, the USDA was not certain it would have such mailing lists.

Mr. FOLEY. The gentleman may recall that the potato council indicated that they could provide such reliable, up-to-date mailing lists.

Mr. GOODLING. I am thinking more of the precedent than the amount of money involved.

Now, there are those who would say this would be of no cost to the taxpayers, because we are going to use section 32 funds. That to me is a rather ridiculous statement, and I have heard that statement made. Let me remind the Members what section 32 funds are.

Section 32 funds come from the duty on imports. In 1935, by action of the House and the Senate, we earmarked 30 percent for agricultural purposes. Section 32 funds are taxpayers' funds just as much as the tax money that comes out of your pocket and mine. I think that if commodity groups are to benefit they should at least be willing to pay the administrative cost. In the case of potatoes it has been anticipated that $2 million would be raised. It appears to me that the potato producers should at least be willing to pay the administrative costs.

Mr. Chairman, to me this is a bad bill. If we mix eggs, olives, prunes, and raisins with sour milk and spoiled potatoes for lunch we are going to have a tummy ache. I suggest that if this bill passes this House today we are going to sooner or later have legislative indigestion.

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

Mr. FOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Chairman, I rise in support of the bill which is before us now, and I particularly support title III thereof. The potato-producing industry has long played a major role in our national agricultural program. The production and marketing of potatoes is carried on in every State in the United States, and yet uncoordinated marketing habits have resulted in the failure of the potato industry to keep pace with the ever-changing trends in consumer buying. I believe this bill will provide a way to help the industry to develop new markets, protect the product, and develop new promotional means.

The point has been made that this is going to cost the taxpayer $300,000 or whatever the figure is. I believe it was finally resolved if we use the mailing list of the associations, it will come to $180,000 to conduct the referendum, and it will cost another $80,000 annually. But this is a pittance compared with the amount of money we are spending to subsidize other agricultural products.

In the State of Maine, for example, the second largest potato producer in the country, we are producing 150,000 acres of potatoes. The area is in northern Maine and is suitable for few other crops than potatoes, especially on a wide scale. Over the past few years, the potato industry in Maine and throughout the country has not received any subsidy from the Federal Government, not since World War II anyway, and the amount that is going to be spent to promote their products, which by the way is going to inure to the benefit of the consumer as much as it is going to inure to the benefit of the growers, is a pittance. I think it would be a wise investment by the House of Representatives to support this legislation.

The point has been made that only 17,000 growers are going to benefit from this; 17,000 growers growing 5 acres of potatoes or more. If you try to conduct a referendum of 310,000 growers throughout the country, this would be an unwieldy procedure and it would not be profitable because most of those growers producing under 5 acres, are using it for their own consumption or supplying their friends and neighbors, and not entering into the big market.

Furthermore, the benefits of any plan adopted by the 17,000 growers who are growing 5 acres and above will inure to the benefit of those growing under 5 acres.

So let me say in conclusion, I think the legislation is good legislation and that the cost involved is very small compared to the benefit to the consumers and the growers of potatoes throughout the country. I hope the House will give its overwhelming support to the bill.

Mr. GOODLING. Mr. Chairman, will the gentleman yield for a question?

Mr. HATHAWAY. I yield for a question.

Mr. GOODLING. Is it not a fact that the Maine potato growers defeated the referendum a year ago, similar to the Pennsylvania referendum which was defeated?

Mr. HATHAWAY. I will say in answer to the gentleman's question that the Maine potato growers are unanimous in their support for this particular legislation. Whether or not they defeated one in the State of Maine, to the best of my knowledge, I do not know—but the gentleman could be correct. But I know the Maine Potato Council which is the spokesman for the Maine potato growers has unanimously approved the bill which is under discussion right now.

Mr. GOODLING. I am certain I am correct in my statement when I say that the Maine potato growers defeated the referendum similar to the one that the Pennsylvania potato growers defeated a year ago.

Mrs. MAY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, a year ago the House rejected a potato bill, and I guess it might be said that the potato bill got mashed. This time we have a bill that has not only potatoes in it, but olives, prunes, and raisins and milk. So this might properly be called a potato salad bill and maybe the question before the Committee today is whether the potato salad will get tossed.

There are several aspects of this bill that trouble me. One part is the provision on dairy. If I am correct, and I hope the gentleman from Washington will correct me if I am wrong, the referendum authorized for dairy does permit cooperatives to vote as a bloc. Am I correct on that point?

Mr. FOLEY. Yes.

Mr. FINDLEY. This means that a minority of the producers of milk through the operation of bloc voting could effectively impose a marketing order for the majority of milk producers. Would anyone challenge that assertion? I believe that is a fair assessment of what could happen.

Another aspect is that the bill has no provision which permits dairy producers to get a refund. Dairy is unique in that respect.

Under the other provisions of the bill the producer who wants to go through the paperwork procedure can get a refund in the amount of the checkoff imposed against his marketed product. But for some reason this is not extended to dairying. I wonder if anyone can explain why dairy producers are given such exceptional treatment, are passed up in this regard? I hear no response to that question.

Another aspect of the bill that troubles me is the degree to which it puts the Federal Government into the product-advertising business. In reading the bill I note that the Secretary of Agriculture is the official who selects the potato board and the board for the other commodities as well. Therefore, through his office the amount of the checkoff is determined. Through his office authority is exerted over how the proceeds of the checkoff are spent.

Is it really in the public interest to put an official of the Federal Government so deeply into the business of product advertising? I question it as a matter of public policy, and therefore urge my colleagues to join me in opposing this bill unless, happily, it is amended enough to make it desirable, though I have not heard of any amendments to accomplish that.

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentlewoman from Washington.

Mrs. MAY. In response to the gentleman's question concerning the difference in the handling of checkoff on dairy products, the milk section of this bill is an amendment to the 1937 act, and there have always been dairy cooperatives and bloc voting has been traditional, as well as no producer refunds. The potato research title in this bill is another separate act, differing from the amendment to the 1937 act, which title I of the dairy bill is.

Mr. FINDLEY. Am I not correct in stating that the 1937 act is opened up?

Mrs. MAY. For amendment.

Mr. FINDLEY. An amendment which could guarantee the right of each milk producer to vote directly in the referendum.

Mrs. MAY. The bill is open for amendment. I just wanted to point out the difference in the approach between the two commodities.

Mr. FOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I rise in support of H.R. 18884, a bill which has been carefully considered by many subcommittees and the full Committee on Agriculture before being brought to the House floor today. As you know, there are four sections of this bill, each of which is extremely important to some segment or other of our agricultural economy. Of course, I am particularly interested in section 3, having been the cosponsor of similar legislation a few months ago; legislation which was defeated by this same House of Representatives by a margin of 27 votes, which I am positive was due to a misunderstanding on the part of some as to the intent of this legislation. Many of you who voted "no" on that occasion have assured me that with a more thorough understanding we can expect your support here this afternoon.

In the broadest sense this entire bill, and particularly section 3, permits our farmers and farm organizations to make their products more competitive in this Nation and the entire world by providing for promotion and research without any cost to the American taxpayer whatsoever, with the possible exception of the cost of the referendum.

For many years different commodities have been brought to the attention of the Agriculture Committee asking for special legislation to provide for marketing orders and special promotional plans. This bill, H.R. 18884, will to some degree eliminate the necessity of this legislative process in the future, at least as it relates to the four commodities covered.

Certainly anyone who believes in free enterprise, whether it be in industry or agriculture, should recommend the producers of these various products for their efforts to improve their economic status. Certainly in this day of an inflationary spiral which is touching all segments of our economy, except that which the farmer is receiving for his produce, this bill is sorely needed, and, in my opinion, deserves the support of every Member of this House.

In my opinion, this bill deserves the support of every Member of this House.

Mr. Chairman, I am well aware of the opposition of one of the major farm organizations and the campaign which they have conducted against particularly title III of the bill, but I would like to relate a little instance which happened a few months ago when the original bill was being considered. As I recall, there were 12 witnesses from the States of California, Washington, Idaho, Maine, and, yes, North Carolina, who appeared in support of this legislation. The only opposition expressed in that full committee hearing was by a gentleman named Mr. Lynn who at that time, as I recall, was a legislative representative of the American Farm Bureau. When he finished with his opposition, I directed a question in words to this effect:

"Mr. Lynn, whom do you represent?"

His answer was, "The American Farm Bureau."

I then asked the 12 witnesses who had appeared on behalf of this bill how many of those gentlemen were members of the Farm Bureau somewhere in their respective States, and as I recall, 11 of the 12 stood and said they were Farm Bureau members. My only question to Mr. Lynn was, "Then just whom do you represent, sir?"

Yes, title III has had unqualified endorsement of the overwhelming majority of those who are seeking this legislation. This is not a bill that I designed or that any member of the committee designed. This language was brought to us by the producers themselves in what they believe are their own best interests.

I ask the Members to support not only title III but the other sections also, of H.R. 18884, for, in my opinion, it is sorely needed and greatly needed by those whom it will affect.

Mrs. MAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 18884 contains four titles, the impact of which I would like to briefly review.

Title I would authorize amendments to milk marketing orders providing for the establishment of research and development projects, and advertising, sales promotion, educational, and other programs designed to promote domestic marketing and consumption of milk. These programs would be financed through producer assessments.

Title II would authorize amendments to marketing orders for all commodities other than milk for the same purposes I have just outlined.

Title III incorporates the Potato Research and Promotion Act—self-help legislation designed to assist potato producers in expanding their markets. It would provide for a program of potato research, development, and advertising and promotion, to be financed by assessments of not more than 1 cent per 100 pounds of potatoes produced commercially in the 48 States. It is similar to the existing Cotton Research and Promotion Act. The program could go into effect only after approval by the Secretary of Agriculture and by two-thirds—in number and volume and at least a majority in number—of the potato producers voting in a referendum. The program would be administered by the growers themselves, subject to approval of the Secretary. Only commercial producers who produce 5 or more acres of potatoes would vote or be subject to assessment, and any producer could obtain a refund of his assessment if he so desired.

Title IV would prohibit the importation of olives, raisins, and prunes when such commodities would compete with commodities marketed under an order containing terms or conditions regulating grade, size, quality, or maturity.

The purpose of this legislation, Mr. Chairman, is to help U.S. farmers hold and expand markets for the commodities they produce. Research and promotion have proven to be effective market development mechanisms for many commodities, and allowing producers to assess themselves to help sell their product is the kind of basic self-help tool which many of us believe is a better path to follow than the road of greater and greater Federal involvement. Farmers can help themselves if given the tools with which to work, and this legislation will help supply those tools—with minimal cost to the Federal Government, I might add.

This Congress has already approved legislation to authorize paid advertising under marketing orders for almonds, apples, and papayas. So the thrust of this bill is consistent with that policy estab-

lished by Congress years ago and reaffirmed by this body.

We recognize, of course, that there may be disagreements over the details—the specific mechanics—of this particular bill, but there can be little question over the desirability of the policy it embodies. So I appeal to my colleagues not to let any differences over details deprive U.S. farmers of this important means of helping themselves improve their economic position.

A second avenue of approach utilized by this legislation would help protect domestic markets of olives, raisins, and prunes against competition of unregulated imports which do not meet the size, quality, or cleanliness standards of American produce. This has become an increasingly serious problem to U.S. producers and needs to be dealt with directly.

In conclusion, Mr. Chairman, our committee—along with many others in this body—are keenly aware of the need to build up the sagging U.S. agricultural economy, and we feel that this legislation with its self-help provisions can assist farmers in moving toward this goal. The bill was reported from our committee by an overwhelming vote, and I urge my colleagues in the House to make the vote today equally overwhelming for its enactment.

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

Mrs. MAY. I am glad to yield to the gentleman from California.

Mr. MATHIAS. I rise in support of this very important self-help bill. I have had a great interest in title III, which contains the Potato Research and Promotion Act. I can say, after 4 years of service on the Committee on Agriculture, at no time have we seen as much unanimity for such a program as there is for the potato research and promotion program.

In the 48 contiguous States which grow potatoes I believe it is a fact that almost 100 percent of the growers agree a research and promotion program is desperately needed.

I do rise in support of the whole bill, and I hope it will be passed.

Mrs. MAY. I thank the gentleman from California. Indeed I can corroborate that he has worked very hard on behalf of the potato section of this bill, and indeed it did have very rare unanimity of support, which we do not often see in the Committee on Agriculture.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentlewoman yielding.

In the milk section on title I there are two things which are of concern to a number of people. I recognize the milk producers are split as to what they think about this kind of legislation.

In the Department letter, found on pages 10 and 11 of the committee report, they urge enactment of what was then H.R. 10710, but suggested minor modifications, including accommodation of refunds to producers under certain circumstances.

The bill which comes before us does not have that Department language contained in it.

I have an amendment prepared, which I do intend to offer at the appropriate time, to allow the refund. I wonder if the gentlewoman could give us any reason why that particular section was left off?

Mrs. MAY. I will say there was a controversy within the committee from the various sections of the dairy producing areas of our Nation. At that time there was a split feeling, shall we say, among members of the Agriculture Committee.

May I tell the gentleman, today it is true, in the interest of equity, since we have given this same provision in the potato section of the bill, I personally would add support to accepting the gentleman's amendment when offered.

Mr. STEIGER of Wisconsin. I thank the gentlewoman for her comments and support.

Mr. FOLEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. SISK).

Mr. SISK. Mr. Chairman, I appreciate the gentleman from Washington yielding.

I simply rise to state my support for this bill.

As has already been explained, of course, there are four titles in the bill. It is my opinion that they all represent progress in connection with the self-help program. I think all four titles will tend to improve the situation from the standpoint of the producers of the various items that are mentioned herein. I recognize that there are differences of opinion, but basically the commodities and the types and kinds of farming and agriculture we are dealing with here are types that are not subsidized, have never been subsidized, and are not now seeking any subsidy. These are people who have consistently, throughout the years, fought their battles in an open and free market. That is the position in which they desire to continue. These are programs which do permit them through working together and through cooperative arrangements and agreements to help themselves. As I say, they seek no subsidies in connection with any of the programs here involved.

So, Mr. Chairman, I would urge support for all titles of this legislation.

I think the gentleman from Washington (Mr. FOLEY), has already mentioned the fact that I will offer an amendment which I understand will be accepted generally by the committee doing away with some controversy with regard to olives in connection with title IV. The Spanish Olive Association raised some question, and we are offering an amendment which will exempt the Spanish-type green olives. This effort to reach this compromise was participated in by representatives of that association and, of course, it is agreeable to the California olive people. Therefore, as I understand it, this removes all of the objections that they had at the time the hearings were held on the legislation.

Mrs. MAY. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, I thank the gentlewoman for yielding to me.

I rise in support of this legislation and particularly to address myself to title IV, which says in effect that the American consumer has the right to expect the same standard of quality in dried fruit which is imported as is demanded of the producer of dried fruit in this country.

I am utterly appalled that the U.S. State Department is on record in opposition to title IV. I hope the people downtown in the State Department read the CONGRESSIONAL RECORD tomorrow, because I would like to use that device to remind them that their checks, when they come to them on the first of each month, are drawn on the "Treasurer of the United States." They receive their pay from the American taxpayer.

I am appalled that each time the taxpaying American public's interest comes into conflict with a foreign interest, the State Department is always lined up in opposition to the American taxpayer.

Mr. Chairman, dried fruit producers are not asking for a quota to be set on imported raisins and prunes. They are not asking for higher tariffs. They are not asking for the imposition of any hidden, nontariff barrier that would preclude importation. They are simply asking that imported dried fruit meet the same quality standards as we have imposed upon our product produced here in this country.

The California raisin industry has been able to market its product in an orderly fashion through a Federal marketing order for raisins. It has set aside as high as 40 percent of its crop in some years.

Mr. Chairman, the trade has established uniform standards so that both the domestic trade in the United States and the export trade must meet those standards. But ironically under the present situation the domestic grower must meet U.S. standards when he exports to a foreign country, but a foreign grower does not need to meet U.S. standards when he exports to the United States. Now, I ask you, does that make any sense at all? To permit anything less than U.S. standards for raisins imported into this country would be equivalent to setting up a double standard. It constitutes unfair competition for American growers.

Mr. Chairman, our prune industry is also trying to help itself through three programs. This year in a "green drop" program it took the equivalent of more than 23,000 dried tons of prunes and dropped them from the trees, a total waste.

Second, it has embarked upon a program to eliminate small prunes from the market. Third, it has taken 12,000 tons of last year's inventory and diverted it to cattle feed.

Forty-nine thousand tons of small and inferior, low-quality type prunes have been taken off the market. But now some Eastern European nations are today being allowed to export small-grade or poor-quality prunes to the United States. They are small sized, poor quality, and they do not meet the same standards which our growers impose upon themselves.

Mr. Chairman, I strenuously object. I cannot say too strongly that we should

not permit foreign countries to use the U.S. market as a dumping ground for low-quality products that we forbid our consumers to buy from domestic producers.

Mr. Chairman, there is a great wave of consumerism sweeping our country. We have an honest, serious, and legitimate concern for the quality of food which we offer to our consumers for their consumption. Yet, we require these high standards for the American grower and we look the other way when the foreign producer is allowed to send products into this country which violate those standards.

The dried food industry across this Nation is in serious straits. As the gentleman from California (Mr. SISK) has already told us. It has never asked for a subsidy and it never will. It only asks to compete fairly, on equal terms, in the world marketplace.

All title IV of this bill does is to say to the American consumer, "You have the right to expect the same quality from that which is produced outside this country that we give you when it is produced inside this country." It also says that we shall compete fairly throughout the world instead of having one-sided requirements imposed upon agriculture by the U.S. State Department.

Mr. FOLEY. Mr. Chairman, I have no further requests for time.

Mrs. MAY. Mr. Chairman, I yield 3 minutes to the gentleman from New York. (Mr. MCEWEN).

Mr. MCEWEN. Mr. Chairman, I share the views so well expressed by my colleague from Illinois when he addressed himself to the fact that under title I, this promotion program could be voted in by a bloc vote. I commend also my colleague from Wisconsin for the amendment he intends to offer permitting individual voting and also the amendment to provide for a refund if an individual producer does not wish to participate in this program.

Mr. Chairman, I know that there is a division among dairy farmers and dairy organizations on this section of the bill. But I am also aware of the fact that one of the major producer groups in the United States recently conducted a poll of its members numbering some thousands, and in that poll 87 percent of the milk producers replying said they were opposed to a compulsory program for milk and dairy products.

If the amendments offered by the gentleman from Wisconsin are adopted, and I think there are other provisions, as the gentleman from California (Mr. GUBSER), has pointed out in title IV, for example, that are very laudatory in this bill, then these improvements are made in this committee I intend to support the bill.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in opposition to H.R. 18884 which would authorize assessments for the promotion of certain domestically produced commodities, including milk, and extend import restrictions to raisins and prunes.

Title III of this bill, the Potato Research and Promotion Act, is nearly identical to a bill which this body rejected on November 12th of last year—a bill which I voted against. I intend to vote against this bill for the same reasons I voted against that one, plus a few more which present themselves with the addition of milk, raisins, and prunes. I can now understand why some insiders refer to this as the "Salad Bill," though I must say that the ingredients make for a most unpalatable salad, just as the contents of this bill make for a most unpalatable law. This is one tossed salad that ought to be tossed out the window rather than be served at the President's table.

Mr. Chairman, in examining the legislative history and contents of this bill I am reminded that the other body does not necessarily have a monopoly on the Christmas tree business, especially around this time of year. In fact, this bill reminds me a little of the song, "The 12 Days of Christmas," with all its goodies. I can almost hear the salad bill chorus ending on the melodious refrain, "and a lameduck in a pear tree."

Mr. Chairman. I do not intend to lightly dismiss this bill without addressing myself to the substantive objections which I have. We are being asked today to approve checkoff assessments on producers of several food commodities to finance promotion programs. We are also being asked in title IV of this bill to extend import restrictions to certain foreign commodities which do not measure up to domestic standards.

Mr. Chairman, those of us who objected to the original potato bill did so on the grounds that it not only discriminated against the vast majority of potato producers who would not be included in the program by virtue of small acreage, but because it would also set a precedent for producers of other food crops who would seek similar advantages from the Government. Apparently our fears were well founded for that is exactly what is happening under this legislation. At least under the potato title a producer may receive a refund on his assessment if he desires; but under titles I and II which cover dairy and other commodities, there is no such provision for an individual producer to receive a refund.

Mr. Chairman, if we look at this bill from the standpoint of logic, it makes little sense, for once you authorize these promotion funds for every imaginable commodity, any competitive advantage that might be intended would be lost. Competitive commodities would each have their own promotion programs which would tend to offset each other and thus bring us full circle but at considerable expense to producers, consumers and the U.S. Treasury.

Finally, in title IV which extends import restrictions to raisins and prunes, we have a provision which the Department of State claims will be interpreted by the affected supplying countries as a nontariff barrier in violation of various international commitments and agreements, including GATT. The State Department concludes that these countries will likely respond with retalitory measures against those American commodities which they import. I therefore oppose this title for the same reasons I opposed the trade bill—it is overprotective and likely to spur a trade war.

In conclusion, Mr. Chairman, I urge the defeat of this salad bill. I could think of no better way to spoil a Christmas dinner than to serve this chaotic concoction at the outset.

Mr. JOHNSON of California. Mr. Chairman, I rise this afternoon as a coauthor of H.R. 18884 to urge my colleagues to give their favorable consideration to this legislation.

Originally I became interested in this legislation because of H.R. 682 and H.R. 2387, which I cosponsored in the opening days of the 91st Congress. These bills would have extended import restrictions of the Agricultural Marketing Agreement Act of 1937 to olives and raisins, respectively.

Subsequently, I supported my good friend and colleague from California, Congressman GUBSER, in his effort to provide similar provisions for domestic raised prunes.

I was extremely gratified that the provisions of these three bills were incorporated in title IV of the omnibus bill, H.R. 18884, which was reported by the Committee on Agriculture.

Looking at this basic question of the equal status of domestic raised crops in competition with imported commodities, I would like to cite for you the comments made recently by Mr. A. E. Thorpe, executive vice president of the Dried Fruit Association of California. While he was speaking primarily of raisins in the following discussion, I think the same philosophy prevails for all three commodities covered in title IV:

The California raisin industry is not asking for a quota to be set on imported raisins. They are not asking for higher tariffs, nor are they asking for the imposition of any hidden non-tariff barrier which would preclude the importation of raisins from abroad that are sound, clean and edible, as well as of the same grade and quality as the domestic product. They are simply asking that the imported raisins meet the same quality standards as the industry has imposed upon its own product to give the American consumer a quality to which they are entitled. Purely and simply this is a matter of equity and is intended to keep out low grade raisins. Section 8(e) does no more than this.

The California raisin industry has been able to market its product in an orderly fashion through the Federal Marketing Order for Raisins. It has set aside as high as 40% of its crop in some years, to be diverted into non-domestic channels. It has provided its own subsidy for those raisins shipped in export by meeting world competition which usually does not return the cost of production to the grower. He is thus dependent upon the domestic market for a fair return for his crops, and in order to maintain that market, insists on strict quality regulations. To accomplish this, the industry has adopted U.S. Standards, and will not permit raisins to be shipped either in domestic or export channels unless they meet such standards. Every pound of raisins received by processors from producers requires inspection for quality. Every pound of raisins processed and shipped to the trade is inspected to assure they meet these quality standards.

To permit anything less for raisins being imported into this country would be equivalent to setting up a double standard and

would provide unfair competition for American grown raisins.

Additionally, I would like to emphasize that all three industries are expending heavily in research, advertising, and trade promotion. It is not intended that these funds advanced by the domestic industry should help provide and expand a market for low-grade prunes, raisins, and olives from abroad. We feel that these imported commodities should measure up to the standards required for this Nation.

Furthermore, we strenuously object to any foreign country using this country as a dumping ground for low-quality products, whether they be raisins, prunes, olives or other commodity.

One other provision of this legislation of special importance to me, is title III, the Potato Research and Promotion Act provisions. This provides for a program of potato research, development, advertising, and promotion, to be financed by assessments of not more than 1 cent per hundred pounds of potatoes produced commercially in the 48 contiguous States. It is generally similar to the Cotton Research and Promotion Act, which was approved July 13, 1966. The program would be effective only if approved by the Secretary of Agriculture after notice and hearing and by two-thirds—in number and volume and at least a majority in number—of the producers voting in a referendum. It would be administered by a national potato promotion board composed of producer representatives selected by the Secretary from producer nominees. The board would develop a budget and program, recommend assessment rates, and enter into agreements to carry them out, all subject to the approval of the Secretary. Assessments would be collected by handlers. Only commercial producers, who produce 5 or more acres of potatoes, would vote or be subject to assessment. Any producer could obtain a refund of his assessment if he desired.

The potato industry, which I represent in California, feels very strongly they should be entitled to participate in this program, which in effect is a self-help effort on the part of this industry.

The cost would be minimal compared to the benefits to the industry, which would result in stability to the area. As coauthor of H.R. 18884, I urge your support of the omnibus bill, as it would meet the needs of the industry.

Mrs. MAY. Mr. Chairman, I have no further requests for time.

Mr. FOLEY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the bill by title.

The Clerk read as follows:

H.R. 18884

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

TITLE I—ADVERTISING PROJECTS

SEC. 101. Section 8(c)(6)(I) of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended to read as follows:

"Establishing or providing for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to those commodities specified in section 8c(2) of this Act, such projects may provide for any form of marketing promotion including paid advertising: *Provided further*, That the inclusion in a Federal marketing order of provisions for research shall not be deemed to preclude, preempt, or supersede research provisions in any State program covering the same commodity."

TITLE II—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 202. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of $561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 203. As used in this title:

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 204. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan." Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARINGS

SEC. 205. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 206. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 207. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 208. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assesment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board, as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a)(4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided,* That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 209. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further,* That such promotional activities shall comply with the provisions of section 208(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising, and promotion in years when the production and assessment income may be reduced: *Provided,* That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 210. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for payment of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 211. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided,* That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 212(a) of this title.

ENFORCEMENT

SEC. 212. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violatiing, any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than $100 nor more than $1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 213. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is

carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, 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 testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 214. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 210(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 215. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 216. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 217. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 218. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 219. This title shall take effect upon enactment.

TITLE III—RESTRICTIONS ON IMPORTED COMMODITIES

SEC. 301. Section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, is amended by inserting in the first sentence thereof between "tomatoes" and "avocados," the following: raisins, olives, prunes".

Mr. FOLEY (during the reading). Mr. Chairman, I ask unanimous consent that the entire bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will read the first committee amendment.

The Clerk read as follows:

Page 1, line 3, insert the following:

"TITLE I—ADVERTISING PROJECTS: MILK

"SEC. 101. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I):

" 'Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising, or marketing research as required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds allocated under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order.' "

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

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

There was no objection.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN TO THE COMMITTEE AMENDMENT

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin to the committee amendment: On page 3, line 17, strike the quotation marks and insert in lieu thereof the following: "Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

Mr. STEIGER of Wisconsin. Mr. Chairman, this amendment is the one I discussed with the distinguished gentlewoman from Washington (Mrs. MAY) and a copy has been given to the gentleman from Washington (Mr. FOLEY) who is handling the bill.

This is the amendment which would guarantee under the marketing order the right of an individual producer to receive a refund when he so desired. If he did not support the research and promotion carried out under the order, he could then get a refund.

I want to make it very clear that it is the intent of this amendment that such a provision for a refund should be included in an order under the terms and conditions therein as established by the Department of Agriculture, and that it is my intent that it be simple; that is, that the producer be able to receive a refund in as quick and convenient a manner as possible so that there is not too much paperwork for the farmer to go through in order to receive his refund.

This is something about which a number of people have a great interest. I was interested, for example, in the remarks of the distinguished gentleman from New York. I think this amendment would go a long way toward helping to clear up any difficulties that may be forthcoming as a result of promotion and research under a marketing order, because all we are doing here in this section is mandating from the farmer a checkoff from his funds for this purpose.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from Texas.

Mr. POAGE. Mr. Chairman, speaking only for myself, as chairman of the committee, I would be perfectly willing to accept the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. I am grateful for the aceptance of the amendment by the distinguished gentleman from Texas.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. Can this milk producer—and this does apply to milk only?

Mr. STEIGER of Wisconsin. Milk only.

Mr. GROSS. Can this producer verbally request a refund, or must he go through a lot of redtape, Government redtape, in order to get his refund?

Mr. STEIGER of Wisconsin. May I say to the gentleman from Iowa that I would think we would have to make some kind of written request for a refund. I tried to indicate in my opening statement my own understanding that this amendment is designed to allow a refund to be possible under the terms and conditions of the order and to direct the Secretary of Agriculture to make it as convenient and as expeditious as possible with as little paperwork as necessary for the farmer to get a refund.

Mr. GROSS. The gentleman says to "allow." Is this not mandatory that the refund be made upon the request of the producer?

Mr. STEIGER of Wisconsin. Yes, it is mandatory, but subject to the terms and conditions that are contained in the marketing order.

Mr. GROSS. I thank the gentleman.

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

Mr. STEIGER of Wisconsin. I am happy to yield to my colleague, the gentleman from Iowa.

Mr. KYL. I would like to direct three brief questions to the gentleman from Wisconsin.

First, we are talking here about an annual refund; is that correct, rather than a periodic or monthly refund?

Mr. STEIGER of Wisconsin. Yes, it would have to be a periodic refund, depending on the marketing order.

Mr. KYL. Question No. 2. I am assuming that a producer makes a request that all of his funds be returned, he could not request a portion of his contribution to be returned?

Mr. STEIGER of Wisconsin. That would be correct.

Mr. KYL. Finally, I am assuming there would be no cost assigned to the individual producers who ask for a refund. In other words, he would get his original contribution back without deductions for bookkeeping, and so forth.

Mr. STEIGER of Wisconsin. Yes.

Mr. KYL. I thank the gentleman,

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

Mr. STEIGER of Wisconsin. I yield to the gentleman.

Mr. FINDLEY. As I understand the gentleman's amendment, it deals also with block voting; am I correct on that?

Mr. STEIGER of Wisconsin. No, I have a separate amendment on block voting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER) to the committee amendment.

The amendment to the committee amendment was agreed to.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN TO THE COMMITTEE AMENDMENT

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin to the committee amendment: On page 3, line 7 strike out the phrase: "Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders," and insert in lieu thereof: "Notwithstanding the provisions of section 8c(12) and the last sentence of section 8c(19) of this Act, no order provision under this subparagraph (I) shall be effective unless separately approved by producers in a referendum in which each individual producer shall have one vote,".

Mr. STEIGER of Wisconsin. Mr. Chairman, this is the second of the amendments. This is the one that goes to the question of block voting.

I recognize full well that for producer cooperatives the concept of block voting is one that has always been supported. I think it is easier to have block voting in complicated marketing orders generally.

I think it is pretty clear that there is a reason for block voting as it has been carried on before. We have previously made an exception under the class I base plan passed here by the House sometime ago and, finally, now signed into law I guess or about to be signed into law. There is also a provision for one-man, one-vote in title III of this bill.

Mr. FOLEY. Is the gentleman aware the class I base plan has been signed into law as of 11 o'clock this morning.

Mr. STEIGER of Wisconsin. I thank the gentleman.

In title III of this bill, H.R. 18884, in the potato section, there is a comparable type of provision—not identical language. What we are saying here is that this is a single-purpose provision in the order. It is marketing and research. It has nothing to do with the other complexities of the typical milk marketing order. Therefore, each individual producer ought to be able to make a judgment as to whether or not he wants to be voted as part of a bloc or as an individual producer. I think there is every reason to believe that he would be better off voting on a one-man, one-vote basis, voting as an individual producer, as he sees whether or not the marketing and research order would be essential to him as an individual.

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

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman. To make a little legislative history here, am I correct that the gentleman intends that his amendment prohibit a research and promotion checkoff for dairy unless the referendum on this program permits individual producers to vote separately?

Mr. STEIGER of Wisconsin. That is correct.

Mr. FINDLEY. I do not know whether the language you have introduced as an amendment will effectively change the basic law for dairy to accomplish that. I did want to make clear that that is your intention, that it would prohibit any referendum for the purpose of research and promotion for dairy unless the individual dairy producer is permitted a separate and independent vote.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's comment. He is correct in terms of his analysis of what the intent of the amendment is and what its effect will be if it is adopted.

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

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. The gentleman has just offered an amendment which provides, as I understand it, a convenient and easy refund of any assessments to be made for promotion or advertising under this title. That amendment was accepted by the chairman of the committee and adopted by the committee. It would seem to me that this removes any basis for the second amendment being offered by the gentleman from Wisconsin. If individual producers, regardless of whether they favor or disapprove of a promotion and research program, have an absolute right to a refund in a convenient and prompt manner, how can they be disadvantaged by any provision in the existing law for bloc voting?

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

Mr. STEIGER of Wisconsin. I am glad to yield to the gentleman from Iowa.

Mr. KYL. I do not think the gentleman's argument prevails at all. It is possible that there are far more people who would not want to be involved in this program than who would want to. Therefore, there would be a very substantial, perhaps a majority number of the people involved who would request a refund, and the amount of paperwork, and so on, would leave nothing for promotion. I think if you adopt the amendment offered by the gentleman from Wisconsin or not, the vote is an absolute necessity to get a viable program into operation. Otherwise, we may not have any promotion at all.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from New York.

Mr. McEWEN. I thank the gentleman for yielding. I agree with our colleague from Iowa. The gentleman's amendment would permit the individual expression of producers. Otherwise, it could be extremely burdensome. Under the first amendment adopted, the producer would have to renew his request.

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

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

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from New York.

Mr. McEWEN. Under the amendment we just adopted, the producer must periodically make his request for a refund, which is some burden. I think that the amendment it is still a burden. The argument against doing away with bloc voting and permitting individual voting has always, as I have understood it, been that the milk order might fail because not enough people would vote, and therefore the order would fail. In this case we do not have that threat because those matters are separated. If it is turned down, the language of the order does not fail. I think the amendment offered by the gentleman supplements the first amendment that we have adopted, and I think they go hand in hand. We need both of them.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's comments.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from Washington.

Mr. FOLEY. I would like to ask the gentleman another question. He is aware, I am sure, that the act in question, in section 8c, subsection (16) provides for termination of any order at the sole option of the Secretary of Agriculture, and that, in addition, the Secretary does not have to promulgate an order after it has been in effect voted upon by the required number of farmers. So we have the backstop protection against the kind of case stated by the gentleman from New York, that if an overwhelming number of producers voted against a program, the Secretary could make a simple determination that it was not in the public interest either to promulgate a program or to terminate an existing program without any further requirement on the part of individual producers.

Mr. STEIGER of Wisconsin. I do understand what that implies, but again let me just simply say, while I do like the idea of research and promotion we are talking here about the individual farmer's income. We are talking about a checkoff from the milk which he markets and I think that every dairy farmer ought to be given the right to make a determination on an individual basis as to how his money is spent. Bloc voting runs counter to that ability, and that is the reason, it seems to me, since it is a separate facet of the order, the bloc voting ought to apply in this instance.

Mr. FOLEY. There are safeguards which do exist and which protect the rights of the individual farmer. The gentleman's first amendment would give full and adequate protection.

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

(On request of Mr. GERALD R. FORD, and by unanimous consent, Mr. STEIGER of Wisconsin was allowed to proceed for 2 additional minutes.)

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, the so-called safeguards mentioned by the gentleman from Washington, if they do exist and I assume that they do exist, in no way protect the right of the individual against the problem of block voting. There is a safeguard in the hands of the Secretary of Agriculture, not a safeguard for the rights of the individual participant who might be precluded from casting his vote the way he wants to if there is block voting.

Mr. STEIGER of Wisconsin. Mr. Chairman, it seems to me the comments of the gentleman from Iowa were right on target, that we do in this instance have a situation in which we will have a refund for individual producers, but if we use block voting and maintain and have this kind of marketing order, we are going to run the risk of the majority of farmers' withdrawing from research and promotion simply because the individual farmer was not given the right to make the individual determination.

I hope the amendment is adopted. I think it will strengthen the bill, and I hope the bill can then pass in good shape.

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

Mr. Chairman, it is not my purpose to argue the justification or the lack of justification of block voting. It has been in the Milk Act since 1937. It is a controversial subject that has been raised in the past debates on this floor as well as on the floor of the other body. All we did in this particular section is to give authority to have marketing orders amended for research and promotion in the same manner and with the same general guidelines as other amendments to milk marketing orders have made in the past.

If it is the desire of members of the committee to alter the block voting rule, then appropriate legislation can be introduced for that purpose. It seems to me any question about the individual rights of milk producers under this kind of assessment program have been more than adequately provided for by the adoption of the first amendment offered by the gentleman from Wisconsin. His first amendment which lets every single producer, regardless of his reason, get out of the program at any time he wishes to get out; to get a full refund, whether he voted for the program or not; or approved it in the original instance, or otherwise, or whether he participated for a time or not. He does not have to offer any reason, as I understand the amendment of the gentleman, or have any particular complaint, except that he does not want to pay the assessment.

Have we not done as much as we can to guarantee a reasonable protection for farmers who do not think program is sound? Rather than tamper with the basic law, which if it is going to be changed should be changed in general legislation, I hope this amendment will be defeated and that the adoption of the gentleman's first amendment will be taken, as full and adequate protection.

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

Mr. FOLEY. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, in title III, on page 14, it says the Secretary shall conduct a referendum among producers. That is, as I understand it, individual voting for potatoes. Why do we deny it for dairy products?

Mr. FOLEY. The two are entirely different. One is for a market order under authority which has existed for many years and based on regions of the country and on milk markets. The other is an entirely new program which has its antecedent and precedent in the cotton research and promotion bill. It is national in scope. It does not take funds due to producers, as in the milk program, where pool payments are made to producers, and it provides a new assessment on handlers.

So the two are just in different form, and consequently they are treated differently.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield further?

Mr. FOLEY. I yield further; but, secondly, there are not potato cooperatives of the same character as our milk cooperatives.

Mr. STEIGER of Wisconsin. I understand, but here we are talking about a specific kind of order, a research promotion order. For the life of me, I will say to the gentleman, I do not understand why we cannot allow a relatively simple question to be put to the individual producer. That is all we are talking about. We are not trying to change the basic bloc concept in the law as it is now. It is an individual thing.

Mr. FOLEY. What I fail to understand is why the gentleman is concerned about changing the manner in which the milk marketing orders are conducted, when the gentleman has succeeded in getting an absolute option out for the individual producer. He has taken care of the individual producer's right to sign off the program. If the individual's ability to sign off is guaranteed in a convenient manner, with the least amount of paperwork and with a full refund, without any deduction for bookkeeping, all of which was established in the colloquy between the gentleman and his colleagues, then I believe this amendment is unnecessary and redundant.

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

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

Mr. KYL. The gentleman has asked a question which is not a rhetorical question, and I will try to respond to it.

First, I will say to the gentleman that this body agreed, only a few moments ago, that an individual should be entitled to a refund if he so desired.

We are talking about, A, advertising, and this has to be anticipated if it is advertising we are talking about; and, B, we are talking about research, which is usually a long-range program, which must be guaranteed at the beginning.

Unless there is an election to determine the attitude of the people involved there can be no estimate as to the amount of money available for advertising or research, because in the monthly period this can be cut drastically from the first month.

I believe that election is the only way we are going to be able to determine how much money they are going to have available for advertising and for research.

Mr. FOLEY. I might say to the gentleman that there is no way to estimate how much money will be available subsequent to the adoption of the amendment offered by the gentleman from Wisconsin (Mr. STEIGER) because there is no assurance that any producer who votes for this plan will stay with it, or will stay with it for any number of particular payment periods, or for any number of months, or will not change his mind back and forth several times as to whether he wishes to participate in it.

I believe that uncertainty is with us and is endemic in the amendment of the gentleman from Wisconsin (Mr. STEIGER).

Mr. KYL. I believe we should bear in mind that at least one large dairy cooperative has members who voted 85 percent to 15 percent in opposition to this.

Mr. FOLEY. There is no requirement that this authority be implemented, as the gentleman knows. If a milk marketing order is not amended by the producers, or the producers do not participate after adopting it, obviously we will not have a program in that particular milk marketing area. The bill anticipates that.

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

(By unanimous consent, Mr. FOLEY was allowed to proceed for 1 additional minute.)

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

Mr. FOLEY. I yield to the gentleman from New York.

Mr. McEWEN. I thank the gentleman. I should like to ask him a question.

Do I correctly understand that under the other titles, other than title I, where there is provided research and promotion for other products, this is accomplished without the structure of a marketing order, or may be accomplished without the structure of a marketing order?

Mr. FOLEY. Only in the case of title III, which provides for potato research and promotion.

Title II would provide similar authority for existing marketing orders to be amended to adapt for advertising and promotion.

The technical reason why they are in two separate titles is that the authority for milk marketing orders is contained in a separate title under the Agricultural Adjustment Act.

Mr. McEWEN. What is being done under title I could be done outside the marketing order?

Mr. FOLEY. Not without special legislation such as title III.

Mr. McEWEN. They could have a title III program for milk?

Mr. FOLEY. Yes.

Mr. McEWEN. Actually what we are doing in title I is not something inherent in or intrinsic to a marketing order. It is a promotional research program in addition to the usual referendums submitted on a milk marketing order.

Mr. FOLEY. The difference is under title I the individual milk marketing orders would have the option to develop such a program or not, as they choose, and we would not necessarily be imposing the national advertising and promotion plan on the entire milk industry. We would be going marketing order by marketing order.

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

Mr. Chairman, I must express my embarrassment at rising. I want to make sure that no one feels that I am criticizing anybody's action, because I am certainly not. I am just suggesting that there is a misunderstanding somewhere. I had stated when I stood up and accepted the amendment by the gentleman from Wisconsin that I was accepting the amendment that was then read and not some other amendment.

The gentleman presented an amendment which covered the waterfront. I accepted it in good faith and thought that that covered everything he wanted. Now I want it very clear I am not accepting this amendment.

As my colleague from Washington (Mr. FOLEY) has so well explained, we have done in the first amendment all of the effective work that this amendment could do except that this second amendment strikes at an existing program which has been in operation for 30-odd years. Whether it is good or bad—and I recognize that there is much criticism of block voting, and frankly I have felt at times that there was a great deal of question about it—it is certainly one of those questions which deserves real consideration on its own merits and should not be decided simply by coming in here and tying an amendment onto a bill that does not go to that subject at all.

Our committee brought out legislation which left this question of block voting exactly where it has been for more than 20 years. We did not change it. We did not change any block voting or create any new block voting but simply left it alone.

Now the gentleman from Wisconsin, the very State where I had most of the demands for block voting, comes in and says, "I want to destroy block voting." Maybe he is right and maybe we should destroy it. I thought there was a good deal to be said for destroying block voting, but the only practical effect that the gentleman's second amendment can possibly have is to destroy the existing law on block voting. It cannot have any possible effect on the legislation that is presently before us, because his first amendment gave to every individual the right to vote very effectively by simply demanding his money back.

The only thing this bill does is to allow a marketing order for milk to include a checkoff for promotion and development. He has already taken care of and we have already accepted the proposition that every individual who did not like that could veto it simply by writing in and asking for his refund or by following whatever procedure the market order prescribed.

So the amendment cannot have any effect on this legislation. It can and it may have some effect on the very thing which the gentleman from Wisconsin's own people have so long demanded; that is, block voting by these cooperatives.

Again do not misunderstand me. I am not passing on the merits of block voting. I think it is questionable, but I am suggesting that this is no time and no place to try to amend basic law by offering an amendment to provisions that in no wise relate to basic law.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield to me?

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

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding to me.

Let me be very fair. I had two amendments which were available at the desk and circulated. I numbered them 1 and 2, so everybody could know exactly what was intended.

Also let me say to the distinguished chairman of the full Committee on Agriculture that this does not amend the basic law. It solely provides for the individual voting on the marketing order as it relates to research and promotion.

And, I would not be here today, I say to my friend from Texas, attempting to change block voting as it relates to basic marketing, because it is complex and I think there are reasons for block voting. I am not passing judgment on that. I am in this one instance where it seems to me we are taking a deduction from a farmer's check for research and promotion, there is no complexity involved in that issue. It is a clean, simple issue; are you for it or against it?

Do you think it will help you or do you not? For that reason I think there is a case for block voting. I hope the gentleman would not undertake to say that it changes the basic law. I would not support an amendment to change basic block voting.

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

(By unanimous consent, Mr. POAGE was allowed to proceed for 1 additional minute.)

Mr. POAGE. The gentleman suggests that it does not affect the basic law. It, obviously, does not affect the legislation now before us. It does not affect the substantive right of any individual under the newly proposed legislation. Since it does not affect their rights, it cannot have any effect except as an effort to try to weaken the exisiting law, which may or may not be good. But I do not think

this is the place or the forum to try that case. Let us try that on its own merits, with a full and complete hearing on that issue and decide that issue, rather than trying to simply make a showing here of putting two amendments on where one has already done everything that the proponents of the amendment have asked to be done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER) to the committee amendment.

The question was taken; and on a division (demanded by Mr. STEIGER of Wisconsin) there were—ayes 24, noes 35.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 18, strike out "I" and insert in lieu thereof "II" and after the colon insert "OTHER COMMODITIES".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 20, strike out "101" and insert in lieu thereof "201".

The committee amendment was agreed to.

Mr. FOLEY. Mr. Chairman, I ask unanimous consent that the remaining committee amendments be considered en bloc.

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

There was no objection.

The remaining committee amendments are as follows:

Page 4, line 12, delete the words; "TITLE II" and insert in lieu thereof the following: "TITLE III"

Page 4, line 17, delete the words: "SEC. 202." and insert in lieu thereof the following: "SEC. 302."

Page 5, line 24, deleted the words: "SEC. 203." and insert in lieu thereof the following: "SEC. 303."

Page 6, line 20, delete the words: "SEC. 204." and insert in lieu thereof the following: "SEC. 304."

Page 7, line 9, delete the words: "SEC. 205." and insert in lieu thereof the following: "SEC. 305."

Page 7, line 19, delete the words: "SEC. 206." and insert in lieu thereof the following: "SEC. 306."

Page 8, line 2, delete the words: "SEC. 207." and insert in lieu thereof the following: "SEC. 307."

Page 8, line 7, delete the words: "SEC. 208." and insert in lieu thereof the following: "SEC. 308."

Page 10, line 17, delete the words: "SEC. 209." and insert in lieu thereof the following: "SEC. 309."

Page 12, line 11, delete the words: "section 208" and insert in lieu thereof the following: "section 308."

Page 13, line 7, delete the words: "SEC. 210." and insert in lieu thereof the following: "SEC. 310."

Page 15, line 12, delete the words: "SEC. 211." and insert in lieu thereof the following: "SEC. 311."

Page 16, line 12, delete the words: "section 212" and insert in lieu thereof the following: "section 312".

Page 16, line 15, delete the words: "SEC. 212." and insert in lieu thereof the following: "SEC. 312."

Page 17, line 2, delete the words: "SEC. 213." and insert in lieu thereof the following: "SEC. 313."

Page 19, line 2, delete the words: "SEC. 214." and insert in lieu thereof the following: "SEC. 314."

Page 19, line 20, delete the words: "paragraph 210" and insert in lieu thereof the following: "paragraph 310."

Page 19, line 22, delete the words: "SEC. 215." and insert in lieu thereof the following: "SEC. 315."

Page 20, line 14, delete the words: "SEC. 216." and insert in lieu thereof the following: "SEC. 315."

Page 20, line 17, delete the words: "SEC. 217." and insert in lieu thereof the following: "SEC. 317."

Page 20, line 23, delete the words: "SEC. 218." and insert in lieu thereof the following: "SEC. 318."

Page 21, line 7, delete the words: "SEC. 219." and insert in lieu thereof the following: "SEC. 319."

Page 21, line 9, delete the words: "TITLE III" and insert in lieu thereof the following: "TITLE IV."

Page 21, line 11, delete the words: "SEC. 301." and insert in lieu thereof the following: "SEC. 401."

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. SISK

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

The Clerk read as follows:

Amendment offered by Mr. SISK: On page 21, line 16, section 401 of title IV of H.R. 18884 is amended by inserting after the word "olives", the words "(other than Spanish-style green olives)."

Mr. SISK. Mr. Chairman, the purpose of this amendment is to except Spanish-style green olives from the import requirements of section 8e which this bill makes applicable to olive imports generally. Historically, imports of Spanish-style green olives have supplied approximately 95 percent of U.S. consumption of this product. Only very small quantities of Spanish-style green olives are produced in the United States, and they are not currently the subject of marketing order requirements as to size, grade, quality, or maturity such as would be imposed upon imports by section 8e. The purposes of this bill would not be furthered by making imports of this style of olive subject to the requirements of section 8e.

By inserting the words "other than Spanish-style green olives" the intent is to exclude such olives from the import requirements of section 8e. The term "Spanish-style green olives" means those olives which are referred to in section 932.9(b) of the olive marketing order currently in effect (7 CFR sec. 932.9(b)) as "green olives"; namely "olives, packed in brine, and which have been fermented and cured, otherwise known as 'green olives.'"

The intent is that imports of all other olives be subject to the requirements of section 8e. These include particularly the olives referred to as "natural condition olives" as defined in section 932.8 of the marketing order (7 CFR sec. 932.8) and the "canned ripe olives" referred to in section 932.9(a), including the three distinct types, "ripe," "green ripe," and "tree ripened." In the exception, the word "Spanish-style" prior to the words "green olives" is included in order to distinguish "Spanish-style green olives," which would be excepted from the import requirements of section 8e, from "green ripe" olives, which are to be subject to the import requirements of section 8e.

I would therefore hope that the amendment would be adopted.

Mrs. MAY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I should like to draw to the attention of my colleagues that the ranking minority member of the Committee on Agriculture, the gentleman from Oklahoma (Mr. BELCHER), and also our minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), received today or within the last few days a letter from the Department of State signed by Mr. David M. Abshire, Assistant Secretary for Congressional Relations, a letter which addressed itself to the inclusion of Spanish olives in this bill, and pointed out several objections from their viewpoint.

At the proper time later I shall ask for the inclusion of the entire letter in my remarks, but for now I should like to read just briefly from Mr. Abshire's letter, representing the Department of State, in which he points out that half of the olives consumed in the United States each year are imported, and more than 90 percent of these imports come from Spain.

They are an integral part of a much larger mutually beneficial exchange of goods which takes place between the United States and Spain each year. In 1969, for example, United States exports to Spain were valued at $580 million, exceeding our imports from that country by $276 million. Soybeans, our principal export to Spain, were valued at nearly $75 million.

Further along in the letter Mr. Abshire pointed out that there are other important considerations as well in that:

The pending legislation poses a danger to the present atmosphere of cordiality and cooperation in United States-Spanish relations.

And on August 6, 1970, I should like to remind this body that the U.S. Government entered into an agreement of friendship and cooperation with the Government of Spain.

For these and other reasons, as pointed out by Mr. Abshire, representing the Department of State, I urge my colleagues to join me and others in supporting the amendment offered by the gentleman from California (Mr. SISK).

The letter referred to follows:

DEPARTMENT OF STATE,
Washington, D.C.

Hon PAGE BELCHER,
House of Representatives.

DEAR CONGRESSMAN BELCHER: I would like to draw your attention to H.R. 18884, a bill recently reported out of the House Committee on Agriculture, and, more specifically, to the fourth title of the bill which would impose new trade barriers on United States imports of olives, raisins and prunes. The Department of State is opposed to the provi-

sions of this title. The Department's letter to the Chairman of the House Committee on Agriculture on this subject has been reproduced in the report accompanying H.R. 18884.

Half of the olives consumed in the United States each year are imported; more than 90 percent of these imports come from Spain. They are an integral part of a much larger mutually beneficial exchange of goods which takes place between the United States and Spain each year. In 1969, for example, United States exports to Spain were valued at $580 million, exceeding our imports from that country by $276 million. Soybeans, our principal export to Spain, were valued at nearly $75 million. If we were to impose restrictions on olive imports, depriving Spain of the means for paying for its purchases of soybeans and other American products, it might compel the Spanish Government to review its policy of importing from the United States.

There are other important considerations as well The pending legislation poses a danger to the present atmosphere of cordiality and cooperation in United States-Spanish relations. On August 6, 1970, the United States Government entered into an Agreement of Friendship and Cooperation with the Government of Spain. This Agreement, which replaces the Defense Agreement of 1953, as extended, initiated a new partnership between the United States and Spain. The Agreement, which provides for a five year extension of United States base rights in Spain, calls for both countries to seek to avoid measures that affect restrictions on the flow of trade.

The Spanish Government has made a series of representations against the proposed legislation in Washington and pointed out that domestically produced olives are not directly comparable with olives imported from Spain, that during the last round of negotiations the United States agreed not to increase the existing duties on imports of olives from Spain in return for concessions granted by the Spanish Government, and that any decision on the part of the United States Government to limit, by whatever means, imports of olives from Spain would be regarded as an unfair measure against established trade and a violation of an international trade agreement. Most recently, the Spanish Foreign Minister, addressing the Spanish-American Chamber of Commerce in New York emphasized the Spanish Government's deep concern over the pending legislation, declaring it would not be consistent with the Agreement of Friendship and Cooperation between the United States and Spain.

The trade value is smaller in the cases of raisins and prunes, but the impact of putting such trade restrictions into effect would also be unfavorable in Turkey, the Republic of China and certain other countries.

I am sending an identical letter to Congressman Ford.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the distinguished gentleman from California (Mr. SISK) how we can differentiate between Spanish-type olives, which his amendment does, and still leave in raisins and prunes. What is the justification for the differentiation?

Mr. SISK. If the gentleman will yield, of course the problem in connection with prunes as with raisins is that there are different kinds of problems and, yet, basically we seek to require the same standards of quality and purity and so on in connection with the imports in this area that our own producers are required to meet.

In connection with olives, because of the fact that practically all of what is referred to as Spanish style green olives are imported olives, at the present time it was simply felt that it would be best not to bring them under the order in view of the Spanish Government's opposition and concern which the Department of State, which as the gentleman knows has raised.

Therefore, to exempt them from the order. As I said, in view of the fact that a representative of the Spanish Olive Association was asked to join in the writing of this, it is our understanding and I am sure I am correct, that it does remove any objection that they have to the legislation.

I am not sure if I am responding to the gentleman's question—maybe I am not.

Mr. GERALD R. FORD. I understand the statement made by the gentleman from California. It does explain as far as Spanish-type olives are concerned why they are taking this action by this amendment. But I still do not get a basic rationalization as to why we take this action for Spanish-type olives and no comparable action so far as raisins and prunes are concerned.

Mr. SISK. In connection with raisins, of course, that is something of which there has been very little imports—in fact no importation that I know of, until quite recently.

There has been some experimental importations from certain areas of the world, and I think generally from Africa possibly and from some other points and only in very small quantities.

Also, I would say the same thing generally I think would be true of prunes. However, my colleague from California (Mr. GUBSER) is far better informed on prunes, I must say to my friend, the gentleman from Michigan, and raisins are grown in my area. Prunes are grown mostly over in the area of the gentleman from California (Mr. GUBSER).

But it simply is felt, in view of the fact that we do produce an ample supply of raisins and, in fact, we export a substantial quantity of raisins, we simply wanted to set, let us say, the rules of the game this early in the game, and simply say to any country that might in the future be desirous of importing into this country that they would be expected to meet the same quality and purity standards that our own growers are now required to meet under the Department of Agriculture and the Food and Drug Administration requirements.

Mr. GERALD R. FORD. Is the gentleman saying that imported Spanish-type olives do meet these standards and that raisins and prunes that are imported do not meet these standards?

Mr. SISK. No; I am not specifically speaking to that question. The point is in connection with the Spanish-style olives—green olives, and I am going to stay with the Spanish-style green olives because there is a difference in green and ripe olives, as I am sure my friend knows, we do not have an order covering those. We have no marketing order covering those. They are not at the present time and will not be affected whether they were in the act or not. Whereas, of course, in connection with raisins and prunes and so on, we do have marketing orders and they are operating under marketing orders.

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

Mr. GROSS. Mr. Chairman, I move to strike out the next to last word.

Mr. Chairman, I am not at all surprised that it is easy to enter into an agreement with the Spanish Government with respect to the importation of a few olives. We have dumped hundreds of millions of dollars into Spain, so I find nothing surprising about this olive deal.

What I really arose to address myself to was this potato promotion and research program. Why is it limited to Irish potatoes? Does anyone not eat sweet potatoes—and, if not, why not?

Mr. FOLEY. I really cannot claim to be an expert on sweet versus Irish potatoes, despite my family name. I do think the reason that this bill is limited to Irish potatoes is that the potato producers as a group favor the Irish-type potato, and the producers that are organized favor asking for this kind of assistance, and we are in turn letting them develop their own promotion and research programs. The producers of yams, the sweet potatoes, and other such vegetable products, are not requesting such a promotional program, and consequently that is the reason they are excluded.

Mr. GROSS. Is the gentleman saying that only the Irish are interested in this legislation?

Mr. FOLEY. The Irish are always interested in the welfare of the potato.

Mr. GROSS. And they are also, I take it, interested in the National Potato Promotion Board, which seems to be set up to dispense these funds; is that correct?

Mr. FOLEY. Yes, sir.

Mr. GROSS. What is the National Potato Promotion Board?

Mr. FOLEY. Under the act, the producers of more than 5 acres of potatoes would vote in a referendum whether to establish a program, part of which would be the creation of a national potato promotion board. If they approved of such a program, the Secretary of Agriculture would establish such a board from the nominations for memberships submitted by the producers. The Board would then have the responsibility of administering the funds which would be collected by handlers against the amounts owing to producers and not more than 1 cent per hundredweight.

Mr. GROSS. Are the taxpayers of the entire country going to support this national potato promotion board?

Mr. FOLEY. Members of the board would not receive any salary. They would be entitled to receive their expenses, which would be paid out of funds collected from the producers and not from the taxpayers. There would be an estimated cost to the Department of Agriculture for its supervisory responsibility over the program, but in that respect it is no different from supervision of existing marketing orders. It all comes out

of the producers. It is money which they, themselves, contribute through assessments.

Mr. GROSS. Are the members of the potato promotion board elected on the basis of bloc voting?

Mr. FOLEY. No, sir; they are not elected at all. They are appointed by the Secretary on nominations from the producers. He appoints the board.

Mr. GROSS. Going back to the olives, does this bill have the approval of the State Department, which I am told, uses a considerable quantity of olives in the martinis that are served in Department headquarters over in Foggy Bottom?

Mr. FOLEY. On that question I cannot help the gentleman.

Mr. GROSS. I thank the gentleman.

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

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. FINDLEY. The amendment offered by the gentleman from California, as I understand it, applies only to Spanish-style green olives which, according to comments made earlier, would have the effect of exempting about 95 percent of the olives that are affected by this title. The question I would raise is, What is the reaction of the producers of the non-Spanish style, nongreen olives? Admittedly, percentagewise, they are rather small compared to the Spanish-style green olives. But we ought to take into consideration the reaction of the producers of such olives. Can the gentleman tell us what that reaction is?

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

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

Mr. SISK. Mr. Chairman, I would like to correct what I understood to be a misstatement. I am sure the gentleman did not intend to make any misstatement, but what we are dealing with in connection with the Spanish-style green olives is 95 percent of the Spanish-style green olives consumed in this country are imported from Spain into this country. We are not talking about 95 percent of all olives.

Mr. FINDLEY. But what about the Spanish-style olives not imported from Spain? What does that 5 percent have to say on this particular amendment offered by the gentleman?

Mr. SISK. On this amendment, and we have had a number of days to discuss this and talk it out with the Spanish Growers' Association, I am sure the gentleman knows most of the olives grown in this country are grown in California, and I represent a district where many of them are grown. The gentleman from California (Mr. MATHIAS) also has some in his district, and there are some in other districts in California.

We have been assured that they are happy to accept this amendment. After all, these various olive producers and growers in this country as well as in Spain and other countries do work cooperatively together in this country and in markets and areas of markets and so on. They are agreeable to this particular amendment, which will clarify any misunderstanding or controversy between the Spanish olive growers and the American growers.

Mr. FINDLEY. Can the gentleman tell me whether or not this amendment was considered in the committee?

Can he tell me whether there was any testimony about the amendment? And, if there was not any consideration, why not?

Mr. SISK. The only testimony in connection with this in the committee was testimony by representatives of the Spanish Olive Association raising questions in this country about the possible effects on Spain and on the trade between the two countries. As a result of that testimony—and I might say, that was the only testimony offered in opposition to any part of this title—we have been working since that time on an amendment to try to work out an agreement, and work with the State Department and the olive industry and representatives of the Spanish people, in an effort to solve this in a way which would solve, of course, the problem of the State Department, where they felt they had a problem. As the result of this, I think the gentleman knows this amendment has been passed around, and it has general concurrence of the committee.

Mr. FINDLEY. May I ask anyone on the committee as to the position of the administration on this bill. Is the administration in favor of the bill as it was taken up today?

Mr. FOLEY. Mr. Chairman, if the gentleman will yield, in answer to that question, the bill as presented to the committee is a four-title bill. The administration through various departments reported on each section of this bill. The Department of Agriculture affirmatively reported, with suggested modifications, on the milk program. They reported affirmatively on the general legislation in answer to questions in committee hearings to establish general jurisdiction. They reported affirmatively on the potato research and promotion bill. The Department of Agriculture, however, did not report on title IV dealing with prunes, raisins, and olives.

The Department of State reported adversely at first, particularly stressing, however, the objections raised by the Spanish Government with respect to imports of Spanish-style olives, citing among other things a concern as to whether we had entered into a tentative agreement with Spain because of the Kennedy round negotiations not to raise tariffs against olives.

Mr. Chairman, I think all of these matters have been resolved by the amendment offered by the gentleman from California.

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

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

Mr. FINDLEY. Mr. Chairman, I ask for this time to make this observation. The committee has already accepted an amendment dealing with a refund, dealing with checkoff against producers. We have had a long discussion about the propriety of establishing a new set of rules for setting a procedure for a referendum which would establish the checkoff. The distinguished chairman of the Committee on Agriculture argued this was a very important, far-reaching concept that had not been thoroughly explored at this time, and the committee did vote against that amendment.

We have had a prolonged discussion of an amendment which was not considered in the committee, which seems to have far-reaching foreign policy implications. My conclusion is that the committee would be wise to recommit the bill to the Committee on Agriculture for further consideration.

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

I take this time to respond to the comment made by the gentleman from Illinois, because I believe there is an implication that this amendment raises, as he said, "foreign policy considerations of far-reaching consequence." Actually, it removes foreign policy considerations that have been posed against the bill. It removes the objection of the Spanish Government. It largely removes the objection of the Department of State, and thus it is an amendment to eliminate any question any Member might have about the concern of the Spanish Government or of the State Department insofar as it expresses concern on behalf of the Spanish Government.

I do not believe there is any reason to suggest we are creating additional problems by the amendment, for we are resolving problems.

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

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

Mr. TEAGUE of California. I should like to repeat a point I made earlier in the afternoon when there were fewer Members on the floor. It is simply this: It is beyond my understanding how any Member who voted for the omnibus farm bill, which I did not, can be opposed to this bill. This is basically a self-help series of programs costing from $300,000 to perhaps as much as $1 million, compared to almost $4 billion in the other program. I urge all Members who are in doubt, who did vote for the omnibus farm bill, certainly to vote for this measure.

Mr. FOLEY. I thank the gentleman. I concur in his statement.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I have one remaining amendment, which I offer.

The Clerk read as follows:

Amendment offered by Mr. FOLEY: Page 4, line 8, strike out the words ": *Provided further*, That the inclusion in a Fed-" and strike out all of lines 9, 10, and 11 and insert in lieu thereof the following: ": *Provided further*, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt, or supersede any such provisions in any State program covering the same commodity."

Mr. FOLEY. Mr. Chairman, I believe the reading of the amendment is explanatory.

The purpose of this amendment is to insure that no State program would be preempted or otherwise prevented in its operation by the adoption of any of the titles of this act. It is a saving clause to insure the continued integrity of State commodity programs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. FOLEY).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. PRICE of Illinois) having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 18884) to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes, pursuant to House Resolution 1246, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GOODLING. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GOODLING moves to recommit H.R. 18884 to the Committee on Agriculture.

Mr. FOLEY. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 130, nays 186, not voting 118, as follows:

[Roll No. 371]

YEAS—130

Anderson, Ill.	Giaimo	Podell
Arends	Gibbons	Poff
Baring	Goodling	Quillen
Beall, Md.	Gross	Railsback
Belcher	Grover	Reid, Ill.
Betts	Gude	Reid, N.Y.
Biester	Hall	Riegle
Bingham	Harsha	Robison
Brock	Harvey	Rodino
Broomfield	Hastings	Roe
Brown, Mich.	Hawkins	Rooney, N.Y.
Brown, Ohio	Hechler, W. Va.	Rosenthal
Broyhill, Va.	Helstoski	Roudebush
Buchanan	Hogan	Ruppe
Burke, Fla.	Hunt	Ryan
Burton, Utah	Hutchinson	Sandman
Byrnes, Wis.	Jarman	Satterfield
Camp	Keith	Schadeberg
Carter	Koch	Scherle
Cederberg	Kyl	Scheuer
Chamberlain	Landgrebe	Schmitz
Clawson, Del	Latta	Schneebeli
Cohelan	Long, Md.	Schwengel
Collier	McClory	Scott
Conable	McDade	Smith, Calif.
Corbett	McDonald, Mich.	Springer
Coughlin	McEwen	Stanton
Cowger	Marsh	Steele
Crane	Martin	Steiger, Ariz.
Daniel, Va.	Mayne	Stokes
Daniels, N.J.	Michel	Stratton
Davis, Wis.	Miller, Ohio	Vander Jagt
Dellenback	Minish	Vanik
Denney	Minshall	Wampler
Derwinski	Mize	Ware
Devine	Mizell	Whalen
Duncan	Monagan	Whitehurst
Dwyer	Morton	Widnall
Edwards, Ala.	Mosher	Winn
Erlenborn	Nelsen	Wolff
Findley	Ottinger	Wylie
Ford, Gerald R.	Pettis	Yates
Forsythe	Pike	Zion
Fulton, Pa.		

NAYS—186

Abernethy	Eilberg	Kluczynski
Albert	Evans, Colo.	Kuykendall
Anderson, Calif.	Evins, Tenn.	Kyros
Anderson, Tenn.	Feighan	Lennon
Andrews, Ala.	Fisher	Lloyd
Andrews, N. Dak.	Flowers	McCloskey
Annunzio	Foley	McClure
Ashley	Ford, William D.	McCulloch
Ayres	Fountain	McFall
Barrett	Fraser	McMillan
Bell, Calif.	Frey	Macdonald, Mass.
Bennett	Friedel	Mahon
Bevill	Fuqua	Mann
Blanton	Galifianakis	Mathias
Boggs	Gaydos	Matsunaga
Bow	Gonzalez	May
Brademas	Gray	Meeds
Brinkley	Green, Pa.	Melcher
Brooks	Griffin	Mikva
Brotzman	Griffiths	Miller, Calif.
Brown, Calif.	Gubser	Mills
Broyhill, N.C.	Hagan	Mink
Burke, Mass.	Haley	Mollohan
Burleson, Tex.	Halpern	Montgomery
Burlison, Mo.	Hamilton	Moorhead
Bush	Hammer-schmidt	Morgan
Byrne, Pa.	Hanley	Morse
Caffery	Hansen, Idaho	Moss
Carey	Hansen, Wash.	Murphy, Ill.
Carney	Hathaway	Myers
Casey	Hays	Natcher
Chappell	Henderson	Nichols
Clark	Hicks	Nix
Collins, Ill.	Holifield	Obey
Colmer	Horton	Olsen
Conte	Hull	O'Neal, Ga.
Conyers	Hungate	O'Neill, Mass.
Corman	Ichord	Passman
Culver	Jacobs	Patman
Davis, Ga.	Johnson, Calif.	Patten
Dingell	Jonas	Pelly
Dorn	Jones, Ala.	Pepper
Downing	Jones, N.C.	Perkins
Dulski	Jones, Tenn.	Pickle
Eckhardt	Karth	Poage
Edwards, Calif.	Kastenmeier	Price, Ill.
Edwards, La.	Kee	Pryor, Ark.
	Kleppe	Pucinski
		Randall
		Rarick
		Rhodes
		Roberts
		Rogers, Colo.
		Rogers, Fla.
		Rooney, Pa.
		Ruth
		Sisk
		Skubitz
		Slack
		Smith, N.Y.
		Snyder
		Stafford
		Staggers
		Steed
		Steiger, Wis.
		Stubblefield
		Stuckey
		Sullivan
		Symington
		Taft
		Talcott
		Taylor
		Teague, Calif.
		Teague, Tex.
		Thompson, Ga.
		Thompson, N.J.
		Thomson, Wis.
		Tiernan
		Udall
		Ullman
		Van Deerlin
		Vigorito
		Waggonner
		Watts
		White
		Whitten
		Williams
		Yatron
		Young
		Zablocki
		Zwach

NOT VOTING—118

Abbitt	Fallon	O'Konski
Adair	Farbstein	Philbin
Adams	Fascell	Pirnie
Addabbo	Fish	Pollock
Alexander	Flood	Powell
Ashbrook	Flynt	Preyer, N.C.
Aspinall	Foreman	Price, Tex.
Berry	Frelinghuysen	Purcell
Biaggi	Fulton, Tenn.	Quie
Blackburn	Gallagher	Rees
Blatnik	Garmatz	Reifel
Boland	Gettys	Reuss
Bolling	Gilbert	Rivers
Brasco	Goldwater	Rostenkowski
Bray	Green, Oreg.	Roth
Burton, Calif.	Hanna	Rousselot
Button	Harrington	Roybal
Cabell	Hébert	St Germain
Celler	Heckler, Mass.	Saylor
Chisholm	Hosmer	Sebelius
Clancy	Howard	Shipley
Clausen, Don H.	Johnson, Pa.	Shriver
Clay	Kazen	Sikes
Cleveland	King	Smith, Iowa
Collins, Tex.	Landrum	Stephens
Cramer	Langen	Tunney
Cunningham	Leggett	Waldie
Daddario	Long, La.	Watson
de la Garza	Lowenstein	Weicker
Delaney	Lujan	Whalley
Dennis	Lukens	Wiggins
Dent	McCarthy	Wilson, Bob
Dickinson	McKneally	Wilson, Charles H.
Diggs	MacGregor	Wold
Donohue	Madden	Wright
Dowdy	Mailliard	Wyatt
Edmondson	Meskill	Wydler
Esch	Murphy, N.Y.	Wyman
Eshleman	Nedzi	
	O'Hara	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Celler for, with Mr. Abbitt against.

Mr. Brasco for, with Mr. Philbin against.

Mr. Nedzi for, with Mr. Edmondson against.

Mr. O'Hara for, with Mr. Donohue against.

Mr. Dent for, with Mr. Reuss against.

Mr. Biaggi for, with Mr. Fulton of Tennessee against.

Mr. Addabbo for, with Mr. Flynt against.

Mr. Roybal for, with Mr. Gettys against.

Mr. St Germain for, with Mr. Hébert against.

Mr. Gilbert for, with Mr. Long of Louisiana against.

Mr. Howard for, with Mr. Landrum against.

Mrs. Chisholm for, with Mrs. Green of Oregon against.

Mr. Clay for, with Mr. Leggett against.

Mr. Diggs for, with Mr. Murphy of New York against.

Mr. Powell for, with Mr. Daddario against.

Mr. Farbstein for, with Mr. Garmatz against.

Mr. Gallagher for, with Mr. Rivers against.

Mr. Harrington for, with Mr. Quie against.

Mr. Lowenstein for, with Mr. Fallon against.

Mr. McCarthy for, with Mr. Stephens against.

Mr. King for, with Mr Kazen against.

Mr. Frelinghuysen for, with Mr. Alexander against.

Mr. Madden for, with Mr. Adams against.

Mr. Shipley for, with Mr. Aspinall against.

Mr. Delaney for, with Mr. Cabell against.

Until further notice:

Mr. Boland with Mr. Bray.
Mr. Preyer of North Carolina with Mr. Clancy.
Mr. Purcell with Mr. Don H. Clausen.
Mr. Fascell with Mr. Button.
Mr. Flood with Mr. Cunningham.
Mr. Hanna with Mr. Goldwater.
Mr. Sikes with Mr. Dennis.
Mr. Rostenkowski with Mrs. Heckler of Massachusetts.
Mr. Smith of Iowa with Mr. Cleveland.
Mr. Dowdy with Mr. Dickinson.
Mr. de la Garza with Mr. Collins of Texas.
Mr. Burton of California with Mr. Hosmer.
Mr. Blatnik with Mr. Esch.
Mr. Tunney with Mr. Fish.
Mr. Waldie with Mr. Bob Wilson.
Mr. Rees with Mr. Johnson of Pennsylvania.
Mr. Charles H. Wilson with Mr. Eshleman.
Mr. Wright with Mr. Wyman.
Mr. Adair with Mr. Lujan.
Mr. Ashbrook with Mr. McKneally.
Mr. Berry with Mr. Meskill.
Mr. Blackburn with Mr. MacGregor.
Mr. Cramer with Mr. Mailliard.
Mr. Foreman with Mr. Lukens.
Mr. O'Konski with Mr. Pirnie.
Mr. Pollock with Mr. Roth.
Mr. Reifel with Mr. Saylor.
Mr. Price of Texas with Mr. Rousselot.
Mr. Sebelius with Mr. Weicker.
Mr. Watson with Mr. Wold.
Mr. Shriver with Mr. Wyatt.
Mr. Whalley with Mr. Wydler.

Messrs. TEAGUE of Texas and MIKVA changed their votes from "yea" to "nay."

Messrs. LONG of Maryland and REID of New York changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR POTATO AND TOMATO PROMOTION PROGRAMS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from the further consideration of the bill (S. 1181) to provide for potato and tomato promotion programs, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 1181

An act to provide for potato and tomato promotion programs

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

TITLE I—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of $561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 3. As used in this title:

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 4. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARING

SEC. 5. When sufficient evidence is presented to the Secretary by potato producers or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 6. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 7. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 8. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of in-

fluencing governmental policy or action, except as provided by subsection (a) (4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided,* That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 9. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further,* That such promotional activities shall comply with the provisions of section 8(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising and promotion in years when the production and assessment income may be reduced: *Provided,* That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 10. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such a plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for collection of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 11. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided,* That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 12(a) of this title.

ENFORCEMENT

SEC. 12. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than $100 or more than $1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 13. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing

out of any alleged violation of this title, or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, 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 testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 14. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph (10(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 15. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 16. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 17. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 18. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 19. This title shall take effect upon enactment.

TITLE II—TOMATO ADVERTISING PROJECTS

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or avocados" in the proviso, and inserting in lieu thereof "avocados, or tomatoes".

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOLEY: Strike all after the enacting clause of S. 1181 and insert in lieu thereof the provisions of H.R. 18884 as passed, as follows:

TITLE I—ADVERTISING PROJECTS: MILK

SEC. 101. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I):

"(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research as required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order. Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

TITLE II—ADVERTISING PROJECTS: OTHER COMMODITIES

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended to read as follows:

"Establishing or providing for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to those commodities specified in section 8c(2) of this Act, such projects may provide for any form of marketing promotion including paid advertising: *Provided further*, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt or supersede any such provisions in any State program covering the same commodity."

TITLE III—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 302. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of $561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 303. As used in this title:

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who han-

dles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 304. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARINGS

SEC. 305. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 306. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 307. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 308. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board, as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a)(4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided,* That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producers paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 309. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further,* That such promotional activities shall comply with the provisions of section 308(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising, and promotion in years when the production and assessment income may be reduced: *Provided,* That the total reserve fund does not exceed the amount budget for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 310. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for payment of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and em-

ployees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 311. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Sceretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such rulings is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 312(a) of this title.

ENFORCEMENT

SEC. 312. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than $100 nor more than $1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 313. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, 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 testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 314. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 310(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 315. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 316. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 317. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 318. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 319. This title shall take effect upon enactment.

TITLE IV—RESTRICTIONS ON IMPORTED COMMODITIES

SEC. 401. Section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, is amended by inserting in the first sentence thereof between "tomatoes" and "avocadoes," the following: "raisins, olives (other than Spanish-style green olives), prunes".

Amend the title so as to read: "An Act to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes."

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 18884) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill just passed.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

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

H.J. Res. 1403. Joint resolution to provide an additional temporary extension of the Federal Housing Administration's insurance authority.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2224) entitled "An act to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes."

RECENT FIRINGS AT THE DEPARTMENT OF THE INTERIOR

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

Mr. ECKHARDT. Mr. Speaker, it comes as a shocking event to the Nation to see six men peremptorily discharged from the Department of the Interior.

It is, of course, quite understandable that heads sometimes roll for wholly political reasons, but it is very seldom that subsequent to such changes respected civil servants who are professional rather than politically appointed are also removed. One must always suspicion that there is some attempt peremptorily to step a program then in progress. I speak particularly of persons whom I know and whose backgrounds in this field I am acquainted with, such as Dr. Leslie Glasgow, Assistant Secretary for Fish, Wildlife, Parks, and Marine Resources.

Dr. Glasgow was not a friend of the Secretary when he was appointed. I doubt that he had even met him. However, he is a first-class environmentalist. He is former executive director of the Louisiana Game and Fish Commission, and a former professor at Louisiana State University.

He is knowledgeable in the field of marine life. When he went into the office both my friend and colleague, the gentleman from Texas (Mr. BUSH), a Republican, and I, as a Democrat, recommended Dr. Glasgow for the post. This was a nonpartisan recommendation and appointment. To peremptorily discharge such a man is highly partisan and most reprehensible, and one cannot fail to see some possible relationship between certain contemporary events.

On November 13 it was announced that Humble Oil Co. was charged with failing to install safety devices on its oil wells in the Gulf.

On November 20 the Justice Department brought similar charges against three other major oil firms: Shell Oil Co., Continental Oil Co., and Union Oil of California.

These charges came several months after Chevron Oil was fined $1 million for failure to install storm chokes, which caused a blowout that spilled millions of gallons of oil in the Gulf.

And then on November 25 President Nixon fired Secretary Hickel.

Had it not been for the sweeping out of secondary officers, pure professionals, I should not have raised this question, but the removal of those who might carry out an existing program, because facts—not politics—make the program desirable, does raise serious questions as to the basic cause of these discharges.

LETTERS TO CONGRESSMEN NOT ALWAYS DOMINATED BY CRITICS AND COMPLAINERS

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

Mr. TALCOTT. Mr. Speaker, the false suggestion that letters to Congressmen are dominated by the critics and complainers is given too much currency.

I do not know Robert E. Bullock of the U.S. Coast Guard, but a recent letter from him to me is too good for me to keep to myself.

Mr. Bullock's letter is direct and sincere and I believe worth sharing. I insert a copy at this point in the RECORD:

FOXTROT COMPANY 77,
USCG TRASUPCEN,
GOVERNMENT ISLAND, ALAMEDA, CALIF.,
October 31, 1970.

Congressman BURT L. TALCOTT,
House of Representatives,
Washington, D.C.

DEAR MR. TALCOTT: Being a person from the district you represent, I thought I might drop you a line.

I'm a young fellow who graduated this year from high school. I received a letter from you a while back; thank you. Also I would like to say I'm in the service now, the Coast Guard to be exact. I went in for reasons far too numerous to explain at this time. However, I would like to say that the Coast Guard is one of the finest outfits in the United States. I was a bit mixed up about life, but the Guard is helping me to walk the right path.

By now you are probably wondering why I am writing you this letter. Well, it's this: I, as an American, would like to voice my feelings. I'm part of the silent majority, one of the people who sits back and worries, but does nothing about it. This is changing more every day now. Now I feel I belong to something really worthwhile. This is the Coast Guard. In my opinion it is one of America's first and finest military organizations. It is one in which lives are saved, not taken. Most young people have a mistaken idea of this. They believe that the Guard acts in the same manner as the Navy or other armed forces. You and I know this is false. If I had one wish, I'd wish that more facts on what the Guard does were presented to the young men of high school and college age. Maybe it could well quell some dissent, and help some young men find the right road in life to travel. I have several more weeks of training to complete, then I'll go into the field to do my part in saving lives.

Now I think I've said enough. However, I know life still holds more in store for me and all other young people. Life is still a mystery (but the clouds are beginning to clear). If you can refer other young men to the Coast Guard I think it would help in ways uncountable. I don't believe in war, such as the one in Vietnam. I do, however, believe in the war with saving lives. We in the Guard are always ready; we have to go out, but we don't have to come back.

Boot camp is tough, but this is what makes good Guardsmen. I'm proud to serve, proud to wear the uniform of the Guard. I'm just plain proud of my country as one Nation under God.

If you can give me any advice that may help me later on I would appreciate it. Also any words of wisdom I could pass on to the other men. In closing, I'd like to say, keep up your good work, we need it.

Sincerely,
ROBERT E. BULLOCK 390-197SR.

WORK IS STILL ESSENTIAL

(Mr. POAGE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. POAGE. Mr. Speaker, I have just received one of the clearest and best explanations of the dangers of our policy of extending aid to everyone who wants to accept aid that I have ever read. The letter is from a schoolteacher who points to some of the grievous effects of our gifts of money to schoolchildren. She discusses the matter from a practical and a personal viewpoint. She points out the injustice of what we are doing to the children and the way we are breaking down all self-respect and ambition. She says that there is evidence that "working for a living is becoming unpopular and in many cases unnecessary."

We all know this is true and we all know that our country can no more exist on free bread and circuses than could the Roman Empire. No great civilization was ever built on leisure and laziness. Great civilizations and great nations have always depended on hard work. When we take away the incentive for work we undermine the strength of our Government and the very basis of our civilization.

Nor would we deny any needy citizen help who cannot work because of infirmity or inability to find work, but when we provide for those who will not work as generously as we do for those who do work we have moved completely away from the free enterprise to the socialistic concept.

I commend the letter which follows to the reading of everyone who is interested in the future of our great land:

MARLIN, TEX.,
November 23, 1970.

Hon. BOB POAGE,
House of Representatives,
Washington, D.C.

DEAR MR. POAGE: Change is inevitable and I'll be the first to admit that many changes which have taken place in our country have been beneficial to me. From reading that I've done, I've been convinced that America is the most advanced nation in the world.

I also believe that our country achieved its greatness partly because our people are free to pursue their desired occupations. However, one change now well underway seems to me to be undermining and, in fact, killing this desire to advance our nation by working for oneself. To be more specific, I see evidence now that working for a living is becoming unpopular and in many cases, unnecessary.

I am a schoolteacher. I was informed recently that free lunches in our school will soon be funded by the Department of Agriculture. My class is economically deprived and at present nearly half the class is on free lunch or part pay lunch funded by the Federal Title I program. Along with lunch assistance, we also give free pencils, paper and other supplies. It has become a joke among the faculty that as soon as we have one government program familiarized we are introduced to a replacement for it. It is no laughing matter, but has been used as ironical humor that some of the teachers in our system who have children can now qualify for free lunches for their school age children. Teaching school is no way to get rich, but when you are eligible for government paid lunches after accepting a position that requires four years of professional training then something is wrong. Either the government is giving too much too easily or the cost of living makes living on almost any salary impossible or too much of our money is being taken in taxes and then being returned to some of us who can qualify.

Helping the poor is a noble work which I feel we need. What concerns me is the "give, give, give" which destroys pride and eventually becomes expected instead of accepted. When you are informed that you cannot ask a child to pick up a napkin off the cafeteria floor if he is on free or part pay lunch because it would be discriminating against him by, in a sense, making him work for his lunch I feel there is injustice there. In other words, those children who pay their way do the work. Also, a child who pays not a cent for lunch cannot be denied the privilege of buying popcorn or snowcone while on the playground. It seems to me that this money, by all that is right, should be applied to the lunch, but once again this would discriminate by pointing out those who cannot buy snowcones or popcorn. This is unfair. The truth is the children who are paying for their lunches are quite often the ones who cannot then afford these extras. Why should being poor be considered shameful?

Hippies, Yippies, and other such radicals have been highly criticized by me. The long hair, filth, dope and such repulse me. I'm the kind the government must love. I never buck anything the establishment does. I vote in every election. More and more of my salary is taken for taxes and even though I gripe I usually pass it off with "Well, it is happening to everybody else." You know, for the first time in my life I am beginning to understand the radical who wants to change the establishment, even though I disapprove their methods.

What makes it so bad is, I don't even know who is responsible. To whom do I direct my feelings? Does it do any good? Certainly I'm not the first to become upset with the present state of affairs. What has become of other letters? Are they really given any attention? I know that my trite statements are no news. Anybody can gripe, but what about solutions?

Don't give so much so easily. Too many able-bodied people are overpopulating the country and being paid to do so with money taken from people like myself. Anyone in Washington cannot possibly know how the funds that are passed out are being used. As for me it would probably be less expensive for me to feed the poverty stricken in my room myself than to pay for the lunches plus the salaries of those who decide who receive the free and part pay lunches.

I love this country. I do not consider myself a highly prejudiced person. I love the children in my classroom and do not blame them for being poor or for taking advantage of "hand-outs". I hate to see them, so young, being stripped of pride and not even realizing that you are supposed to earn your own way. I am worried about socialism. I was brought up to believe that the free enterprise system was superior to other forms of government. The saying "Those who don't work, don't eat" is strong medicine and certainly subject to exceptions, but it would certainly relieve a lot of pressure currently upon those who do work.

Sincerely yours,

ANITA TATE.

PANAMA CANAL: CONTINUED U.S. SOVEREIGN CONTROL

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, following a recent 10-day visit in the United States, Revolutionary President Demetria B. Lakas of Panama reported in a message to the people of that country, his great pleasure over President Nixon's expression of willingness to resume diplomatic negotiations, pertaining to the status of the U.S. Canal Zone territory. This, together with the fact that the report of the investigation by the Atlantic-Pacific Interoceanic Canal Study Commission is due on December 1, 1970, presents a grave situation that must be met by the Congress.

In this connection, I call special attention to the fact that the recommendation for a sea level canal in the forthcoming report, depends upon surrender to Panama of the U.S. sovereignty over the Canal Zone. Accordingly, my most distinguished and scholarly colleague from Pennsylvania, Mr. DAN FLOOD, and I addressed a joint letter on November 17, 1970, to all Members of the House, with copies to all Members of the Senate. It urges early adoption by the House of pending identical resolutions opposing any surrender of the Canal Zone territory and emphasizes that the House must participate in any disposal of U.S. territory or property, as set forth in the Constitution.

In order that this letter may be known to the Nation at large, I quote it as part of my remarks:

The Washington Post of October 31, 1970, in its "Around the World" column, reports that revolutionary President Lakes of Panama, in a message to the people of that country following his recent talks with President Nixon, stated that the United States is prepared to negotiate a new canal treaty with Panama.

Following an effort by the United States Government to reopen negotiations on the basis of three proposed 1967 treaties that were never signed because of strong opposition in both countries, the Foreign Minister of Panama, in a note on August 5, 1970, formally notified the United States Government that the 1967 draft treaties are "no longer considered a satisfactory basis for negotiations."

Those proposed treaties, negotiated without the authorization of Congress, would:

(1) cede U.S. sovereignty over the Canal to Panama;

(2) make that weak and unstable republic a partner in the management and defense of the Canal;

(3) increase the annuity to Panama;

(4) raise transit tolls; and

(5) eventually give to Panama without any compensation whatever both the existing Canal and any new one in Panama that may be constructed at the expense of our overburdened taxpayers.

Evidently, the reason for the refusal of the revolutionary government of Panama to accept the 1967 proposed treaties as basis for renewed negotiations was, and is, the fact that the proposed treaties would not remove United States protection forces from the Isthmus as was done by the British Government in the case of the Suez Canal, thus permitting a Soviet takeover.

The chief negotiator for the 1967 treaty proposals was Ambassador Robert B. Anderson. His associates in the formulation and negotiation of them included John N. Irwin II, recently appointed Under Secretary of State, and Robert M. Sayre, now United States Ambassador to Panama. A fourth official involved is Daniel W. Hofgren, a young White House staff member with no diplomatic or Panama Canal experience, who is now the principal negotiating assistant to Ambassador Anderson. There could not be a more perfect setup for surender at Panama with complete loss to the United States of the strategic Panama Canal and its ultimate takeover by Soviet power just as occurred in Cuba and at the Suez Canal.

Under Article IV, Section 3, Clause 2, of the United States Constitution, the House must join the Senate in the disposal of territory or other property of the United States—a course that in the past has been observed by the Executive power.

Hence the House of Representatives has an imperative reason to express itself in the premises. With that objective in view, some 116 members of the House have sponsored 28 identical resolutions in the present Congress opposing any surrender at Panama. The House sub-committee on Inter-American Affairs during the period of July 8 to August 3, 1970, held intensive hearings on "Cuba and the Caribbean", including consideration of the indicated Panama Canal sovereignty resolutions, but a report thereon has not yet been made.

In addition to statements by the undersigned on August 3rd to the subcommittee, the testimony quotes the 1970 "Memorial to the Congress" prepared by the Committee for Continued United States Control of the Panama Canal. All of this, with the text of the pending sovereignty resolutions, was published in the *Congressional Record* of Sept. 15, 1970, pp. 31889–99.

There never has been proposed in the history of our country and such surrender of our indispensable rights, power and authority over this vital artery of marine transportation, constructed, maintained, operated, sanitated, and protected by the United States at huge cost as a "mandate of civilization." Instead, eminent Secretaries of State such as John Hay, Charles Evans Hughes and John Foster Dulles strongly supported exclusive United States sovereignty as indispensably necessary for the protection of the Western Hemisphere.

The questions at issue are not really between the United States and Panama but between the United States and Soviet imperialism, which since 1917 has had for its policy the wresting of control of the Panama Canal from the United States. Moreover, Red militants and terrorists are now operating throughout all countries of the Western Hemisphere, including our own; and with our surrender of the Canal the complete communist takeover of the Hemisphere will be facilitated. These are the challenges that should be debated in the Congress and forthrightly met.

The failure of the House to act in the premises will bring the United States into a situation of the gravest peril. With Cuba, Bolivia, Peru, and now Chile, already dominated by communist power, the rest of Latin America will soon be under Soviet control with our nation rendered powerless to defend itself unless we take proper action to prevent it.

It is, therefore, of the utmost importance that the Executive Branch of our government, and the Nation, should know the position of the House of Representatives in the premises. To that end, we urge prompt action on the pending Panama Canal sovereignty resolutions.

With such resolutions adopted should any surrender treaty or treaties be sent to the Senate for ratification some of our colleagues on both sides of the aisle have requested us to lead a march of a large number of protesting House members to the Senate Committee on Foreign Relations to be heard in opposition to ratification.

In addition to adopting the indicated resolutions, we urge all members of the House to write the President strongly opposing any surrender of United States sovereignty at Panama.

Sincerely yours,

DURWARD G. HALL,
DANIEL J. FLOOD,
Members of Congress.

RELIEF FOR PAKISTAN

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, in its all-out effort to provide disaster assistance to the people of East Pakistan, the Nixon administration has run afoul of some domestic critics who are charging that we are not doing enough. Since one of the greatest problems is lack of transportation to bring food and medical supplies to the disaster area, one of our colleagues has pointed to the fact that the United States has some 4,000 helicopters in Southeast Asia and implied that our Government is "suspect" because we have not made more of these helicopters available to the relief effort.

This criticism completely ignores the reality of the situation faced by our Government in Pakistan. The United States has more than met every request of the Pakistan Government, and we will continue to do so. But we must continue to function under the direction of the Pakistan Government, just as must all the other countries who are providing assistance. The relief effort must be coordinated; and if the United States were to undertake independent action, the result would be chaos and, quite probably, would bring a strong protest from the Government of Pakistan.

Those who are complaining that the United States is not doing enough would be the first to be outraged if this country undertook a relief invasion of Pakistan and violated the sovereignty of that country. The United States must respect the wishes of the Pakistan Government.

TAKE PRIDE IN AMERICA

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

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States has, by far, the greatest number of tractors in use of any country in the world. In 1968 the United States had 4,810,000 tractors. The second-ranked nation, the Soviet Union, had 1,821,000.

LEAVE OF ABSENCE

Mr. ROBISON (at the request of Mr. GERALD R. FORD), for December 1 and balance of week, on account of death in family.

Mr. WIGGINS (at the request of Mr. GERALD R. FORD), for today through December 13, on account of official business.

Mr. DON H. CLAUSEN (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. FRELINGHUYSEN (at the request of Mr. GERALD R. FORD), for the week of November 30, on account of official business.

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. HANNA (at the request of Mr. JOHNSON of California), for today through Monday, December 14, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ICHORD, for 60 minutes, on Wednesday, December 2, 1970.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ICHORD in two instances and to include extraneous material.

Mr. HOLIFIELD, to include with his remarks in the committee certain extraneous material.

(The following Members (at the request of Mr. MIZELL) and to include extraneous matter:)

Mr. BUSH.
Mr. SCHERLE in 10 instances.
Mrs. HECKLER of Massachusetts.
Mr. CEDERBERG.
Mr. HOSMER in two instances.
Mr. HUNT.
Mr. ZWACH.
Mr. ANDERSON of Illinois.
Mr. TAFT.
Mrs. PETTIS.
Mr. WOLD.
Mr. SCOTT.
Mr. HOGAN in three instances.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. RARICK in three instances.
Mr. RYAN in two instances.
Mr. GALIFIANAKIS in two instances.
Mr. SATTERFIELD in two instances.
Mrs. SULLIVAN in four instances.
Mr. RODINO.
Mr. JONES of Tennessee.
Mr. BYRNE of Pennsylvania.
Mr. CULVER.
Mr. KLUCZYNSKI.
Mr. PUCINSKI in 10 instances.
Mr. KOCH in five instances.
Mr. PICKLE in three instances.
Mr. FOLEY.
Mr. FOUNTAIN.
Mr. DANIELS of New Jersey.
Mr. DINGELL.
Mr. EVINS of Tennessee in three instances.
Mr. OBEY in six instances.
Mr. DIGGS in three instances.
Mr. WOLFF in six instances.
Mr. MONAGAN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3540. An act for the relief of George K. Liu; to the Committee on the Judiciary.

S. 3870. An act for the relief of Dr. Dionisio Teng Libi and Dr. Bernadette Libi; to the Committee on the Judiciary.

S. 4029. An act for the relief of Soon Ae Kwak; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3373. An act for the relief of Giuseppe Delina;

H.R. 4670. An act for the relief of Ok Yon (Mrs. Charles G.) Kirsch;

H.R. 6951. An act to enact the interstate agreement on detainers into law;

HR. 14543. An act for the relief of Mrs. Rolando C. Dayao;

H.R. 15216. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes.

H.R. 15767. An act for the relief of Mrs. Maria Zahaniacz (nee Bojkiwska);

H.R. 15922. An act for the relief of Somporn (Letta Noi) Bell;

H.R. 16857. An act for the relief of Soon Ho Yoo;

H.R. 17431. An act for the relief of Jacqueline and Barbara Andrews;

H.R. 17508. An act for the relief of Jung Yung Mi and Jung Ae Ri; and

H.R. 17912. An act for the relief of Jin Soo Park and Moon Mi Park.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2543. An act to prohibit the movement in interstate or foreign commerce of horses which are "sored," and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that

that committee did on the following days present to the President, for his approval, bills of the following titles:

On November 25, 1970:

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control.

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance;

H.R. 9486. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detailed status during the Vietnam conflict;

H.R. 14252. An act to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes; and

H.R. 18546. An act to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

On November 30, 1970:

H.R. 670. An act to amend section 19 of the District of Columbia Public Assistance Act of 1962;

H.R. 3373. An act for the relief of Giuseppe Delina.

H.R. 4183. An act to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits;

H.R. 4670. An act for the relief of Ok Yon (Mrs. Charles G.) Kirsch;

H.R. 9017. An act to amend the District of Columbia Alcoholic Beverage Control Act;

H.R. 10336. An act to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests;

H.R. 13564. An act to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees;

H.R. 13565. An act to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia;

H.R. 14543. An act for the relief of Mrs. Rolando C. Dayao;

H.R. 15767. An act for the relief of Mrs. Maria Zahaniacz (nee Bojkiwska);

H.R. 15922. An act for the relief of Somporn (Leeta Noi) Bell;

H.R. 16857. An act for the relief of Soon Ho Yoo;

H.R. 17431. An act for the relief of Jacqueline and Barbara Andrews;

H.R. 17508. An act for the relief of Jung Yung Mi and Jung Ae Ri;

H.R. 17912. An act for the relief of Jin Soo Park and Moon Mi Park; and

H.R. 17970. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Tuesday, December 1, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2572. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report on the operation of section 501 of the Second Supplemental Appropriations Act, 1970, establishing a limitation on budget outlays, through October 31, 1970 (H. Doc. No. 91–421); to the Committee on Appropriations and ordered to be printed.

2573. A letter from the Secretary, National Park Foundation, transmitting the report of the Foundation, pursuant to Public Law 90–209; to the Committee on Interior and Insular Affairs.

2574. A letter from the Secretary of Transportation, transmitting a preliminary designation of a basic system of intercity rail passenger service, pursuant to Public Law 91–518; to the Committee on Interstate and Foreign Commerce.

2575. A letter from the Chief Commissioner, U.S. Court of Claims, transmitting certified copies of the opinion and findings of the court in the case *Ralph J. Messina, Sr., et al.* v. *The United States*, pursuant to 28 U.S.C. 1492 and 2509 and House Resolution 1111, 90th Congress; to the Committee on the Judiciary.

2576. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 3, 1970, submitting a report, together with accompanying papers and illustrations, on Rhodes Point to Tylerton, Md., requested by resolutions of the Committee on Public Works, House of Representatives, adopted May 10, 1962 and October 5, 1966. No authorization by Congress is recommended as the desired improvements have been approved for accomplishment by the Chief of Engineers under the provisions of section 107 of the 1960 River and Harbor Act, as amended; to the Committee on Public Works.

2577. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 6, 1970, submitting a report, together with accompanying papers and an illustration, on Bayou Coden, Ala., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted March 11, 1963. No authorization by Congress is recommended as the desired improvement has been approved for accomplishment under section 107 of the River and Harbor Act of 1960; to the Committee on Public Works.

2580. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of several facilities projects proposed to be undertaken for the Army National Guard; to the Committee on Armed Services.

RECEIVED FROM THE COMPTROLLER GENERAL

2578. A letter from the Comptroller General of the United States, transmitting a report on improvements needed to upgrade the readiness of the Naval Air Reserve, Department of the Navy; to the Committee on Government Operations.

2579. A letter from the Comptroller General of the United States, transmitting a report on the information gathering and disseminating activities of the National Library of Medicine, National Institutes of Health, Department of Health, Education, and Welfare; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 19446. A bill to assist school districts to meet special problems incident to desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas, and for other purposes; with amendments (Rept. No. 91–1634). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19868. A bill to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes (Rept. No. 91–1635). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 19576. A bill to establish the National Advisory Committee on the Oceans and Atmosphere; with amendments (Rept. No. 91–1636). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FALLON (for himself, Mr. BLATNIK, Mr. JONES of Alabama, Mr. KLUCZYNSKI, Mr. WRIGHT, Mr. GRAY, Mr. CLARK, Mr. EDMONDSON, Mr. JOHNSON of California, Mr. DORN, Mr. HENDERSON, Mr. OLSEN, Mr. ROBERTS, Mr. MCCARTHY, Mr. KEE, Mr. HOWARD, Mr. ANDERSON of California, Mr. CAFFERY, Mr. ROE, Mr. CRAMER, Mr. HARSHA, Mr. GROVER, Mr. DON H. CLAUSEN, and Mr. MCEWEN):

H.R. 19877. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; to the Committee on Public Works.

By Mr. FALLON (for himself, Mr. DUNCAN, Mr. SCHWENGEL, Mr. SCHADEBERG, Mr. SNYDER, Mr. DENNEY, Mr. ZION, Mr. MCDONALD of Michigan, Mr. HAMMERSCHMIDT, and Mr. MILLER of Ohio):

H.R. 19878. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; to the Committee on Public Works.

By Mr. MCMILLAN (for himself and Mr. FUQUA):

H.R. 19879. A bill to provide additional revenue for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MILLS:

H.R. 19880. A bill to amend the Internal Revenue Code of 1954 relating to transfers taking effect at death; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 19881. A bill; consolidated returns of life insurance companies; to the Committee on Ways and Means.

By Mr. ICHORD:

H. Con. Res. 788. Concurrent resolution authorizing the printing of additional copies of "Hearings Relating to Various Bills To Repeal The Emergency Detention Act of 1950," 91st Congress, Second Session; to the Committee on House Administration.

By Mr. STRATTON (for himself, Mr. WOLD, and Mr. SCHMITZ):

H. Res. 1287. Resolution; support for efforts to rescue American prisoners of war incarcerated in North Vietnam; to the Committee on Armed Services.

By Mr. WAGGONNER:

H. Res. 1288. Resolution providing additional postage for Members and officers of the House of Representatives; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. JARMAN introduced a bill (H.R. 19882) for the relief of Shirley C. Thorne; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

641. The SPEAKER presented a petition of the Palau Legislature, Koror, Palau, Western Caroline Islands, Trust Territory of the Pacific Islands, relative to war claims; to the Committee on Foreign Affairs.

SENATE—*Monday, November 30, 1970*

The Senate met at 12 o'clock meridian, and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, as we return to our tasks we pause to thank Thee for the festival of Thanksgiving, for home and family, for church and school, and for the durability of our institutions in changing times. Now accept our fresh dedication to high service in a government of the people, for the people, and by the people. May Thy grace be sufficient for all our needs.

Grant to all who serve in the higher offices of the Nation the wisdom and courage to marshal the bountiful resources and generous talents with which Thou hast endowed us, for the making of a society of righteousness and justice. Guide the nations of the world, so torn by contention and weary of war, into the peaceable ways of Thy kingdom, where law is love and Thy spirit rules every man.

We pray in the name of the Prince of Peace. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 30, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Jones, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HOLLINGS) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 670. An act to amend section 19 of the District of Columbia Public Assistance Act of 1962;

H.R. 4183. An act to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits;

H.R. 9017. An act to amend the District of Columbia Alcoholic Beverage Control Act;

H.R. 10336. An act to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests;

H.R. 13564. An act to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees;

H.R. 13565. An act to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia; and

H.R. 17970. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 25, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF CALL OF THE CALENDAR TOMORROW

Mr. MANSFIELD. Mr. President, I serve notice on the Senate that the unobjected-to items on the calendar will, on the basis of joint agreement, be brought up during the morning hour tomorrow.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after the remarks of the distinguished Senator from Connecticut (Mr. RIBICOFF) today, there be a period for the transaction of routine morning business with a time limitation of 3 minutes on statements made therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENTS OF THE SENATE TO 10 A.M. ON TUESDAY, WEDNESDAY, THURSDAY, AND FRIDAY OF THIS WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today, it stand in adjournment until 10 a.m. tomorrow; and that on Wednesday, Thursday, and Friday of this week the Senate convene at 10 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered