

# ORDER FOR SENATE TO RETURN TO LEGISLATIVE BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order tomorrow, at any time prior to a final vote on the adoption of the resolution of ratification, for the distinguished majority leader or his designee to return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. HUMPHREY). Pursuant to Senate Concurrent Resolution 63 of the 92d Congress, and on behalf of the Vice President, the Chair appoints the Senator from Nevada (Mr. CANNON) to the Joint Committee to make arrangements for the inauguration of the President-elect and the Vice President-elect, to the same rank and in lieu of the Senator from North Carolina (Mr. JORDAN), resigned.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. After the two leaders have been recognized under the standing order, the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with

statements limited therein to 3 minutes, at the conclusion of which the Senate will go into executive session and proceed to the consideration of the SALT Treaty, Executive L, 92d Congress, second session, on which there is a time limitation with respect to debate on the treaty, debate on the adoption of the resolution of ratification, consideration of any reservation, understanding, or amendment to any reservation or understanding. It is not anticipated that the Senate will reach a final vote on the treaty tomorrow. The final vote on the treaty will occur on Friday. However, there may be votes on reservations and/or understandings, or amendments to reservations and/or understandings tomorrow. There also may be votes on the interim agreement or any other business which the majority leader might wish to call up before the Senate concludes its business tomorrow.

## ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 8:24 p.m. the Senate adjourned until tomorrow, Thursday, August 3, 1972, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate August 2, 1972:

### RAILROAD RETIREMENT BOARD

James L. Cowen, of Illinois, to be a Member of the Railroad Retirement Board for the remainder of the term expiring August 28, 1972, vice Howard William Habermeyer, resigned.

### NATIONAL SCIENCE BOARD

The following named persons to be members of the National Science Board, National Science Foundation, for terms expiring May 10, 1978:

Wesley G. Campbell, of California, vice Thomas F. Jones, Jr., term expired.  
T. Marshall Hahn, Jr., of Virginia, vice Charles F. Jones, term expired.  
Anna J. Harrison, of Massachusetts, vice Horton Guyford Stever, term expired.  
Hubert Heffner, of California, vice Athelstan F. Spilhaus, term expired.

William H. Meckling, of New York, vice Emanuel R. Piore, term expired.

William A. Nierenberg, of California, vice Richard H. Sullivan, term expired.

Russell D. O'Neal, of Michigan, vice Robert S. Morison, term expired.

Joseph M. Reynolds, of Louisiana; reappointment.

### U.S. AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

#### To be general

Gen. Jack G. Merrell, ~~xxx-xx-xxxx~~ FR (major general, Regular Air Force) U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility requiring the rank of general, under the provisions of section 8066, title 10, United States Code:

Lt. Gen. George B. Simler, ~~xxx-xx-xxxx~~ FR (major general, Regular Air Force) U.S. Air Force.

### U.S. ARMY

The following named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

#### To be lieutenant general

Lt. Gen. Alexander Day Surles, Jr., ~~xxx-xx-x~~ Army of the United States (major general, U.S. Army).

### U.S. MARINE CORPS

The following named officers of the Marine Corps for temporary appointment to the grade of major general:

Samuel Jaskilka	Robert H. Barrow
Edward S. Fris	Herbert L. Beckington
Thomas H. Miller, Jr.	

The following named officers of the Marine Corps for temporary appointment to the grade of brigadier general:

Clarence H. Schmid	Kenneth McLennan
Edward A. Wilcox	Joseph Koler, Jr.
William L. Smith	George R. Brier
Arthur J. Poillon	

## CONFIRMATIONS

Executive nominations confirmed by the Senate August 2, 1972:

### ATOMIC ENERGY COMMISSION

Dixy Lee Ray, of Washington, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1977.

### U.S. DISTRICT COURT

Marshall A. Neill, of Washington, to be a U.S. district judge for the Eastern District of Washington.

## HOUSE OF REPRESENTATIVES—Wednesday, August 2, 1972

The House met at 12 o'clock noon.  
The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Your faith should not stand in the wisdom of men, but in the power of God.—I Corinthians 2: 5.*

O Thou who hast made Thyself known as one who is always ready and able to renew our strength and to restore our souls, grant unto us a realization of Thy presence as we wait upon Thee in prayer and as we prepare ourselves for the work of this day.

May our faith in the power of righteousness, the strength of justice, and the influence of good will never be dimmed by doubt nor destroyed by de-

spair as we seek to solve the pressing problems of these trying times.

Guide Thou our President, direct our Speaker, and lead our representatives as they endeavor to preserve and to promote those principles which make for national unity and world peace.

Humbly and heartily do we pray in the spirit of Christ. Amen.

## THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, 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 Senate to the bill (H.R. 14108) entitled "An act to authorize appropriations for activities of the National Science Foundation, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 916. An act to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations.

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

S. 1217. An act to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes; and

S. 3726. An act to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,  
August 2, 1972.

HON. CARL ALBERT,  
The Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:50 p.m. on Tuesday, August 1, 1972, said to contain a Message from the President transmitting the 1971 Annual Report on the administration of the Radiation Control for Health and Safety Act of 1968.

With kind regards, I remain,  
Most sincerely,

W. PAT JENNINGS, Clerk,  
House of Representatives.

#### 1971 ANNUAL REPORT ON THE ADMINISTRATION OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-334)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

I transmit herewith the 1971 Annual Report on the administration of the Radiation Control for Health and Safety Act of 1968 (Public Law 90-602), as prepared by the Secretary of Health, Education, and Welfare.

RICHARD NIXON.  
THE WHITE HOUSE, August 1, 1972.

#### PERMISSION TO FILE CONFERENCE REPORT ON H.R. 15690 AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1973

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 15690) making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes.

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

There was no objection.

#### CONFERENCE REPORT ON H.R. 6957, SAWTOOTH NATIONAL RECREATION AREA

Mr. ASPINALL submitted the following conference report and statement on the bill (H.R. 6957) to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-1276)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6957) to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill, and agree to the same with an amendment, as follows: In lieu of the matter inserted by the Senate amendment, insert the following:

That (a) in order to assure the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreational values associated therewith, the Sawtooth National Recreation Area is hereby established.

(b) The Sawtooth National Recreation Area (hereafter referred to as the "recreation area"), including the Sawtooth Wilderness Area (hereafter referred to as the "wilderness area"), shall comprise the lands generally depicted on the map entitled "Sawtooth National Recreation Area" dated June, 1972, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture (hereafter referred to as the "Secretary") shall, as soon as practicable after the date of enactment of this Act, publish a detailed description and map showing the boundaries of the recreation area in the Federal Register.

Sec. 2. (a) The Secretary shall administer the recreation area in accordance with the laws, rules and regulations applicable to the national forests in such manner as will best provide (1) the protection and conservation of the salmon and other fisheries; (2) the conservation and development of scenic, natural, historic, pastoral, wildlife, and other values, contributing to and available for public recreation and enjoyment,

including the preservation of sites associated with and typifying the economic and social history of the American West; and (3) the management, utilization, and disposal of natural resources on federally owned lands such as timber, grazing, and mineral resources insofar as their utilization will not substantially impair the purposes for which the recreation area is established.

(b) The lands designated as the Sawtooth Wilderness Area, which supersedes the Sawtooth Primitive Area, shall be administered in accordance with the provisions of this Act and the provisions of the Wilderness Act (78 Stat. 890), whichever is more restrictive, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

Sec. 3. (a) Except as provided in section 4, the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise any lands, or lesser interests therein, including mineral interests and scenic easements, which he determines are needed for the purposes of this Act: *Provided*, That acquisitions of lands or interests therein for access to and utilization of public property, and for recreation and other facilities, shall not exceed five per centum of the total acreage of all private property within the recreation area as of the effective date of this Act.

As used in this Act the term "scenic easement" means the right to control the use of land in order to protect the esthetic values for the purposes of this Act, but shall not preclude the continuation of any use exercised by the owner as of the date of this Act.

(b) In exercising this authority to acquire lands, the Secretary shall give prompt and careful consideration to any offer made by an individual owning any land, or interest in land, within the boundaries described in subsection 1(b) of this Act. In considering such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring his property.

(c) The Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to accomplish the objectives of this Act.

(d) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property, or interests therein, located within the recreation area and, notwithstanding any other provision of law, he may convey in exchange therefor any federally owned property within the State of Idaho which he classifies as suitable for exchange and which is under his administrative jurisdiction. The values of the properties so exchanged shall be approximately equal or, if they are not approximately equal, they shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. In the exercise of his exchange authority, the Secretary may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(e) Nothing in this Act shall be construed as limiting the authority of the Secretary to acquire mineral interests in lands within the recreation area, with or without the consent of the owner. Upon acquisition of any such interest, the lands and/or minerals covered by such interest are by this Act withdrawn from entry or appropriation under the United States mining laws and from disposi-



tion under all laws pertaining to mineral leasing and all amendments thereto.

(f) Any land or interest in land owned by the State of Idaho or any of its political subdivisions may be acquired only by donation or exchange.

(g) Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become parts of the recreation area and of the national forest within or adjacent to which they are located.

(h) Except as otherwise provided, the Secretary shall have the authority to use condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

Sec. 4. (a) The Secretary shall make and publish regulations setting standards for the use, subdivision, and development of privately owned property within the boundaries of the recreation area. Such regulations shall be generally in furtherance of the purposes of this Act and shall have the object of assuring that the highest and best private use, subdivision, and development of such privately owned property is consistent with the purposes of this Act and with the overall general plan of the recreation area. Such regulations shall be as detailed and specific as is reasonably required to accomplish such objective and purpose. Such regulations may differ amongst the several parcels of private land in the boundaries and may from time to time be amended by the Secretary. All regulations adopted under this section shall be promulgated in conformity with the provisions of the Administrative Procedure Act. The United States District Court for the District of Idaho shall have jurisdiction to review any regulations established pursuant to the first sentence of this subsection, upon a complaint filed within six months after the effective date of such regulations, by any affected landowner in an action for a declaratory judgment.

(b) After publication of such regulations, no privately owned lands shall be acquired by the Secretary by condemnation unless he determines, in his judgment, that such lands are being used, or are in imminent danger of being used, in a manner incompatible with the regulations established pursuant to this section or unless such lands are determined to be necessary for access or development, in which case such acquisitions shall be subject to the 5 per centum limitation established in subsection 3(a) of this Act.

Sec. 5. The Secretary shall, as soon as practicable after the enactment of this Act, review the undeveloped and unimproved portion or portions of the recreation area as to suitability or unsuitability for preservation as a part of the National Wilderness Preservation System. In conducting his review, the Secretary shall comply with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892), relating to public notice, public hearings, and review by State and other agencies, and shall advise the Senate and House of Representatives of his recommendations with respect to the designation as wilderness of the area or areas reviewed.

Sec. 6. The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this Act, including, but not limited to, the restoration and maintenance of the historic setting and background of the frontier ranch-type town of Stanley.

Sec. 7. Nothing in this Act shall diminish,

enlarge, or modify any right of the State of Idaho, or any political subdivision thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

Sec. 8. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the State of Idaho, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

Sec. 9. The jurisdiction of the State and the United States over waters of any stream included in the recreation area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time of enactment of this Act shall entitle the owner thereof to just compensation.

Nothing in this Act shall construe an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

Sec. 10. Subject to valid existing rights, all Federal lands located in the recreation area are hereby withdrawn from all forms of location, entry, and patent under the mining laws of the United States.

Sec. 11. The Congress hereby recognizes and declares the need to take action to regulate the use of, and protect the surface values of, the Federal lands in the recreation area, and directs that rules and regulations necessary to carry out this section shall be promulgated and issued by the Secretary of Agriculture after consultation with the Secretary of the Interior. Such regulations shall include, when deemed necessary, provisions for control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of such Federal land in connection with any authorized activities on such land, including but not limited to mineral prospecting, exploration, or development operations.

Sec. 12. Patents shall not hereafter be issued for locations and claims heretofore made in the recreation area under the mining laws of the United States.

Sec. 13. There are authorized to be appropriated for the purposes of this Act not more than \$19,802,000 for the acquisition of lands and interests in lands and not more than \$26,241,000 for development. Money appropriated from the land and water conservation fund shall be available for the acquisition of lands, waters, and interests therein within the recreation area.

Sec. 14. (a) The Secretary of the Interior, in consultation with appropriate Federal, State, and local agencies, shall make a comprehensive analysis of the natural, economic, and cultural values of the recreation area and the adjacent Pioneer Mountains for the purpose of evaluating the potentiality of establishing therein a national park or other unit of the national park system. He shall submit a report of the results of the analysis along with his recommendations to the Congress by December 31, 1974.

(b) His report shall show that in making the aforesaid recommendations he took into consideration, among other things—

(1) the feasible alternative uses of the land and the long- and short-term effect of such alternative uses upon, but not limited to, the following—

- (A) the State and local economy,
- (B) the natural and cultural environment,

(C) the management and use of water resources,

(D) the management of grazing, timber, mineral, and other commercial activities,

(E) the management of fish and wildlife resources,

(F) the continued occupancy of existing homesites, campsites, commercial and public recreation enterprises, and other privately owned properties and the future development of the same,

(G) the interrelation between recreation areas, wilderness areas and park lands, and

(2) the establishment of a national park in the mountain peaks and upland areas together with such portions of the national recreation area as may be necessary and appropriate for the proper administration and public use of and access to such park lands, leaving the valleys and low-lying lands available for multiple-use purposes.

(c) Any recommendation for the establishment of a unit of the national park system shall be accompanied by (1) a master plan for the development and administration of such unit, indicating proposed boundaries, access or other roads, visitor facilities, and proposed management concepts applicable to such unit; (2) a statement of the estimated Federal cost for acquisition, development, and operation of such unit; and (3) proposed legislation for establishment of such park administrative unit.

(d) There are authorized to be appropriated not more than \$50,000 to carry out the provisions of this section.

Sec. 15. If any provision of this Act is declared to be invalid, such declaration shall not affect the validity of any other provision hereof.

And the Senate agree to the same.

WAYNE N. ASPINALL,  
ROY A. TAYLOR,  
MORRIS K. UDALL,  
J. SKUBITZ,  
JAMES A. MCCLURE,

*Managers on the Part of the House.*

ALAN BIBLE,  
FRANK CHURCH,  
FRANK E. MOSS,  
CLIFFORD P. HANSEN,  
LEN B. JORDAN,

*Managers on the Part of the Senate.*

#### JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6957) to establish the Sawtooth National Recreation Area in the State of Idaho submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying Conference Report.

The language agreed upon by the managers is the language of the House bill with various changes. There were numerous points of difference between the House version and the Senate amendment which were the subject of discussion and action by the Committee of Conference. These differences and the disposition of them are as follows:

(1) Both the House and Senate versions of the bill provided for the establishment of a national recreation area and for a wilderness area. Under the terms of the House language, the two units were separate and distinct; whereas, the Senate amendment incorporated the wilderness area into the recreation area. Although the size of the two areas was substantially the same, there were some boundary differences. In addition, the House bill stated that one of the purposes of the legislation is to preserve natural values among other things, but the Senate amendment did not include this statement. In resolving these differences, the Conference Committee recommends the statement of purpose approved by the House and that the boundaries for the wilderness area ap-

proved by the House be accepted, but that the wilderness area be included within the exterior boundaries of the recreation area, as provided by the Senate. To accomplish this objective, the Conference Committee revised the language of the legislation and provided that a new map should depict the boundaries agreed upon.

(2) The lands involved in the legislation approved by both Bodies are to be administered by the Secretary of Agriculture; however, the precise terms of the two bills were not identical. In accepting the House language, the Conference Committee noted that the area is to be administered in accordance with the laws, rules and regulations applicable to national forests insofar as the federally owned lands are concerned. The intent of this provision is to incorporate into the legislation the basic grant of authority available to the Secretary which supplements the powers available to him under this Act.

The use of privately owned lands, over which the Secretary has acquired no interest would, of course, not be affected by this provision of the recommended legislation.

With respect to the wilderness area, the Conference Committee modified the House language to provide for the administration of the wilderness area in accordance with the basic provisions of the Wilderness Act and with the provisions of this Act, whichever are more restrictive. It should be recognized that it is not the intent of the provisions of this Act to modify the provisions of the Wilderness Act as it generally applies to other areas and the action recommended in this particular instance should not be considered as a precedent for indirectly altering that Act in any manner.

(3) Another important distinction between the two measures involved the land acquisition authority of the Secretary. Under the terms of the House-approved bill, the Secretary was given the usual authority to acquire such lands, or interests in lands, as he deemed necessary for the purposes of the Act, but it limited his authority to acquire lands for access to public property or for the development of recreation facilities to no more than 5 percent of all private property within the recreation area. In addition the House version authorized the Secretary to promulgate regulations establishing standards for the use and development of privately owned lands within the recreation area and provided that he could condemn such lands only if the owner failed to use them in a manner conforming to the established standards. Under the latter provision, acquisitions were to be subject to the 5 percent limitation only if they were to be used by the Secretary for access or recreational development purposes.

The comparable provisions of the Senate amendment provided that the Secretary could acquire such lands as he deemed necessary and it specifically authorized the acquisition of mineral interests. It also authorized the Secretary to establish, by regulation, standards for the use of privately held lands. Under the terms of the Senate language, these standards could be reviewed by the Federal District Court for Idaho upon complaint of any affected landowner bringing an action for a declaratory judgment. When the standards were duly promulgated, the Secretary could acquire only scenic easements covering non-conforming properties. He would also have been authorized to purchase access easements, lands needed for recreation and administrative facilities, and "preexisting nonresidential uses" which were incompatible with the recreation area, but his authority in this respect was to be limited to the acquisition of not more than 5 percent of the privately owned lands within the recreation area. Also, the Senate amendment contained a provision under which the landowner could require the Federal Government to purchase his property if he desired to sell.

In resolving the differences, the Conference Committee recommends a modified version of the House language to specifically provide that the authority to acquire lands and lesser interests includes the authority to acquire mineral interests and it recommends the deletion of the Senate provision requiring the Government to purchase when the owner desires to sell. With respect to the establishment of standards of use for privately owned lands the Conference Committee recommends approval of the House language, but adds the provision in the Senate amendment which grants jurisdiction to the Federal District Court for Idaho to review the regulations in an action for a declaratory judgment. Under the terms of the language agreed upon by the Conference Committee, such an action could be brought only by a landowner holding title to lands within the recreation area which would be affected by such regulations. To be a timely action, such complaint must be filed in court within six months after the effective date of the regulations. This is not, however, a limitation upon any existing rights of access to the Federal Courts.

Lands used in a manner conforming to the established standards would not be subject to the condemnation authority of the Secretary as long as they are not threatened with an adverse use, unless they are deemed necessary for access or development of administrative or public facilities (in which case they could be acquired by condemnation subject to a maximum limitation totaling no more than 5 percent of the private holdings within the recreation area). It is anticipated that a large percentage of the landholdings will continue to be used for ranching purposes and that the standards will allow such uses to continue indefinitely so that these lands would remain in private ownership, but lands which are presently being used for purposes which impair the natural, scenic, or recreational values—or which the Secretary finds are threatened with uses which will impair such values—may be acquired by negotiation, if possible, or by condemnation, if necessary. In cases where the Secretary negotiates a purchase of land, the Conference Committee included the House language which permits him to utilize condemnation in order to secure a clear title.

(4) On the subject of hunting and fishing, the Senate amendment provided that the authority of the State of Idaho should not be affected by the terms of the legislation. The House language recognized that Federal landownership carries with it all of the usual elements of ownership and provided broader authority for regulation of activities on the land for management of the resources—including fish and game management. The Conference Committee recognizes the necessity to provide for the public safety, administration, and public use and enjoyment of the recreation area, and it recommends the adoption of the House language, modified by an amendment. The language recommended allows the Secretary to prohibit hunting or fishing at times or places for these reasons, but it leaves basic fish and game management to the State of Idaho. Management of the habitat, however, within the recreation area, will remain the responsibility of the Federal Government under this Act.

(5) The bill approved by the House withdrew all Federal lands within the recreation area (but not within the wilderness area) from all forms of entry, location, and patent under the mining laws for a period of five years. During this period, and for six months thereafter, under the House bill, any person holding a valid claim would have been excused from performing the annual assessment work required by law if he filed a notice of intention to retain his claim each year. Another House provision prohibited the issuance of patents on existing or future claims, but indicated that a claimholder

could continue to prospect, mine or develop his claim in conformity with the rules and regulations applicable to the area involved.

The Senate amendment included provisions withdrawing all Federal lands from entry and location under the mining laws, but that withdrawal was permanent. Patenting of claims was also foreclosed by the legislation which it approved, but the amendment was silent on the question of excusing the claimholder from doing the required annual assessment work.

The Conference Committee agreed that all presently federally owned lands, as well as all lands which might be acquired within the recreation area, should be withdrawn from future entry, location and patent and it recommends approval of the provision prohibiting the issuance of patents on existing claims. While the Conference Committee recommendation does not include the House language which specified that claimholders could continue to prospect, mine, or develop any valid claims, that exclusion is not intended to deprive any person of any rights which he might have with respect to a valid claim under the present mining laws. The House provision excusing claimholders from doing their required annual assessment work, however, was not recommended by the Committee.

(6) Both bills contained nearly identical provisions authorizing the regulation of motorized and mechanical equipment used for transportation across, or alteration of, the surface of Federal lands. The House bill provided that such regulations should be jointly issued by the Secretary of Agriculture and the Secretary of the Interior, but the Senate version placed his responsibility exclusively in the Secretary of Agriculture. The Conference Committee recommends that the legislation provide that such regulations should be issued by the Secretary of Agriculture after consultation with the Secretary of the Interior. This provision is designed to meet the special circumstances in this area and should not be considered as a precedent for present or future wilderness areas.

(7) The Conference Committee recommends the adoption of the House language which limits the amount authorized to be appropriated for land acquisition (\$19,802,000) and for development (\$26,241,000) rather than combining these monies into a lump sum authorization (\$45,000,000) as was done in the Senate amendment.

(8) Finally, the House language directing that alternative uses of the resources of the area included in the House bill be analyzed and that a specific park proposal be developed was expanded by the Senate amendment to include the Pioneer range. In addition, the Senate language provided that the study should be completed and transmitted, with the Secretary's recommendations, to the Congress no later than December 31, 1974—one year later than provided by the House. The Conference Committee recommends the approval of the Senate language on this issue.

WAYNE N. ASPINALL,

ROY A. TAYLOR,

MORRIS K. UDALL,

J. SKUBITZ,

JAMES A. MCCLURE,

*Managers on the Part of the House.*

ALAN BIBLE,

FRANK CHURCH,

FRANK E. MOSS,

CLIFFORD P. HANSEN,

LEN B. JORDAN,

*Managers on the Part of the Senate.*

#### SPECIAL DISASTER RECOVERY MEASURES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-333)

The SPEAKER laid before the House the following message from the President of the United States; which was read



and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

*To the Congress of the United States:*

Tropical Storm Agnes caused the most widespread destruction and devastation of any natural disaster in the history of the United States. On July 17, 1972, I sent to the Congress a proposal authorizing special disaster recovery measures which would aid victims of Agnes and also of the flood in Rapid City, South Dakota during June 1972.

As I stated in my transmittal message, the need for prompt enactment of these aid proposals, aimed at short and long-term recovery, is extreme and urgent. I asked the Congress then to consider and enact them within seven days. Sixteen days have passed without final Congressional action on the Disaster Recovery Act of 1972. I again urge the Congress to act immediately, because the victims of these disasters desperately need the help these measures would provide. And they need it now.

Today, I am transmitting an amendment which would make private, non-profit educational institutions eligible for disaster relief grants under the Act. I urge that the Congress consider and enact promptly this amendment, which would authorize reconstruction relief for these institutions comparable to the disaster reconstruction relief already available to public educational institutions.

The Office of Emergency Preparedness estimates that property loss and damage at private non-profit educational institutions in the storm-affected areas has exceeded \$19 million. Many of these institutions have undergone damage so extensive that they would be unable to rebuild facilities or reopen without extraordinary assistance. For example, at one alone, Wilkes College in Wilkes-Barre, Pennsylvania, which is not a large or wealthy institution, the storm caused havoc and destruction estimated at several millions of dollars.

The proposal I am transmitting today would provide financial assistance to restore, reconstruct or replace disaster-damaged education facilities, supplies and equipment used primarily for non-sectarian educational purposes. I believe this temporary authority is required if we are to meet our public responsibilities equitably and in a just manner.

Again, I cannot stress too strongly that it is essential that the Congress immediately enact the pending disaster relief legislation I have proposed. It is imperative that this massive recovery program begin at once. Millions of Americans—individual homeowners, farmers and city dwellers, small businessmen—are struggling to rebuild their lives in the wake of these natural disasters. They need their Government's help. And they need it now.

RICHARD NIXON.

THE WHITE HOUSE, August 2, 1972.

**PERSONAL ANNOUNCEMENT**

Mr. DULSKI. Mr. Speaker, due to the death of my mother and related responsibilities at home, I missed several roll-

calls. Had I been present, I would have voted "yea" on rollcalls Nos. 273, 275, 276, 281, 283, 285, and 286.

**IMPROVING CONGRESSIONAL PERFORMANCE**

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

Mr. WYMAN. Mr. Speaker, I believe it to be a continuing responsibility of Congress to so manage its affairs as to merit public confidence. Every Member realizes, or should, that confidence is undermined by patent infirmity, unnecessary secrecy, and nondisclosure of matters that involve demonstrable conflict of interest.

Accordingly, I am today introducing legislation designed to meet minimum requirements and standards in the following respects:

First, to require annual physical examination of all Members of Congress which shall be a public record. Those who do not want their condition known have an easy solution—do not be a candidate for public office.

Second, to require disclosure of any financial interest held directly, indirectly, or equitably, in any asset subject to Government regulation or control, when such interest exceeds \$25,000 in fair market value, on a continuing basis, and as a matter of public record.

Third, to encourage voluntary retirement of Members who have attained their 70th birthday, and by constitutional amendment to make mandatory the retirement of Members after their 75th birthday.

Obviously, the lateness of the date renders enactment of such legislation unlikely in the remainder of the present session. However, I urge adoption of these proposals as a matter of genuine urgency in the interest of improving congressional reputation and performance.

The text of these proposals will be included in the appendix of today's RECORD.

**CONFERENCE REPORT ON H.R. 15418, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973**

Mrs. HANSEN of Washington. Mr. Speaker, I call up the conference report on the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 26, 1972.)

The SPEAKER. The gentlewoman from Washington is recognized.

Mrs. HANSEN of Washington. Mr. Speaker, the conference amount of the bill H.R. 15418, making appropriations for the Department of the Interior and related agencies for fiscal year 1973, is \$2,548,935,300 for new obligational authority.

The amount agreed to in conference is over the House figure by \$19,377,100; under the Senate figure by \$1,987,500; and is over the amount available in fiscal year 1972 by \$112,276,265.

There were 39 amendments involving 151 items to be settled in conference. I believe the conference report we are presenting today represents a reasonable compromise of the difference between the two Houses. I would like to point out that Senate action on the bill reduced items in the House version of the bill by \$17,755,500. The conference restored \$14,951,500 of these reductions. Of course, these restorations increase the amount of the bill as compared to the Senate allowance.

The conference amount for new obligational authority exceeds the 1973 budget estimate by \$21,781,300. However, if we take into consideration reductions which were made in appropriations to liquidate contract authority—\$14,806,000—the excess over the budget estimate is \$6,975,300. The conference amount includes \$5,000,000 for cooperative forest fire control as authorized in Public Law 92-288 enacted May 5, 1972, for which no budget estimate was received. Many House Members urged the conferees to support funding of this program. The conference amount also includes \$1,500,000 for the John F. Kennedy Center for the Performing Arts. This item was included in the President's budget estimate as a request that would be submitted at a later date. However, because of the timing of the authorization an official budget request was not received prior to our action on the bill.

If Members wish a detailed summary of individual items, I will be glad to respond to those questions, however.

Some of the principal activities for which the conference amount exceeds the budget estimate include \$10,046,000 for the Bureau of Indian Affairs; \$7,068,000 for Indian health activities; \$4,792,000 for the Bureau of Mines; and \$28,314,900 for the Forest Service.

Mr. Speaker, before concluding my remarks on the conference report, I would like to express my appreciation to the very distinguished chairman of the Senate Subcommittee on Interior and Related Agencies Appropriations, Senator ALAN BRLE. Our committee has always found it to be a distinct pleasure to work with him. His understanding of problems is tremendous and he is most knowledgeable in all fields pertaining to the items funded in this bill.

Mr. Speaker, I recommend adoption of the conference report by the House, and I include at this point pertinent tables relating to the funds provided in the conference report:

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, FISCAL YEAR 1973 (H.R. 15418)

Agency and item (1)	New budget (obligational) authority appropriated, 1972 (2)	Budget esti- mates of new (obligational) authority, 1973 (3)	Allowances			Conference allowance compared with—		
			House (4)	Senate (5)	Conference (6)	Budget esti- mates of new (obligational) authority, 1973 (7)	House allowance (8)	Senate allowance (9)
TITLE I—DEPARTMENT OF THE INTERIOR								
PUBLIC LAND MANAGEMENT								
Bureau of Land Management								
Management of lands and resources.....	\$88,654,000	\$84,057,000	\$77,980,000	\$78,065,000	\$78,065,000	—\$5,992,000	+ \$85,000	
Construction and maintenance.....	4,827,000	7,965,000	7,965,000	7,965,000	7,965,000			
Public lands development roads and trails (appropriation to liquidate contract authority).....	(3,200,000)	(3,265,000)	(3,265,000)	(3,265,000)	(3,265,000)			
Oregon and California grant lands (indefinite, appropriation of receipts).....	19,000,000	16,700,000	16,700,000	16,700,000	16,700,000			
Range improvements (indefinite, appropriation of receipts).....	2,523,000	3,059,000	2,800,000	2,800,000	2,800,000	—259,000		
Total, Bureau of Land Management.....	115,004,000	111,781,000	105,445,000	105,530,000	105,530,000	—6,251,000	+85,000	
Bureau of Indian Affairs								
Education and welfare services.....	273,094,000	296,627,000	297,468,000	301,206,000	299,556,000	+2,929,000	+2,088,000	—\$1,650,000
Education and welfare services (appropriation to liquidate contract authority).....	(693,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)			
Resources management.....	75,764,000	83,734,000	84,316,000	82,645,000	83,141,000	—593,000	—1,175,000	+496,000
Construction.....	43,715,500	48,092,000	55,384,000	55,575,000	55,960,000	+7,868,000	+576,000	+385,000
Road construction (appropriation to liquidate contract authority).....	(33,600,000)	(45,539,000)	(45,539,000)	(45,539,000)	(45,539,000)			
Alaska native fund.....	12,500,000	50,000,000	50,000,000	50,000,000	50,000,000			
General administrative expenses.....	6,161,000	6,358,000	6,200,000	6,200,000	6,200,000	—158,000		
Tribal funds (definite).....	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000			
Tribal funds (indefinite).....	13,173,000	13,505,000	13,505,000	13,505,000	13,505,000			
Total, Bureau of Indian Affairs.....	427,407,500	501,316,000	509,873,000	512,131,000	511,362,000	+10,046,000	+1,489,000	—769,000
Bureau of Outdoor Recreation								
Salaries and expenses.....	3,949,000	4,203,000	4,150,000	4,150,000	4,150,000	—53,000		
Land and Water Conservation Fund								
Appropriation of receipts (indefinite).....	361,500,000	300,000,000	300,000,000	300,000,000	300,000,000			
TERRITORIAL AFFAIRS								
Administration of territories.....	21,699,000	22,375,000	22,375,000	22,375,000	22,375,000			
Permanent appropriation (special fund).....	(367,000)	(469,000)	(469,000)	(469,000)	(469,000)			
Transferred from other accounts (special fund).....	(458,360)	(470,000)	(470,000)	(470,000)	(470,000)			
Trust Territory of the Pacific Islands.....	59,980,000	60,000,000	60,000,000	60,000,000	60,000,000			
Micronesian claims fund.....	5,000,000							
Total, Territorial Affairs.....	86,679,000	82,375,000	82,375,000	82,375,000	82,375,000			
Total, Public Land Management.....	994,539,500	999,675,000	1,001,843,000	1,004,186,000	1,003,417,000	+3,742,000	+1,574,000	—769,000
MINERAL RESOURCES								
Geological Survey								
Surveys, investigations, and research.....	131,050,000	150,800,000	150,000,000	151,200,000	150,450,000	—350,000	+450,000	—750,000
Bureau of Mines								
Conservation and development of mineral resources.....	49,858,000	55,291,000	58,491,000	57,891,000	60,091,000	+4,800,000	+1,600,000	+2,200,000
Health and safety.....	81,851,000	95,374,000	95,374,000	95,374,000	95,374,000			
General administrative expenses.....	2,013,000	2,008,000	2,000,000	2,000,000	2,000,000	—8,000		
Helium fund (authorization to spend from public debt receipts).....	45,300,000							
Total, Bureau of Mines.....	179,022,000	152,673,000	155,865,000	155,265,000	157,465,000	+4,792,000	+1,600,000	+2,200,000
Office of Coal Research								
Salaries and expenses.....	30,650,000	45,330,000	42,330,000	46,990,000	43,490,000	—1,840,000	+1,160,000	—3,500,000
Office of Oil and Gas								
Salaries and expenses.....	1,570,000	1,558,000	1,558,000	1,558,000	1,558,000			
Total, Mineral Resources.....	342,292,000	350,361,000	349,753,000	355,013,000	352,963,000	+2,602,000	+3,210,000	—2,050,000
FISH AND WILDLIFE AND PARKS								
Bureau of Sport Fisheries and Wildlife								
Management and investigations of resources.....	66,883,000	74,552,000	73,529,500	73,477,000	73,489,500	—1,062,500	—40,000	+12,500
Construction.....	7,226,000	6,258,000				—6,258,000		
Migratory bird conservation account (definite, repayable advance).....	7,500,000	7,100,000	7,100,000	7,100,000	7,100,000			
Anadromous and Great Lakes fisheries conservation.....	2,332,000	2,333,000	2,333,000	2,333,000	2,333,000			
General administrative expenses.....	2,240,000	2,332,000	2,250,000	2,250,000	2,250,000	—82,000		
Total, Bureau of Sport Fisheries and Wildlife.....	86,181,000	92,575,000	85,212,500	85,160,000	85,172,500	—7,402,500	—40,000	+12,500
National Park Service								
Management and protection.....	71,756,000	89,937,000	88,671,000	89,385,000	89,421,000	—516,000	+750,000	+36,000
Maintenance and rehabilitation of physical facilities.....	57,557,000	73,198,000	73,312,000	73,362,000	73,312,000	+114,000		—50,000
Construction.....	75,752,000	42,233,000	41,711,000	43,026,000	42,701,000	+468,000	+990,000	—325,000
Parkway and road construction (appropriation to liquidate contract authority).....	(24,188,000)	(20,222,000)	(5,766,000)	(13,416,000)	(5,416,000)	(—14,806,000)	(—350,000)	(—8,000,000)

Footnotes at end of table.



## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, FISCAL YEAR 1973 (H.R. 15418)—Continued

Agency and item (1)	New budget (obligational) authority appropriated, 1972 (2)	Budget esti- mates of new (obligational) authority, 1973 (3)	Allowances			Conference allowance compared with—		
			House (4)	Senate (5)	Conference (6)	Budget estimates of new (obligational) authority, 1973 (7)	House allowance (8)	Senate allowance (9)
National Park Service—Continued								
Preservation of historic properties	\$8,369,000	\$10,124,000	\$11,624,000	\$11,559,000	\$11,559,000	+\$1,435,000	—\$65,000	
General administrative expenses	4,052,000	4,175,000	4,140,000	4,140,000	4,140,000	—35,000		
Total, National Park Service	217,486,000	219,667,000	219,458,000	221,472,000	221,133,000	+1,466,000	+1,675,000	—\$339,000
Total, Fish and Wildlife and Parks	303,667,000	312,242,000	304,670,500	306,632,000	306,305,500	—5,936,500	+1,635,000	—326,500
OFFICE OF SALINE WATER								
Saline water conversion	27,025,000	27,021,000	26,871,000	26,871,000	26,871,000	—150,000		
OFFICE OF WATER RESOURCES RESEARCH								
Salaries and expenses	14,290,000	14,304,000	16,344,000	16,344,000	16,344,000	+2,040,000		
OFFICE OF THE SOLICITOR								
Salaries and expenses	6,967,000	7,031,000	7,000,000	7,000,000	7,000,000	—31,000		
OFFICE OF THE SECRETARY								
Salaries and expenses	10,948,900	16,412,000	15,419,000	15,470,100	15,295,100	—1,116,900	—123,900	—175,000
Departmental operations	3,746,100	4,066,000	4,066,000	4,066,000	4,066,000			
Salaries and expenses (special foreign currency program)	500,000	1,000,000	750,000	500,000	500,000	—500,000	—250,000	
Total, Office of the Secretary	15,195,000	21,478,000	20,235,000	20,036,100	19,861,100	—1,616,900	—373,900	—175,000
Total, new budget (obligational) authority, Department of the Interior	1,703,975,500	1,732,112,000	1,726,716,500	1,736,082,100	1,732,761,600	+649,600	+6,045,100	—3,320,500
Consisting of—								
Appropriations	1,658,675,500	1,732,112,000	1,726,716,500	1,736,082,100	1,732,761,600	+649,600	+6,045,100	—3,320,500
Definite appropriations	(1,262,479,500)	(1,398,848,000)	(1,393,711,500)	(1,403,077,100)	(1,399,756,600)	(+908,600)	(+6,045,100)	(—3,320,500)
Indefinite appropriations	(396,196,000)	(333,264,000)	(333,005,000)	(333,005,000)	(333,005,000)	(—259,000)		
Authorization to spend from public debt receipts	45,300,000							
Memoranda—								
Appropriations to liquidate contract authority	(61,681,000)	(70,526,000)	(56,070,000)	(63,720,000)	(55,720,000)	(—14,806,000)	(—350,000)	(—8,000,000)
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(1,765,656,500)	(1,802,638,000)	(1,782,786,500)	(1,799,802,100)	(1,788,481,600)	(—14,156,400)	(+5,695,100)	(—11,320,500)
TITLE II—RELATED AGENCIES								
DEPARTMENT OF AGRICULTURE								
Forest Service								
Forest protection and utilization:								
Forest land management	297,095,300	246,749,000	257,872,000	252,899,000	255,604,000	+8,855,000	—2,268,000	+2,705,000
Forest research	54,587,000	57,278,000	59,268,000	60,833,000	61,143,000	+3,865,000	+1,875,000	+310,000
State and private forestry cooperation	27,759,000	27,760,000	27,760,000	37,760,000	32,760,000	+5,000,000	+5,000,000	—5,000,000
Total, forest protection and utilization	379,441,300	331,787,000	344,900,000	351,492,000	349,507,000	+17,720,000	+4,607,000	—1,985,000
Construction and land acquisition	35,703,200	37,980,000	43,953,900	44,203,900	48,581,900	+10,601,900	+4,628,000	+4,378,000
Youth conservation corps	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000			
Forest roads and trails (appropriation to liquidate contract authority)	(148,740,000)	(158,840,000)	(158,840,000)	(158,840,000)	(158,840,000)			
Acquisition of lands for national forests:								
Special acts (special fund, indefinite)	80,000	80,000	80,000	80,000	80,000			
Acquisition of lands to complete land exchanges	26,035							
Cooperative range improvements (special fund, indefinite)	700,000	700,000	700,000	700,000	700,000			
Assistance to States for tree planting	1,028,000	1,027,000	1,020,000	1,020,000	1,020,000	—7,000		
Total, new budget (obligational) authority, Forest Service	420,478,535	375,074,000	394,153,900	400,995,900	403,388,900	+28,314,900	+9,235,000	+2,393,000
COMMISSION OF FINE ARTS								
Salaries and expenses	124,000	135,000	135,000	135,000	135,000			
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
Health Services and Mental Health Administration								
Indian health services	155,333,000	166,540,000	169,787,000	173,398,000	172,748,000	+6,208,000	+2,961,000	—650,000
Indian health facilities	30,442,000	43,689,000	44,099,000	44,549,000	44,549,000	+860,000	+450,000	
Total, Health Services and Mental Health Administration	185,775,000	210,229,000	213,886,000	217,947,000	217,297,000	+7,068,000	+3,411,000	—650,000
INDIAN CLAIMS COMMISSION								
Salaries and expenses	1,045,000	1,090,000	1,090,000	1,075,000	1,075,000	—15,000	—15,000	
NATIONAL CAPITAL PLANNING COMMISSION								
Salaries and expenses	1,300,000	1,428,000	1,425,000	1,425,000	1,425,000	—3,000		

Footnotes at end of table.

Agency and item (1)	New budget (obligational) authority appropriated, 1972 (2)	Budget esti- mates of new (obligational) authority, 1973 (3)	Allowances			Conference allowance compared with—		
			House (4)	Senate (5)	Conference (6)	Budget esti- mates of new (obligational) authority, 1973 (7)	House allowance (8)	Senate allowance (9)
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES								
Salaries and Expenses								
Endowment for the arts.....	\$26,250,000	\$35,500,000	\$34,900,000	\$34,500,000	\$34,700,000	—\$800,000	—\$200,000	+\$200,000
Endowment for the humanities.....	24,500,000	35,500,000	34,500,000	34,500,000	34,500,000	—1,000,000		
Administrative expenses.....	3,536,000	5,314,000	5,314,000	5,314,000	5,314,000			
Subtotal, salaries and expenses.....	54,286,000	76,314,000	74,714,000	74,314,000	74,514,000	—1,800,000	—200,000	+200,000
Matching Grants								
Endowment for the arts.....	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000			
Endowment for the humanities.....	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000			
Subtotal, matching grants.....	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000			
Total, National Foundation on the Arts and the Humanities.....	61,286,000	83,314,000	81,714,000	81,314,000	81,514,000	—1,800,000	—200,000	+200,000
SMITHSONIAN INSTITUTION								
Salaries and expenses.....	44,701,000	54,683,000	51,682,000	52,243,000	51,633,000	—3,050,000	—49,000	—610,000
Museum programs and related research (special foreign currency program).....	3,500,000	6,000,000	4,000,000	3,500,000	3,500,000	—2,500,000	—500,000	
Science information exchange.....	1,600,000	1,650,000	1,600,000	1,600,000	1,600,000	—50,000		
Construction and improvements, National Zoological Park.....	200,000	675,000	675,000	675,000	675,000			
Restoration and renovation of buildings.....	550,000	5,409,000	5,064,000	5,014,000	5,014,000	—395,000	—50,000	
Construction.....	1,900,000	40,275,000	13,000,000	13,000,000	13,000,000	—27,275,000		
Construction (new contract authority).....			27,000,000	27,000,000	27,000,000	+27,000,000		
Construction (appropriation to liquidate contract authority).....	(3,697,000)							
Salaries and expenses, National Gallery of Art.....	4,841,000	5,420,000	5,420,000	5,420,000	5,420,000			
Salaries and expenses, Woodrow Wilson International Center for Scholars.....	695,000	841,000	800,000	800,000	800,000	—41,000		
Operation and maintenance, John F. Kennedy Center for the Performing Arts.....				1,500,000	1,500,000	+1,500,000	+1,500,000	
Total, Smithsonian Institution.....	57,987,000	114,953,000	109,241,000	110,752,000	110,142,000	—4,811,000	+901,000	—610,000
HISTORICAL AND MEMORIAL COMMISSIONS								
Franklin Delano Roosevelt Memorial Commission.....	37,000	38,000	38,000	38,000	38,000			
NATIONAL PARKS CENTENNIAL COMMISSION								
Salaries and expenses.....	250,000							
American Revolution Bicentennial Commission								
Salaries and expenses.....	3,834,000	6,814,000				—6,814,000		
NATIONAL COUNCIL ON INDIAN OPPORTUNITY								
Salaries and expenses.....	275,000	300,000	290,000	290,000	290,000	—10,000		
FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW								
Salaries and expenses.....	167,000	167,000	160,000	160,000	160,000	—7,000		
JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA								
Salaries and expenses.....	125,000	1,500,000	708,800	708,800	708,800	—791,200		
Total, new budget (obligational) authority related agencies.....	732,683,535	795,042,000	802,841,700	814,840,700	816,173,700	+21,131,700	+13,332,000	+1,333,000
Consisting of—								
Appropriations.....	732,683,535	795,042,000	775,841,700	787,840,700	789,173,700	—5,868,300	+13,332,000	+1,333,000
Definite appropriations.....	(731,903,535)	(794,262,000)	(775,061,700)	(787,060,700)	(788,393,700)	(—5,868,300)	(+13,332,000)	(+1,333,000)
Indefinite appropriations.....	(780,000)	(780,000)	(780,000)	(780,000)	(780,000)			
New contract authority.....			27,000,000	27,000,000	27,000,000	+27,000,000		
Memoranda—								
Appropriations to liquidate contract authority.....	(152,437,000)	(158,840,000)	(158,840,000)	(158,840,000)	(158,840,000)			
Total, new budget (obligational) authority and appropriations to liquidate contract authority.....	(885,120,535)	(953,882,000)	(961,681,700)	(973,680,700)	(975,013,700)	(+21,131,700)	(+13,332,000)	(+1,333,000)
RECAPITULATION								
Grand total, new budget (obligational) authority, all titles.....	2,436,659,035	2,527,154,000	2,529,558,200	2,550,922,800	2,548,935,300	+21,781,300	+19,377,100	—1,987,500
Consisting of—								
Appropriations.....	2,391,359,035	2,527,154,000	2,502,558,200	2,523,922,800	2,521,935,300	—5,218,700	+19,377,100	—1,987,500
Definite appropriations.....	(1,994,383,035)	(2,193,110,000)	(2,168,773,200)	(2,190,137,800)	(2,188,150,300)	(—4,959,700)	(+19,377,100)	(—1,987,500)
Indefinite appropriations.....	(396,976,000)	(334,044,000)	(333,785,000)	(333,785,000)	(333,785,000)	(—259,000)		
New contract authority.....			27,000,000	27,000,000	27,000,000	+27,000,000		
Authorization to spend from public debt receipts.....	45,300,000							
Memoranda—								
Appropriations to liquidate contract authority.....	(214,118,000)	(229,366,000)	(214,910,000)	(222,560,000)	(214,560,000)	(—14,806,000)	(—350,000)	(—8,000,000)
Grand total, new budget (obligational) authority and appropriations to liquidate contract authority.....	(2,650,777,035)	(2,756,520,000)	(2,744,468,200)	(2,773,482,800)	(2,763,495,300)	(+6,975,300)	(+19,027,100)	(—9,987,500)

<sup>1</sup> In addition, \$3,746,100 reappropriated to "Departmental Operations" (Public Law 92-184).

<sup>2</sup> Reappropriated from "Office of the Secretary, Salaries and expenses" (Public Law 92-184).

<sup>3</sup> Includes budget estimates contained in H. Doc. 92-267 and H. Doc. 92-275.



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

Mrs. HANSEN of Washington. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentlewoman for yielding.

Do I understand there is \$6,814,000 in this bill for the American Revolution Bicentennial?

Mrs. HANSEN of Washington. No; there is no money in this bill for the American Revolution Bicentennial Commission. The authorization has not been enacted. Only yesterday Senator HRUSKA held hearings in the Senate in connection with the authorization bill.

Mr. GROSS. But there is \$1.5 million for the so-called cultural center?

Mrs. HANSEN of Washington. There is \$1.5 million in the bill for the maintenance portion of the center's expenses which are due to the 8,000 to 10,000 tourists who visit the center per day. I would recommend to the gentleman from Iowa the hearings our subcommittee held on this item. The subcommittee held complete and full hearings on the problems of funding, and heard the testimony of Roger Stevens, chairman, board of trustees, and his staff. Practically all of the committee members were present that day and asked questions. The gentleman will find extensive detail in the hearings.

I may say to the gentleman that a great number of people each year go through the Kennedy Center not to enjoy the performing arts but to see this memorial to our very beloved late President John Kennedy.

Mr. GROSS. If the gentlewoman will yield further, I have had the opportunity to read most of the hearings. I compliment the subcommittee for holding the hearings, but I would say to the gentlewoman that, after reading the hearings, it seems to me it is pretty hard to justify even \$1.5 million as an expenditure of Federal funds upon this cultural center in view of the fact that representations were made to the House of Representatives on more than one occasion that there would not be continuing cost to the Federal Government for any part of the maintenance and operation. Although I commend the committee for holding the hearings, and for the testimony that was adduced, I am still completely unconvinced that we ought to continue these expenditures.

Can the gentlewoman give the House any assurance that this is the end of contributions on the part of the Federal Government for this cultural center?

Mrs. HANSEN of Washington. There is a difference between an operating theater and a memorial theater. In an operating theater the doors open perhaps a half hour before curtain time or time for admission for the performance.

The heat and the air conditioning and the ushers and so forth are limited to that period. This is not true with a memorial that becomes a visitors' center. Additional cost is incurred because visitors use the center to pay their homage to our late President. As a result the center has had to be open about 15 hours a day. This makes the difference. This funding was authorized in a bill before

this House on April 19, 1972. The legislation passed the House overwhelmingly. Now it is necessary to provide the funds.

There will be an annual budget request from the National Park Service for funds to take care of those expenses of the center which are directly attributable to the visitors who are there visiting the memorial rather than attending the theater performances.

Mr. SCHERLE. Mr. Speaker, will the gentlewoman yield for a question?

Mrs. HANSEN of Washington. I yield to the gentleman from Iowa.

Mr. SCHERLE. I appreciate the gentlewoman from Washington yielding.

I wonder if the gentlewoman can tell me what authority Mr. Stevens had to authorize the floating of the "funny money" in excess of almost a quarter million dollars.

Mrs. HANSEN of Washington. Does the gentleman mean the nonnegotiable notes? I believe he will find a full explanation of it in our hearings.

Mr. SCHERLE. Would the gentlewoman like to explain briefly exactly what his authority was?

Mrs. HANSEN of Washington. I will read from the hearings. I want to be very exact on the matter of the nonnegotiable notes. When one discusses this phase of financing, we must be extremely careful.

Mr. SCHERLE. Apparently he was not.

Mrs. HANSEN of Washington. I brought the subject up in the hearings and Mr. Becker responded:

Madam Chairman, to respond both to the question you have raised as well as in part to the prior question you raised, the John F. Kennedy Center Act establishes a Board of Trustees. The act is relatively unique in Federal Government. It's comparable to the act which established the Board of Trustees of the National Gallery of Art. Under the act, section 5(a) gives to the Board of Trustees the authority to administer its trust funds. In addition, section 5(c) establishes that the actions of the Board of Trustees are not subject to review by any officer or agency other than a court of law.

At first blush, it would appear that the power of the Board of Trustees is beyond anyone's control. But in fact such is not the case, for section 6(b) establishes that the Board shall have all of the usual powers and obligations of a trustee in respect of all trust funds administered by it.

The Board of Trustees at the present time, as Mr. Stevens has previously indicated, is faced with a substantial number of outstanding obligations with respect to the construction of the Kennedy Center.

Looking at section 6(b) of the Kennedy Center Act, the Board of Trustees has the power to take such actions as would be prudent under trust law to administer the John F. Kennedy Center.

Faced with a situation where there are outstanding obligations, the Board of Trustees must make provisions to meet those obligations. In order to do so in this particular instance, the Board of Trustees have issued—in, I believe, a very few cases to date, although negotiations are underway with respect to other creditors—a few nonnegotiable promissory notes. The notes, in effect, defer the requirement to make immediate payment on outstanding construction obligations.

I then asked:

What interest do they bear?

Mr. Becker answered:

The interest that was established and that is being uniformly given is 6 percent. The creditors generally felt that they would like to see more interest. The Board of Trustees felt that they did have to make some provisions for interest in light of the fact that the outstanding obligations would continue to be unpaid for some period of time.

I asked:

What is the term of the notes?

Mr. Becker answered:

The terms of the notes have been 1 year from the date of issue.

Mr. Yates then asked:

Are your securities guaranteed by the Federal Government?

Mr. Stevens replied:

No, sir.

Mr. Yates then said:

I notice a list of them in the justifications.

Mr. Stevens replied:

I might add on the notes, Madam Chairman, that from a company's point of view, until GSA has approved any claim or contract amount outstanding, we haven't issued any notes. We haven't actually issued many.

We haven't been passing them out yet until we are sure we have some legal opinions. It is much better for a company to have on its books, even if it's nonnegotiable, a note instead of just a claim. Particularly some of the smaller companies find if they have a note, it improves their financial statements. That is one of the reason they have been willing to take them, because, as Mr. Becker says, it defers the immediacy of an obligation.

Mr. SCHERLE. If the gentlewoman will yield, what happens if those nonnegotiable notes become defaulted? Will the Congress then pick up the tab?

Mrs. HANSEN of Washington. No. I would not think so. Congress does not fund projects or items unless there is specific authorization, as you are well aware. Appropriations have already been made for the full amount authorized for construction of the center.

Mr. SCHERLE. If the gentlewoman will yield further, those people holding the paper made these funds available on the assumption that they were dealing with the Federal Government. That is my understanding of the discussion that went on concerning these notes.

Mrs. HANSEN of Washington. No; not necessarily. If I may say so, some of the construction costs are currently in the category of discussion as to whether they constitute a legal and valid claim or not.

Mr. SCHERLE. One more question, if the gentlewoman will yield. I understand from reading the paper last evening that there were still additional costs on the Kennedy Cultural Center that will come up in additional legislation in an appropriation bill in the future based on the so-called installment plan form of payment. Is that right?

Mrs. HANSEN of Washington. May I say to the gentleman that the entire future of further requests in any other categories must first go to authorizing committees of Congress. This matter is not before the Appropriations Committee and it is not an item for discussion in connection with this conference report.

Mr. SCHERLE. I recognize that, but

the point I am trying to make is simply this: This Kennedy Cultural Center, which was not supposed to cost the taxpayers of this country one single penny is now on the verge of costing them \$70 million with no end in sight. If I am wrong, I will stand corrected.

Mrs. HANSEN of Washington. I think the gentleman should read the hearings. Twenty-three million dollars was appropriated for construction and a like amount was raised by private contribution. They do have the authority to issue the revenue bonds for the garage and these repayments are still—

Mr. SCHERLE. I cannot necessarily agree with those figures, because it seems to me—

Mrs. HANSEN of Washington. I suggest the gentleman read the hearings completely.

Mr. SCHERLE. All right.

Mrs. HANSEN of Washington. The hearing record is very complete. The entire matter of the contributions and the reasons why the cost escalated are fully set forth in the 48 pages of the printed hearing.

Mr. SCHERLE. I can assure the gentleman that I certainly will read the hearings. But what constantly bothers me is every time this appropriation bill comes up there is an additional amount for the Kennedy Cultural Center. I am sure the taxpayers of this country feel they have donated enough money at this point, and we would like to see it finished once and for all and paying for itself on a pay-as-you-go basis, if necessary, and not coming back here year after year after year and assessing the taxpayers for additional amounts of money when they have stated dozens of times that it will not cost them one more penny.

Mrs. HANSEN of Washington. I would like to say one thing. The money that we are appropriating today is that which is occasioned by the demands of the taxpayers. These 8,000 to 10,000 people per day passing through the Kennedy Center come not as supporters of the arts or people attending the theater. These are people from across this Nation who go to the Kennedy Center to look at the bust of the late President Kennedy; the bust of the late President Eisenhower; to see the international exhibits; and to see this memorial which belongs to the people of the United States.

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

Mrs. HANSEN of Washington. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I would like to commend the gentleman from Washington and the other members of the conference committee on this conference report. This conference report involves several billions of dollars for important projects all over this country. I know what a difficult task it is to put these projects together.

The only matter that seems to bring about any criticism at all is the matter raised by the gentleman from Iowa (Mr. SCHERLE) concerning the Kennedy Center.

I might point out that it is my recollection—and the gentleman from Washington can correct me if I am in error—that when we passed the Kennedy Cen-

ter Act we gave the trustees of the Kennedy Center the authority to issue certain obligations and as far as I know they have a perfect legal right to do so. I do not believe the gentleman from Washington ought to be criticized for whatever they may have done in that regard. I am told that they have been very circumspect, and I am also told that the theatrical operations of the Kennedy Center are successful and self-sustaining. Is that correct?

Mrs. HANSEN of Washington. That is correct.

Mr. BOGGS. And that the only subsidy involved in this conference report involves the memorial aspect of the center, where people go to see some of the historic things of value to our people in the history of our country. Is that correct?

Mrs. HANSEN of Washington. That is correct.

Mr. BOGGS. Mr. Speaker, I commend the gentleman from Washington (Mrs. HANSEN) and the gentleman from Pennsylvania (Mr. McDADE) as well, for this conference report.

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

Mrs. HANSEN of Washington. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Speaker, I wish to state that I rise in support of the conference report, and would like the record to be clear from the standpoint of those of us on this side of the aisle who attended the conference and participated in its deliberations, that I believe the gentleman from Washington (Mrs. HANSEN) did an outstanding job. Certainly no one should in any way, shape, manner or form impute to her any actions that may have been controversial that were conducted by the Board of Trustees of the Kennedy Center.

The gentleman from Washington has done an outstanding job, and I hope that we adopt this conference report expeditiously.

Mrs. HANSEN of Washington. Mr. Speaker, I wish to thank the gentleman from Pennsylvania (Mr. McDADE) and to add that I appreciate the gentleman's understanding and work that the gentleman has given to these problems relating to the Department of the Interior and related agencies appropriations bill.

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

Mrs. HANSEN of Washington. I yield to the distinguished gentleman from Wyoming.

Mr. RONCALIO. Mr. Speaker, I thank the gentleman for yielding, and may I say to my colleagues who have expressed concern regarding the Kennedy Center for the Performing Arts, and to the Board of Trustees who handle that Center, that I have served on this committee, and that I have attended its meetings, and that I have read virtually every bit of material relevant to it, and I say that I consider it an honor to serve on that Board, having been appointed to it by the Speaker.

Let me say that the Board has been working diligently to eliminate these problems we are concerned about, and

we hope and pray that the time will soon come when we can no longer have to ask the Congress for additional money to continue the maintenance of this memorial to our late President Kennedy.

It would seem to me that when you consider that thousands of American citizens come to the Kennedy Memorial Center every day, just as they do to the other memorials to our past Presidents, such as the Lincoln Memorial and the Jefferson Memorial that have been erected in the memory of our former Presidents, that I think it is only fitting and proper that we do contribute to their maintenance, and each year we do provide funds to the Park Service to maintain these national memorials, and I think it is only right and equitable that we do so for the Kennedy Memorial Center.

As I say, I do hope that we can look forward to the day when the Board of Trustees will no longer have to come before the Congress with requests for additional funds.

May I say to my distinguished colleagues who are concerned about this that if they will come to me I believe that I can answer all of their questions, and I would only hope that they would come to the next meeting when the matter will be discussed in full.

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

Mrs. HANSEN of Washington. I yield to the gentleman.

Mr. ABOUREZK. I would like a point of clarification on the report. On page 5 where you discuss the East Charles Mix School District in Wagner, S. Dak., you state in the report that the language will be changed when it has been shown that the local school authorities have incurred bonded indebtedness for the construction of local schools to the "fullest possible extent."

The clarification that I would like is this, does this mean "to the fullest extent" as stated by law or did you intend it to mean to the best of their ability?

Mrs. HANSEN of Washington. To the best of their ability.

We had a long discussion of this problem in the conference, and I may say for the benefit of the gentleman, there are many schools confronted with a rather complex situation where there might be four schools subject to the bonding ability of an entire school district. The conference language does not of necessity demand that one school should be given all the bonded indebtedness. Therefore, we use the words "to the fullest possible extent, in accordance with applicable State law and have otherwise levied maximum school taxes."

Mr. ABOUREZK. If the gentleman will yield briefly at this point, can I give you a concrete example of the East Charles Mix School Board situation and state that as an example their maximum bonded indebtedness by law is \$1.5 million. Yet the school board has made a judgment that they can only pass a \$900,000 bond issue. Would that satisfy your requirements under the language of the report?

Mrs. HANSEN of Washington. My conception is that if the school board states in a resolution that they are placing this



as their fullest capacity and that they are using the maximum of the funds available to them from local revenue and State sources that this would satisfy the language of the report, on the qualifications that are set forth.

Mr. ABOUREZK. And the same is true with the mill levy requirements—if the school board can levy 5 mills of local property tax for building capital outlay, and they have done that, that is acceptable?

Mrs. HANSEN of Washington. I would assume that these would meet all the legal requirements of the language here.

Mr. ABOUREZK. I thank the gentleman.

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

Mrs. HANSEN of Washington. I am happy to yield to the distinguished gentleman from Massachusetts.

Mr. CONTE. I want to take this opportunity to congratulate the gentlewoman from Washington and the ranking Republican member, the gentleman from Pennsylvania (Mr. McDADE) and the other members for the very excellent job they have done in bringing to the floor of the House a good and sound conference report, and what I like to think is an all-American bill that comes before the Congress.

I also want to take this opportunity, because the gentlewoman was just as fair and equitable, not only to me, but to all of the congressional delegation from New England when she said here on the floor of the House when we debated the bill that if the Senate would put in \$125,000 for the planning and land acquisition for a salmon hatchery in the White River area of Vermont, she would go along with it, and this she did.

We in New England are very, very grateful to her for that. This is only the beginning of bringing that great fish, the Atlantic salmon, back to the Connecticut River, and we thank her from the bottom of our hearts.

Mrs. HANSEN of Washington. I thank the distinguished gentleman from Massachusetts.

Mr. BROTZMAN. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman.

Mr. BROTZMAN. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I would like to add my congratulations to the gentlewoman and to the managers both on the majority and on the minority side of the House for this conference report.

I am particularly grateful that you retained funding for the National Park Service plans for the reconstruction of Bent's Old Fort in Colorado which will be good news to the people of Colorado and certainly to the people of the West.

Mr. WYATT. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Oregon.

Mr. WYATT. Mr. Speaker, I would like to add my commendation to the chairman and to our ranking member. Because I had very few conflicts in my subcommittees, I was able to sit through nearly all of the hearings on the bill. I think this subcommittee, as much as any

committee that I have ever served on, actually performed a real legislative service in looking over the administration's budget requests very carefully and screening and examining them in detail and then working our will in connection with reductions and eliminations and additions as we in a legislative body felt were required and justified based upon the hearings.

I think they were excellent hearings. They were presided over with great ability and I would congratulate the gentlewoman and the ranking Republican member, the gentleman from Pennsylvania (Mr. McDADE).

I would like to say this one thing in regard to the Kennedy Center. During our hearings on that, I was dismayed to see the amount of money that we have put in there over the years. However, we do recognize that the basic character has been changed to that of a memorial—at least a portion, a substantial portion, of the building is now a memorial.

I would like to point out to Members of the House that the formula upon which the administration request for this additional money for operation and maintenance is based is subject to some alteration and adjustment in the future. The formula is based upon the total number of hours that the center is now open; upon the 7-day week; and these figures may have to be adjusted to accord with the facts as we get a little more experience. That is the only thing I would like to say.

Mr. McDADE. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, as I understand this conference report it is \$112,276,000 more than was expended for the same general purposes a year ago. It is \$21,781,300 over the budget and it is \$19,377,100 above the figure of the House bill.

Now, with respect to the Cultural Center, reading from the hearing before the House Subcommittee on Appropriations for the Interior Department on July 20, this year, it is stated that in a joint session of the House and Senate Committees on Public Works of the 88th Congress, first session, December 12 and 16, 1963, the following interchange took place between Representative Cramer and Mr. Roger L. Stevens:

Representative CRAMER. Will this legislation obligate the government in any way for maintenance and operation in the future?

Mr. STEVENS. No, sir. We feel that in their income from rentals we will have enough money for proper maintenance and even going so far as depreciation of equipment.

Now, who was saying what to whom in those days gone by about the Federal Government participation in the Cultural Center?

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

Mr. GROSS. Yes, I yield to the gentleman from Pennsylvania.

Mr. McDADE. The gentleman raises, of course, an important and interesting point, and I think the answer to it lies in the date. If you notice, the date is 1963. That was before the late President Kennedy was assassinated; it was before

this was declared by Congress unanimously to be a memorial to the President. I would simply say to the gentleman from Iowa that what has happened since that time is that the Congress—and I voted for it—has declared it to be a national monument.

The influx of tourists has come about and we have a different situation than we had back in 1963 when President Eisenhower and others requested and sponsored this legislation requesting such a center.

Mr. GROSS. Yes, and because it became a memorial to former President Kennedy only compounds the felony of the statement that it was not going to cost the taxpayers any money. Under the emotions of the time the promoters went out and raised money from private sources; several million dollars as contributions to a project which we were assured would not cost the taxpayers of this country a single dollar for maintenance and operation.

Now the taxpayers are in it clear up to their ears and this will put them into it ever deeper and deeper.

Mr. McDADE. I do not know how the gentleman voted on the question of what to do after the President was assassinated, but I do know that there was a change in the basic reason and the basic existence of this building after the assassination of President Kennedy in 1964. We have made an effort, and I must say that the distinguished and able gentleman from Oregon, Mr. WYATT, played an important part in laying before the Congress all the facts in order that we could see the exact transition that occurred with respect to this building and why they are now faced with a tourist influx to visit a monument which rivals those who visit the Washington Monument and the Lincoln Memorial.

Mr. GROSS. I am sure there are all kinds of excuses for what is now taking place. The promoters of this Cultural Center have dredged up all kinds of excuses for failure to live up to their promises.

The fact remains that we were told again that this would cost the taxpayers nothing for maintenance and operation. It has already cost the taxpayers \$50 million or \$56 million for construction.

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

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

Mr. GRAY. I thank my friend for yielding.

Mr. Speaker, I would like to elaborate if I may for just a moment on what the gentleman from Pennsylvania said. We have a completely different set of circumstances now.

Mr. GROSS. There is always a different set of circumstances when it comes to bilking the taxpayers.

Now the gentleman may go ahead.

Mr. GRAY. If the gentleman from Iowa will allow me, I will explain. Mr. Stevens was talking about maintenance of a center for the performing arts which starts at approximately 8 p.m. in the evening. As a national monument to President Kennedy the center is now receiving 12,000 to 14,000 persons from all over the world during the daylight hours every

day. The Kennedy Center is now second only to the Capitol in daily visitation. These funds are being spent to accommodate the taxpayers.

Mr. McDADE. Mr. Speaker, the conference report on H.R. 15418 presented to the House today is a product of many months of hard work on the part of your committee. Like all committee reports, it represents the product of much compromise with the other body. However, it is a good bill, and one which I believe deserves the support of every Member of this House.

The bill contains an increase in new obligational authority of \$19,377,100 above the amounts found in the House version of the bill, and \$1,987,500 below the Senate version. The total new obligational authority found in this bill is \$21,781,300 above the budget request. However, this is offset in part by reductions of \$14,806,000 in appropriations to liquidate contract authority. This leaves an excess above the budget estimate of \$6,975,300.

I am sure the Members of this House are as well aware as the committee that budgetary decisions this year have been most difficult. As one of the conferees who met to resolve the differences in the House and Senate bills, I want to assure my colleagues that all programs in the conference report were given careful scrutiny. In each case, the available resources of the Government were measured against the needs of the people and programs served by this bill. While the end product of our deliberations exceeds the original bill, the Members will note that we did not add funds helter-skelter. We added some and subtracted some with the result that several programs were, in fact, trimmed below the budget levels originally approved by the House.

The sum of \$11.5 million will go to the Forest Service for forest fire control research, construction, and land acquisition. Included is \$5 million more in Clarke-McNary funds for forest fire control programs with the States. This is a result of congressional action on H.R. 8817 signed into law subsequent to our budget hearings. The Clarke-McNary program has always enjoyed wide support in the Congress and with the growing problems and expenses accompanying forest fire prevention and control this seems to be a very responsible increase indeed.

The sum of \$5 million more will be committed to our Indian health and education programs. Our Indian health programs have achieved dramatic success but so much more needs to be done. Other funds will expedite construction on badly needed schools, improved school facilities, additional scholarships, and irrigation projects for our Indian people.

The sum of \$2.8 million in research funds will expedite energy research within the Bureau of Mines and the Office of Coal Research. These funds will be used to accelerate vital research on our energy needs in such areas as geothermal research, MHD power generation and the development of new low sulfur oil.

In addition, money in this bill will stimulate highly successful research on

the critical problem of filling deep mine voids. As a representative of people who are plagued by the ravages of mine subsidence, I know the importance of this research.

The sum of \$1.5 million is also provided for the operation and maintenance of the Kennedy Center. This item while a part of the President's original budget request was not included in the House version of the bill because authorizing legislation had failed to clear the Congress.

In short, Mr. Speaker, the bill we are considering today increases and strengthens our commitments to our natural resources, development of our energy resources, and most important our human needs. I urge its adoption by the House.

Mr. ROYBAL. Mr. Speaker, I rise in support of H.R. 15418 and would like to urge its immediate passage.

This bill contains three provisions which will substantially aid the Indian population in the State of California. First, it corrects an inequity in the way that Johnson-O'Malley Funds are apportioned. Prior to this time the Bureau of Indian Affairs distributed Johnson-O'Malley Funds to school districts with large blocks of tax-free Indian land. This bill changes the method of distribution of funds to coincide with the original interest of Congress when it passed the bill in 1934. The intent of the original bill was to aid the urban and off-the-reservation Indians as well. In the case of California, for instance, more than two-thirds of the State's Indians live in urbanized areas.

Second, the bill provides funds to create decent housing for California's rural Indians. Off-reservation Indians have especially difficult housing problems because they are ineligible to own housing authorities under HUD housing programs. Therefore, this funding is essential.

The bill also provides funds to expand health services provided by the California Rural Indian Health Board to the rural Indians in California.

This bill represents a beginning at rectifying a longstanding injustice done to urban Indians and will increase the quality of social services offered to rural Indians. I recommend its passage to all my colleagues.

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

Mrs. HANSEN of Washington. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there

were—yeas 378, nays 9, not voting 45, as follows:

[Roll No. 292]

YEAS—378

Abbutt	Diggs	Kluczynski
Abernethy	Dingell	Koch
Abourezk	Donohue	Kyl
Abzug	Dorn	Kyros
Adams	Dow	Landrum
Addabbo	Downing	Latta
Drinan	Edwards, Ala.	Leggett
Dulski	Edwards, Calif.	Lennon
Duncan	Eilberg	Lent
du Pont	Erlenborn	Link
Dwyer	Esch	Lloyd
Eckhardt	Eshleman	Long, Md.
Edmondson	Evans, Colo.	Lujan
Edwards, Ala.	Evins, Tenn.	McClary
Edwards, Calif.	Fascell	McCloskey
Ellberg	Findley	McColister
Erlenborn	Fish	McCormack
Esch	Fisher	McCulloch
Eshleman	Flood	McDade
Evans, Colo.	Flowers	McEwen
Evins, Tenn.	Foley	McFall
Fascell	Ford	McKay
Findley	William D.	McKevitt
Fish	Forsythe	Macdonald,
Fisher	Fountain	Mass.
Flower	Fraser	Mahon
Flood	Frelinghuysen	Mailliard
Flowers	Frenzel	Mallory
Foley	Frey	Mann
Ford	Fuqua	Martin
William D.	Galifianakis	Mathias, Calif.
Forsythe	Garmatz	Matsunaga
Fountain	Gaydos	Mayne
Fraser	Gettys	Mazzoli
Frelinghuysen	Gialmo	Meeds
Frenzel	Gibbons	Melcher
Frey	Goldwater	Metcalfe
Fuqua	Gonzalez	Michel
Galifianakis	Goodling	Mikva
Garmatz	Grasso	Miller, Ohio
Gaydos	Gray	Mills, Ark.
Gettys	Green, Oreg.	Mills, Md.
Gialmo	Green, Pa.	Mimish
Gibbons	Griffin	Mink
Goldwater	Griffiths	Mitchell
Gonzalez	Grover	Mizell
Goodling	Gubser	Mollohan
Grasso	Gude	Monagan
Gray	Haley	Montgomery
Green, Oreg.	Halpern	Moorhead
Green, Pa.	Hamilton	Morgan
Griffin	Hammer-	Mosher
Griffiths	schmidt	Moss
Grover	Hanley	Murphy, Ill.
Gubser	Hanna	Murphy, N.Y.
Gude	Hansen, Idaho	Myers
Haley	Hansen, Wash.	Natcher
Halpern	Harrington	Nichols
Hamilton	Harsha	Nix
Hammer-	Harvey	Obey
schmidt	Hastings	O'Hara
Hanley	Hathaway	O'Konski
Hanna	Hawkins	O'Neill
Hansen, Idaho	Hechler, W. Va.	Passman
Hansen, Wash.	Heckler, Mass.	Pattman
Harrington	Heinz	Patten
Harsha	Helstoski	Pelly
Harvey	Henderson	Pepper
Hastings	Hicks, Mass.	Perkins
Hathaway	Hicks, Wash.	Pettis
Hawkins	Hillis	Peyser
Hechler, W. Va.	Hogan	Pickle
Heckler, Mass.	Hollifield	Pike
Heinz	Horton	Pirnie
Helstoski	Hosmer	Poage
Henderson	Howard	Podell
Hicks, Mass.	Hull	Poff
Hicks, Wash.	Hungate	Powell
Hillis	Hunt	Preyer, N.C.
Hollis	Jacobs	Price, Ill.
Hogan	Johnson, Calif.	Price, Tex.
Hollifield	Johnson, Pa.	Pryor, Ark.
Horton	Jones, Ala.	Pucinski
Hosmer	Jones, N.C.	Purcell
Howard	Karth	Quile
Hull	Kastenmeier	Quillen
Hunt	Kazen	Rallsback
Jacobs	Keating	Randall
Johnson, Calif.	Kee	Rangel
Johnson, Pa.	Keith	Rees
Jones, Ala.	Kemp	Reuss
Jones, N.C.	King	Rhodes
Karth		Riegle
Kastenmeier		Robinson, Va.
Kazen		Robison, N.Y.
Keating		Rodino
Kee		Roe
Keith		Rogers
Kemp		Roncalio
King		



Rooney, Pa.	Spence	Veysey
Rosenthal	Staggers	Vigorito
Rostenkowski	Stanton,	Waggonner
Roush	J. William	Waldie
Rousselot	Stanton,	Wampler
Roy	James V.	Ware
Roybal	Steed	Whalen
Ruppe	Steele	Whalley
Ruth	Steiger, Ariz.	White
St Germain	Steiger, Wis.	Whitehurst
Sandman	Stephens	Whitten
Sarbanes	Stratton	Widnall
Satterfield	Stubblefield	Wiggins
Saylor	Sullivan	Williams
Scherle	Symington	Wilson, Bob
Scheuer	Talcott	Winn
Schwengel	Taylor	Wolf
Sebelius	Teague, Calif.	Wright
Seiberling	Teague, Tex.	Wyatt
Shipley	Terry	Wylder
Shoup	Thompson, Ga.	Wylie
Shriver	Thompson, N.J.	Wyman
Sikes	Thomson, Wis.	Yates
Sisk	Thone	Yatron
Skubitz	Tiernan	Young, Fla.
Slack	Udall	Young, Tex.
Smith, Calif.	Ullman	Zablocki
Smith, Iowa	Van Deerlin	Zion
Smith, N.Y.	Vander Jagt	Zwach
Snyder	Vanik	

## NAYS—9

Clawson, Del	Hall	Mathis, Ga.
Dickinson	Jonas	Schmitz
Gross	Landgrebe	Schneebell

## NOT VOTING—45

Anderson, Tenn.	Gallagher	Miller, Calif.
Blanton	Hagan	Minshall
Brasco	Hays	Nedzi
Broomfield	Hébert	Nelsen
Broyhill, Va.	Hutchinson	Rarick
Caffery	Ichord	Reid
Clay	Jarman	Roberts
Daniels, N.J.	Jones, Tenn.	Rooney, N.Y.
Davis, Ga.	Kuykendall	Runnels
Davis, S.C.	Long, La.	Ryan
Derwinski	McClure	Scott
Dowdy	McDonald,	Springer
Flynt	Mich.	Stokes
Ford, Gerald R.	McKinney	Stuckey
Fulton	McMillan	Wilson,
	Madden	Charles H.

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Broomfield.  
Mr. Rooney of New York with Mr. Gerald R. Ford.  
Mr. Fulton with Mr. Derwinski.  
Mr. Brasco with Mr. Hutchinson.  
Mr. Charles H. Wilson with Mr. McKinney.  
Mr. Blanton with Mr. Kuykendall.  
Mr. Nedzi with Mr. McDonald of Michigan.  
Mr. Reid with Mr. Nelsen.  
Mr. Ryan with Mr. Clay.  
Mr. Flynt with Mr. Broyhill of Virginia.  
Mr. Daniels of New Jersey with Mr. Springer.  
Mr. Hays with Mr. Minshall.  
Mr. Stokes with Mr. Anderson of Tennessee.  
Mr. Davis of South Carolina with Mr. McClure.  
Mr. Davis of Georgia with Mr. Scott.  
Mr. Jarman with Mr. Rarick.  
Mr. Roberts with Mr. Gallagher.  
Mr. Runnels with Mr. Hagan.  
Mr. Madden with Mr. Long of Louisiana.  
Mr. Stuckey with Mr. Caffery.  
Mr. Jones of Tennessee with Mr. Ichord.  
Mr. Miller of California with Mr. McMillan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 4: On page 6, line 9, strike "\$55,384,000" and insert in lieu thereof "\$55,575,000."

## MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 4 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "\$55,960,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 7: On page 7, line 7, insert the following: "that not to exceed \$450,000 shall be for assistance to the Rocky Boy School District, Rocky Boy Indian Reservation, Montana;"

## MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 9: Page 7, line 11, insert the following: "that not to exceed \$465,000 shall be for assistance to the Dunsen, North Dakota, Public School District No. 1;"

## MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 9 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 10: On page 8, line 2, insert the following: *Provided*, That there shall be advanced from the Alaska Native Fund upon request of the board of directors of any Regional Corporation established pursuant to section 7 of said Act, \$500,000 for any one Regional Corporation, which shall be reduced by any amount advanced to such Regional Corporation prior to July 1, 1972, and an additional \$1,000,000 to be available for distribution by the Secretary among the Corporations, which the Secretary of the Interior shall determine to be necessary for the organization of such Regional Corporation and the Village Corporations within such region, and to identify land for such Corporations pursuant to said Act, and to repay loans and other obligations incurred prior to May 27, 1972 for such purposes; *Provided further*, That such advances shall not be subject to the provisions of section 7(j) of said Act, but shall be charged to and accounted for by such Regional and Village Corporations in computing the distributions pursuant to section 7(j) required after the first regular receipt of moneys from the Alaska Native Fund under section 6 of said Act; *Provided further*, That no part of the money so advanced shall be used for the organization of a Village Corporation that had less than twenty-five Native residents

living within such village according to the 1970 census."

## MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 12: On page 17, line 8, strike "\$58,491,000" and insert "\$57,891,000."

## MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "\$60,091,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: On page 21, line 14, strike "\$8,671,000" and insert "\$9,385,000".

## MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "\$89,421,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 19: On page 22, line 12, insert: *Provided*, That \$90,000 representing the National Park Service share for planning a modern sewage system and treatment plant, in cooperation with the towns of Harpers Ferry and Bolivar, West Virginia, to service said towns and Harpers Ferry National Historical Park shall not be available until such time as agreement relating to the procedures and funding for design, construction, and operation of the facility is consummated among the concerned agencies".

## MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 21: On page 23, line 7, strike out "\$5,766,000" and insert "\$13,416,000".

## MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "\$5,416,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: On page 25, line 19, strike "\$15,419,000" and insert "\$15,470,100".

## MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "\$15,295,100".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 26: On page 29, line 12, strike "\$59,268,000" and insert "\$60,833,000".

## MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "\$61,143,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 28: On page 30, line 1, strike "\$43,953,900" and insert "\$44,203,900".

## MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "\$48,581,900".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 35: On page 38, line 1, strike "\$51,682,000" and insert "\$52,243,000".

## MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to

the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "\$51,633,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 39: Page 40, line 23, insert:

"JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

"For expenses necessary for operating and maintaining the non-performing arts functions of the John F. Kennedy Center for the Performing Arts, \$1,500,000, to be available for obligations incurred in fiscal year 1972."

## MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 39 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

## GENERAL LEAVE

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

## CONFERENCE REPORT ON H.R. 15417, DEPARTMENTS OF LABOR, HEW, AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. FLOOD submitted the following conference report and statement on the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare and related agencies, for the fiscal year ending June 30, 1973, and for other purposes:

## CONFERENCE REPORT (H. REPT. NO. 92-1280)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15417) "making appropriations for the Departments of Labor and Health, Education and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 20, 25, 30, 39, 43, 45, 49, 56, 59, 60, 61, 63, 65, 71, 73 and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 8, 9, 10, 11, 12, 13, 15, 17, 22, 23, 26, 44, 50, 62, 67, 69, 72, 74 and 75, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amend-

ment insert "\$49,139,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$72,207,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$783,323,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$489,573,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$320,000,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$49,795,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment insert "and digestive diseases, \$173,190,000."; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$136,403,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$122,048,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$192,302,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$142,257,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$41,137,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$31,374,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:



In lieu of the sum proposed by said amendment insert "\$78,244,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$5,200,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$846,428,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$140,000,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$28,000,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$28,818,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$12,580,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$12,542,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "\$162,359,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

#### "LIBRARY RESOURCES"

"For carrying out, to the extent not otherwise provided, titles I (\$62,000,000), II, and III (\$7,500,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); title II (\$100,000,000) of the Elementary and Secondary Education Act; title III-A (\$50,000,000) of the National Defense Education Act of 1958; and title VI (\$12,500,000) of the Higher Education Act; \$247,000,000, of which \$15,000,000, to remain available through June 30, 1974, shall be for grants for public library construction under title II of the Library Services and Construction Act."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$238,315,000"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "\$15,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 19, 21, 24, 51, 52, 54, 64, 66, 68, 70 and 76.

DANIEL J. FLOOD,  
WILLIAM H. NATCHER,  
NEAL SMITH,  
W. R. HULL, Jr.,  
BOB CASEY,  
EDWARD J. PATTEN,  
GEORGE H. MAHON,  
GARNER E. SHRIVER,  
SILVIO O. CONTE,

#### Managers on the Part of the House.

WARREN G. MAGNUSON,  
JOHN C. STENNIS,  
ALAN BIBLE,  
ROBERT C. BYRD,  
WILLIAM PROXMIER,  
JOSEPH M. MONTTOYA,  
ERNEST F. HOLLINGS,  
NORRIS COTTON,  
CLIFFORD P. CASE,  
HIRAM L. FONG,  
J. CALES BOGGS,  
EDWARD W. BROOKE,  
TED STEVENS,  
MILTON R. YOUNG,

#### Managers on the Part of the Senate.

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15417) making appropriations for the Departments of Labor and Health, Education, and Welfare and related agencies for the fiscal year ending June 30, 1973, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

#### TITLE I—DEPARTMENT OF LABOR

##### Manpower Administration

Amendment No. 1: Inserts legal citations as proposed by the Senate.

Amendment No. 2: Appropriates \$719,554,000 for "Manpower training services" as proposed by the Senate instead of \$758,554,000 as proposed by the House.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides that funds appropriated for expenses of the Private Sector On The Job Training and the Special Targeting programs contained in the appropriation for "Manpower training services" shall not be subject to the apportionment of benefits provisions of section 301 of the Manpower Development and Training Act. This or very similar language has been proposed in the budget for each of the last several years. While the managers on the part of both the House and the Senate recognize the desirability of such language, they also recognize that it is undesirable to have this type of legislation in an appropriation bill year after year and are quite definitely inclined to deny any future requests of this nature. If this is really as necessary for efficient operation of these programs as the Department indicates, it should be made a part of the basic authorizing legislation.

Amendments Nos. 4 and 5: Authorize the use of \$800,300,000 from the Employment Security Administration account in the Unemployment Trust Fund for "Limitation on grants to States for unemployment insurance and employment services" as proposed by the Senate instead of \$820,300,000 as proposed by the House; and provide that \$24,000,000 of the total amount authorized shall be avail-

able only for certain contingencies as proposed by the Senate instead of \$44,000,000 as proposed by the House.

#### Employment Standards Administration

Amendment No. 6: Appropriates \$49,139,000 for "Salaries and expenses" instead of \$48,889,000 as proposed by the House and \$49,889,000 as proposed by the Senate.

#### Occupational Safety and Health Administration

Amendment No. 7: Appropriates \$72,207,000 for "Salaries and expenses" instead of \$69,207,000 as proposed by the House and \$80,000,000 as proposed by the Senate.

Amendments Nos. 8 and 9: Provide that none of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing 15 persons or less as proposed by the Senate instead of 25 persons or less as proposed by the House.

#### Bureau of Labor Statistics

Amendments Nos. 10 and 11: Appropriate \$45,240,000 for "Salaries and expenses" as proposed by the Senate instead of \$44,784,000 as proposed by the House; and provide that \$10,216,000 shall be for expenses of revising the Consumer Price Index as proposed by the Senate instead of \$9,760,000 as proposed by the House.

#### Departmental Management

Amendments Nos. 12 and 13: Appropriate \$24,196,000 for "Salaries and expenses" as proposed by the Senate instead of \$24,156,000 as proposed by the House; and provide that \$890,000 shall be available for the President's Committee on Employment of the Handicapped as proposed by the Senate instead of \$850,000 as proposed by the House.

Amendment No. 14: Appropriates \$100,000 for "Special foreign currency program" as proposed by the House instead of \$309,000 as proposed by the Senate.

#### TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### Health Services and Mental Health Administration

Amendments Nos. 15, 16, and 17: Appropriate \$783,323,000 for "Mental health" instead of \$743,823,000 as proposed by the House and \$851,525,000 as proposed by the Senate; insert a legal citation and provide that \$75,000,000 shall remain available until June 30, 1974, for grants pursuant to parts A, C, and D of the Community Mental Health Centers Act as proposed by the Senate instead of \$181,491,000 as proposed by the House. The managers on the part of both the House and the Senate are agreed that the earmarking in the Senate report should be used as a guideline in allocating the increase over the amount proposed by the House for the appropriation "Mental health."

Amendment No. 18: Appropriates \$489,573,000 for "Health services planning and development" instead of \$462,073,000 as proposed by the House and \$510,573,000 as proposed by the Senate. The managers on the part of both the House and the Senate are agreed that the amount in excess of the House bill includes \$1,000,000 for health services research and development; \$14,500,000 for Regional Medical Programs of which \$2,000,000 shall be for renal disease, and \$4,500,000 for the construction of a children's regional health service center in the northwestern part of the United States; and \$12,000,000 to complete an experimental hospital which is now under construction at Children's Hospital Medical Center, Washington, D.C.

The managers on the part of both the House and the Senate are agreed that of the total amount provided for Regional Medical Programs, funds will be so allocated as to provide for end-stage renal disease programs in all sections of the nation.

Amendment No. 19: Reported in technical disagreement. The managers on the part of

the House will offer a motion to recede and concur in the Senate amendment with an amendment which will have the effect of appropriating \$798,046,000 for "Health services delivery" instead of \$751,295,000 as proposed by the House and \$844,797,000 as proposed by the Senate. The managers on the part of the Senate will move to agree to the amendment of the House to the amendment of the Senate. The managers on the part of both the House and the Senate are agreed that the earmarking in the Senate report should be used as a guideline in allocating the increase over the amount proposed by the House.

Amendment No. 20: Deletes language proposed by the Senate.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which will insert a legal citation relating to "Preventive health services."

Amendments 22 and 23: Adjust legal citations pertaining to "Preventive health services" as proposed by the Senate.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will have the effect of appropriating \$209,372,000 for "Preventive health services" instead of \$159,872,000 as proposed by the House and \$223,872,000 as proposed by the Senate. The managers on the part of the Senate will move to agree to the amendment of the House to the amendment of the Senate. The managers on the part of both the House and the Senate are agreed that the amount by which the appropriation exceeds the House bill shall be allocated as follows: \$10,000,000 for control of infectious diseases of which \$4,000,000 shall be for control of tuberculosis, \$3,000,000 shall be for control of venereal diseases, and \$3,000,000 shall be for immunization programs; \$2,500,000 to initiate a comprehensive communicable disease health education program; \$2,000,000 for the lead-based paint poisoning prevention program project grants; and \$35,000,000 for occupational health activities.

Amendment No. 25: Deletes language proposed by the Senate.

#### National Institutes of Health

The bill includes a total of \$1,793,683,000 for the research institutes and divisions of the National Institutes of Health. These appropriations are covered by Amendments

Nos. 26 through 39. This compares with the 1972 appropriation of \$1,476,334,000, the budget estimate for 1973 of \$1,580,198,000, the House bill of \$1,722,983,000, and the Senate bill of \$1,899,733,000. The managers on the part of both the House and the Senate are agreed that the Department should follow earmarkings included in the report of the Senate Committee on Appropriations as guidelines for the allocation of the increase over the amount proposed by the House. However, the managers are also agreed that \$5,000,000 of the increase for "National Heart and Lung Institute" shall be for pediatric pulmonary centers, and that \$500,000 of the amount provided for "Research resources" will be allocated to the Primate Colony Research Center at Holloman Air Force Base, New Mexico.

Amendments Nos. 26 and 27: Appropriates \$320,000,000 for "National Heart and Lung Institute" instead of \$300,000,000 as proposed by the House and \$350,000,000 as proposed by the Senate; and insert a legal citation proposed by the Senate.

Amendment No. 28: Appropriates \$49,795,000 for "National Institute of Dental Research" instead of \$46,991,000 as proposed by the House and \$54,000,000 as proposed by the Senate.

Amendment No. 29: Appropriates \$173,190,000 for "National Institute of Arthritis, Metabolism, and Digestive Diseases" instead of \$167,316,000 as proposed by the House and \$182,000,000 as proposed by the Senate.

Amendment No. 30: Strikes language proposed by the Senate to earmark not to exceed \$320,000 of the appropriation for "National Institute of Arthritis, Metabolism, and Digestive Diseases for 20 additional positions. The managers on the part of both the House and the Senate are agreed that funds included in the bill should be available for a proportionate increase in positions.

Amendment No. 31: Appropriates \$136,403,000 for "National Institute of Neurological Diseases and Stroke" instead of \$130,672,000 as proposed by the House and \$145,000,000 as proposed by the Senate.

Amendment No. 32: Appropriates \$122,048,000 for "National Institute of Allergy and Infectious Diseases" instead of \$113,414,000 as proposed by the House and \$135,000,000 as proposed by the Senate.

Amendment No. 33: Appropriates \$192,302,000 for "National Institute of General Medical Sciences" instead of \$183,171,000 as proposed by the House and \$206,000,000 as proposed by the Senate.

Amendment No. 34: Appropriates \$142,257,000 for "National Institute of Child Health and Human Development" instead of \$130,429,000 as proposed by the House and \$160,000,000 as proposed by the Senate.

Amendment No. 35: Appropriates \$41,137,000 for "National Eye Institute" instead of \$38,562,000 as proposed by the House and \$45,000,000 as proposed by the Senate.

Amendment No. 36: Appropriates \$31,374,000 for "National Institute of Environmental Health Sciences" instead of \$30,956,000 as proposed by the House and \$32,000,000 as proposed by the Senate.

Amendment No. 37: Appropriates \$78,244,000 for "Research resources" instead of \$75,073,000 as proposed by the House and \$83,000,000 as proposed by the Senate.

Amendment No. 38: Appropriates \$5,200,000 for "John E. Fogarty International Center for Advanced Study in the Health Sciences" instead of \$4,666,000 as proposed by the House and \$6,000,000 as proposed by the Senate.

Amendment No. 39: Strikes language proposed by the Senate to provide that not to exceed \$80,000 of the funds appropriated for "John E. Fogarty International Center for Advanced Study in the Health Sciences" shall be available for additional positions. The managers on the part of both the House and the Senate are agreed that not to exceed \$32,000 shall be available for this purpose.

Amendments Nos. 40, 41, 42, 43, 44, and 45: Appropriate \$846,428,000 for "Health manpower" instead of \$738,628,000 as proposed by the House and \$927,178,000 as proposed by the Senate; provide that \$140,000,000, including \$28,000,000 for dental teaching facilities, shall be available for grants for construction of facilities under part B of title VII instead of \$100,000,000, including \$20,000,000 for dental teaching facilities, as proposed by the House and \$180,000,000, including \$30,000,000 for dental teaching facilities, as proposed by the Senate; provide that \$30,000,000 shall be available for grants for construction of facilities under part A of title VIII as proposed by the Senate instead of \$20,000,000 as proposed by the House; delete provision that \$2,000,000 shall be for grants for construction of facilities under part G of title VII proposed by the Senate; and delete legal citation to part G of title VII proposed by the Senate. The following table sets forth in detail the conference agreement and other pertinent statistics:

Activity	1972 comparable appropriation	1973 budget estimate	House allowance	Senate allowance	Conference agreement
1. Medical, dental, and related health professions:					
(a) Institutional support:					
(1) Capitation grants	\$155,200,000	\$165,900,000	\$165,900,000	\$190,000,000	\$177,950,000
(2) Education initiatives	20,000,000	20,000,000	42,000,000	42,000,000	42,000,000
(3) Other institutional support	80,280,000	76,300,000	89,700,000	100,000,000	100,000,000
Subtotal	255,480,000	262,200,000	297,600,000	332,000,000	319,950,000
(b) Student assistance:					
(1) Direct loans	30,000,000	36,000,000	36,000,000	36,000,000	36,000,000
(2) Scholarships	15,500,000	15,500,000	15,500,000	27,000,000	17,500,000
(3) Traineeships	6,100,000	6,000,000	17,000,000	17,000,000	17,000,000
Subtotal	51,600,000	57,500,000	68,500,000	80,000,000	70,500,000
(c) Construction:					
(1) Grants	139,985,000		100,000,000	180,000,000	140,000,000
(2) Interest subsidies	800,000	1,000,000	1,000,000	1,000,000	1,000,000
Subtotal	140,785,000	1,000,000	101,000,000	181,000,000	141,000,000
(d) Computer technology	3,000,000	3,000,000	6,000,000	6,000,000	6,000,000
(e) Educational grants and contracts and direct operations	7,071,000	7,881,000	9,481,000	9,481,000	9,481,000
Subtotal	457,936,000	331,581,000	482,581,000	608,481,000	546,931,000
2. Dental health:					
(a) Educational grants and contracts	5,909,000	6,409,000	7,409,000	7,409,000	7,409,000
(b) Direct operations	5,950,000	6,570,000	7,570,000	7,570,000	7,570,000
Subtotal	11,859,000	12,979,000	14,979,000	14,979,000	14,979,000

Footnotes at end of table.



Activity	1972 comparable appropriation	1973 budget estimate	House allowance	Senate allowance	Conference agreement
3. Nursing: Institutional support.....	60,500,000	56,500,000	75,500,000	99,500,000	87,500,000
(b) Student assistance:					
(1) Direct loans.....	21,000,000	21,000,000	24,000,000	24,000,000	24,000,000
(2) Scholarships.....	19,500,000	19,500,000	21,500,000	30,000,000	30,000,000
(3) Traineeships.....	11,470,000	11,500,000	12,500,000	15,000,000	15,000,000
Subtotal.....	51,970,000	52,000,000	58,000,000	69,000,000	69,000,000
(c) Construction:					
(1) Grants.....	19,000,000		20,000,000	30,000,000	30,000,000
(2) Interest subsidies.....	200,000	1,000,000	1,000,000	1,000,000	1,000,000
Subtotal.....	19,200,000	1,000,000	21,000,000	31,000,000	31,000,000
(d) Educational grants and contracts and direct operations.....	12,729,000	13,434,000	13,934,000	13,934,000	13,934,000
Subtotal.....	144,399,000	122,934,000	168,434,000	213,434,000	201,434,000
4. Public health:					
(a) Institutional support.....	10,026,000	11,940,000	12,000,000	14,000,000	13,000,000
(b) Traineeships.....	8,400,000	9,000,000	9,600,000	11,000,000	10,300,000
(c) Direct operations.....	573,000	631,000	1,031,000	1,031,000	1,031,000
Subtotal.....	18,999,000	21,571,000	22,631,000	26,031,000	24,331,000
5. Allied health:					
(a) Institutional support.....	10,000,000	14,000,000	16,000,000	20,000,000	20,000,000
(b) Traineeships.....	3,710,000	3,710,000	3,750,000	6,000,000	6,000,000
(c) Educational grants and contracts and direct operations.....	16,910,000	17,955,000	18,955,000	23,955,000	21,455,000
(d) Scholarships.....				1,000,000	
(e) Construction.....				2,000,000	
Subtotal.....	30,620,000	35,665,000	38,705,000	52,955,000	47,455,000
6. Program direction and manpower analysis.....	9,749,000	8,898,000	11,298,000	11,298,000	11,298,000
Total.....	673,562,000	533,628,000	738,628,000	927,178,000	846,428,000

\* Includes \$2,000,000 for the physician shortage area scholarship program.

The managers on the part of both the House and the Senate are agreed that the deletion of \$2,000,000 for construction of allied health facilities, proposed by the Senate, is without prejudice and with the recognition of the importance of allied health personnel to the total national health care needs. However, this would start a new program of great potential cost and the managers agreed that further and more detailed study of the program should be made in the near future.

Amendment No. 46: Appropriates \$28,818,000 for "National Library of Medicine" instead of \$28,568,000 as proposed by the House and \$29,068,000 as proposed by the Senate.

Amendment No. 47: Appropriates \$12,580,000 for "Buildings and facilities" instead of \$8,500,000 as proposed by the House and \$33,480,000 as proposed by the Senate. The increase over the amount proposed by the House is for planning a new wing to the clinical center to provide facilities for examining and treating ambulatory research patients. The facilities would be designed to meet the needs of the Cancer Institute, Heart and Lung Institute, Eye Institute, and to a lesser degree, the other institutes.

Amendment Nos. 48 and 49: Appropriates \$12,542,000 for "Office of the Director" instead of \$12,042,000 as proposed by the House and \$13,042,000 as proposed by the Senate; and delete language proposed by the Senate which would provide that \$1,000,000 of this appropriation shall be advanced to the National Institutes of Health management fund. The managers on the part of both the House and the Senate are agreed that the Director shall use existing legislative authority to transfer \$500,000 of this appropriation to the National Institutes of Health management fund.

#### Office of Education

Amendment No. 50: Deletes paragraph appropriating funds for elementary and secondary education, school assistance in federally affected areas, education for the handicapped, vocational and adult education, and library resources, as proposed by the Senate. Separate appropriations for these purposes are contained in Amendments Nos. 51, 52, 53, 54, and 55.

Amendment No. 51: Reported in technical disagreement. The managers on the part of

the House will offer a motion to recede from disagreement to the Senate amendment and agree to the same with an amendment which will appropriate \$2,034,393,000 for "Elementary and secondary education" as proposed by the House instead of \$2,036,393,000 proposed by the Senate, and will earmark \$53,000,000 for title V, parts A and C of the Elementary and Secondary Education Act, as proposed by the House instead of \$55,000,000 proposed by the Senate. The conferees are agreed that \$43,000,000 is to be allocated for part A, and \$10,000,000 for part C. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede from disagreement to the Senate amendment and agree to the same with an amendment which will appropriate \$681,405,000 for "School assistance in Federally affected areas" instead of \$671,405,000 proposed by the House and \$749,955,000 proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The language and amounts agreed upon for maintenance and operation of schools under P.L. 874 will provide for 100 percent of entitlement for "A" children in school districts where they are 25 percent or more of total enrollment, 90 percent of entitlement for all other "A" children, 77 percent of entitlement for "B" children, and 10,000,000 for "C" children. Also included is \$35,910,000 for construction of school facilities under P.L. 815. The conferees will expect that such funds as are necessary will be used for urgently needed facilities at Holloman Air Force Base, New Mexico.

Amendment No. 53: Appropriates \$162,359,000 for "Education for the handicapped" instead of \$143,609,000 proposed by the House and \$181,850,000 proposed by the Senate. The increase over the amount proposed by the House includes \$15,000,000 for State grant programs, \$1,750,000 for programs for children with specific learning disabilities, and \$2,000,000 for teacher training.

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede from disagreement to the Senate amend-

ment and agree to the same with an amendment which will appropriate \$659,162,000 for "Vocational and adult education" instead of \$643,460,000 proposed by the House and \$674,768,000 proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The increase over the amount proposed by the House includes \$95,000 for the National Advisory Council, \$5,000,000 for cooperative education, \$607,000 for State advisory councils, \$4,000,000 for innovation, \$1,000,000 for curriculum development, and \$5,000,000 for research.

Amendment No. 55: Appropriates \$247,000,000 for "Library resources" instead of \$184,500,000 proposed by the House and \$274,500,000 proposed by the Senate, and deletes language inserted by the Senate providing that funds for the purposes of title III-A of the National Defense Education Act of 1958 and title VI of the Higher Education Act shall be available only upon the enactment into law of the Education Amendments of 1972. This legislation has now been enacted. The increase over the amount proposed by the House consists of \$50,000,000 for equipment and minor remodeling under title III-A of the National Defense Education Act and \$12,500,000 for undergraduate instructional equipment under title VI of the Higher Education Act.

Amendment No. 56: Deletes language proposed by the Senate amending legal citation.

Amendment No. 57: Appropriates \$238,315,000 for "Educational renewal" instead of \$219,190,000 proposed by the House and \$259,240,000 proposed by the Senate. The increase over the amount proposed by the House includes \$15,000,000 for bilingual education, \$2,000,000 for educational broadcasting facilities, \$1,500,000 for drug abuse education, and \$625,000 for adult education special projects.

Amendment No. 58: Earmarks \$15,000,000 for educational broadcasting facilities instead of \$13,000,000 proposed by the House and \$25,000,000 proposed by the Senate.

Amendment No. 59: Deletes language proposed by the Senate providing that funds contained herein in excess of current authorization shall be available only upon enactment into law of authorizing legislation. The appropriation proposed by the Senate

exceeded current authorizations. The lower amount agreed upon in conference does not.

Amendment No. 60: Appropriates \$3,000,000 for "Educational activities overseas (special foreign currency program)" as proposed by the House instead of \$5,000,000 proposed by the Senate.

Amendment No. 61: Appropriates \$68,360,000 for "Salaries and expenses" as proposed by the House instead of \$69,360,000 proposed by the Senate.

#### *Social and Rehabilitation Service*

Amendment No. 62: Appropriates \$13,344,704,000 for "Grants to States for public assistance" as proposed by the Senate instead of \$13,369,704,000 proposed by the House.

Amendment No. 63: Deletes language proposed by the Senate which provided that payments to States for services under titles I, IV (part A), X, XIV, and XVI of the Social Security Act should not exceed \$2,500,000,000. The House bill contained no such language.

The Conference Committee recommended bill does not include a limitation on social services expenditures, but the conferees agreed with the basic premises of the Senate amendment: (1) to insure fiscal control over a program which is presently increasing at an alarming rate and (2) to insure that funds are disbursed prudently and effectively. The Congress approved in the fiscal year 1972, Second Supplemental Appropriation Bill, a substantial increase in manpower for the Social and Rehabilitation Service. These additional auditors would allow for a nation-wide management initiative which is intended to save over \$400,000,000 in Federal funds without a curtailment of benefits and useful services to eligible recipients. As the result of the information and experience gained by this auditing effort, the conferees expect the Department of Health, Education, and Welfare to submit to both the House and Senate Appropriations Committees no later than the commencement of the second quarter of fiscal year 1973, a comprehensive plan for a system of fiscal restraint and programmatic accountability in social services programs.

Such a program is expected to include a system of allotments of social services funds among States with proper consideration to population, per capita income, welfare consolidation, and past experience in social services program delivery. It is anticipated that such a plan could become effective no later than January 1, 1973. If language in a subsequent appropriation bill is necessary, the House and Senate Appropriations Committees will reconsider the propriety of such limitation.

A limitation in Federal participation in social services expenditures at this time would have the effect of imposing undue hardships on those States which have made plans to receive the amounts to which they are entitled.

The absence of the limitation and Congressional concern for fairness to States will not, however, take precedence over the necessity for both the Administration and the Congress working with the States to devise effective means of exerting fiscal control over social services programs.

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment, which appropriates \$455,133,000 for "Work incentives." The House did not consider this appropriation.

Amendment No. 65: Deletes appropriation of \$20,000,000 for "Grants for construction and staffing of rehabilitation facilities" proposed by the Senate. Appropriations for this purpose will be considered in a supplemental appropriation bill when legislative authorization has been enacted.

Amendment No. 66: Reported in technical

disagreement. The managers on the part of the House will offer a motion to recede from disagreement to the Senate amendment and agree to the same with an amendment which will appropriate \$51,250,000 for "Grants for the developmentally disabled" instead of \$102,825,000 proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The House did not consider this appropriation. The amount agreed to includes \$32,500,000 for State grants under part C of the Developmental Disabilities Services and Facilities Construction Act, \$5,000,000 for initial staffing of community facilities under part D of the Act, \$9,250,000 for operation of university-affiliated facilities under part B of the Act, and \$4,500,000 for hospital improvement projects under sections 301 and 303 of the Public Health Service Act.

Consideration of appropriations for rehabilitation service projects will be deferred pending enactment of legislation extending the authorizations in the Vocational Rehabilitation Act.

#### *Social Security Administration*

Amendment No. 67: Inserts language amending legal citation as proposed by the Senate.

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which appropriates \$1,526,500,000 for "Special benefits for disabled coal miners" instead of \$557,788,000 proposed by the House.

#### *Special Institutions*

Amendment No. 69: Appropriates \$15,082,000 for "Gallaudet College" as proposed by the Senate instead of \$14,446,000 proposed by the House.

#### *General provisions*

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts language providing that funds appropriated to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, the Model Secondary School for the Deaf, and Gallaudet College shall be awarded to the institutions in the form of lump-sum grants.

Amendment No. 71: Deletes language proposed by the Senate which would have permitted the Secretary of Health, Education, and Welfare to transfer funds among appropriations.

#### *TITLE III—RELATED AGENCIES*

##### *Cabinet Committee on Opportunities for Spanish-Speaking People*

Amendment No. 72: Appropriates \$1,000,000 for "Salaries and expenses" as proposed by the Senate instead of \$1,260,000 proposed by the House.

##### *National Commission on Marijuana and Drug Abuse*

Amendment No. 73: Appropriates \$1,140,000 for "Salaries and expenses" as proposed by the House instead of \$1,140,000 proposed by the Senate.

##### *U.S. Soldiers' Home*

Amendment No. 74: Appropriates \$12,591,000 for "Operation and maintenance" as proposed by the Senate instead of \$11,596,000 proposed by the House.

Amendment No. 75: Appropriates \$2,114,000 for "Capital outlay" as proposed by the Senate instead of \$244,000 proposed by the House.

##### *Corporation for Public Broadcasting*

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will move to recede from disagreement to the Senate amendment and con-

cur in the same with an amendment which will appropriate \$45,000,000 for "Payment to the Corporation for Public Broadcasting" instead of \$65,000,000 proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

#### *TITLE IV—GENERAL PROVISIONS*

Amendment No. 77: Deletes appropriation of \$200,000,000 for disaster relief proposed by the Senate.

##### *Conference total—With comparisons*

The total new budget (obligational) authority for the fiscal year 1973 recommended by the Committee of Conference, with comparisons to the fiscal year 1972 amount, the 1973 budget estimate, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year	
1972	\$27,403,058,000
Budget estimates of new (obligational) authority, fiscal year 1973 (including \$1,449,310,000 not considered by the House)	28,776,633,500
House bill, fiscal year 1973	28,603,179,500
Senate bill, fiscal year 1973	31,354,930,500
Conference agreement	30,538,919,500
Conference agreement compared with—	
New budget (obligational) authority, fiscal year 1972	+3,135,861,500
Budget estimates of new (obligational) authority (as amended) fiscal year 1973	+1,762,286,000
House bill, fiscal year 1973	+1,935,740,000
Senate bill, fiscal year 1973	-816,011,000

DANIEL J. FLOOD,  
WILLIAM H. NATCHER,  
NEAL SMITH,  
W. R. HULL, JR.,  
BOB CASEY,  
EDWARD J. PATTEN,  
GEORGE H. MAHON,  
GARNER E. SHRIVER,  
SILVIO O. CONTE,

##### *Managers on the Part of the House.*

WARREN G. MAGNUSON,  
JOHN C. STENNIS,  
ALAN BIBLE,  
ROBERT C. BYRD,  
WILLIAM PROXMIER,  
JOSEPH M. MONTOYA,  
ERNEST F. HOLLINGS,  
NORRIS COTTON,  
CLIFFORD P. CASE,  
HIRAM L. FONG,  
J. CALEB BOGGS,  
EDWARD W. BROOKE,  
TED STEVENS,  
MILTON R. YOUNG,

##### *Managers on the Part of the Senate.*

REREFERENCE OF S. 2987, H.R. 12172,  
AND H.R. 12199

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from the further consideration of the bills (S. 2987, H.R. 12172, H.R. 12199) to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, N.Y., out of the proceeds of the sale of minted proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower, and that those bills be referred to the Committee on Banking and Currency.

The SPEAKER. Is there objection to



the request of the gentleman from Texas?

There was no objection.

#### PERSONAL EXPLANATION

Mr. HAYS. Mr. Speaker, on the rollcall on the conference report that was just had (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, I was present but was called to the phone and missed my name. Had I answered, I would have voted "yea."

#### PERMISSION TO PRINT ADDITIONAL VIEWS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the additional views of the gentleman from California (Mr. REES) be printed as a supplemental part of the report on the bill H.R. 15989.

Mr. Speaker, Mr. REES' additional views were submitted on time, but were apparently mislaid in transit and thus were omitted from the material filed for the report. Permitting the filing of a supplemental report will correct this unfortunate omission and make the views of Mr. REES available to the Members of the House.

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

There was no objection.

#### CONFERENCE REPORT ON H.R. 14108, NATIONAL SCIENCE FOUNDATION AUTHORIZATION

Mr. CABELL. Mr. Speaker, I ask unanimous consent for immediate consideration of the conference report on the bill (H.R. 14108) to authorize appropriations

for activities of the National Science Foundation, and for other purposes, and that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 31, 1972.)

Mr. CABELL (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

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

There was no objection.

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

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

Mr. GROSS. Mr. Speaker, I trust the gentleman from Texas is going to give us at least a brief explanation of what this conference report involves.

Mr. CABELL. That is correct, and that is the intention of the managers on the bill. I am very happy to accede to the request of the gentleman from Iowa for an explanation, and upon the completion of that, I will be glad to answer any pertinent questions concerning the conference report before us today.

Mr. GROSS. I thank the gentleman.

Mr. CABELL. Mr. Speaker, the conference report before us today authorizes appropriations for the National Science Foundation for fiscal year 1973. The managers on the part of the House have brought back a report which reconciles the differences in the authorization levels for the various budget categories, program ceilings, and other matters which were in disagreement between the House and Senate versions.

Mr. Speaker, the conference report reconciles those differences between H.R. 14108 as passed by the House and amended by the Senate. The authorization level agreed upon by the conferees totals \$696,900,000, plus \$7 million in excess foreign currencies. This compromise figure splits the difference between the House approved level of \$673,800,000, plus \$7 million in excess foreign currencies, and the Senate figure of \$720 million, plus \$7 million in excess foreign currencies.

We had dropped to complete action on this legislation much earlier in the year. It was reported from the Committee on Science and Astronautics on April 11, and passed the House of Representatives on April 25. However, the other body delayed passage of the bill, as amended, until June 26, and they were not available for a conference on the disagreeing votes of the two bodies until last week. In its action, the Senate struck all after the enacting clause and substituted new language.

I believe the conference report which we are considering today is a fair compromise between the House and the Senate version. As far as the difference in the total authorization figure is concerned, this was split right down the middle. Disagreements on other aspects of the bill were worked out on a case by case basis.

The budget of the National Science Foundation is broken down into 13 categories. In addition to these 13 categories there is a \$7 million item for activities supported with excess foreign currencies. There was no disagreement on the foreign currencies item, and it is reported at the level which was requested by the administration, \$7 million.

The following table summarizes the conference actions on the NSF budget for fiscal year 1973:

NATIONAL SCIENCE FOUNDATION 1973—BUDGET CATEGORIES

	Actual fiscal year 1971	Estimate fiscal year 1972	NSF request fiscal year 1973	H.R. 14108 approved by—		
				House	Senate	Conference
1. Scientific research project support.....	\$180,369,112	\$246,600,000	\$274,600,000 <sup>1</sup> (109,300,000)	\$270,600,000	275,300,000	275,300,000
2. National and special research programs.....	49,856,551	85,600,000	109,100,000	106,900,000	112,500,000	108,600,000
3. National research centers.....	37,174,506	40,400,000	42,300,000	42,300,000	42,300,000	42,300,000
4. Computing activities in education and research.....	15,042,905	21,000,000	20,500,000	19,500,000	20,500,000	19,500,000
5. Science information activities.....	10,694,898	9,800,000	9,500,000	9,500,000	9,500,000	9,500,000
6. International cooperative scientific activities.....	2,179,996	4,000,000	4,700,000 <sup>1</sup> (78,775,000)	4,700,000	4,700,000	4,700,000
7. Research applied to national needs.....	33,955,291	55,930,742	80,000,000	80,000,000	96,500,000	87,500,000
8. Intergovernmental science program.....	800,000	1,000,000	1,000,000	1,200,000	3,200,000	1,700,000
9. Institutional improvement for science.....	34,392,183	21,000,000	7,000,000	18,000,000	22,000,000	18,500,000
10. Graduate student support.....	30,494,681	20,000,000	9,200,000	20,000,000	25,000,000	21,200,000
11. Science education improvement.....	68,316,550	66,100,000	58,800,000	71,800,000	76,000,000	76,000,000
12. Planning and policy studies.....	3,219,556	2,700,000	2,500,000 <sup>1</sup> (29,243,000)	2,500,000	3,200,000	2,800,000
13. Program development and management.....	21,768,818	24,136,665	26,800,000	26,800,000	29,300,000	29,300,000
Total.....	494,408,290	598,267,397	646,000,000 <sup>1</sup> (647,418,000)	673,800,000	720,000,000	696,900,000

<sup>1</sup> Revised request presented to Senate.

The largest single category in the NSF budget is scientific research project support. For these programs which undergird the basic research strength of our Nation, the foundation requested \$274.6 million. The House cut this figure by \$4 million, whereas the Senate authorized \$275.3 million. The House concurred in the higher Senate figure in order to help assure an adequate level of support for basic science in our universities and

other scientific institutions during the coming year.

The foundation requested \$109.3 million, as amended, for those activities funded under national and special research programs. They consist of major research efforts related to specific geographic areas, or are of such a large magnitude that extensive coordination and planning is essential to insure program effectiveness. This budget category

includes the experimental R. & D. incentives program and the national R. & D. assessment program, which were reduced by a total of \$2.2 million by the House. The Senate figure, on the other hand, was \$112.5 million. The conferees approved a compromise of \$108.6 million, \$3.9 million below the Senate figure and \$700,000 below the revised administration request.

The five national research centers meet

an established national need for specialized facilities, equipment, staffing, and operational support in certain areas of science. The NSF request of \$42.3 million for this category was approved without change.

The House reduced the NSF request for computing activities in education and research from \$20.5 million to \$19.5 million. In conference the Senate receded and accepted the lower House figure.

The administration requested \$9.5 million for science information activities and \$4.7 million for international cooperative scientific activities. These requests were approved without change.

The budget category research applied to national needs (RANN) has the objective of focusing U.S. scientific and technical expertise on selected problems of national importance, such as the energy crisis. The objective of programs supported by RANN is to bring theoretical and experimental knowledge to bear in solving practical problems. The foundation requested \$80 million for fiscal year 1973, which was approved by the House. A revised request of \$78,775 million made to the Senate was increased by that body to \$96.5 million. The conferees compromised at the level of \$87.5 million.

The intergovernmental science program, designed to assist State and local governments through more widespread application of science and technology, was funded at a level of \$1 million last year. The same level of support was requested for fiscal 1973. The House increased this by \$200,000 and the Senate added \$2,200,000. The conferees agreed to the sum of \$1.7 million, \$500,000 above the House figure and \$1.5 million below the Senate figure.

The budget category institutional improvement for science provides funds for flexible use by colleges and universities, with the objective of improving their science education and research programs. The Foundation request for \$7 million for fiscal year 1973 was increased to \$18 million by the House and to \$22 million by the Senate. The conferees agreed on \$18.5 million.

The NSF requested \$9.2 million for graduate student support. This was increased to \$20 million by the House and to \$25 million by the Senate. A compromise of \$21.2 million was worked out in conference.

The programs within the science education improvement budget category are designed to increase the effectiveness of science education at all academic levels, from the elementary school through postgraduate work. The Foundation requested \$58.8 million for these activities, and this total was increased to \$71.8 million by the House and to \$76 million by the Senate. The managers on the part of the House agreed to the Senate figure.

The planning and policy studies category has the objective of providing a factual basis for improving policies utilizing science. An administration request of \$2.5 million was agreed to by the House, while the Senate increased the figure to \$3.2 million. The conferees agreed on \$2.8 million for this category.

The program development and man-

agement category contains the funds for administering the NSF program. The House approved the Foundation's request of \$26.8 million, while the Senate approved their revised request for \$29.3 million. The difference in these figures is due to Federal salary increases which occurred after the Foundation's original request, as well as the need for greater management capability in administering the more complex applied research programs in RANN. The conferees agreed that the higher Senate figure more accurately reflected the management capability needs of the Foundation.

The bill as passed by the House puts floors under three budget categories: institutional improvement for science, graduate student support, and science education improvement. These three categories have historically been of great interest to Congress which has spoken strongly in the past about the necessity of adequately funding programs such as these which help assure the high quality scientific potential necessary for our Nation in the years to come. The floors for these programs in the bill as passed by the House were the same as the totals specified for these budget categories in the House bill. The conferees accepted minimum funding levels for these categories of \$13 million for institutional improvement for science, \$16.5 million for graduate student support, and \$74 million for science education and improvement.

As passed by the Senate, the bill H.R. 14108 contained floors under three programs: \$6 million for oceanographic ship construction/conversion; \$26 million for energy research and technology; and \$10 million for earthquake engineering. Minimum obligation levels were agreed to by the conferees in the amounts of \$4.5 million for oceanographic ship construction/conversion; \$19.5 million for energy research and technology; and \$8 million for earthquake engineering.

The transfer provision, section 6 of the bill, differs from the House version in that it provides that transfers can take place between budget categories after 45 calendar days when Congress is in adjournment sine die. The bill as passed by the House originally provided that these transfers could take place only after 30 legislative days had elapsed without specific congressional approval.

The Senate provision which would have established a Division of Energy Research and Technology in the NSF was deleted in conference. This deletion was made in the interest of retaining administrative flexibility for the Foundation, as the NSF Amendments Act of 1968 emphasized.

Mr. Speaker, there are also some minor technical changes and renumbering of some sections, as noted in the joint explanatory statement of the committee of conference. It is my feeling and that of the fellow managers on the part of the House that the compromise worked out is reasonable and fair to both sides. I commend it to my colleagues.

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

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

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Do I understand from the reading of the conference report that the conference report is some \$40 million more than the House originally authorized?

Mr. CABELL. I should like to reply to the gentleman from Iowa that it is slightly under \$50 million above the administration's budget. However, it is only \$23.1 million above the authorization of the House, and an equal amount below the Senate authorization.

Mr. GROSS. It is nearly \$50 million above the budget?

Mr. CABELL. That is correct.

Mr. GROSS. I thank the gentleman for yielding. I am opposed to the conference report.

Mr. CABELL. Mr. Speaker, I yield to the distinguished gentleman from California (Mr. BELL).

Mr. BELL. Mr. Speaker, I would like to compliment Mr. EARLE CABELL of the Committee on Science and Astronautics on his fine statement. I would also like to congratulate my colleagues who participated in the authorization hearings and in the conference proceedings for their very commendable performance.

The committee of conference agreement provides a fiscal year 1973 NSF authorization of \$697 million plus \$7 million of foreign currency. This amount is an increase of only \$24 million over the original House authorization of \$680 million.

The House conferees have carefully reviewed the final conference authorization and while a significant number of changes were made in order to reach an accord, the modifications distinctly contribute to a further strengthening of the fiscal year 1973 NSF program. In particular, the committee of conference gave further emphasis to NSF's activities in basic research, applied research, and science education.

Among the major budget increases agreed to by the conferees was a \$5 million addition to the scientific research projects support program. The work of the Foundation in this area provides strong support for fundamental research in the biological, physical, environmental, and social science areas, as well as in a number of engineering fields. This work is carried out by individual researchers or small groups of investigators with the average grant being less than \$50,000. The program has the purpose of insuring a strong base of competence in fundamental research in addition to providing new knowledge and understanding applicable to our national needs.

Another major program category which was increased by the conference report was the NSF program of research applied to national needs. In recent years, the Foundation has expanded its research efforts into selected applied research areas which are relevant to the Nation's most pressing problems. This work is designed to supplement high priority mission-oriented Federal research which is generally too broad in scope or too fundamental in substance to fall within the mandate or resources of a particular mission agency. The two research areas within this NSF program which



were increased are energy research and earthquake engineering.

The NSF energy effort will be designed to complement, and provide greater coherence to, the energy R&D being pursued by many Federal and private industrial organizations throughout the country. I personally look forward to NSF becoming more heavily involved in our present energy dilemma. This Nation is faced with an enormous increase in energy demand that is being complicated by factors as diverse as exhausted fuel supplies, balance of payments, cost of living, environmental preservation, and general quality of life. The implications as well as dimensions of the energy problem require a sharp and immediate focusing of our resources in this critical area.

The second area within RANN which was increased over the original House authorization is earthquake engineering. This work will provide research support to develop economical and feasible design and construction methods for earthquake resistant structures so as to reduce the hazards to life and property from earthquake motions. The NSF program in earthquake engineering is unique in that it is the only program of its kind aimed at discovering practical engineering methods to alleviate the destructive forces caused by earthquakes.

A final three categories of NSF programs which were modified by the committee of conferences pertain generally to science education. The increases to which the House conferees agreed were felt necessary to halt the recent decline in Federal support of science education programs and assure the Nation both a strong academic science program and an adequate supply of scientific talent through the coming years.

There is no question but that the efforts of the National Science Foundation under its science education programs play a very valuable role in providing highly trained scientific manpower and in upgrading the level of academic science programs throughout the country. Furthermore, no other Federal agency supports programs with the same objectives as this NSF work.

Mr. Speaker, the conference report as adopted by the House and Senate conferees outlines a sound program and one which deserves our complete support. The House committee has dedicated much effort in arriving at the final recommended budget for the coming year. I wish to compliment the conferees of the House on the capable job they have done and encourage my colleagues to offer this bill their fullest support.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. MOSHER).

Mr. MOSHER. Mr. Speaker, as one of the House conferees, I signed the National Science Foundation Authorization Conference Report, as did all the conference committee members, and I urge that the House agree to the report.

I compliment our chairman, GEORGE MILLER, on his able job in guiding us to a satisfactory compromise position. The chairman was faced with a difficult task in that 10 of the 13 major NSF budget categories were in conflict.

The committee of conference agreement will authorize a fiscal year 1973 NSF authorization of \$704 million, including \$7 million of foreign currency. This figure is only 3 percent above the original House authorization and exactly midway between the House figure of \$680 million and the Senate figure of \$727 million.

While the House conferees had sought to minimize any increase in the NSF budget above the House approved figure, I feel that the budget areas to which dollars were added are extremely worthwhile and merit our full support. The programs which were increased include science education as well as both basic and applied research.

I personally welcome the emphasis given by the conference report to select areas within the science education and basic research categories. These programs involve a wide spectrum of scientific and engineering fields, including mathematics, physical sciences, social sciences, engineering, materials research, environmental sciences, and biological and medical science. These research and educational activities will be carried out in all 50 of the States.

I feel that the conference report provides a budget program improved and strengthened over that originally submitted by NSF. Budget increases are being recommended but these are supported by convincing evidence. In fact, I think the committee of conference has shown sound fiscal restraint.

However, Mr. Speaker, I must express my very real personal disappointment at the action taken by both the House and Senate Appropriations Committees, as they reduced the NSF budget substantially below the administration request.

The original fiscal year 1973 NSF budget submittal of \$653 million was severely cut by both Appropriations Committees to \$628 million. In fact, the basic budget appropriated for this year holds the NSF funding at a figure identical to that of last year with the net result a reduction in the NSF program level from fiscal year 1972 to fiscal year 1973.

I am disappointed because I feel this appropriation cutback undermines a number of programs of crucial importance to the future of this Nation. Paradoxically, it would appear that we are setting out to reduce our scientific and technological capability at the very time our need for this knowledge and these skills is accelerating. Most assuredly, we will be ill-prepared in combating the problems of pollution, urban congestion, mass transportation, and energy production by continually decreasing this Nation's support for science education and research.

Therefore, I fully support this Authorization conference report as it seeks to maintain this Nation's strength in science and technology.

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

Mr. CABELL. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to. A motion to reconsider was laid on the table.

#### COASTAL ZONE MANAGEMENT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1063 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1063

*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. 14146) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zone, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 14146, the Committee on Merchant Marine and Fisheries shall be discharged from the further consideration of the bill S. 3507, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 14146 as passed by the House.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN) pending which I yield myself such time as I may consume.

Mr. Speaker, I know of no present controversy on this rule. Initially the matter was held up in the Committee on Rules because there was a controversy or conflict between the committee bringing this bill to the floor, the Committee on Merchant Marine and Fisheries, and the Committee on Interior and Insular Affairs. Since the conflict began, it has somehow been reconciled and objection to the granting of a rule on this particular matter was withdrawn by the chairman of that committee, and to the best of my knowledge, there is no controversy over the resolution.

The SPEAKER. The Chair recognizes the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN. Mr. Speaker, the pending resolution, House Resolution 1063 provides for an open rule with 1 hour of debate on the bill H.R. 14146, coastal zone management bill.

This came out of the Committee on Merchant Marine and Fisheries unanimously, and as the gentleman from Missouri has explained, there are no further objection from the chairman of the Committee on Interior and Insular Affairs to the consideration of this bill.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution. The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LENNON. 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. 14146) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zone, and for other purposes.

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

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. 14146, with Mr. LANDRUM 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 North Carolina (Mr. LENNON) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. MOSHER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina.

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

Mr. Chairman and members of the Committee: I rise at this time to urge the support of this committee for H.R. 14146, the coastal zone management bill, because I am convinced that it is imperative to implement such a program now before this Nation witnesses the tragic and wanton destruction of an irreplaceable natural resource, our estuaries, our wetlands, and our shorelines.

My interest, and I believe that interest is shared by a majority of the Members of this body, my concern for this precious and rapidly dwindling resource stems from the deep-seated personal conviction as well as from personal involvement over a period of at least 7 years during which I have worked with many other colleagues in the House to come to grips with the critical problems of the coastal zone, hopefully to produce meaningful legislation to cope with these problems.

Mr. Chairman, H.R. 14146 is the end product of these number of years of effort. Basically and fundamentally, it is designed to manage and in that management to insure the protection of the resources of the Nation's vital shoreline and estuarine areas. This bill authorizes funds during an initial 3-year program to develop the compatible State programs for the responsible conservation, develop-

ment and utilization of the Nation's coastal zones.

I want to emphasize, Mr. Chairman, that this legislation is truly national in scope. In addition to States bordering the Nation's coast, it will also provide for the active participation by the Great Lakes States, or a total of 30 States out of the 50 and four possessions or territories who are fundamentally concerned and involved and will participate.

I want to emphasize, Mr. Chairman, that we are talking today about the most dynamic and growing area of our Nation. Approximately, today, 75 percent of the Nation's population lives within the zone that we are discussing which encompasses approximately 100,000 statute miles of interior and exterior shoreline.

On the actual shoreline itself, approximately 65 million of the Nation's population are living and working, and there, industrial and recreational activities are placing unprecedented pressure upon these coastal areas.

As the population increases, these pressures will mount and become intolerable; unless rapid action—such as envisioned in this bill—is taken, these pressures will also become destructive, because competition for use of the remaining land areas in coastal zones will also increase; industrial and economic interests are already headed on a collision course with environmental interests, and the States will be caught in the middle, with no rational plan and no capability to cope with the situation.

Actually, the States are already experiencing these tremendous pressures—and those who live in a coastal State know what I am addressing myself to. Entire stretches of once beautiful shoreline have been engulfed and covered with concrete to meet the demands of ever-expanding metropolitan areas; the proximity of water and a stable labor source has lured more heavy industry to the shorelines; marine terminals and dredging for harbor channels have added to the destruction; and, ironically, the people who work for these industries—with more affluence and more leisure time than ever before—are descending upon the shores and beaches, the rivers and bays in a great and hungry quest for relaxation and recreation, and they find it in swimming, and fishing, and boating.

And yet, the very industries that provide these people with their new wealth and leisure are polluting the rivers and bays and gobbling up the last remaining, unspoiled areas that should be preserved for recreational and esthetic uses—such as wildlife refuges. The wildlife and the fish, which breed and spawn in these coastal areas are also being decimated by the encroachments and relentless demands of our industrially oriented society.

It is just part of human nature and we understand it. This legislation has a rational, fair, even-balanced approach. That is the reason we bring it here today.

What is the answer? How can these opposing interests of conservation and recreation on one hand and industry and urbanization on the other both be satisfied? It is a perplexing question. We

think we have certainly the first giant step of the right answer in this legislation. Is it possible to maintain our high economic standards through more industrial development and continued urban expansion—and at the same time, conserve our precious and beautiful natural resources for future generations of Americans to enjoy? That is the real question and we must face it today.

Mr. Chairman, I feel that a delicate but practical balance can be achieved. I believe it is possible to find a rational middle ground, where the forces of industry and ecology can live and work together, and I believe the solution to this dilemma can be found in H.R. 14146, the coastal zone management bill. I want to make it crystal clear that I do not claim—nor do I believe—that this legislation is the panacea to the manifold problems I have touched upon in my remarks here today. But I do sincerely believe this legislation can be the foundation—the touchstone, if you will—to a more sensible, happier, healthier America of tomorrow; it may represent nothing more than the opening wedge, but it is an intelligent approach to an extremely complex problem, and I am convinced that it will provide an emergency bastion in our fight to defend and preserve our vital coastal zones from increased pollution and eventual destruction.

Mr. Chairman, I think the \$145 million called for in this legislation is a small price to pay to preserve and properly utilize these invaluable areas. The first installment of these funds would be made available in grants to the States, on a matching-fund basis, to encourage them to initiate the planning phase of the program, which would be developed in the first 3 years.

All programs—I repeat, all programs would require the approval of the Secretary of Commerce, who would have the responsibility for this program, and the national program would be administered, appropriately, by the National Oceanic and Atmospheric Administration.

I digress from my prepared remarks to say that this House, this Congress, brought the National Oceanic and Atmospheric Administration into being by a vote of this House in 1970, by about 99 to 1 or less.

Even though the matter was considered by the Committee on Government Operations, some Members introduced a resolution to kill the so-called Reorganization Plan No. 4, but the Committee on Government Operations after hearings brought a favorable report to this body, and this body overwhelmingly, almost unanimously, on a rollcall vote, adopted it.

All other Federal agencies which would be involved or affected by proposed programs would also actively participate in the approval process.

No existing laws would be amended by the coastal zone management legislation, and Federal agencies would be required to conform—to the maximum extent practicable—with the programs submitted by the individual States; additionally, I call attention to the fact that the States would be required to consider the views and concerns of the



local governments and agencies, and all these concerned entities would be encouraged to participate in the development and implementation of State programs.

Mr. Chairman, I must also reiterate the sense of urgency which I expressed in my opening remarks today. I can not impress upon my colleagues too strongly the urgent need to take action now, today, and pass this legislation. It is already very late in the game, and we have waited too long to take the offensive. We dare not listen to those dissenting voices who—after all these years of procrastination and study and indecision—now tell us that we should wait a bit longer.

I must warn my colleagues, Mr. Chairman, that nothing better than H.R. 14146 is in the works. The basic concepts embodied in the legislation we are considering today was first conceived almost a decade ago, 10 years ago, when the problems and possible programs relating to the coastal zones were considered by the Marine Science Council and the Marine Science Commission, created by the Marine Resources and Development Act of 1966. Now we are in 1972. Detailed studies and recommendations followed, and a number of subsequent Federal studies examined the coastal zone problem in depth, recommended rapid action and warned of the ever-increasing threat to the continued healthy existence of these vital areas. The now-famous 1969 Stratton Report of the Marine Science Commission, known as "Our Nation and the Sea" made pertinent recommendations which resulted in legislation being introduced in both houses of the Congress.

On the House side, our Subcommittee on Oceanography sponsored a Coastal Zone Management Conference in October 1969. I do not recall another time when a committee of the Congress has ever sponsored a national conference. That is usually done by an executive branch of the Government.

We brought together in Washington people from all of the coastal States of the Union, from Puerto Rico, from the Virgin Islands, and from Samoa, people sent here by the respective governors who were knowledgeable about this problem. Seven panels were created. And from this came this legislation.

Our Subcommittee on Oceanography also held 8 full days of hearings on coastal zone problems in 1971, when a total of 24 witnesses representing every possible area of interest and expertise testified, and departmental reports were received from nine departments and agencies. Our Subcommittee on Oceanography also held 3 long and full days of executive sessions. The bill we are considering today is the final product of that long and extensive inquiry into the problem of coastal zones.

The legislation reflects the concepts and recommendations of the best minds in the business, not Members of Congress but governors, conservation experts, and agencies at every level I am speaking of. I do not think the bill could be much improved even if we might take another decade, and I hope we will not.

Mr. Chairman, the States of our great Nation cannot save their coastal areas

without help. We know that. We may as well face up to it. They need Federal aid and they need the vote of every Member of this House here today in support of this vital legislation.

I hope the Members here today respond to the urgent message contained in the legislation and not in what I have said and overwhelmingly vote for its passage here today so that the Record will indicate that this vote is a vote for the preservation of our country's economic and environmental health, because it is now abundantly clear that one cannot survive without the other.

Mr. Chairman, let me close my remarks by making this brief comment. You say that this has been under consideration over a number of years and why have we not been here before. Well, I am one of those people who believe that before you bring a bill to the floor of this House that involves the States, 30 States, if you please, in this Nation of ours, you ought to attempt to obtain the consensus of those people who would be affected, involved, and concerned, and participate in the meaningful implementation of this legislation. That is why, even though we got a consensus of the Governors and their departments of conservation and development and their respective marine science councils from all of those States, the thought occurred to me that this matter ought to be presented to the National Governors' Conference and not just the Southern or Eastern or Western Governors' Conference.

They went into this matter and passed a resolution supporting this bill. Then someone suggested to me, "well, how would the legislatures of the States of the Union react to this kind of legislation; will they understand it and will they participate in this program?" What did we do? We said "At your next national legislative conference involving the legislatures of the 50 States of the Union get into this thing and give us your views." We have the consensus by resolution of 50 legislatures of the States plus the 50 Governors of the 50 States. We also have your County Commissioners Association and your National League of Municipalities, because they are involved. We wanted to discuss it with them and get their reactions and get them out of the committee room and go to their respective conferences to resolve any differences they have.

So we are here now saying, my friends, that this legislation we present to you today is one of the few pieces of legislation I have been privileged to participate in which has the united support of all of the participants who will be involved in it; that is, the Governors of the States, the legislators, the county commissioners, and the members of the town and city councils.

What else can we do? We can give our support to this legislation today enthusiastically, which I believe is in the total national interest or else I would not be in the well of this House today saying what I have.

Thank you, Mr. Chairman.

Mr. MOSHER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I enthusiastically support H.R. 14146.

Our bill will establish a national policy and develop a national program for the management, beneficial use, protection and development of the land and water resources of the Nation's coastal zones, including the Great Lakes area; and the evidence is completely convincing that this national policy and program development is crucially needed, is in fact long past due.

I strongly associate myself with the remarks of the gentleman from North Carolina (Mr. LENNON) the distinguished chairman of our Oceanography Subcommittee, with whom I have had the privilege of working closely for several years in the preparation of this bill and other important legislation concerning the oceans.

Mr. Chairman, I want to digress a moment to recognize that we in the Congress in the future will sorely miss AL LENNON's wise, effective leadership in matters of marine policy. It is a very sad fact that he will not run for reelection this year. I already have a profound feeling of personal loss that he will not be here in the 93d Congress. All of us on the Merchant Marine Committee will especially feel this loss. He has accomplished here a very solid, creative record of great importance to our nation, in addition to very effectively, conscientiously representing the interests of his own district. AL LENNON is greatly respected by all of us as a truly distinguished legislator's legislator. I say again, AL, we are going to miss you very, very much.

Also, Mr. Chairman, as I said on an earlier occasion, all of us are also going to miss the loss of the gentleman from Washington (Mr. PELLY) in much the same way as I have just mentioned the loss of the gentleman from North Carolina (Mr. LENNON). Our committee is going to be seriously handicapped by the loss of these two gentlemen.

Mr. Chairman, Congressman LENNON has just explained the many ramifications of this complex legislation. Since the days that both he and I were privileged to serve on the Stratton commission during the early part of the 91st Congress, he has worked diligently for the enactment of this legislation which is of such vital importance to the continued well-being of our economically and environmentally important coastal zones. To a great degree, his tireless energy and dedication to the problems of the coastal zone over these many years has proved fruitful for the consideration, and hopefully, ultimate passage of this vital piece of legislation which we are considering today.

The coast of the United States, certainly including the so-called fourth coast, the Great Lakes, is in many respects the Nation's most valuable geographic feature. There are some 99,600 miles of American shoreline, and 30 million people turn annually to those shoreline areas for swimming, boating and other recreational purposes; 40 million are projected by 1975. Sport fishing attracts 11 million people now and the number should increase to 16 million by

1975. By 1975, park and recreation areas in the coastal zone will be visited by twice as many people as now, and the number is expected to increase wayfold by the year 2000.

But, of course, recreation is only one of our many important uses of the coastal zone. Extremely important are the many commercial uses, including the many forms of commercial fishing, and these are rapidly expanding.

All of us should be aware that a huge proportion of our American population is crowding into the coastal zones.

So, Mr. Chairman, it is no wonder that the uses of valuable coastal areas have generated issues of intense national, State, and local interest.

Navigational military uses of the coasts and waters offshore are direct Federal responsibilities; economic development, recreation, and conservation interests are shared by the Federal Government and the States.

Rapidly intensifying commercial uses of coastal areas has outrun the capabilities of local governments to plan their orderly development and to resolve conflicts on a larger state and regional basis. The division of responsibilities among several levels of government is today unclear and knowledge and procedures for formulating sound management and utilization decisions are lacking.

Thirty-one of our States border on the coastal zone and contain 75 percent of the total national population. Pressures of population and economic development threaten to overwhelm the balanced and best use of the invaluable and irreplaceable coastal resources in natural, economic, and esthetic terms.

To resolve these pressures—an administrative and legal framework must be developed to promote balance and harmony among coastal zone activities based on scientific, economic, and social considerations. This is what the legislation before the House today will do.

The concepts, objectives, and framework of the bill had received the strong and vocal support of the Coastal States Organization, the National Governor's Conference, National Legislative Conference, innumerable individual State governments, conservation organizations, and other public interest groups.

Basically, the bill vests regulatory authority for the coastal zone management program on the Federal level in the National Oceanic and Atmospheric Administration—NOAA—located in the Department of Commerce; and on a State level, in the State agency designated by each State's Governor.

The coastal zone, and thus the ultimate parameters of the legislative impact, is closely defined. Within this "zone" the Secretary of Commerce is authorized to make annual grants to the applying States for financial assistance in actual development of a comprehensive coastal zone management program and plan for the first 2 years after enactment. Then, during the next 2 years, the Secretary may provide additional assistance to the States in actual administration of the plan subsequently developed.

Other provisions of the bill provide appropriate requirements for public hearings, review of approved State pro-

grams by the Secretary of Commerce, recordkeeping procedures, establishment of an Advisory Committee, annual report to Congress, authority for the Secretary of Commerce to promulgate rules and regulations, and the following authorization levels:

Section 305 planning grants—\$15 million for fiscal years 1973, 1974, and 1975.

Section 306 administrative grants—\$50 million for fiscal years 1974 and 1975.

Section 313 estuarine sanctuaries—\$6 million for fiscal years 1973, 1974, and 1975.

Total authorization level through 1975 is \$172 million. Administration cost to the Federal Government is estimated to be \$3 million per year.

Mr. Chairman, there currently exists a myriad of overlapping and, at times, conflicting Federal, State, and local laws applicable to the coastal zone area. Section 307 avoids potential duplication of these and future legislative programs by requiring very close and continuing interagency coordination and cooperation among Federal agencies and between Federal and State agencies.

This "coastal zone management" legislation is complementary to other Federal programs and serves as a "coordinating" mechanism rather than one of "duplication." Specifically, section 307 states that the measure does not diminish Federal or State jurisdiction, responsibility, or rights under other programs and does not supersede, modify, or repeal existing Federal law.

The legislation further recognizes that appropriate land/water research areas are needed for scientific uses in key areas of the coastal zone as an aid in developing an appropriate State management plan and has provided, in section 312, for Federal financial assistance to coastal States for up to 50 percent of the cost of acquisition, development and operation of "estuarine sanctuaries" for purposes of research.

In addition, the measure provides for a Federal management program in the contiguous zone of the United States to insure that both Federal action in this zone, and State action within their jurisdictional limits offshore are coordinated and compatible with each other.

Mr. Chairman, this legislation is timely, comprehensive, balanced in scope and application. It will insure that future uses which we as a nation and a people desire to make of our valuable coastal zone, are done in a logical, orderly, and coordinated manner at all levels of Federal, State, and local government.

I urge an overwhelming vote for its approval.

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

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

Mr. PELLY. Mr. Chairman, I thank the gentleman for yielding, and I join the distinguished gentleman from Ohio (Mr. MOSHER) in paying tribute to the great contribution made during his service in the House of Representatives by the gentleman from North Carolina (Mr. LENNON), as a member of the Committee on Merchant Marine and Fisheries, and especially as chairman of the Subcommittee on Oceanography.

All of us who serve with ALTON LENNON recognize his great interest in marine science, and as such, of course, he is one of the chief architects of the legislation which established the National Oceanographic and Atmospheric Agency. Similarly, as the chief sponsor of this bill, H.R. 14146, to protect and develop the land and water resources of the Nation's coastal areas, the gentleman from North Carolina (Mr. LENNON) again establishes himself as an author and architect of landmark conservation legislation.

Congressman LENNON, Mr. Chairman, will be greatly missed, but his legislative record and achievements assure that he will be remembered and honored by all those who in the future recognize the importance of oceanography, and the value of our land and water resources.

Mr. Chairman, I thank the gentleman for yielding.

Mr. LENNON. Mr. Chairman, I yield such time as he may consume to our distinguished chairman of the full Committee on Merchant Marine and Fisheries, the gentleman from Maryland (Mr. GARMATZ).

Mr. GARMATZ. Mr. Chairman, the Nation's vital shorelines and estuarine areas—the wetlands, woodlands, and wildlife habitats which are so valuable and irreplaceable—are facing constant and ever-growing absorption and destruction due to the demands of our modern society. H.R. 14146 is designed to protect and preserve these invaluable areas, and I feel that every member of the House has a responsibility to vote for passage of this important legislation.

I want to make it clear that, although I support the concepts of conservation, I am also acutely aware of the ever-growing needs of our dynamic industries; these industries need water and land—they need areas for more urban development; they need room for factory sites and other industrial expansion. All of these are compelling and legitimate needs, and I am convinced they must be fulfilled if our Nation is to remain economically healthy.

Despite the fact that industrial and environmental interests appear on a collision course; despite the fact that these two opposing forces must compete for the same valuable coastal zones, I am convinced that these two competing interests can learn to live together harmoniously. Indeed, unless they learn to do just this, future generations of Americans will be sentenced to an unthinkable hell where chaos will rule, and where industry and environment will both strangle in a quagmire of inadequate and decimated land resources, solely because proper planning for utilization of those resources was not carried out by this, our present generation of Americans.

Mr. Chairman, as President Truman so often said, "The buck stops here." This Congress and this generation must make hard decisions and take prompt action now—not next week or next month or next year, but right now—today, by this 92d Congress.

The legislation being considered by this Congress today is appropriately entitled the coastal zone management bill. It represents the first essential step to-



ward discharging our responsibility, because it would authorize funding for an initial, 3-year program to lay down guidelines and to help the individual States develop intelligent, planned programs for the future conservation, development, and utilization of the Nation's coastal zones.

Mr. Chairman, I would like to reiterate that this bill is not just environmental oriented legislation. As chairman of the House Committee on Merchant Marine and Fisheries, I have always had a special concern for the American Merchant Marine and the maritime industry and I think everyone in this Chamber is well aware of my desire to see this industry grow and prosper. The maritime industry is also extremely important to the State of Maryland. As a matter of fact, the port of Baltimore, and its related maritime industries represent Maryland's largest economic asset. And yet, unless the State of Maryland begins now to make intelligent plans and decisions for the future, in 10 or 20 years from now, the port of Baltimore may find itself incapable of competing with other east coast ports.

The legislation before us today will eventually set up the machinery and provide the funds to help States like Maryland make intelligent and rational long-range plans for things such as port facilities which will be big enough and accessible enough to attract the huge super-ships which will dominate the commerce of tomorrow.

And while the State of Maryland plans for its ports of tomorrow—together with the channel dredging and other harbor installations that will be needed, it will also be forced to respond to pressure for more industrial sites, for more power-plants and for more living space for its ever-expanding population. Let us not forget that, while it is planning for all this, it must simultaneously plan to provide additional recreational space so that this increasing population can still enjoy the pleasures of the ever-shrinking coastal zones. In my State of Maryland, the Chesapeake Bay is also a primary economic asset—from the standpoint of commercial fishing as well as sports fishing and recreation oriented activities. Obviously, the State of Maryland must conserve and protect what is probably the biggest water playground on the east coast; and at the same time, it must also provide some of the waterfront space of that playground to industries which will be essential to the future economic health of the State.

Mr. Chairman, I have attempted to outline, in microcosm, the problems which are facing all the coastal States. Although these problems are mammoth, they are not insuperable. But these problems will never be resolved unless the States are provided the Federal aid which is embodied in H.R. 14146.

H.R. 14146 is good legislation. It was not rammed through our committee hastily; conversely, it was given serious and prolonged consideration, through 8 days of hearings and 3 days of executive sessions under the auspices of our Subcommittee on Oceanography. My distinguished colleagues, Congressman ALTON LENNON, the chairman of the

Oceanography Subcommittee; and Congressman CHARLES A. MOSHER, the ranking minority member of the subcommittee, devoted much of their time and effort to the development of the legislation we have before us today, and I hope my colleagues in the House will reward their efforts by supporting it.

As a Marylander, I want to preserve and maintain the Chesapeake Bay—the greatest estuarine area in the world—for the enjoyment of future Marylanders; and I want to maintain the health and vitality of the port of Baltimore. As an American, I want to protect and utilize the countless resources of thousands of miles of coastal beaches, wetlands, and invaluable estuary areas—before they are forever destroyed by a haphazard, piecemeal approach, and by a few generations of Americans too greedy and in too much of a hurry to see or care about the needs of the future.

Mr. Chairman, the buck stops here. The need to act is clear, and I am confident that the record will show that the 92d Congress did care about the future. I urge every Member of the House to vote for passage of this important legislation.

Mr. MOSHER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FORSYTHE).

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

I rise in strong support of H.R. 14146. I think this is a very important bill for this Nation. As was pointed out by our distinguished chairman of the subcommittee and the distinguished chairman of the full committee, life itself starts in these coastal waters, and if we are to preserve these coastal areas and the environment needed by so many of our citizens this legislation must be passed.

New Jersey has attempted with a wetlands bill to move into this area and provide protection, but it needs the help of this type of Federal support to insure management of these coastal zones so as to protect them for the future enjoyment of our citizens.

Mr. MOSHER. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. DU PONT).

Mr. DU PONT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I commend my colleague from North Carolina (Mr. LENNON) chairman of the Merchant Marine Subcommittee on Oceanography for all his efforts to see that a sound coastal zone management bill was brought before the Congress before the end of the session. I think that we all recognize that after years of indiscriminate development and exploitation of our coastal areas, the Congress must immediately encourage each coastal State to develop a plan for orderly use and development of our coastal resources, consistent with long-range social, economic, and environmental goals.

While many States are only now coming to realize the irreparable damage which has been done to their coastal ecosystems by uncontrolled and uninformed development, I am proud that Delaware was one of the first States to take an inventory of their coastal and estuarine resources and formulate vi-

able and effective coastal zoning policy. Delaware with a coastline of only 120 miles, lies below a river valley containing over 7 million people and a concentration of major industrial firms. As a result of these pressures, the Delaware coast has been subjected to the pressures of people looking for recreation, for industries looking for place to expand. In addition, the shoreline is constantly being threatened by the less obvious forces of industrial and human waste from upstream.

Fortunately, the coastal zone policy pioneered by Governor Peterson and the State legislature has already begun to take effect and stem haphazard growth of the past. Projects which in years past which would have been approved without hesitation and which probably would have caused irreparable a despoliation of the local environment are now being given careful long-range consideration.

I am hopeful that other coastal States will be able to follow the lead set by Governor Peterson and the State of Delaware. I am pleased that the coastal zone bill now being considered by the Congress has set rational useage of our precious shorelines as a national priority. I think the provisions of the bill allow the maximum amount of incentives by providing generous assistance while at the same time avoiding undue Federal interference with the State's priorities. This will insure that each coastal State will have a sound scientific basis upon which to draw their plans, while at the same time having the flexibility to determine their own State's priorities in shoreline use.

I am hopeful that the coastal zoning concept will prove as successful in other States as it has in Delaware, and I urge my colleagues to support this bill and encourage the type of farsighted planning displayed by my State.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I, too, want to associate myself with the remarks of Mr. MOSHER, the gentleman from Ohio, and Mr. PELLY, the gentleman from Washington.

ALTON LENNON and I became friends when I first came to Congress.

As a member of the subcommittee he chairs, I have always found him eminently fair, will to listen to dissenting views, fair in all his dealings.

I join with my two colleagues who have stated he will not only be missed by the Merchant Marine and Fisheries Committee, but by the entire House.

I wish him well as he retires from the Congress.

Mr. Chairman, I rise to associate myself with the comments and views of my colleagues on the Committee on Merchant Marine and Fisheries and to strongly urge passage of H.R. 14146.

The significance of the legislation under consideration by this body lies neither in its approach nor in its organization, but, rather, in the recognition of an overwhelming national need.

The coastal zone of these United States is, indeed, a national treasure, and the bill before us today, H.R. 14146, recog-

nizes both its permanence and the emphasis which must be given to preserve it. We are now wisely viewing the coastal zone portion of land as deserving separate consideration in that it gives up its resources for our gain, often replenishes those resources, and provides a life style for a disproportionately large number of our people while asking little in return. But we have begun to ask too much of our coastal zone. We ask it to assimilate our waterborne wastes from deep within the interior part of our country including municipal, industrial, and agricultural refuse. We ask the coastal zone to accept an overburden of recreational activities which lead to haphazard and uncontrolled development for economic gain with associated social loss in the form of widespread destruction of valuable wildlife habitat. We ask it to assimilate larger and larger populations with attendant urban problems without regard for a carrying population enabling us to maintain a balance between man and nature.

Enactment of this comprehensive legislation will enable our States, already deeply involved in coastal zone management through commitment of State funds, resources, personnel, to develop a sound, logical, and rational basis for coordination of competing uses of our coastal zone areas and to insure that this valuable natural resource is preserved, protected, developed, and utilized to the benefit of both man and nature.

Mr. LENNON. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. Chairman, I rise in support of H.R. 14146, the Coastal Zone Management Act of 1972. Coming from a State that is on our gulf coast line and as a cosponsor of this bill, I am vitally concerned about the protection and development of our coastal areas.

Our Nation's coastal zone shoreline consists of approximately 100,000 statute miles. Residing within the States bordering that shoreline is almost 75 percent of our population. Further evidence of the great importance of this area is the \$300 million annual worth of commercial fish landings. Nearly \$100 billion worth of imports and exports cross paths here. Several billion dollars are spent annually for recreation.

The popularity of our coastal zones for recreation, industry, and housing development has created serious problems in achieving orderly economic growth. The attractiveness of our coastal areas to live and play will not continue if the present situation is to remain unchecked. The development and growth of these areas has unfortunately contributed to the pollution and deterioration of our coastal waters. As these pressures for growth and development run rampant we become increasingly in danger of destruction of the living resources of the coastal waters.

It is indeed a hard choice we must make. But, if we are able to provide adequate protection of our coastal zone's natural environment as well as to arrange for the optimum utilization of its resources—we must act now.

The Coastal Zone Management Act is

a call to action to confront this serious situation. The proposed legislation, H.R. 14146, is designed to encourage coastal States to move forward more rapidly in the development of a coordinated and cohesive coastal zone management program. This program of cooperation between the Federal, State, and local governments would significantly aid in the development of land and water use programs for the coastal areas.

In accomplishing the purpose of this bill, the Federal Government would provide funding to aid the States in the development of their programs and later the administration of them.

The bill establishes a grant program to the States to allow contributions, sharing up to two-thirds of a State's costs in their management plan programs. Each State affected would be able to share equally in this program as only a maximum of 15 percent of the total amount appropriated can be spent in any one State.

Only those programs that are progressing satisfactory will be allowed to receive funding for a second grant. The legislation will be administered by the National Oceanic and Atmospheric Administration. NOAA will serve as the focal point in the Federal Government for coastal zone coordination and for the funding of approved State programs.

This legislation, I believe, represents a great step forward in recognizing the tremendous importance of the orderly development and protection of our coastal areas. It recognizes that various local interests must be drawn into State management programs. Throughout the bill provisions are made for broad coordination to insure the best possible approach to the problem.

I believe this is a workable program for the solution of a serious program that might continue to menace us in even greater proportions in the future. I welcome this legislation to meet the challenge and I welcome this opportunity to support it.

Mr. Chairman, I urge the approval of H.R. 14146.

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

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

I rise in strong support of H.R. 14146.

Mr. Chairman, it is past time that we establish a national policy and develop a program to assist States in the effective management, protection, and development of the coastal zones. I am particularly glad to see the management program grants authorized so that the States might present plans to manage these zones, and if the development grants are approved then the possibility follows that the administrative and estuaries sanctuary grants would be provided.

Texas has done a great deal of work in the planning for our coastal zones. Legislative and advisory committees are at work now, and I think our State will be in position to take advantage of some of these grants if this bill is passed. I commend the Merchant Marine and Fisher-

ies Committee for the advancement of this measure because we have no more important work ahead than the preservation of our coastal zones, bays, and estuaries.

Because of its coastline expanse, Texas faces the problems that face the industrialized urban coastal States, the undeveloped coastal States, the forested lowlands, the interior farm States, and the mountain States. The coastal zone of Texas is rich in natural, recreational, commercial, industrial, and esthetic resources. Competing demands on the resources of the coastal zone are increasing. Population growth and economic development have resulted in the loss of living marine resources, wildlife, and the nutrient-rich wetlands, and have caused permanent and adverse changes to ecological systems.

The Texas coastal zone includes 1,800 miles of bay and gulf shorelines and 2,100 square miles of shallow bays and estuaries, adjacent to 18,000 square miles of coastal lands. Within the coastal zone are more than 135 distinct environments ranging from those relatively stable to those delicately balanced. There is a wide ranging climate. The Texas coastal zone is a dynamic natural system with a spectrum of active geological, physical, biological, and chemical processes. Shoreline erosion and accretion operate to alter continually the boundary between land and water. Hurricanes strike the Texas coast with almost any impact, flooding more than 3,200 square miles of coastal lowlands in the past decade. Active and potentially active faults abound. Land surface subsidence occurs locally.

Concentrated in this zone of dynamic natural systems and abundant natural resources are nearly one-third of the State's population and nearly one-third of its total industry. Traffic on extensive artificially constructed intracoastal waterways and channels supports major port cities with a large volume of imports and exports. The State is the owner of more than 15 percent of the coastal zone, as well as the 3-league offshore extension—10.35 miles. The State's 15 percent includes the bays and estuaries. The other 85 percent is privately owned.

The anticipated future growth of population and industry in Texas coastal zones will have a significant effect on the natural resources of these areas of the State, and will also result in greater potential environmental pollution. Thus, the State of Texas must develop and maintain a coordinated plan for the judicious use and protection of its coastal air, water, and land resources.

A multidisciplinary research team at the University of Texas was formed at the request of the Governor's office, acting in concert with Interagency Council on Natural Resources in the Environment. It was charged with enumerating the various uses of coastal resources, as well as the effects of those uses. The long-range goal of that initial charge is the development of operational guidelines for effective management of the Texas coastal zone.

The continuing growth of the population of Texas, expanding urban devel-



opment, industrial and economic growth, fragmented and uncoordinated planning, development of hazardous areas such as flood plains, and inadequate waste disposal planning, have contributed to a number of specific, pressing problems of environmental quality of regional and local concern throughout Texas. Scientific solutions and knowledgeable planning must be built on a sound scientific base. For example, the development of patterns of land use planning, management and development that are based on sound environmental, economic, and social values must be preceded by research. The University of Texas has been conducting such functional research for years. Four years ago, the bureau of economic geology, the State geological survey in Texas, began the preparation of an inventory of the State's land and natural resources. This work began an inventory of environmental, geological, and physical conditions that determine the capability of the land to sustain various uses in harmony with the environment. This inventory has served as the basis upon which other researchers have determined population densities and trends, and made economic projections. The environmental health engineering investigators have used this data to project the needs of sewage treatment facilities, including the pollution dangers of inadequate facilities. Potential environmentally safe areas for solid waste disposal are readily determined from the basic data accumulated.

This work has been completed on 20,000 square miles and is currently under way on an additional 30,000 square miles. This research has shown that the utilization of the multidiscipline team approach in environmental research is essential.

Research is also in progress at the University of Texas in an attempt to find solutions for the many and varied problems that are created by the need to use natural resources and maintain environmental quality. A detailed environmentally oriented study of surface mining in Texas was undertaken at the University of Texas last year. This study is in cooperation with the Texas General Land Office.

Mr. Chairman, these are only examples of the tremendous contributions the University of Texas is making toward the further development of coastal zones and I think this university will be recognized as one of the major leaders in this field.

Probably the greatest single problem related to coastal zone management is acquiring sufficient knowledge upon which to base policy decisions. I believe the University of Texas Marine Science Institute at Port Aransas and the planned laboratory in Galveston will put Texas in a leading position to take the multifaceted approaches required for proper use and management of our coastal zones.

As early as 1935, Dr. E. J. Lund of UT, founder of the institute, recognized the importance to Texas of natural resources of the gulf, the uniqueness of the Texas marine environment, and the need for public education and research on that environment. Today, under the leadership of its director, Dr. Carl Oppenheimer,

and his assistant, Peter Perceval, the institute's staff of faculty and students is pursuing with great competence and vigor the two objectives of the institute: First, to encourage educational activities in the coastal environment; and second, to do both basic and applied research that will allow sensible use and management of the coastal environment.

The work of this institute will, I believe, effectively lay the foundation of knowledge necessary to put Texas in the forefront of those States which will give great emphasis to the proper care and use of their coastal areas.

It is my hope that this committee may be able to visit these facilities later to see the tremendous work we have underway for the development of the Texas coastal zone.

Mr. LENNON. Mr. Chairman, I yield 3 minutes to my distinguished colleague from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, I, too, wish to join in the tribute to our colleague and friend, AL LENNON. His approach to legislative matters has always been constructive. His cooperation with all his colleagues has been of the highest order.

I personally wish to thank him for his understanding of the position in which I find myself on this particular legislation. I am most happy he has been willing to overlook the delay I apparently caused him in bringing the legislation to the floor of the House.

I should like also to pay my tribute to our colleague from Washington, TOM PELLY, for his effective contributions throughout the years.

I am most happy that the bill has finally come to the floor. I am only sorry I am unable to support it in its present form.

I want it distinctly understood that what I have to say is not prompted by an endeavor on my part to maintain a committee jurisdictional position.

Mr. Chairman, although I agree with the objective of H.R. 14146, I am unable to support it. It may appear to some that since I come from a landlocked State I am not interested in the coastal zone or the estuaries, but this is not true. A great deal of my committee work has been given to this particular part of our national welfare.

My purpose today is to state very briefly why I cannot support H.R. 14146.

This is legislation whose time has come but it addresses itself to only part of the problem. It involves a piecemeal approach to land use planning, and if it is enacted it will be more difficult to pass comprehensive legislation to take care of the entire problem. Should this bill and the national land use planning legislation both become law the result will be a duplicative and wasteful approach to a problem we all recognize as serious and demanding attention.

I regret that it has not been feasible to report the land use planning legislation developed by the Committee on Interior and Insular Affairs for House debate prior to our consideration today of H.R. 14146. H.R. 7211, identified as the "National Land Policy, Planning, and Management Act of 1972" is a compre-

hensive land use planning bill, covering all of the lands in the United States, including those lying in coastal zones. It provides for one planning program administered by one Federal agency—the Department of the Interior, which should have this responsibility.

In summary, the passage of H.R. 14146 does not seem to be a wise course of action because—

It is a piecemeal approach to land use planning and may imperil the comprehensive land use planning program;

It gives the responsibility for land use planning to the wrong department. It should be placed in the Department of the Interior. The need for planning the management of the coastal zone includes a need to regulate the development of mineral resources which is already a function of the Secretary of the Interior;

It provides grants for planning and regulating land use in the coastal zones that are equal to the amount contemplated for planning and regulating land use throughout the Nation;

Its State grant program would require the States to set up duplicate planning programs—one for the coastal zones and one for the State generally; and

It would lead to wasteful and inefficient Federal administration—administration by the Secretary of Commerce for the coastal zones and administration by the Secretary of the Interior for the whole State—after comprehensive legislation is enacted. The two systems are incompatible and competitive.

For these reasons, I question the advisability of enactment of this legislation today.

Mr. MOSHER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. I thank the gentleman for yielding me this time.

Mr. Chairman, 5 years ago, the bill before us today could not have existed, for it is only in the fairly recent past that we have come to recognize the coastal zone for what it is—a closely interrelated ecological entity. Different agencies and different levels of Government each regulated, or failed to regulate, their own little place of the coastal zone and its resources, with little coordination and little understanding of the interconnections they were dealing with.

Today, though, we know better. We know that filling in an estuarine marsh in one place may affect the fisherman's catch miles away; a chemical factory at one location can affect the quality of recreational beaches somewhere else; a marina built at point A could wipe out a productive shellfish bed at point B.

We know this—and we know that at the present time, the coordination and cooperation between governmental bodies at the State and local level is entirely inadequate to the situation.

This is the main purpose of this bill—to encourage, through Federal aid and assistance, the kind of coordination and planning, at the State level, that will be necessary if the vast resources of the coastal zone are to be used most appropriately.

Such coordination can also be of help

in another way. One of the biggest problems facing the nuclear power industry, for example, is the bureaucratic maze they must go through to get approval for their plants, which are very often located in the coastal zone. Certainly the task would be much easier and faster if the State and local regulations were coordinated. Both the environment and the need for power could be better served than they are by today's diffusion of responsibility.

This bill does not address itself to the overall question of land use management—in fact, it specifically is restricted to the coastal zone. Some have urged that this bill be held until a comprehensive land use measure could be passed that would include the coastal zone as well.

To wait, however, seems to me to be a mistake. The coastal zone is in great danger of overdevelopment, and while the same kind of problems face us with respect to the land, they are not so immediate. The coastal zone, too, is a much more manageable undertaking, and may indeed serve as a valuable precedent and example for later land use management legislation.

The bill before us today is the result of lengthy hearings, many meetings, and inputs from a great variety of experts and concerned citizens. It is a well-thought-out measure that, if enacted, will be of great benefit to the cause of saving our Nation's immensely valuable coastal zone resources. It is an important and timely start to finding a solution to a very pressing problem, and I urge its adoption.

Mr. MOSHER. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, the gentleman from Colorado has put this matter in proper context.

I would first like to straighten out one matter which was suggested by the subcommittee chairman when he spoke, but I think he unintentionally left a misunderstanding. He said that the committee had contacted and worked with the National League of Cities and United States Conference of Mayors on this matter and thereby gave the impression that they were approving the legislation which is before us. I would, therefore, like to read into the RECORD at this point a letter dated August 2, 1972, from the National League of Cities and the United States Conference of Mayors. It is addressed to me, and it reads as follows:

NATIONAL LEAGUE OF CITIES,  
U.S. CONFERENCE OF MAYORS,  
August 2, 1972.

Hon. JOHN KYL,  
U.S. House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN KYL: The National League of Cities and the United States Conference of Mayors are deeply concerned that approval of H.R. 14146, the "Coastal Zone Management Act of 1972", would cause irreparable harm to cities' ability to engage in effective and comprehensive land use planning and management. H.R. 14146 would fragment local planning by establishing a coastal zone management program separate and distinct from cities' land use programs. A broad national growth policy to define national goals and then a national land use policy to guide state and local implementa-

tion is needed, not further fragmentation of local planning by isolating coastal zones for separate and distinct management. The problems associated with our coastal zones can be adequately dealt with through a comprehensive land use policy. Broad land use controls would be granted to the Department of Commerce, which has little experience in land use planning, and could lead to serious administrative difficulties with the land use management responsibilities of the Departments of Interior and Housing and Urban Development, particularly if H.R. 7211, National Land Use Policy Act, is adopted.

Cities would have only a minimal involvement in land use decisions that affect vital concerns of every city. The National League of Cities and the U.S. Conference of Mayors have proposed numerous ways which, if adopted, would have provided criteria and procedures to assure adequate protections for local governments and coordination with other local planning and implementation programs, while at the same time protecting our coastal resources. H.R. 14146 does not provide those protections. Undeniably, the protection and the development of our coastal zones is necessary, but we feel that this can best be achieved by those closest to the problem, rather than those most removed. We respectfully urge that H.R. 14146 not be adopted at this time.

Sincerely,

ALLEN E. PRITCHARD, Jr.,  
Executive Vice President, National  
League of Cities.

JOHN J. GUNTHER,  
Executive Director, U.S. Conference  
of Mayors.

Mr. MOSHER. Mr. Chairman, will the gentleman yield briefly?

Mr. KYL. Why, of course.

Mr. MOSHER. I think it is important for the RECORD to state that when this organization representing the mayors testified before our committee it is true they objected to the bill and urged that this authority be placed in HUD. I feel confident that the Members of this House of Representatives would recognize that the coastal zone management function should not be placed in HUD, but that was their argument at the time they came before our committee.

Mr. KYL. May I tell the gentleman that this letter is dated August 2, 1972, from the National League of Cities and the U.S. Conference of Mayors and says nothing about granting authority to HUD but calls for a national land use planning program in lieu of that being suggested here, and it is dated, as I say, August 2, 1972.

However, the gentleman's comment is interesting because it gets right to the point of this matter.

Here we have a bill in land use management—land and water management—and it is proposed here that this authority for the management be given to the Secretary of Commerce. If we were to follow this kind of fragmentation in land use planning, then I suppose we would have a separate department governing land use in the mountainous areas and one for the public areas and one for the private areas and one for the country under that department and one for the city under HUD.

There are a whole lot of problems in even defining this matter, for how far back from the beach does the authority of the Department of Commerce go in this matter? What is the seashore? We will get into a situation ultimately where

we have a national organization and the Department of the Interior administering the national land use policy.

If we did adopt this bill we would be consolidating, Mr. Chairman, under the Department of Commerce not only those cities and rural areas but the Department of Commerce would have authority up to a certain boundary line, perhaps a street, and then the Department of the Interior and the National Land Use Agency would have the authority beyond that point.

This bill is a good bill if it were included as a part of the national land use plan.

Mr. Chairman, it is my intention when we get to the amending stage to offer an amendment which would put this activity not in the Department of Commerce, but in the Department of the Interior.

A report is now ready on a bill which has come from the Committee on Interior and Insular Affairs of the House which places the primary responsibility for national land use management in an agency in the Department of the Interior with a very much better developed and coordinated effort among the various departments of the Government than we find in this proposal which is before us today.

I think the only sensible way to act is in a unified fashion so that we can have national goals, and so that we can have a national program so that the local governments, the county governments and the State governments will not have to be running to six or seven different departments of the Government to get their attention.

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

Mr. MOSHER. Mr. Chairman, I yield 1 additional minute to the gentleman from Iowa (Mr. KYL) inasmuch as I consumed 1 minute of the gentleman's time.

Mr. KYL. Mr. Chairman, I thank the gentleman.

Mr. Chairman, there is even in the bill itself which is before us today a contradiction which I think would render this program rather useless, and that is in section 307 on interagency coordination and cooperation.

In paragraph (b) it says:

"(b) The Secretary shall not approve the management program submitted by a State pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the State in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences."

These amendments which I will offer have been proposed by the administration. That does not make it a political matter because I believe that any administration would ask for the same amendments because no administration wants the fragmentation which is called for under the bill which is before us, Mr. Chairman.

Mr. MOSHER. Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I would



like to first say with regard to what the gentleman from Iowa (Mr. KYL) said, that our committee considered that viewpoint, and we saw nothing inconsistent in this bill with the eventual overall land and water planning for conservation.

Mr. Chairman, I rise to voice my support for passage and enactment of H.R. 14146, coastal zone management legislation. I completely concur in the previous remarks of the distinguished chairman of the Subcommittee on Oceanography (Mr. LENNON) and the subcommittee's ranking minority member (Mr. MOSHER). Both of these gentlemen have worked on this fine piece of legislation going back as far as 1969 when the subcommittee first held a symposium on this issue and when both were privileged to serve on the Stratton Commission which further identified the coastal zone problems and the need for legislative solution. Their combined efforts have resulted in a measure which is equitable, strongly supported by a host of organizations, States, and Members of Congress, and which identifies and provides for solutions to the immediate and long-range planning and administration needs of this valuable natural resource—the Nation's coastlands and related waters.

The demand for coastal zone uses has and will continue to rise. Conflicting and competing use demands for this area will necessarily increase in terms of greater pressure for industrial sites, powerplants, housing, shipping facilities, harbors, wilderness areas, and recreational needs. Hodgepodge and willy-nilly development, in the absence of a sound area management plan, will further perpetuate and increase the damage which we, as a nation, have done to our coastal areas in the past as evidenced by continued increases in the level of air pollution, water pollution, urban sprawl and blight, and total destruction of our valuable estuarine areas, spawning and food sources for practically every species which lives in the oceans and coastal waters.

The importance of enactment of national legislation on the coastal zone becomes readily apparent if you look at the tremendous amount of executive and legislative attention that has been paid to coastal zone problems on a State level. The State of Hawaii has a strong coastal zone act, as does the State of Delaware. Florida, Texas, California, Maine, New Hampshire, Oregon, Virginia, and Missouri are all in various stages of either enactment of their version of coastal zone management or establishment of administrative control mechanisms. My own State of Washington recently, in the last legislature, enacted "coastal zone" legislation. In fact, I am not aware of a single coastal State in this country which has not addressed itself to the complexities of coastal zone management in one form or another.

Yet, individual States are unable to solve the many complexities of coastal zone problems, which cross political and geographical boundaries, on their own initiative. There must be a total Federal, State, and local statutory framework

within which each State can function in close coordination with all levels of our governmental structure. Failure to pass and enact the legislation pending before us now will continue to perpetuate the "limbo" status which this country has been in, in regard to a wise management and utilization of coastal zone resources, for some time.

This Nation can ill afford to "continue to wait to begin to commence" in solving coastal zone resource utilization problems. I urge the passage and enactment of H.R. 14146 which will insure that past mistakes in management are rectified, that present utilizations are well thought out and planned, and that future plans, programs, and projects all complement each other, on a Federal, State, and local level, by becoming integral parts of an overall management and administration plan.

Mr. MOSHER. Mr. Chairman, I have no further requests for time on this side, and I yield the balance of the time remaining on this side to the gentleman from North Carolina (Mr. LENNON).

Mr. LENNON. Mr. Chairman, I thank the distinguished gentleman from Ohio.

Mr. Chairman, I yield to the distinguished gentleman from California (Mr. ANDERSON) such time as he may consume.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of the bill H.R. 14146, the Coastal Zone Management Act, and in so doing, I wish to commend the distinguished chairman of our subcommittee for the tremendous amount of input and great deal of time and effort on this bill.

H.R. 14146, is a bill to encourage the various coastal States to develop plans and programs to manage our coastal areas in the public interest. I think it is a very good bill.

It is estimated that about 53 percent of our Nation's population is concentrated within 50 miles of the coastline and the Great Lakes. Predictions of population trends suggest that by the year 2000 this same area will be inhabited by 80 percent of the national population.

Large industrial complexes are lured to the coastal areas by available land, labor, and water.

Housing developments have covered the landscape in what were once remote areas. In California alone, landfills have destroyed 75 percent of the coastal marshes.

Hard choices must be made between protecting the environment and developing the coastal areas. If those choices are going to be rational, we must encourage the States and localities to devise plans which will both protect the environment and allow controlled uses within the coastal zone.

The bill before us today, H.R. 14146, which I coauthored, would authorize the Secretary of Commerce to make grants to the coastal States to develop management programs.

Under the bill a State must:

First, specify the zone boundaries;

Second, establish permissible activities within the zone area;

Third, designate particularly critical areas;

Fourth, issue guidelines on the priority of uses, and

Fifth, describe the State's method of implementing the plan.

In addition, the Secretary of Commerce is authorized to pay the State up to 66 percent of the cost of the administration of the State program.

Mr. Chairman, of particular interest to me is a subsection, which I authored, designed to protect State-established coastal sanctuaries, such as exists off California, from federally authorized development.

The State of California in 1955 created five marine sanctuaries to protect the beaches from oil spills. In 1963, two more sanctuaries were created.

These State-established sanctuaries, which extend from the coastline seaward to 3 miles, account for nearly a fourth of the entire California coast.

However, the Federal Government has jurisdiction outside the State area, from 3 miles to 12 miles at sea. All too often, the Federal Government has allowed development and drilling to the detriment of the State program.

A case in point is Santa Barbara where California established a marine sanctuary banning the drilling of oil in the area under State authority.

Yet, outside the sanctuary—in the federally controlled area—the Federal Government authorized drilling which resulted in the January 1969 blowout. This dramatically illustrated the point that oil spills do not respect legal jurisdictional lines.

In order to protect the desires of the citizens of the coastal States who wish to establish marine sanctuaries, I offered a provision which "requires that the Secretary of Commerce shall, to the maximum extent practicable, apply the coastal zone program to waters immediately adjacent to the coastal waters of a State, which the State has designated for specific preservation purposes." The Merchant Marine and Fisheries Committee approved this provision.

Our Federal policy must be in support of State laws; for without conformity, State laws may be useless.

Our coasts are both a State and National treasure, and must be protected from unwise, ill-planned usage. The bill before us today would be a giant step toward the establishment of a rational policy to meet present demands and also to protect future needs.

Mr. LENNON. Mr. Chairman, I yield to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I take this time, first of all, to commend the gentleman from North Carolina (Mr. LENNON) for his leadership on this bill. I certainly hope he might be considered by the President as one who might be in line to head up the Coastal Zone Management Advisory Committee. I know of no other person in the Congress who has worked so diligently and so long on this issue.

I would like to ask the gentleman what assurance he can provide that the members of the Coastal Zone Management Advisory Committee will not be entirely dominated by those people who own property or riparian rights or who have

a beneficial interest and beneficial rights along the coastal land?

What assurance can the gentleman provide that this Advisory Committee which has a great deal to do about policy will not be dominated by those who have property rights rather than those who are interested solely in the public interest?

Mr. LENNON. I can say to my friend that that particular query or question was not developed in the hearings related to the Advisory Committee.

It gives a National Advisory Committee to the Secretary. It would not be of an advisory capacity if on the State, county, or municipal level.

I can only express the hope—and I am sure the majority of the Members of this House do—that this committee of 10 will be constituted primarily in substantial majority of people who are interested primarily not only in keeping what we have, but in reclaiming that which has been damaged in the past.

However, if you say that anyone owning property or having a fee simple interest in property, who is living in the coastal zone, you are immediately going to knock out over 66 million people who live in the coastal zone areas that we have defined.

I would say to you I will write a letter, assuming that this legislation becomes law—I will immediately write a letter to the Secretary in which I will express my strong view that the majority of those members of the Advisory Committee ought to be people who do not have a land interest.

I can think of a man who may have a fishing shack somewhere on one of your lakeshores. He could not be a member. Or some man who might have a cottage, a small cottage along the 100,000 miles of beachland in this country—he could not be on this committee. We have to have a balance, and we will do what we can to get that. I assure you I have the same feelings you do about it.

Mr. VANIK. I thank the gentleman.

Mr. LENNON. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. DOWNING), a member of the subcommittee and one of the prime sponsors of this bill.

Mr. DOWNING. Mr. Chairman, I rise in full and enthusiastic support of this legislation. It is probably one of the most important ecological bills that has or will come to us during this session of Congress.

Our coastal zones are deteriorating badly and rapidly and I think it is a proper obligation of the Federal Government to assist those States in halting this decay.

If this bill becomes the law of the land, as I hope it will, most of the credit must belong to the distinguished gentleman from North Carolina (Mr. ALTON LENNON) who has worked long and hard to bring this into being. This is not his only monument of achievement; he has many others which will inure to the benefit of the country he loves so well.

Of course, the same holds true for our dear friend, the Honorable TOM PELLY, of Washington, who has contributed so much to this legislation.

Mr. Chairman, if there has been some

reservation expressed on the part of the cities of the United States, certainly that does not apply so far as the States themselves are concerned.

I would like to bring to your attention the specific positions of three organizations which represent different aspects of the State governmental structure. The first of these is the National Governors' Conference. That organization, which represents the Governors of all the States, was represented at the subcommittee hearings by Gov. Jimmy Carter of Georgia, who spoke in support of the legislation.

Consistent with Governor Carter's testimony, a report of the Committee on Natural Resources and Environmental Management at the 63d annual meeting of the National Governors' Conference, in September 1971, stated:

... for two successive years the National Governors' Conference has adopted a strong policy position relating to coastal zone policy, planning and management. Underscored has been the need for a balanced approach for conservation and development through appropriate administrative and legal devices ... the Committee considers (this need) of even greater significance in 1971 than ... in the previous two years.

The Conference itself subsequently reaffirmed its policy position on coastal zone planning. In effect, it endorsed the legislation before the subcommittee and urged its immediate enactment.

Consistent with his testimony is the following excerpt from the final report of the intergovernmental relations committee of the National Legislative Conference, dated August 1970:

The need for coastal zone management legislation derives from the inestimable importance of the estuarine and coastal environment to the nation's economy, environmental health and quality of life. ...

While Federal and local government involvement is essential to any effective coastal management program, States must assume primary responsibility for assuring that the public interest is served in the multiple use of the land and waters of the coastal zone.

In summarizing, the committee recommended that Federal coastal zone management legislation should be flexible, nonpreemptive, and adequately funded on a two-thirds Federal, one-third State basis.

The third organizational group to which I would like to refer is the Coastal States Organization, which is composed of the representatives of the Governors of the several coastal States, all of which will be directly affected by the bill. Representing that organization, Dr. William J. Hargis, Jr., chairman of the Virginia Institute of Marine Science, strongly urged the enactment of coastal zone legislation.

I hope that my colleagues will overwhelmingly support this bill.

Mr. HARRINGTON. Mr. Chairman, I rise today in support of the coastal zone management bill, which would take a vital first step toward a program of rational planning to preserve and protect our coastal areas.

It is clear that the current state of these areas dictates immediate action. The coastal areas, crowded with more than half of the Nation's population, experience the squeeze between con-

flicting demands for use with great intensity. The fragile ecological chain, with its complex string of interconnections between plant, animal, and human life there, is being irrevocably damaged. The crush of population growth further increases the pressure on the finite resources of the coastal areas. We have taken from the coastal zones in a helter-skelter pattern of development, without serious thought to the long-range consequences of our actions. The affluent society grows, and the coastal zone suffers.

As with any areas of environmental concern, solutions do not come easily. Sitting here in Congress, we cannot merely reach for simple answers. We cannot deal with one aspect of the environmental system without examining all of its parts. It would be irresponsible and unproductive for us to impose the proper course for handling our coastal zones.

The value of this bill is that it recognizes this reality, and places basic management in the hands of State and local authorities most familiar with the needs of their areas. Armed with the assistance of scientific, environmental, economic, and social advisers, these officials can develop the most feasible local plan for managing coastal lands and waters.

Without abandoning our responsibility to set national goals and expectations for policy in this area, the bill accomplishes this delegation of authority essential to sound management practice.

However, it is not without some reservation that I vote for this measure. I recognize that it provides grants and guidelines for planning State management programs, and does not provide comprehensive coastal area protection. Thus, I vote for the coastal zone management bill with the hope that it does not become just another trumpeted planning bill without subsequent substantive action. It is essential for Congress to follow through on its commitment to national coastal area policy while maintaining State authority over local policy formulation. We cannot allow this bill to join those other high-sounding Federal programs we have abandoned in mid-stream. We must fight the remainder of this environmental battle.

Nevertheless, the policy statement in this bill is clear: programs must "give full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development." In other words, social and ecological concerns will be weighed in the balance sheet of coastal zone development. We are now paying the costs of disregarding these factors in past cost-benefit analyses, creating what is generally recognized as an environmental crisis. By acknowledging the importance of these environmental factors, this bill achieves the balance essential to the continuation of human life on this fragile and threatened planet.

Another critical concern when dealing with features of our environment is the need for regional planning. Coastal waters flow freely across State boundaries, affecting many jurisdictions. The principle of compatible land uses applies to the entire stretch of coastal land, ir-



respective of legally created dividing lines. Clearly the answer is coordination between various jurisdictions in the planning of coastal zone management. This bill embodies that ideal in a national policy to encourage cooperative regional and joint action. Although these provisions might not provide the strongest means to overcome jurisdictional difficulties, it is a forthright and workable recognition that this problem must be met before rational policies on coastal zone use can be set forth.

The concept of estuarine sanctuaries is an essential one, to preserve and restore selected coastal areas as natural laboratories to study processes which we still do not fully comprehend. In some cases, man's forceful entry into the coastal zone ecology has irretrievably disrupted the natural situation. But we must arrest this process before we have lost all natural coastal areas, and with them a valuable source of scientific knowledge about life there. Coastal estuaries are among the most productive areas on this planet. They are critical areas for the breeding of many species of commercially important fish, for example. As our "spaceship Earth" faces its finite resource capability, we must gather the knowledge necessary in the biologically active estuaries so that we can deal with future life needs.

The bill goes further in the creation of such sanctuaries, but not far enough. It requires procedures in state plans for the designation of preserves and restored areas for ecological and recreation uses. Steps must be taken to further encourage such preserves, and I urge the administrators of this bill—if it is finally approved—to make such actions a central part of any coastal zone management operation.

In short, I support this bill because it recognizes that rational planning of natural resources has come of age. More than that, it has become a basic requirement of survival at a stage of history where uncontrolled growth is now confronting a limited capacity for expansion. Recent studies have sounded the warning that mankind—and especially Americans with our technologically advanced society—must begin to examine the value of development without regard for environmental preservation. To maximize the use of our common natural heritage for all citizens, some restraints must be placed on the onward rush of development oftentimes blindly disguised as "progress." These restraints should come in the form of rational resource analysis, and allocation to various compatible uses with regard to the basic needs of human existence.

The protection of our coastal zones does not mean that we are merely saving fish and ocean plant life; the future of human life is at stake. Just as laissez-faire capitalism became a threat to human development and was discarded, so too must we begin to shake off the constraints of a system which dictates that commercial development is our only priority. In the crucial area of coastal zones, which require immediate attention lest they be lost forever, we can take this step toward a planned approach to resource allocation. If we do

not, future generations will be forced to pay, and pay dearly, for our lack of concern and understanding.

Mr. KYROS. Mr. Chairman, as a representative from a coastal State vitally affected by this legislation, I gladly rise in support of H.R. 14146, the Coastal Zone Management Act, which I also cosponsored.

Maine's coastline is justly famous for its beauty, and is certainly one of the State's most valuable resources and economic assets. Maine has recently suffered one of its worst oil spills ever, and this tragic accident, dumping over 100,000 gallons of oil on our lovely shores, only reinforced the urgency to act now to protect and preserve our irreplaceable national coastlines and Great Lakes areas. With Maine's 4,052 miles of shoreline, we will be one of the many States directly benefiting from the long-range planning found in this act. However, all Americans will profit from the national policy established in this legislation, creating management programs to protect and wisely develop the water resources and adjacent lands of our country.

It is almost a truism to state that our population is most heavily concentrated near waterways and bodies of water, thereby placing the most intense pressures on these areas through industrial, recreational, and housing uses. This trend will continue in the future, making it imperative that special guidelines and programs be established now by the affected States, with the assistance of the Federal Government, to insure that our shorelines and Great Lakes areas are used in the most effective way possible. This means to protect, preserve, and restore the beauty of our coasts, in addition to insuring their most efficient use by all sectors of our economy.

This act also covers two areas often neglected by other legislation: Estuaries and marshlands. These valuable sanctuaries for nurseries and spawning grounds must be protected to insure adequate marine resources for the future, because it is estimated that 70 percent of the commercial fishing in the United States is done in coastal waters. This industry has already suffered greatly in recent years, a fact well known in Maine and the rest of New England, due to pollution and contamination in breeding waters.

Our national coastline totals more than 88,000 miles, and we must enact this legislation—which was passed by the Senate without a dissenting vote—to insure that all future generations of Americans will be able to enjoy this most valued national resource.

Mr. STEELE. Mr. Chairman, I wish to express my support of the coastal zone management bill. This environment legislation encourages States to meet the urgent problems of their coastal areas. The Federal Government offers funds to cover 66½ percent of the States' expenses and establishes guiding criteria for those States electing to conserve, regulate, plan, and develop coastal regions. The initiative and authority to contend with the web of demands upon the coastal zone remain with the States.

About 75 percent of the American peo-

ple today reside in the 30 States bordering the oceans and the Great Lakes. Increasingly, we turn to the border waters for our recreation needs. Our commercial fishermen concentrate 70 percent of their efforts in coastal waters. Our industrial plants, oil wells, powerplants, and shipping increasingly utilize our coastal lands and waters.

Yet today we lack the technical information crucial to successful coastal management decisions. We know little about the impact of man's activities or of natural processes on the ecology of the coastal area. The coastal zone management bill's general principles, and especially its estuarine sanctuaries provision, will support the kind of scientific studies necessary to wisely plan and protect the Nation's coastal regions.

Our immediate need for imaginative State research and management programs is clear if we are to successfully conserve and optimally utilize this invaluable resource.

Mr. VANIK. Mr. Chairman, I would like to commend the Committee on Merchant Marine and Fisheries for the fine work on this bill. Because I represent a district with a long coastal zone on Lake Erie, I am well aware of the need for a Coastal Zone Management Act as the one under discussion.

I am particularly happy to note that the committee has included flood control and shoreline erosion prevention as items which it expects to see included in the comprehensive State programs which must be approved prior to the allocation of Federal funds. Certainly no bill whose purpose is to protect, preserve, develop, and, where possible, to restore or enhance the resources of the coastal zone would be complete without addressing the problem of shoreline erosion prevention, a problem which endangers the very existence of much of the present coastal zone. In this sense, the improved coastal zone management which will result from the enactment of this bill will be an important first step in the fight against shoreline erosion; but, it will only be a first step.

What really is needed is a comprehensive national program for the prevention of the shoreline erosion of both public and private lands where the benefit-cost ratio justifies such protection. Because of the high percentage of shoreline property which is held in private hands, a program which only attempts to protect public lands, such as the one currently administered by the Army Corps of Engineers, simply is not sufficient. For example, in the Great Lakes region, 150 miles of the 216 miles of critically eroding shoreline are held in private hands and are not, therefore, eligible for Federal funds for shoreline erosion prevention.

In the Lake County area of my own district, the problem of shoreline erosion on private land, and the helplessness of the private landowner, was tragically brought to light when four houses tumbled into the lake as a result of the crashing waves and high water levels caused by tropic storm Agnes. In this area of high bluffs composed of soft glacial till and clay, the shoreline has been eroding at a fantastic pace, in some

spots as much as 30 feet per year, and, therefore, the occurrence of some type of a catastrophe was simply inevitable. But, because the residents of this area did not have the financial resources to undertake an effective shoreline erosion prevention program, they had no choice but to live with the constant fear of losing their homes in an unpredictable and life-threatening manner. This is an intolerable situation, and I believe it ought not to be allowed to persist.

In sum, Mr. Chairman, the inclusion of shoreline erosion prevention plans in coastal zone management programs will hopefully do much to make both State and Federal officials more aware of the existence of this important problem. But, to bring shoreline erosion really under control, far more must be done for both our public and our private coastal shorelines. If much more is not done, we must anticipate the loss of not only many more houses, and the tax revenue from those houses, but also the loss of streets and public utilities. Surely, the time to act on this problem is now.

Mr. LEGGETT. Mr. Chairman, our continental coastal areas are remarkable for their beauty, for their economic importance, and for the degree to which we have neglected them.

Our coastal areas include 100,000 miles of shoreline on which 65 million Americans live. Our coasts are crossed by almost \$100 billion worth of exports and imports annually.

The development of our coastal areas has been literally without planning. The result has been severe and steadily worsening air and water pollution. We have major and growing conflicts between the interests of industry, power, housing, shipping, recreation, and conservation.

We cannot please everybody, but we can try to make the most reasonable and satisfactory compromises between the various interests. We can only do this with an intelligent, coordinated management program, which at present we do not have.

The purpose of this bill is to provide Federal support for States to establish such a program. In future years we will wonder how we ever did without it.

Mr. LENNON. Mr. Chairman, I would like to express my deep appreciation for the very gracious remarks made by my colleagues. Had the compliments which have been suggested come a little earlier, I might have reconsidered the decision I made last November.

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

The CHAIRMAN. Pursuant to the rule, the Clerk will read the amendment in the nature of a substitute printed in the bill as an original bill for the purpose of amendment under the 5-minute rule.

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 Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203) as amended (33

U.S.C. 1101-1124), is further amended by adding at the end thereof the following new title:

# "TITLE III—MANAGEMENT OF THE COASTAL ZONE

## "SHORT TITLE

"Sec. 301. This title may be cited as the 'Coastal Zone Management Act of 1972'.

## "CONGRESSIONAL FINDINGS

"Sec. 302. The Congress finds that—

"(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone;

"(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

"(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuel, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

"(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

"(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

"(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

"(g) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate; and

"(h) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

## "DECLARATION OF POLICY

"Sec. 303. The Congress declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone man-

agement programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

## "DEFINITIONS

"Sec. 304. For the purposes of this title—

"(a) 'Coastal zone' means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control those shorelands, the uses of which have a direct impact on the coastal waters.

"(b) 'Coastal waters' means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

"(c) 'Coastal state' means a state of the United States in, or bordering on, Atlantic, Pacific, or Arctic Ocean, the Great Lakes. For the purposes of this title, the term includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(d) 'Estuary' means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

"(e) 'Estuarine sanctuary' means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

"(f) 'Secretary' means the Secretary of Commerce.

## "MANAGEMENT PROGRAM DEVELOPMENT GRANTS

"Sec. 305. (a) The Secretary is authorized to make annual grants to any coastal state for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

"(b) Such management program shall include:

"(1) an identification of the boundaries of the portions of the coastal state subject to the management program;

"(2) a definition of what shall constitute permissible land and water uses;

"(3) an inventory and designation of areas of particular concern;

"(4) an identification of the means by which the state proposes to exert control over land and water uses, including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

"(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

"(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local area-



wide, state, regional, and interstate agencies in the management process.

"(c) The grants shall not exceed 66 2/3 per centum of the costs of the program in any one year. Federal funds received from other sources shall not be used to match the grants. In order to qualify for grants under this subsection, the state must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this title. Successive grants may be made annually for a period not to exceed two years; *Provided*, That no second grant shall be made under this subsection unless the Secretary finds that the state is satisfactorily developing such management program.

"(d) Upon completion of the development of the state's management program, the state shall submit such program to the Secretary for review and approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such program by the Secretary, the state's eligibility for further grants under this section shall terminate, and the state shall be eligible for grants under section 306 of this title.

"(e) Grants under this section shall be allocated to the states based on rules and regulations promulgated by the Secretary: *Provided, however*, That no management program development grant under this section shall be made in excess of 15 per centum of the total amount appropriated to carry out the purposes of this section.

"(f) Grants or portions thereof not obligated by a state during the fiscal year for which they were first authorized to be obligated by the state, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

"(g) With the approval of the Secretary, the state may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to a regional agency, or to an interstate agency, a portion of the grant under this section, for the purpose of carrying out the provisions of this section.

"(h) The authority to make grants under this section shall expire on June 30, 1975.

#### "ADMINISTRATIVE GRANTS

"SEC. 306. (a) The Secretary is authorized to make annual grants to any coastal state for not more than 66 2/3 per centum of the costs of administering the state's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the state's share of costs.

"(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary, which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however*, That no annual administrative grant under this section shall be made in excess of 15 per centum of the total amount appropriated to carry out the purposes of this section.

"(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

"(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent

with the policy declared in section 303 of this title.

"(2) The state has:

"(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

"(B) establish an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title.

"(3) The state has held public hearings in the development of the management program.

"(4) The management program and any changes thereto have been reviewed and approved by the Governor.

"(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

"(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

"(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

"(8) The management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

"(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values.

"(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

"(1) to administer land and water use regulations, control development in order to insure compliance with the management program, and to resolve conflicts among competing uses; and

"(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

"(e) Prior to granting approval, the Secretary shall also find that the program provides:

"(1) for any one or a combination of the following general techniques for control of land and water uses:

"(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

"(B) Direct state land and water use planning and regulation; or

"(C) State administrative review for consistency with the management program of all development plans, projects, or land and

water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

"(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

"(f) With the approval of the Secretary, a state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided*, That such allocation shall not relieve the state of the responsibility for insuring that any funds so allocated are applied in furtherance of such state's approved management program.

"(g) The state shall be authorized to amend the management program. The modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the program must be approved by the Secretary before additional administrative grants are to be made to the state under the program as amended.

"(h) At the discretion of the state and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas of the coastal zone which most urgently need management programs: *Provided*, That the state adequately allows for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

#### "INTERAGENCY COORDINATION AND COOPERATION

"SEC. 307. (a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

"(b) The Secretary shall not approve the management program submitted by a state pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the state in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

"(c) (1) Each Federal agency conducting or supporting activities in the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

"(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

"(3) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish pro-

cedures for public notice in the case of all such certification and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

"(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

"(e) Nothing in this section shall be construed—

"(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources and navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

"(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

"Sec. 308. All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

#### "REVIEW OF PERFORMANCE

"Sec. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal states and of the performance of each state.

"(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if

(1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of proposed termination and withdrawal and an opportunity to present evidence of adherence or justification for altering its program.

#### "RECORDS

"Sec. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

#### "ADVISORY COMMITTEE

"Sec. 311. (a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than ten persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

"(b) Members of said advisory committee who are not regular full-time employees of the United States, while serving on the business of the committee, including travel-time may receive compensation at rates not exceeding \$100 per diem; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

#### "ESTUARINE SANCTUARIES

"Sec. 312. (a) The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal State grants of up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed \$2,000,000. No Federal funds received pursuant to section 305 or section 306 shall be used for the purpose of this section.

"(b) When an estuarine sanctuary is established by a coastal State, for the purpose envisioned in subsection (a), whether or not Federal funds have been made available for a part of the costs of acquisition, development, and operation, the Secretary, at the request of the State concerned, and after consultation with interested Federal departments and agencies and other interested parties, may extend the established estuarine sanctuary seaward beyond the coastal zone, to the extent necessary to effectuate the purposes for which the estuarine sanctuary was established.

"(c) The Secretary shall issue necessary and reasonable regulations related to any such estuarine sanctuary extension to assure that the development and operation thereof is coordinated with the development and op-

eration of the estuarine sanctuary of which it forms an extension.

#### "MANAGEMENT PROGRAM FOR THE CONTIGUOUS ZONE OF THE UNITED STATES

"Sec. 313. (a) The Secretary shall develop, in coordination with the Secretary of the Interior, and after appropriate consultation with the Secretary of Defense, the Secretary of Transportation, and other interested parties, Federal and non-Federal, governmental and nongovernmental, a program for the management of the area outside the coastal zone and within twelve miles of the baseline from which the breadth of the territorial sea is measured. The program shall be developed for the benefit of industry, commerce, recreation, conservation, transportation, navigation, and the public interest in the protection of the environment and shall include, but not be limited to, provisions for the development, conservation, and utilization of fish and other living marine resources, mineral resources, and fossil fuels, the development of aquaculture, the promotion of recreational opportunities, and the coordination of research.

"(b) To the extent that any part of the management program developed pursuant to this section shall apply to any high seas area, the subjacent seabed and subsoil of which lies within the seaward boundary of a coastal state, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat. 29), the program shall be coordinated with the coastal state involved.

"(c) The Secretary shall, to the maximum extent practicable, apply the program developed pursuant to this section to waters which are adjacent to specific areas in the coastal zone which have been designated by the states for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values.

#### "ANNUAL REPORT

"Sec. 314. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding Federal fiscal year. The report shall include but not be restricted to (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's program and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allotment of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be appropriate.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.



## "RULES AND REGULATIONS"

"SEC. 315. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

## "PENALTIES"

"SEC. 316. (a) Whoever violates any regulation which implements the provisions of section 312(c) or section 313(a) of this title shall be liable to a civil penalty of not more than \$10,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

"(b) No penalty shall be assessed under this section until the person charged shall have been given notice and an opportunity to be heard. For good cause shown, the Secretary may remit or mitigate any such penalty. Upon failure of the offending party to pay the penalty, as assessed or, when mitigated, as mitigated, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect such penalty and to seek other relief as may be appropriate.

"(c) A vessel used in the violation of any regulation which implements the provisions of section 312(c) or section 313(a) of this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

"(d) The district courts of the United States shall have jurisdiction to restrain violations of the regulations issued pursuant to this title. Actions shall be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the Secretary.

## "APPROPRIATIONS"

"SEC. 317. (a) There are authorized to be appropriated—

"(1) the sum of \$15,000,000 for fiscal year 1973 and for each of the two succeeding fiscal years for grants under section 305 to remain available until expended;

"(2) the sum of \$50,000,000 for fiscal year 1974 and for fiscal year 1975 for grants under section 306 to remain available until expended; and

"(3) the sum of \$6,000,000 for fiscal year 1973 and for each of the two succeeding fiscal years for grants under section 312, to remain available until expended.

"(b) There are also authorized to be appropriated such sums, not to exceed \$3,000,000, for fiscal year 1973 and for each of the two succeeding fiscal years, as may be necessary for administrative expenses incident to the administration of this title.

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

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

There was no objection.

## AMENDMENT OFFERED BY MR. KYL

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

The Clerk read as follows:

Amendment offered by Mr. KYL: On page 34, line 16, delete "Commerce" and substitute therefor "the Interior."

Mr. KYL. Mr. Chairman, this is a land water management bill which the chair-

man says involves management of land on which we have 66 million people living. It is a land use management bill.

The Department of the Interior has been designated to administer the National Land Use Policy Act of 1972, which is proposed in H.R. 4332, which has cleared the Committee on Interior and Insular Affairs, and it is so designated because of its expertise in and its statutory responsibility for natural resource management. For the same reasons that Interior is the Federal agency best able to administer a program of assistance for comprehensive statewide land use planning, it is the department best able to assist with land use planning in the coastal zone. Interior bureaus with coastal zone competence include the National Park Service, the Bureau of Sport Fisheries and Wildlife, the Geological Survey, the Bureau of Outdoor Recreation, and the Bureau of Land Management.

If coastal zone management is to be a meaningful first step toward comprehensive statewide land-use planning, the program authorized by H.R. 14146 should be structured to anticipate integrated administration by a single department whose capabilities are adequate to achieve this objective. If the Department of Commerce were to administer a program of assistance for coastal zone planning, and the Department of the Interior a program for the balance of each State, the resulting duplication or arbitrary division of effort would hinder the States' adoption and implementation of a truly comprehensive land-use policy.

Adoption of this amendment would in no way affect the continued availability to States of the expertise in marine affairs which is unique to the National Oceanographic and Atmospheric Administration.

We can almost reduce this matter to an absurdity. If Commerce is going to administer coastal zones, then why should not the Agriculture Department administer rural areas and the HUD the city planning, and so on ad infinitum. This matter belongs in the Interior Department and not in the Commerce Department.

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

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

Mr. ASPINALL. Mr. Chairman, I wish to state to my colleagues, the gentleman from Iowa and my colleagues of the committee, that if this amendment could be approved by the committee, it would remove a great deal of my objection to the bill as it now is for the simple reason that I do not like to see fractionated administrative operations and procedures. This would put the matter of the administration of the public lands—and these are part of the public lands and also related to private land uses—in one Department and there would not be this difficulty of duplication.

I support my colleague's amendment.

Mr. KYL. I would ask the gentleman from Colorado, in this offshore area which is included by some coordinated effort in this bill, in spite of the protestations that there is no setting aside of other law, do we not come into conflict

with laws on the books with respect to mining use in that Outer Continental area?

Mr. ASPINALL. My colleague's position is entirely logical. Of course two jurisdictions are involved, the Department of the Interior and the other is under the agency administering the Intercontinental Shelf legislation. This is one of the deficiencies in this legislation. I think if we could put it in the one Department we would remove a great many of the difficulties I see lying ahead.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, is it the gentleman's feeling in offering this amendment that the Department of the Interior would be somewhat more vigilant in protecting the public interest than possibly the Commerce Department?

Mr. KYL. No. My argument is simply this. In the first place we are going to have national land-use planning calling for statewide comprehensive land-use plans.

Under any such bill I am absolutely confident that the burden for administration will be a land-use planning agency within the Department of the Interior, because it is now that Department which is in charge of land-use planning.

As a matter of fact, under the land and water conservation fund each State has to have a comprehensive outdoor recreation plan already under the Interior Department.

So far as the one-third of the Nation under public lands is concerned, the Interior Department has complete jurisdiction.

There is no way of taking the Interior Department out of this picture. Because it is so deeply involved, because it has expertise, because it has departments involved in land-use planning now, it is the logical place to put this.

My argument is that we should not fragment the effort, frustrate the States and frustrate the local governments by having them go to six or seven departments to get the word as to what they must do on land-use planning.

Mr. LONG of Maryland. The gentleman's reasoning sounds persuasive to me. I support his amendment.

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

I believe this is typical, once again. We anticipated this.

I should like to make it crystal clear that the gentleman who was just in the well was not reflecting the administration downtown on Pennsylvania Avenue. If the gentleman wishes to respond to that, will he please document it and read the letter from the person downtown in which it is requested, in spite of the fact that the White House, with the wholehearted concurrence of this body as well as the other body, created NOAA, the National Oceanic and Atmospheric Agency, where this function would be.

Does the gentleman wish to respond that he has a letter in his possession from the White House in which they say they are requesting this legislative

authority be transferred to the Department of the Interior?

Mr. KYL. I will say to the gentleman, to be absolutely accurate and frank, that these amendments which I offer at this time were prepared by the administration on a sheet which came to me from the administration. They are called administration amendments.

Mr. LENNON. Meaning the Department of the Interior?

Mr. KYL. No, sir; that is not my understanding at all.

Mr. LENNON. Well, it is my understanding, sir, because I have in my possession a letter signed by the General Counsel of the Department of Commerce, which I received today at 12 o'clock noon, in which they definitively and objectively spoke for the administration. They made one suggested "period, close of quote" which I will in turn offer as an amendment.

If I may, I should like to return to what I have to say in regard to the gentleman's amendment, the proposal to change from the Secretary of Commerce to the Secretary of the Interior.

We should keep in mind, gentlemen, that NOAA, the National Oceanic and Atmospheric Agency, is in the Department of Commerce. We put it there by our votes in 1970. I believe there were about 12 votes, out of 400, against it.

This proposal to change from the Secretary of Commerce to the Secretary of the Interior the responsibility for the coordination of coastal zone management is not a new proposal. It has been raised over and over again, ever since the gentleman did what he did at the request of the administration. Each time it has been raised, it has been rejected. There is no more justification today than existed on the previous occasions.

Human nature is the same all over the world. "Let us take everything we put in NOAA out and hand it back to the Department of the Interior." That is human nature. Everybody wants to grow like Topsy.

The Secretary of the Interior was proposed as the lead agency for coastal zone management by some people in the Interior Department way back in 1969.

The Commission report—I am talking about the Stratton Commission report—after careful consideration, based upon the objective viewpoints of nongovernmental personnel, recommended a coastal zone management program to be administered by the independent agency of NOAA, the National Oceanic and Atmospheric Agency.

Now, the President, with your concurrence, decided that it would not make it a national agency but, rather, put it in the Department of Commerce. Nevertheless, it does exist in major part now by virtue of Reorganization Plan No. 4 of 1970. The next time the Department of the Interior's responsibility was suggested was in connection with the administration proposal in 1969 for a coastal management bill in the guise of an amendment to the Water Pollution Control Act.

Yes, the Department of the Interior suggested it then, and in that case the Department of the Interior lead position

was based on the fact that it contained the Federal Water Quality Administration and therefore they ought to have this.

When the Subcommittee on Oceanography convened in 1969 they brought people here from 30-odd States to develop these problems and the then Under Secretary of the Interior stated that his Department was well qualified to administer such program by virtue of the fact that the Department of the Interior contained the Federal Water Quality Administration and the Bureau of Commercial Fisheries.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. LENNON. That was true at that point in time, but Reorganization Plan No. 4, recommended by the President and concurred in by this Congress, removed the Bureau of Commercial Fisheries from the Department of the Interior and put it in NOAA.

Mr. KYL. Will my respected friend yield?

Mr. LENNON. Of course, if I have the time.

Mr. KYL. Of course, this NOAA is designed for scientific purposes. The gentleman a moment ago in an earlier speech referred to the fact that 66 million people live in this area that is going to be managed. That is hardly a matter for ocean scientists to determine, I would suggest to the gentleman. That is a land management proposition and not a matter of ocean science.

Mr. LENNON. Let me respond by saying this is a coastal zone management bill. It is an ocean-oriented and not land-oriented bill. That is the difference.

One other point has been brought out. A complete land use management program for this country this year or next year is necessary, and it is your suggestion that we put it in the Department of the Interior until such time as we take up the whole thing.

I urge the Committee to vote this amendment down.

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

Mr. Chairman, I do strongly oppose the amendment.

I would like to remind the House that just 2 years ago President Nixon by Executive order but then with the compliance of the House by almost unanimous action created the—National Oceanic and Atmospheric Administration—NOAA—and for the express purpose of focusing its attention on the marine environment. I assert that the coastal zones are a vital part of that environment.

By the way I beg to differ with the gentleman from Iowa when he just referred to NOAA as essentially a scientific agency. It is in part a scientific agency, but it goes well beyond that in management authority in many areas.

Mr. KYL. Would the gentleman yield?

Mr. MOSHER. Yes, I yield.

Mr. KYL. A moment ago he said that because this ocean area was different the management ought to be in the hands of

of an oceanographic agency. We have a forestry department in the National Government and we have national land-use planning. Does the gentleman think we ought to have those national forests planned under the Forest Service and outside any national land-use planning?

Mr. MOSHER. I think that the gentleman should understand that in writing this legislation the committee fully recognized that ultimately the Congress will probably approve overall land management legislation, and we very consciously adopted this legislation to that ultimate effect.

I do not think that this legislation in any way conflicts with the probability that in the future there will be legislation for overall land-use management.

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

Mr. MOSHER. I will yield to the gentleman from Iowa in just one moment, but first let me complete with this statement.

I think it is a practical fact of life that in this 92d Congress there is strong probability against any overall Land Management Act. I think that the problems that the States and the local governments are struggling with in the coastal zone are so essential and so necessary now that until the time that the Congress gets to overall land management legislation, maybe sometime in the next year or two, that this legislation fills a very necessary gap.

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

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

Mr. KYL. Mr. Chairman, I would like to clarify the inference made by the gentleman. Is the gentleman suggesting that when we have a national land-use management plan that then this jurisdiction should be changed to the agency that has the overall authority?

Mr. MOSHER. Of course, that is up to the Congress to decide. Eventually we might have a Department of National Resources, as has been recommended by the President, and I would assume that NOAA would be definitely a part of that overall natural resources arrangement.

But I believe it is at this point very logical to place this in NOAA.

NOAA, through its National Marine Fisheries Service, is now responsible for the exploration, conservation, and development of marine resources so vitally dependent upon coastal waters. Its network of coastal laboratories represents a unique national capability in marine ecological knowledge.

NOAA, under the sea-grant program, promotes the scientific and technical capabilities on which the States must draw.

NOAA, through its National Ocean Survey, is the central agency responsible for mapping and charting the coastal waters for boundary determinations.

NOAA, through the National Weather Service, provides all essential forecasts and warnings of ocean and weather condition.

NOAA carries out most of the Government-supported research and development in coastal zone waters within their laboratories and sea-grant institutions.



In addition to that, NOAA, as associated in the Department of Commerce, is closely associated with the Maritime Administration, which already is in the Department of Commerce. And NOAA is allied with the Economic Development Administration, which is in the Department of Commerce already, and which is vital to the coastal zone concept.

In addition to that, NOAA, as associate that in no way would this bill change or diminish the present responsibilities, authority or role of the Department of the Interior.

Mr. Chairman and Members of the House, I believe that this amendment should be defeated.

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

Mr. MOSHER. I yield to the gentleman from Michigan.

Mr. RUPPE. Mr. Chairman, today as we consider the coastal zone management bill, I believe that we should keep in mind another piece of potential legislation, the national land-use planning bill, which has been ordered reported by the Interior and Insular Affairs Committee. As a member of both the Interior Committee and the Merchant Marine Committee which reported the coastal zone management bill, I would like to point out the important relationship between these two bills.

The coastal zone management bill we are considering today is intended to be a first step toward a comprehensive, statewide program of land-use planning, designed to protect our coastal zones in particular. The Department of Commerce would be designated to provide for management and protection of the coastal zones and the adjacent shorelands and transitional areas.

The national land-use planning bill also provides for land use planning of these areas, but on a larger scale and with the responsibility assigned to the Department of the Interior.

I hope that in voting on this measure today my colleagues will take into consideration the need to coordinate the activities that will be the result of this bill and those of the land-use planning bill, if passed. If both of these measures are to be meaningful in their stated goals of protection, regulation, and preservation of our land resources, they must not be entangled in a maze of waste, duplicity, and interagency dispute.

If we hope for a truly comprehensive land use policy in this country, we must not handicap it with unnecessary duplication or arbitrary division of effort which might hinder the States' adoption of land use plans.

It is my considered opinion that the administration proposal has merit and I urge my colleagues to support the amendment offered by Mr. KYL.

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

Mr. Chairman, I will not take very much time, but I do wish to ask my friend, the gentleman from North Carolina (Mr. LENNON) a couple of questions.

As I understand the way the bill is now drawn, the administration would be under the Secretary of the Depart-

ment of Commerce because NOAA is part of the Department of Commerce; is that correct?

Mr. LENNON. Yes, NOAA is part of the Department of Commerce.

Mr. ASPINALL. Then I notice also in the report that the only reference that we have to the Department of Commerce, as far as the reports are concerned, was a question apparently that was sent to the Department of Commerce to provide an estimate of the costs involved in this legislation. The Department of Commerce has taken no other position on this legislation, but the report is still full of reports from the Department of the Interior, a representative of which Department apparently appeared before the committee as it made its case, and that the Department of Interior must have some jurisdiction or other, and now asks for this amendment.

What is the reason that we do not have a report from the Department of Commerce as such?

Mr. LENNON. I consider that a report, which is signed—I believe you will find it, I think you said, on page 63 of the report?

Mr. ASPINALL. It is on page 53 of the report.

Mr. LENNON. On page 53 of the report where the Department of Commerce was asked to estimate the administrative costs on an annual basis, and they broke it down into scientists, engineers, planners, programmers, and so forth.

Mr. ASPINALL. My colleague is correct. But there is nothing in the report to show that the Department of Commerce has taken any position other than to answer the committee's question.

Mr. LENNON. Yes. They have never raised a question that they were going to have the administrative responsibility. If they did, they would have responded and given us the figures. I think that is an indication. It is just in recent weeks that the thought developed that this ought to be transferred from NOAA to the Department of the Interior. Hopefully, they believe that the total land use management bill would come out.

Mr. ASPINALL. Let me ask my colleague one simple question.

Why did you not have the Department of the Interior give you a report and appear before the committee unless it has jurisdiction?

Mr. LENNON. I think the distinguished gentleman knows that we always circularize all the potential and even slightly affected agencies and ask them for their comments. Is that not true with your committee?

Mr. ASPINALL. The gentleman is absolutely correct.

But the parent department having jurisdiction over this matter as the bill is now written has not stated in the report its position on the legislation.

Mr. LENNON. The Department of Commerce has not?

Witnesses testified, sir. We do not have here the volumes of testimony, but they testified—they did not write—they testified.

Mr. ASPINALL. My colleague knows that we can read the report but cannot read all the hearings.

Mr. LENNON. I realize that.

Mr. ASPINALL. This report is silent on this particular matter.

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

Mr. ASPINALL. I yield to the gentleman.

Mr. KYL. In answer to the question propounded by the subcommittee chairman, a moment ago, in a couple of minutes I will have in his hands an official letter from the Council on Environmental Quality which reads:

In response to your request, I am pleased to advise that the administration and the Council on Environmental Quality strongly recommend that the coastal zone program anticipated by H.R. 14146 be administered by the Department of the Interior.

Mr. ASPINALL. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KYL).

The question was taken; and on a division (demanded by Mr. LENNON) there were—ayes 46, noes 24.

#### TELLER VOTE WITH CLERKS

Mr. LENNON. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. LENNON. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. KYL, LENNON, MOSHER, and ASPINALL.

The Committee divided, and the tellers reported that there were—ayes 261, noes 112, not voting 59, as follows:

[Roll No. 293]

#### [Recorded Teller Vote]

##### AYES—261

Abernethy	Chisholm	Gonzalez
Abouzeck	Clancy	Grasso
Abzug	Clausen,	Gross
Adams	Don H.	Gubser
Addabbo	Clawson, Del	Gude
Alexander	Cleveland	Haley
Anderson, Ill.	Collier	Hall
Andrews,	Collins, Tex.	Hammer-
N. Dak.	Colmer	schmidt
Archer	Conable	Hansen, Idaho
Arends	Conover	Hansen, Wash.
Ashbrook	Conte	Harrington
Ashley	Conyers	Harsha
Aspin	Coughlin	Harvey
Aspinall	Crane	Hastings
Badillo	Culver	Hawkins
Baker	Curlin	Heckler, Mass.
Baring	Danielson	Heinz
Begich	Delaney	Hicks, Mass.
Belcher	Dellenback	Hicks, Wash.
Bell	Dellums	Hillis
Bergland	Denholm	Horton
Biaggi	Dennis	Hosmer
Biester	Devine	Howard
Bingham	Dickinson	Hull
Blackburn	Drinan	Hunt
Boggs	Dulski	Ichord
Boland	Duncan	Jacobs
Bolling	Dwyer	Johnson, Pa.
Bow	Eckhardt	Jonas
Brademas	Edmondson	Jones, Ala.
Bray	Edwards, Ala.	Karh
Brinkley	Erlenborn	Kastenmeier
Brotzman	Esch	Kazen
Brown, Mich.	Eshleman	Keating
Brown, Ohio	Evans, Colo.	Kemp
Broyhill, N.C.	Fascell	King
Buchanan	Findley	Kluczynski
Burke, Fla.	Fish	Koch
Burleson, Tex.	Fisher	Kyl
Burlison, Mo.	Foley	Landrum
Burton	Ford,	Latta
Cabell	William D.	Link
Camp	Fraser	Lloyd
Carey, N.Y.	Frelinghuysen	Long, Md.
Carlson	Frenzel	Lujan
Carter	Frey	McClory
Cederberg	Fuqua	McCollister
Chamberlain	Goldwater	McCormack

McDade	Quie	Talcott
McEwen	Quillen	Taylor
McKay	Railsback	Terry
McKevitt	Randall	Thompson, Ga.
McKinney	Reuss	Thomson, Wis.
Macdonald,	Riegle	Thone
Mass.	Robinson, Va.	Udall
Madden	Robison, N.Y.	Ullman
Mahon	Rodino	Van Deerlin
Mallary	Roe	Vander Jagt
Mathias, Calif.	Roncallo	Vanik
Matsunaga	Rosenthal	Veysey
Mayne	Roush	Vigorito
Meeds	Rousselot	Waggonner
Melcher	Roybal	Waldie
Mikva	Runnels	Wampler
Miller, Ohio	Ruppe	Ware
Mills, Md.	Sandman	Whalley
Montgomery	Saylor	White
Moss	Scherle	Whitehurst
Myers	Scheuer	Whitten
Natcher	Schmitz	Widnall
Nelsen	Schneebeli	Williams
Obey	Schwengel	Wilson, Bob
O'Hara	Sebelius	Wilson,
O'Konski	Seiberling	Charles H.
Passman	Shoup	Winn
Patman	Shriver	Wolff
Patten	Sikes	Wright
Perkins	Skubitz	Wyatt
Pettit	Slack	Wylder
Peyser	Smith, Calif.	Wylie
Pirnie	Smith, Iowa	Wyman
Poage	Spence	Yates
Powell	Staggers	Yatron
Price, Tex.	Steiger, Ariz.	Young, Fla.
Pryor, Ark.	Steiger, Wis.	Young, Tex.
Pucinski	Stratton	Zablocki
Purcell	Stubblefield	Zion
	Symington	Zwach

## NOES—112

Abbutt	Gialmo	Morgan
Anderson,	Gibbons	Mosher
Calif.	Goodling	Murphy, Ill.
Andrews, Ala.	Gray	Nichols
Anunzio	Green, Oreg.	Nix
Barrett	Green, Pa.	O'Neill
Bennett	Griffin	Pelly
Betts	Griffiths	Pepper
Bevill	Grover	Pickle
Blatnik	Halpern	Pike
Burke, Mass.	Hamilton	Podell
Byrne, Pa.	Hanley	Poff
Byron	Hanna	Preyer, N.C.
Carney	Hathaway	Price, Ill.
Casey, Tex.	Hays	Rangel
Celler	Hechler, W. Va.	Rogers
Chappell	Helstoski	Rooney, Pa.
Clark	Henderson	Rostenkowski
Collins, Ill.	Hogan	Roy
Corman	Hungate	Ruth
Cotter	Johnson, Calif.	St Germain
Daniel, Va.	Jones, N.C.	Sarbanes
de la Garza	Keith	Satterfield
Dent	Kyros	Scott
Dingell	Lennon	Shipley
Donohue	Lent	Smith, N.Y.
Dorn	McCloskey	Snyder
Dow	McFall	Stanton,
Downing	Mailliard	J. William
du Pont	Mann	Stanton,
Edwards, Calif.	Mathis, Ga.	James V.
Eilberg	Mazzoli	Steed
Evins, Tenn.	Metcalfe	Steele
Flood	Minish	Sullivan
Flowers	Mitchell	Teague, Calif.
Forsythe	Mizell	Tiernan
Fountain	Mollohan	Whalen
Garmatz	Monagan	
Gaydos	Moorhead	

## NOT VOTING—59

Anderson,	Gallagher	Mink
Tenn.	Gettys	Minshall
Blanton	Hagan	Murphy, N.Y.
Brasco	Hébert	Nedzi
Brooks	Holifield	Rarick
Broomfield	Hutchinson	Rees
Broyhill, Va.	Jarman	Reid
Byrnes, Wis.	Jones, Tenn.	Rhodes
Caffery	Kee	Roberts
Clay	Kuykendall	Rooney, N.Y.
Daniels, N.J.	Landgrebe	Ryan
Davis, Ga.	Leggett	Sisk
Davis, S.C.	Long, La.	Springer
Davis, Wis.	McClure	Stephens
Derwinski	McCulloch	Stokes
Diggs	McDonald,	Stuckey
Dowdy	Mich.	Teague, Tex.
Flynt	McMillan	Thompson, N.J.
Ford, Gerald R.	Michel	Wiggins
Fulton	Miller, Calif.	
Galifianakis	Mills, Ark.	

So the amendment was agreed to.

## AMENDMENT OFFERED BY MR. KYL

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

The Clerk read as follows:

Amendment offered by Mr. KYL: On page 42, line 25 through page 45, line 6—delete the second sentence of subsection 304(b), and revise subsections (c) and (d) to read as follows:

"(c) Federal projects and activities significantly affecting land use within the coastal zone and estuaries shall be consistent with coastal zone management programs funded under section 306 of this Act except in cases of overriding national interest. Program coverage and procedures provided for in regulations issued pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and title IV of the Intergovernmental Cooperation Act of 1968 shall be applied in determining whether Federal projects and activities are consistent with coastal zone management programs funded under section 306 of this Act.

"(d) After December 31, 1974, or the date the Secretary approves a grant under section 306, whichever is earlier, Federal agencies submitting statements required by section 102(2)(C) of the National Environmental Policy Act shall include a detailed statement by the responsible official on the relationship of proposed actions to any applicable State land use program which has been found eligible for a grant pursuant to section 306 of this Act."

Mr. DINGELL. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes in support of his amendment.

Mr. KYL. Mr. Chairman, the proposed language in this amendment is language which was worked out very carefully over a long period of time in the national land use policy proposal. The language is intended here to assure that the same requirements of consistency are applicable to the coastal zone as elsewhere within a State which has adopted a comprehensive land use plan. I point out a number of States already have developed comprehensive plans. It is my feeling that the language of this bill ought to be consistent with the language and the purpose which the State has and which the Federal Government has in calling for comprehensive plans.

This language would accomplish exactly the same results as section 307 in that the Federal activities within the coastal zone are consistent with a State's management program, but it does not establish, as does the bill under consideration this afternoon a cumbersome certification procedure in addition to all of the other procedures which are established by law.

Mr. LENNON. Will the gentleman yield?

Mr. KYL. Certainly I yield.

Mr. LENNON. I ask the gentleman to a little more definitively identify his amendment. It says—I have difficulty in finding it, but it says page 42, line 25, through page 45, line 6. It would strike out the beginning of line 25 on page 42 and continue through line 6 on page 45.

Mr. KYL. It would eliminate, I would say to the gentleman from North Carolina, that section dealing with the certification program in the gentleman's bill.

Mr. LENNON. Mr. Chairman, I think the gentleman from Iowa has the wrong section referred to in his amendment, because that section is not the one.

If the gentleman refers to section 304 (b), it is not within either one of those several pages in which the section is referred to, certainly not in that range. We have reserved a point of order, Mr. Chairman, on the amendment.

Mr. KYL. Mr. Chairman, I would like to point out to the gentleman from North Carolina what we are amending is the language that says that:

Each Federal agency conducting or supporting activities in the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

Mr. LENNON. Mr. Chairman, would the gentleman from Iowa object to having the Clerk identify the amendment, and relate it to the page?

Mr. Chairman, I ask unanimous consent that the amendment be reread. The amendment which the gentleman from Iowa is offering refers to section 304(b), and is not found in any of the pages that the gentleman has identified that he would strike in the bill. I do not know about in the committee report, but in the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina that the Clerk reread the amendment?

There was no objection.

The Clerk reread the amendment.

## POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I think in order to facilitate the business of the House, it would be appropriate for me to insist on my point of order, and if the Chair will recognize me at this time, I will give the reasons for the point of order being made.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I believe a reading of the point of order makes it plain that the amendment offered referred to legislation and to statutes not presently before the House and not under the jurisdiction of the committee having the legislation before the House, and, also, not referred to elsewhere in the statute.

As a matter of fact, the jurisdiction over the legislation referred to in the amendment is found in other committees such as the Committee on Banking and Currency.

Mr. Chairman, I would point out further that the amendment refers to the Demonstration Cities and Metropolitan Development Act which refers to matters entirely different than the coastal zone, and, also, the Intergovernmental Cooperation Act, which again is an act which treats of other matters.

In subparagraph (d) of the amendment which is the paragraph following that which I have just been discussing, it refers to the National Environmental Policy Act, section 1022(c), which again is not before the House at this time and which treats matters entirely different than those which are before us with regard to the management of coastal



zones. Even though the provisions of section 1022(c) referred to in the amendment would be applied to major actions which would have a significant impact on human environment.

Therefore, I make the point of order at this time that the amendment is not germane to the legislation before us, and it goes beyond and is different in scope and purpose from the legislation before us, and, therefore, should be ruled against by the chair.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, it is the opinion of the gentleman from Iowa that the Chairman is capable of rendering his decision without this gentleman's assistance.

The CHAIRMAN. The Chair is prepared to rule.

The Chair has read the committee amendment which this amendment proposes to amend.

On page 41, at lines 16 and 17, the committee amendment amends the Demonstration Cities and Metropolitan Development Act of 1966, and on page 43, line 5, paragraph (C)(1) it speaks of each Federal agency conducting or supporting activities in the Coastal Zone.

And on page 43, line 10, paragraph (2), it speaks also of any Federal agency which shall undertake any development project in the coastal zone.

Therefore, the Chair finds that the committee amendment is very broad and already covers matter proposed in the amendment of the gentleman from Iowa (Mr. KYL). The Chair overrules the point of order and holds that the amendment is germane.

Mr. DINGELL. Mr. Chairman, I would like to be heard further to bring to the attention of the Chair matters which the Chair has not treated as to this particular point, and I would remind the chairman I have pointed to two acts referred to by the Chair in his ruling.

The CHAIRMAN. The Chair has already made his decision on the point of order and has ruled that the amendment is germane.

Mr. DINGELL. I think the Chair has not observed that I made a point of order dealing with the second paragraph.

The CHAIRMAN. Does the gentleman from Michigan wish to strike out the last word and speak on the amendment?

Mr. DINGELL. No, I simply want a ruling on the point of order that treats all parts of the point of order.

The CHAIRMAN. The Chair has ruled on the point of order and has ruled the amendment is germane.

If the gentleman from Michigan desires to strike out the last word and speak in opposition to the amendment, the Chair will recognize the gentleman. Otherwise the Chair will not recognize the gentleman further.

Mr. LENNON. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I think those who have read the language of the National Land Use Policy Act that has been pending in the Committee on Interior and Insular Affairs recognize that there is little likelihood, and I think our distinguished chairman of that committee, the gentle-

man from Colorado (Mr. ASPINALL) will tell you frankly that there is little likelihood that that bill will come out during this calendar year.

But what we have done here—this amendment takes the language that is used in the bill that is pending in the committee and that has not been reported out of a committee and brings it here and offers it as a substitute for language that was considered in a committee for 28 legislative days' hearings.

With a consensus of 100 percent of the subcommittee and the full committee, I just frankly do not believe that we ought to anticipate what may happen sometime in the future. I can say frankly that it is an administration amendment, if you please, and this committee was given today at 12:10 information that suggested that they adjust the cost on an annual basis from what was originally in our bill to meet the possibility that sometime in the future we may have actual land use legislation. We were prepared to do this, and this was the administration's position; not the position of the Department of the Interior or the Department of Commerce. It is approved by the Office of Management and Budget, but unfortunately a majority of the Members reacted, I am told now, and I am going to repeat it, that there was a lobbying campaign and some of the Members from some of the coastal States—I shall not call their names—told me that the American Petroleum Institute started to work today just before noon, so here we are and so the world goes around.

But I do suggest there is no purpose in adopting this particular amendment.

Mr. GARMATZ. Mr. Chairman, I would like to ask the gentleman from Iowa, is this so-called administration amendment from the administration, the Nixon administration?

Mr. KYL. It is.

Mr. GARMATZ. It is?

Mr. KYL. Yes.

Mr. GARMATZ. Signed by whom? Who suggested this amendment?

Mr. KYL. I have, as I noted a moment ago, a letter from the Council on Environmental Quality.

Mr. GARMATZ. That was the other amendment from Rogers Morton, Secretary of the Interior. Whose amendment is this?

Mr. KYL. This amendment has the concurrence of the Council on Environmental Quality.

Mr. GARMATZ. Is that the administration? Is that the Nixon administration you are speaking about or just one branch of the administration?

Mr. KYL. I think the gentleman understands the Council on Environmental Quality—

Mr. GARMATZ. I understand the difference between one part of the administration and the administration itself; yes. Are you speaking about the Republican administration as a whole or just one department of the administration? Are you speaking about Rogers Morton, Secretary of the Interior? Is that the administration?

Mr. KYL. A few moments ago—

Mr. GARMATZ. If the gentleman does

not wish to answer the question, I will yield back the balance of my time.

Mr. KYL. I would be happy to answer the question.

Mr. LENNON. Mr. Chairman, I urge the rejection of the amendment.

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

I want the gentleman from Iowa to have the opportunity of answering the question of the gentleman from Maryland (Mr. GARMATZ).

Mr. KYL. I thank the gentleman for his courtesy. A few moments ago I read into the record a letter and promised the gentleman that I would have a formal copy of the letter, a letter from the Council on Environmental Quality on behalf of the Council and the administration in support of these amendments. They sent these to me not before noon today but on yesterday.

They also reflect the attitudes of the Department of the Interior. This is from the Council on Environmental Quality on behalf of the administration, period. Will the gentleman yield further?

Mr. ASPINALL. I shall be glad to yield further to the gentleman from Iowa.

Mr. KYL. I would ask my much respected and beloved friend who is the chairman of the subcommittee if he would not want to reflect a moment more on his statement that whatever is being done here this afternoon is being done because someone from the National Petroleum Institute got to Members today about noon. I wish to state for the record that no one who is associated with the National Petroleum Institute or any other commercial group in the country has contacted me regarding this piece of legislation, today, or any day in the past.

Mr. ASPINALL. The chairman of the Committee on Interior and Insular Affairs, wishes to say that he has not been contacted in this respect on any such matter. He will also state that no one, except a few members on the Interior and Insular Affairs Committee, has seen the language of the amended bill and its report. The report on H.R. 7211 is not out as yet. I have not seen the amendment which is now being offered.

I have listened to the argument. I think it comes nearly in line with the language to take care of the matter which the Committee on Merchant Marine and Fisheries desires to take care of in this bill.

I will say that I have never found my friend from Iowa in any position where he would mislead anybody whether he was for or against a matter, and the language is undoubtedly language he received from those in charge of the administrative departments.

The CHAIRMAN. The question is or the amendment offered by the gentleman from Iowa (Mr. KYL).

The question was taken; and on a division (demanded by Mr. KYL) there were—ayes 43, noes 72.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CLARK

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

The Clerk read as follows:

Amendment offered by Mr. CLARK: On page 50, lines 10 and 11, after the word "Secretary"

delete the following words: "shall, to the maximum extent practicable," and insert in lieu thereof the word "may".

Mr. CLARK. Mr. Chairman, the purpose of this amendment is to make it permissive rather than mandatory for Federal sanctuaries to be established adjacent to areas set aside by State designations. Without this revision, vast resources of the Outer Continental Shelf could be locked automatically without having had congressional or administrative review.

The amendment would also make this subsection consistent with the provisions of title III of H.R. 9727, already passed by the House, which gives the Secretary permissive—not mandatory—authority. "Shall" means mandatory and "may" means permissive.

Mr. ANDERSON of California. Mr. Chairman, I rise in opposition to this amendment which would weaken the provision in the bill designed to protect State-established coastal sanctuaries from federally authorized development.

Coastal States, such as California, have established marine sanctuaries in areas under their jurisdiction. The purpose of these State laws is to protect the scenic beauty, and the beaches, from commercial exploitation which could ruin the environment.

However, the Federal Government—which has jurisdiction outside the 3-mile limit—has all too often allowed development, to the detriment of State programs.

A perfect example is the case in Santa Barbara, Calif., where the California Legislature in 1955, created a marine sanctuary, and thus, closed the area to petroleum drilling.

Some 10 years later, the Federal Government issued leases for petroleum exploration immediately seaward of the State sanctuary.

Then in 1969, a blowout on one of the Federal leases in the Santa Barbara channel resulted in widespread oil pollution of the State sanctuary dramatically illustrating that oil spills do not respect legal jurisdictional lines.

In short, the bill, as reported by the committee, encourages the Secretary to apply Federal programs in a manner consistent with State programs.

If the State wants economic development, then the Secretary would be encouraged to consider this factor.

If the State wants to preserve certain recreational or scenic areas, then the Secretary would be encouraged—not required—to consider the States wishes.

Mr. Chairman, the Merchant Marine and Fisheries Committee recognizes that our coastal areas are national resources and, thus, the Federal Government must share the responsibility for protecting them. We must recognize that State legislation—standing alone—is, in this case—no more than half a remedy.

I, thus, urge my colleagues to stand with the committee, and defeat this amendment.

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

For the benefit of the Members of the Committee of the Whole, I believe we should indicate that the language as reported from the Oceanography Subcom-

mittee to the full Committee on Merchant Marine and Fisheries read as follows:

The Secretary shall apply the program developed pursuant to this section—

and so forth. When the language went to the full committee, it was the consensus of the full committee that the word "shall" should be modified in this manner:

The Secretary shall, to the maximum extent practicable, apply the program—

I believe the members of the Committee of the Whole are entitled to that explanation. The language was modified.

In my mind, there is some question as to whether or not the "Secretary may apply" is as strong as or a little less strong than the "Secretary shall apply, to the maximum extent practicable."

I indicated to my friend here I would have no basic objection to the acceptance of his amendment as a Member, but at that time I had not been advised that the gentleman from California and one or two other Members opposed the amendment. So my position will be to stay with the original position of the full committee.

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

I compliment the gentleman from California (Mr. ANDERSON) on the statement he made. I associate myself with that statement.

Inasmuch as Santa Barbara is in my district, I can say we have a continuing pollution problem in that district.

I am delighted to hear the chairman of the subcommittee, the gentleman from North Carolina, state that he, too, will stick with the committee in opposing the amendment, as I do.

I urge that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. CLARK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CLARK. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. KYL

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

The Clerk read as follows:

Amendment offered by Mr. KYL: On page 48, line 7, through page 49, line 8, delete section 312 and renumber subsequent subsections accordingly.

Mr. KYL. Mr. Chairman, this bill before us is primarily a land and water management bill. An authorization for the establishment of estuarine sanctuaries as natural field laboratories purchased in part with Federal funds is not appropriate to the objectives of this legislation, that is, the adoption by coastal States of a viable land use policy.

At the present time, under existing statute, the Secretary of the Interior is empowered by the so-called Estuary Protection Act, 16 U.S.C. 1221 and following, to participate in cost sharing and in the management, administration, and development of estuarine areas and is directed

to encourage the acquisition of these estuarine areas with Federal funds made available to States under categorical grant programs administered by the Department.

In other words, we already have essentially the kind of thing which is proposed in this bill.

In addition to that, the Secretary of the Interior has, pursuant to existing authority now on the books, already acquired estuarine areas for administration as units of the national park and national wildlife refuge systems.

In addition to the Interior programs, we have also NOAA provisions and National Science Foundation programs.

Under existing authority the Department of the Interior has done extensive work in this matter in such legislation as that establishing the Cape Cod seashore, Cape Hatteras, the Gulf Islands, Point Reyes, and those points off the Virgin Islands area.

This is appropriate language for the bill that is before us and duplicates programs that already exist. Therefore I urge the adoption of this amendment.

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

This is not a duplication of existing law. There was a consensus of the witnesses who testified over a number of days of hearings and over a long period of time for the estuarine program. I shall not delay the matter longer but simply say that those who were involved for weeks, months, and years in the recommendations of the Stratton Commission report, which you gentlemen brought into being, made this one of their prime recommendations. We found no conflict at all on the matter, and I think we ought to simply turn down the requested amendment offered so graciously by the gentleman from Iowa.

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

Mr. Chairman, the bill before you has been reported unanimously by the Committee on Merchant Marine and Fisheries and has been carefully studied for a long time. It has the support of all the members of the committee.

I recognize the concern of my friend from Iowa. I think he is proper in having an interest in the matter before us. I think he is equally right in expressing the views I am sure he properly feels.

The fact of the matter is, Mr. Chairman, that not only did the gentleman from North Carolina (Mr. LENNON) and his subcommittee but also the subcommittee I have the honor of chairing go into the matter of the need for the preservation of areas of this kind through Federal-State cooperative effort. In each instance we came to the conclusion that this kind of preservation is urgently needed. It would be fair to say to the Members of the House, I think, that this is a good proposal. It is not duplicated elsewhere.

The matter has been carefully studied over a number of years both by Mr. LENNON's Subcommittee on Oceanography and my Subcommittee on Fisheries and Wildlife Conservation. In each instance we came to the conclusion that the proposal for areas of this kind is urgently needed.



If we are to have a Federal-State cooperative program—and this proposal does authorize it—then it is inherent and necessary that there should be some Federal funds put into it.

The level of funding is modest. The goal to be achieved is great. The need is equally great, and the benefits to be derived are immense.

For that reason I hope the amendment offered by my good friend from Iowa will be rejected.

Mr. MOSHER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Iowa (Mr. KYL).

I think the gentleman from Iowa is mistaken when he suggests that the Department of the Interior already has this authority to do entirely what this section would provide for, and which he is trying to delete from the bill.

I would like to call the attention of the House to a statement made by the National Wildlife Federation before our committee in their strong support for this provision which the gentleman from Iowa (Mr. KYL) would seek to delete.

The National Wildlife Federation says that this provision "for the establishment of estuarine sanctuaries for the purposes of creating natural field laboratories to be used in further ecological studies is viewed by the National Wildlife Federation as a wise move and one that should help insure a continued high quality coastal and estuarine environment for future generations."

I would believe that the marine science world would not agree with our friend, the gentleman from Iowa, that this authority, under the Estuary Protection Act, in the Department of the Interior, is adequate. And now that we already have transferred the authority of this legislation to the Department of the Interior I would think that the Department of the Interior would welcome this new, additional authority.

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

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

Mr. KYL. Mr. Chairman, I would ask if the gentleman from Ohio is familiar with 16 U.S.C. 1221, which is the empowering of the Department of the Interior to purchase, administer and develop estuarine areas, the act known as the Estuary Protection Act?

Mr. MOSHER. Mr. Chairman, it is my impression that the act just quoted by the gentleman from Iowa does not contain any specific authorization at all for the acquisition of estuarine sanctuaries.

Mr. DINGELL. Mr. Chairman, will the gentleman from Ohio yield?

Mr. MOSHER. I yield to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I might say that it was my subcommittee that reported that bill to the House, and the purposes and the functions of the legislation now before us is different from the legislation referred to by the gentleman from Iowa, and additionally the legislation sets up field laboratories. In addition to that, the Department of the Interior, although it has had some authority in this area, has never chosen to act, and it

is for this reason the Committee in its wisdom, and frustration with the failure of the Department of the Interior, in choosing to direct it through this legislation to take some action.

Mr. MOSHER. I thank the gentleman from Michigan for his statement, and I believe that it reinforces my point that the Department of the Interior has never in the past chosen to accomplish the purposes of this legislation, it needs this new direction and incentive.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KYL).

The amendment was rejected.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

Mr. Chairman, very little has been said this afternoon about the financing provisions of this bill. As I understand, the bill authorizes the expenditure of \$172 million.

I note that present on the floor is the distinguished gentleman from Texas (Mr. MAHON) who has seen fit, on occasion, to warn the House of authorizations that call for the expenditure of substantial amounts of public money. This is another one, if I am correct, in that it authorizes the expenditure of \$172 million.

I would like to ask the distinguished chairman of the subcommittee, the gentleman from North Carolina (Mr. LENNON), if the provision is still in the bill which would provide Federal guarantees of obligations issued by coastal States for land acquisition, water development, and so forth?

Mr. LENNON. No such provision is in the bill.

I would appreciate the gentleman reading specifically what he is referring to.

Mr. GROSS. Is the provision still in the bill to authorize Federal guarantees of obligations issued by coastal States for land acquisition, water development, and so on and so forth? Is that provision still in the bill?

Mr. LENNON. That is not in the bill.

Mr. GROSS. That has been removed?

Mr. LENNON. That has been removed.

Mr. GROSS. Therefore, the bill would not result in Federal guarantees of tax-exempt obligations?

Mr. LENNON. I think the answer I gave to your first question should assure you on the second question. The answer is again "No."

Mr. GROSS. The answer is "No?"

Mr. LENNON. That is right.

Mr. GROSS. I might ask the gentleman where it is proposed to get the \$172 million for the financing of this latest antipollution bill?

Mr. LENNON. I can ask the gentleman where the Nation expects to get the money to finance the national land-use management program that the gentleman so exuberantly supported the philosophy of.

Mr. GROSS. I am not acquainted with the national land-use bill and therefore I do not know whether I would support it.

This bill also provides for the creation of another advisory committee. They are coming at about the rate of one a day although we have already some 3,000

advisory boards, commissions, councils, and committees.

Must this bill be accompanied with still another advisory committee?

Mr. LENNON. This bill relates to an advisory committee.

And also the provisions that you had yesterday advising the committee every time you create any spectrum of a medical faculty practice society agreeing to a special advisory committee.

But in this instance I do not agree with you that we should not bring into being the top expertise in this area to advise the Secretary of the Interior—not that the Under Secretary of the Interior under a no vote—rather than the Secretary of Commerce.

I cannot agree with that at all.

Mr. GROSS. I have read the report rather carefully, but nowhere do I find a letter or statement of any kind from the Office of Management and Budget concerning this proposed expenditure. Therefore it appears to be completely unbudgeted.

Is there a statement in the report?

Mr. LENNON. There is not.

I would expect today to offer an amendment related to authorization in the bill which has been approved by the Office of Management and the Bureau of the Budget.

Then I want to say to my friend the only thing that this administration has approved—not the transfer of this—as this House voted to do on the recommendation of some of its Members—the administration has appealed to our committee based upon the fiscal affairs of this Nation, both for fiscal 1973 and the potential for 1974 to cut back the figures that we had.

I shall offer an amendment for that purpose. That is all that the administration stated to me in writing that they were interested in—and not a transfer as you voted, to turn it back to the Department of the Interior despite what you heard on the floor.

AMENDMENT OFFERED BY MR. KYL

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

The Clerk read as follows:

Amendment offered by Mr. KYL: page 53, lines 14-24, delete subparagraphs (a) (1), (2), and (3), and substitute therefor:

"(1) the sum of \$6,000,000 in each of fiscal years 1973 and 1974, and the sum of \$4,000,000 in fiscal year 1975 for grants under section 305, to remain available until expended; and

"(2) the sum of \$18,000,000 in each of fiscal years 1974 and 1975 for grants under section 306, to remain available until expended."

Mr. KYL. Mr. Chairman, these sums represent approximately 60 percent of the amounts recommended for the development and implementation of statewide land-use plans under the National Land Use Policy Act of 1972, reflecting the ratio of coastal States to all States. They are sound figures, based on careful study of anticipated needs and the States' ability to make effective use of such assistance.

They reflect the ratio to start for those Coastal States. They are sound figures, I believe, based on these studies of anticipated needs and the States ability to make effective use of that assistance.

SUBSTITUTE AMENDMENT OFFERED BY MR. LENNON FOR THE AMENDMENT OFFERED BY MR. KYL

Mr. LENNON. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Iowa (Mr. KYL).

The Clerk read as follows:

Substitute amendment offered by Mr. LENNON for the amendment offered by Mr. KYL:

On page 53, line 14, through line 5, revise paragraphs (1), (2), (3) of section 317a, to read as follows:

"(1) the sum of \$6,000,000 for fiscal year 1973 and fiscal year 1974 and \$4,000,000 for fiscal year 1975 for grants under section 305 to remain available until expended;

"(2) the sum of \$18,000,000 for fiscal year 1974 and for fiscal year 1975 for grants under section 306 to remain available until expended; and

"(3) the sum of \$6,000,000 for fiscal year 1973 for grants under to section 312 remain available until expended."

Mr. LENNON. Mr. Chairman, with reference to the language used by the Clerk in reading the substitute, and I quote: "On page 53, line 14, through line 5."

I ask unanimous consent that the "5" be changed to "24".

The CHAIRMAN. The Clerk will report the amendment as requested in the unanimous-consent request.

The Clerk read as follows:

On page 53, line 14, through line 24, revise paragraphs (1), (2), and (3) of Section 317(a) to read as follows:

"(1) the sum of \$6,000,000 for fiscal year 1973 and fiscal year 1974 and \$4,000,000 for fiscal year 1975 for grants under section 305 to remain available until expended;

"(2) the sum of \$18,000,000 for fiscal year 1974 and for fiscal year 1975 for grants under section 306 to remain available until expended; and

"(3) the sum of \$6,000,000 for fiscal year 1973 for grants under section 312 to remain available until expended."

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

Mr. GROSS. Mr. Chairman, reserving the right to object, what are the changes in the dollar amounts?

Mr. LENNON. Mr. Chairman, if the gentleman will yield, I intended, if the gentleman will permit me, to address myself to it.

Mr. GROSS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the amendment is modified as requested. There was no objection.

Mr. LENNON. I yield to the gentleman from Iowa for a question.

Mr. KYL. As I understand it, the substitute simply restores the money for the grant program which would have been eliminated by my amendment, is that correct?

Mr. LENNON. That is in substance what it does, but I would like to state that I have had quite a bit to say today about the administration position on this bill, and this is the only position that the administration has taken. I am not talking about agencies or departments or bureaus, but the administration, and this is after consultation through the Office of Management and Budget. I appreciate the fiscal situation we find ourselves in now after we have already en-

tered into fiscal year 1973, and what happened in fiscal 1972 and the potential deficit for fiscal year 1973. We discussed this matter, and I read:

The Administration proposes that the appropriation authorization be limited to \$6 million in fiscal year 1973; \$24 million in fiscal year 1974; \$22 million in fiscal year 1975. These figures are based on pending grants of \$6 million for fiscal year 1973 and fiscal year 1974, and \$4 million for fiscal year 1975 and \$18 million for fiscal year 1974 and fiscal year 1975 for administrative grants.

This constitutes the total authorization for the 3 years, and so I am told, technically they are ball park figures of \$67 million; considerably less than one-half of what the authorization was.

Mr. KYL. Will the gentleman yield?

Mr. LENNON. I will yield to the gentleman from Iowa.

Mr. KYL. My purpose for asking the previous question and taking the time now is to tell the gentleman that I support his substitute amendment.

Mr. LENNON. Let me tell you why the administration offered this. I want to explain something else. I read on:

These figures represent a percentage of the proposed Administration amendment to the pending National Land Use Bill, which would limit the appropriations.

The Administration believes this percentage is justified since the land use bill to be applied to all States in the land use zone would be as applied roughly . . . and so forth.

Now, these figures are relating I will say to my other good friend, the gentleman from Iowa, to the potential we may have possibly for the next year on the national land use bill.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from North Carolina (Mr. LENNON) for the amendment offered by the gentleman from Iowa (Mr. KYL).

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KYL), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. LENNON

Mr. LENNON. Mr. Chairman, I offer an amendment which is a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. LENNON:

On page 34, line 23, delete "(2)" and insert in lieu thereof "(1)".

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. LENNON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GONZALEZ

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

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: Page 52, after line 8, insert new section 315(a):

"Nothing contained in this act shall be construed as prohibiting any citizen free and unlimited access to the public beaches and beach lines in all coastal areas."

Mr. GONZALEZ. Mr. Chairman, this amendment is very plain and to the point. It just makes sure that nothing in

the act could be construed to prohibit or prevent or limit a citizen's access to the public beaches. We are living in a day and time in which our coastal areas and beaches are limited. They are very definitely constricted. I think it is a very paramount issue affecting the well being of the overwhelming and preponderant majority of the citizens of our country. I think one freedom we ought to maintain unencumbered is the freedom of the enjoyment of our public beaches. All this amendment says is that nothing in this act shall be construed as impeding that fundamental freedom.

Mr. Chairman, I ask for approval of this amendment.

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

Mr. GONZALEZ. I yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, will the gentleman define for us the legal definition of "public beaches" for the benefit of those of us who are trying to relate this to this bill?

Mr. GONZALEZ. My interpretation of the phrase "public beaches" would be those areas along our beach line or coastal areas which are accessible and have been traditionally and legally accessible to the public.

Mr. LENNON. In other words, where they have conveyed to the municipalities, say, from the residential line to the low waterline for public use, such as we have in so many places.

Again, please, will my friend define "beach line," what he has in mind about beach lines and coastal areas?

Mr. GONZALEZ. That is in my opinion just a refinement or further definition of public beaches and public beach lines to make sure we are talking about the coastal areas and access to those beach lines existing along the coastal areas.

Mr. LENNON. It has been suggested to me that this is perhaps not the appropriate type of legislation for this bill. I have no personal objection to it, myself, since the gentleman defines, as he has, public beaches and beach lines.

I thank the gentleman for yielding.

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

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

Mr. MOSHER. Undoubtedly the gentleman in the well has good intentions, but it seems to me his amendment as now worded would open up all sorts of horrendous possibilities which might completely work against the purposes of the act, our purpose to responsibly protect the coastal zone areas.

When it is said, "free and unlimited," though I am no attorney, it appears that almost abolishes Federal/State/local criminal laws or safety regulations.

To mention a few possibilities:

What about trespass legislation, and zoning laws? How about the question of the Interior Department levying certain reasonable fees, as it does in national parks? What about the regulation of automobiles, traffic, and access?

It seems to me this is a terrific can of worms; and, speaking of a can of worms, what regulations would we have about fishermen as opposed to bathers on these beaches?



Mr. GONZALEZ. In the context of the act itself, it has nothing to do with police or regulatory authority, or duly constituted political subdivisions that do exist along the coastal areas, and the gentleman's fear there would be based on an unreasonable interpretation of that phrase.

As I look upon it, the activities that would be called for are sanctioned by the bill itself we are considering. My amendment would simply mean that no present citizen right of access which is unlimited in the legal sense of his ability to get to the beach shall be considered as impaired by anything obtained in this law. I do not see any contradiction there.

We are not talking about inherent powers such as the police power and other inherent power in a political subdivision legally constituted to govern along the coastal line.

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

Mr. Chairman, it is with reluctance I rise to oppose the amendment, because I believe there is not any question that the goal for which the gentleman from Texas is reaching is one that has much desirable about it.

I believe the points made by the gentleman from Ohio are really fundamental. We should just look at the proposed language, which says, "Nothing contained in the act shall be construed as prohibiting any citizen free and unlimited access to the public beaches" and so on. It raises frightening possibilities.

It raises very serious questions as to the validity of any reasonable restrictive laws imposed in the sense of criminal penalties.

The matter of trespass has been touched upon. We may get into a situation where there is a public beach and the duly constituted authorities feel they must restrict entrance to some degree, or there may be an instance they feel they must charge fees for a part of the use. This amendment might prohibit even such valid and proper restrictions. It goes on and on and on, under the language involved in this amendment.

I am sure, under the haste of putting this together, there have been words put in here that would not stand careful scrutiny. I believe we would be creating a monster that would fly right in the face of proper and careful planning, which is the purpose of this legislation.

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

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

Mr. COLLIER. I would certainly agree with my colleague in the well. We must consider the implications of the proposed amendment, well-meaning as it might be. They are far-reaching, too far-reaching to be handled on the basis of having the amendment adopted here today.

I would hope that with proper deliberation at the proper time the committee could consider this approach and do it in the proper way, rather than on the basis it is presented here.

Mr. DELLENBACK. I appreciate the comments of my colleague, and I am glad to yield now to my colleague from New Jersey.

Mr. PATTEN. I thank the gentleman for yielding.

May I say that we have no authority under the Constitution to pass this amendment. Atlantic City, and the gentleman's beaches in New York, such as Coney Island and so on, and the rights to real estate therein, are under State laws and not under the U.S. Constitution. I think this bill would violate those interpretations.

There is no such thing as a free beach. If Members have ever had the responsibility of regulating a million people at Coney Island, they understand that there is no such thing as a free beach. We have to pay a lot of money in order to bring those people to the beaches.

Mr. DELLENBACK. I appreciate the comments of the gentleman, and now I am happy to yield to my colleague and friend from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I merely make two points.

You may very well be negating the possibility of wanting to preserve an area by this amendment.

The other thing is I think the essential objectives of this legislation are to get the States and the political subdivisions into the planning process so far as the coastal management is concerned.

Mr. DELLENBACK. I thank the gentleman, and I now yield to the gentleman from New York.

Mr. GROVER. I think the gentleman's objection is well founded.

There is one fault in the amendment of the gentleman from Texas, and that is it points to public beaches and complete access to public beach lands.

You must remember that a great deal of our public beach lands were not designed for recreational use. A good deal of it along the Atlantic coast is used for purposes of waterfowl and bird sanctuaries, nature study laboratories, and wet lands. This would open up the wet lands to use.

Mr. DELLENBACK. The point the gentleman makes is very well taken. The motives are exceptional. The amendment is bad.

I urge, ladies and gentlemen, that we defeat this amendment today and let the matter be considered at the proper time by the proper committee at a later date.

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

Mr. Chairman, I think the point that Mr. GONZALEZ tried to make is very well worth our consideration, and the points made in objection to the present language are very well taken. I would suggest to Mr. GONZALEZ that his objective can be reached and I think all of the objections can be overcome by rewording the amendment as follows:

Nothing contained in this Act shall be construed as changing any citizen's access and enjoyment of the public beaches and beachlands in all coastal areas as now by law exists.

I think what the gentleman wanted to be sure of is that this legislation did not in any way supersede existing law which created certain rights of enjoyment to the great and yet very limited resource of public beaches.

I think the points being made against

the language are valid, but I think the point being sought by the gentleman from Texas, if I understood the thrust of his remarks correctly, is also valid.

He wanted to be sure in passing this law at this point in time and context we were not superseding existing rights that by State law exist for State citizens all over this country.

Mr. GONZALEZ. Will the gentleman yield?

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

Mr. GONZALEZ. If my distinguished friend will yield for just one moment, I want to thank my good friend from California. I do not quibble with the refined language that the gentleman offers. I will accept it, if it is in order, because it certainly refines my intention.

I can certainly assure this body there is no desire or even the least scintilla of an intention to intrude on the freedom of religion, the freedom of expression, or any of the other traditional American freedoms except to pinpoint that the freedom that a citizen now has of access to the public beaches will not in any way be impaired by any provision contained in this act, and that is all.

That is all. So I will be delighted to accept the suggestion.

Mr. HANNA. I think the language suggested, and I believe the gentleman from Texas will agree with me, is simply to make the point which is fairly simple. No one here wants the amendment offered by the gentleman from Texas (Mr. GONZALEZ) to change existing law. And the gentleman from Texas I am sure will agree with me in the suggestion that this particular act does not change existing law relative to the present rights of citizens to enjoy public beaches. I do not think there is any quarrel in this body with that.

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

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

Mr. WHITE. Mr. Chairman, may I ask the gentleman if the gentleman is offering this as a substitute to the amendment offered by the gentleman from Texas (Mr. GONZALEZ)?

Mr. HANNA. Yes; that is correct.

Mr. WHITE. Then, in order to make legislative history, this then would not prevent other legislative and competent legal authorities from changing the law in the future; your amendment merely goes to this particular bill?

Mr. HANNA. That is right. Nothing in this bill shall in any way be construed to interfere with the existing rights of citizens to enjoy public beaches. I think we can all be in agreement on that, and I believe that the gentleman from Texas has captured the purpose of the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

Mr. WHITE. I thank the gentleman.

Mr. HANNA. Might I say that I am offering this as a substitute to the amendment offered by the gentleman from Texas (Mr. GONZALEZ)?

AMENDMENT OFFERED BY MR. HANNA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. GONZALEZ

Mr. HANNA. Mr. Chairman, I offer an amendment as a substitute for the

amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The Clerk read as follows:

Amendment offered by Mr. HANNA as a substitute for the amendment offered by Mr. GONZALEZ:

Page 52, after line 8, insert a new Section 315(a).

Nothing contained in this act shall be construed as changing any citizen's access and enjoyment of the public beaches and beach lines in all coastal areas as now by law exist.

Mr. HANNA. Mr. Chairman, I think that the issue is joined. I think all of the Members who have been interested enough to be listening understand what the point is here. There are those who have reacted to the amendment offered by the gentleman from Texas (Mr. GONZALEZ) feeling that he might be changing the relationship that now exists under law. The gentleman from Texas (Mr. GONZALEZ) wanted to be sure that this bill we are now passing will not interfere with existing law, and I think that this language along with the colloquy that has taken place make it abundantly clear that all this language asks for is that this act shall not be construed to interfere with existing rights of citizens to use public beaches.

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

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

Mr. KYL. Mr. Chairman, does the gentleman think that his language is essential in view of the language which appears on page 45 of the bill:

Nothing in this section shall be construed—

"(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources and navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government;

Or (2) nothing in this section shall be construed—"as superseding, modifying or repealing existing laws applicable to the various Federal agencies:"

Mr. HANNA. I think that in a very large sense what I have said could be interpreted as being in the first part the gentleman referred to. It certainly is different from the language of the second part the gentleman is talking about, because as I read the language the gentleman read I am sure that refers only to Federal agencies, and what we are talking about here is the possibility which often comes up when we pass legislation of a Federal nature that it is taken as preempting certain State laws.

I think that it does not harm anything to be abundantly clear that we are not intending that this legislation will preempt State laws.

Mr. DELLENBACK. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I will make this very brief, and I will not take the full time.

The amendment, again, is well intentioned, but it is either absolutely worthless and adds nothing whatsoever to it, or it is actually harmful for the same

reason alluded to by several speakers before, and I would urge that this problem be handled by the proper committee at the proper time and that we defeat the substitute amendment.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from California (Mr. HANNA) to the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The question was taken and on a division (demanded by Mr. DELLENBACK) there were ayes 66, noes 59.

So the substitute amendment was agreed to.

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

The question was taken; and on a division (demanded by Mr. GONZALEZ) there were—ayes 56, noes 89.

#### TELLER VOTE WITH CLERKS

Mr. GONZALEZ. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. GONZALEZ. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers MESSRS. GONZALEZ, MOSHER, DELLENBACK, and HANNA.

The Committee divided, and the tellers reported that there were—ayes 190, noes 191, not voting 51, as follows:

[Roll No. 294]

#### [Recorded Teller Vote]

##### AYES—190

Abourezk	Drinan	McCormack
Abzug	du Pont	McDade
Adams	Eckhardt	McKay
Addabbo	Edmondson	Macdonald,
Anderson,	Edwards, Calif.	Mass.
Calif.	Elberg	Mann
Anderson, Ill.	Evans, Colo.	Mathias, Calif.
Annunzio	Fascell	Matsunaga
Archer	Findley	Mazzoli
Ashley	Fish	Meeds
Aspin	Fisher	Melcher
Aspinall	Flowers	Metcalfe
Badillo	Foley	Mikva
Baring	Fraser	Miller, Ohio
Barrett	Fuqua	Minish
Bell	Gaydos	Mink
Bennett	Glaumo	Mitchell
Bergland	Gibbons	Mollohan
Bevill	Gonzalez	Moorhead
Biaggi	Gray	Morgan
Blester	Green, Oreg.	Moss
Bingham	Green, Pa.	Murphy, N.Y.
Blatnik	Griffiths	Nichols
Boggs	Gude	Nix
Boland	Halpern	O'Byrne
Bolling	Hamilton	O'Hara
Brademas	Hanley	O'Konski
Brinkley	Hanna	O'Neill
Brooks	Harrington	Patman
Broyhill, N.C.	Harvey	Perkins
Buchanan	Hastings	Pickle
Burke, Mass.	Hathaway	Pike
Burton	Hawkins	Preyer, N.C.
Cabell	Hechler, W. Va.	Price, Ill.
Carney	Heckler, Mass.	Pryor, Ark.
Casey, Tex.	Heinz	Pucinski
Celler	Helstoski	Purcell
Chisholm	Hicks, Mass.	Qule
Cleveland	Hicks, Wash.	Randall
Collins, Ill.	Holifield	Rangel
Conte	Howard	Rees
Conyers	Ichord	Reuss
Corman	Jacobs	Riegle
Coughlin	Kastenmeier	Rodino
Culver	Kazen	Roe
Curlin	Keating	Rogers
Danielson	Kee	Roncalio
de la Garza	Kemp	Rooney, Pa.
Dellums	Koch	Rosenthal
Dent	Kyros	Roush
Diggs	Link	Rousselot
Donohue	Lujan	Roy
Dow	McClory	Roybal

St Germain  
Sarbanes  
Scheuer  
Seiberling  
Shipley  
Slack  
Smith, Iowa  
Staggers  
Stratton  
Sullivan  
Teague, Calif.  
Thompson, Ga.

Thompson, N.J.  
Wilson,  
Charles H.  
Thone  
Tiernan  
Wolff  
Udall  
Wright  
Ullman  
Wyatt  
Van Deerlin  
Yates  
Vander Jagt  
Yatron  
Vanik  
Young, Fla.  
Vigorito  
Young, Tex.  
Waldie  
Zablocki  
Whalen  
White

##### NOES—191

Abbitt	Goldwater	Peyser
Alexander	Goodling	Pirnie
Andrews, Ala.	Grasso	Poage
Andrews,	Griffin	Podell
N. Dak.	Gross	Poff
Arends	Grover	Powell
Ashbrook	Gubser	Price, Tex.
Baker	Haley	Quillen
Bagch	Hall	Robinson, Va.
Belcher	Hammer-	Robison, N.Y.
Betts	schmidt	Rostenkowski
Blackburn	Hansen, Idaho	Runnels
Bow	Harsha	Ruth
Bray	Hays	Sandman
Brotzman	Henderson	Satterfield
Brown, Mich.	Hogan	Saylor
Brown, Ohio	Horton	Scherie
Broyhill, Va.	Hosmer	Schmitz
Burke, Fla.	Hull	Schneebeli
Burleson, Tex.	Hungate	Schwengel
Burlison, Mo.	Hunt	Scott
Byrne, Pa.	Johnson, Calif.	Sebelius
Byron	Johnson, Pa.	Shoup
Camp	Jonas	Shriver
Carey, N.Y.	Jones, Ala.	Sikes
Carlson	Jones, N.C.	Sisk
Carter	Karth	Skubitz
Cederberg	Keith	Smith, Calif.
Chappell	King	Smith, N.Y.
Clancy	Kluczynski	Snyder
Clark	Kyl	Spence
Clausen,	Landgrebe	Springer
Don H.	Landrum	Stanton,
Clawson, Del	Leggett	J. William
Collier	Lennon	Stanton,
Collins, Tex.	Lent	James V.
Colmer	Lloyd	Steed
Conable	Long, Md.	Steele
Conover	McCloskey	Steiger, Ariz.
Cotter	McCollister	Steiger, Wis.
Crane	McCulloch	Stephens
Daniel, Va.	McEwen	Stubblefield
Delaney	McFall	Symington
Dellenback	McKevitt	Talcott
Denholm	McKinney	Taylor
Dennis	Madden	Terry
Devine	Mahon	Thomson, Wis.
Dickinson	Mailard	Veysey
Dingell	Mallory	Waggonner
Dorn	Martin	Wampler
Downing	Mathis, Ga.	Ware
Dulski	Mayne	Whalley
Duncan	Michel	Whitehurst
Dwyer	Mills, Ark.	Whitten
Edwards, Ala.	Mills, Md.	Widnall
Erlenborn	Mizell	Wiggins
Esch	Monagan	Williams
Eshleman	Montgomery	Wilson, Bob
Flood	Mosher	Winn
Forsythe	Murphy, Ill.	Wyder
Fountain	Natcher	Wyllie
Frelinghuysen	Nelsen	Wyman
Frenzel	Passman	Zion
Galifianakis	Patten	Zwach
Garmatz	Pelly	
Gettys	Pettis	

##### NOT VOTING—51

Abernethy	Ford,	McMillan
Anderson,	William D.	Miller, Calif.
Tenn.	Frey	Minshall
Blanton	Fulton	Myers
Brasco	Gallagher	Nedzi
Broomfield	Hagan	Pepper
Byrnes, Wis.	Hansen, Wash.	Rallsback
Caffery	Hébert	Rarick
Chamberlain	Hillis	Reid
Clay	Hutchinson	Rhodes
Daniels, N.J.	Jarman	Roberts
Davis, Ga.	Jones, Tenn.	Rooney, N.Y.
Davis, S.C.	Kuykendall	Ruppe
Davis, Wis.	Latta	Ryan
Derwinski	Long, La.	Stokes
Dowdy	McClure	Stuckey
Evins, Tenn.	McDonald,	Teague, Tex.
Flynt	Mich.	
Ford, Gerald R.		

So the amendment, as amended, was rejected.



The CHAIRMAN. Are there any further amendments to be proposed? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. LANDRUM, 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. 14146) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zone, and for other purposes, pursuant to House Resolution 1063, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

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

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 376, nays 6, not voting 50, as follows:

[Roll No. 295]

YEAS—376

Abbitt	Brinkley	Conyers
Abourezk	Brooks	Corman
Abzug	Brotzman	Cotter
Adams	Brown, Mich.	Coughlin
Addabbo	Brown, Ohio	Crane
Alexander	Broyhill, N.C.	Culver
Anderson,	Broyhill, Va.	Curlin
Calif.	Buchanan	Daniel, Va.
Anderson, Ill.	Burke, Fla.	Danielson
Andrews, Ala.	Burke, Mass.	Davis, Wis.
Andrews,	Burlison, Mo.	de la Garza
N. Dak.	Burton	Delaney
Annunzio	Byrne, Pa.	Dellenback
Archer	Byrnes, Wis.	Dellums
Arends	Byron	Denholm
Ashley	Cabell	Dennis
Aspin	Camp	Dent
Aspinall	Carey, N.Y.	Devine
Badillo	Carlson	Dickinson
Baker	Carney	Diggs
Baring	Carter	Dingell
Barrett	Casey, Tex.	Donohue
Begich	Cederberg	Dorn
Belcher	Celler	Dow
Bell	Chappell	Downing
Bennett	Chisholm	Drinan
Bergland	Clancy	Dulski
Betts	Clark	Duncan
Bevill	Clausen,	du Pont
Blaggi	Don H.	Dwyer
Blester	Clawson, Del	Eckhardt
Bingham	Cleveland	Edmondson
Blackburn	Collier	Edwards, Ala.
Boggs	Collins, Ill.	Edwards, Calif.
Boland	Collins, Tex.	Ellberg
Bolling	Colmer	Erlenborn
Bow	Conable	Esch
Brademas	Conover	Eshleman
Bray	Conte	Evans, Colo.

Fascell	Lujan	Roush
Findley	McClary	Rousset
Fish	McCloskey	Roy
Fisher	McCollister	Roybal
Flood	McCormack	Runnels
Flowers	McCulloch	Ruth
Foley	McDade	St Germain
Forsythe	McEwen	Sandman
Fountain	McFall	Sarbanes
Fraser	McKay	Satterfield
Frelinghuysen	McKevitt	Saylor
Frenzel	McKinney	Scherle
Frey	Macdonald,	Scheuer
Fuqua	Mass.	Schneebell
Galifianakis	Madden	Schwengel
Garmatz	Mahon	Scott
Gaydos	Mailliard	Sebellus
Gettys	Mallory	Seiberling
Gialmo	Mann	Shipley
Gibbons	Martin	Shoup
Goldwater	Mathias, Calif.	Shriver
Gonzalez	Mathis, Ga.	Sikes
Goodling	Matsunaga	Sisk
Grasso	Mazzei	Skubitz
Gray	Meeds	Slack
Green, Oreg.	Metcalfe	Smith, Calif.
Green, Pa.	Michel	Smith, Iowa
Griffin	Mikva	Smith, N.Y.
Griffiths	Miller, Ohio	Snyder
Grover	Mills, Ark.	Spence
Gubser	Mills, Md.	Springer
Gude	Minish	Staggers
Haley	Mink	Stanton,
Halpern	Mitchell	J. William
Hamilton	Mizell	Stanton,
Hammer-	Molohan	James V.
schmidt	Monagan	Steed
Hanley	Montgomery	Steele
Hanna	Moorhead	Steiger, Ariz.
Hansen, Idaho	Morgan	Steiger, Wis.
Harrington	Mosher	Stephens
Harsha	Moss	Stratton
Harvey	Murphy, Ill.	Stubblefield
Hastings	Murphy, N.Y.	Sullivan
Hathaway	Natcher	Symington
Hawkins	Nelsen	Talcott
Hays	Nichols	Teague, Calif.
Hechler, W. Va.	Nix	Terry
Heckler, Mass.	O'Harra	Thompson, Ga.
Heinz	O'Konski	Thompson, N.J.
Helstoski	O'Neill	Thomson, Wis.
Henderson	Passman	Thone
Hicks, Mass.	Patman	Tiernan
Hicks, Wash.	Patten	Udall
Hogan	Pelly	Van Deerlin
Hollifield	Pettis	Vander Jagt
Horton	Pettis	Vanik
Hosmer	Peyser	Veysey
Howard	Pickle	Vigorito
Hull	Pike	Waggonner
Hungate	Pirnie	Waldie
Hunt	Poage	Wampler
Ichord	Podell	Ware
Jacobs	Poff	Whalen
Johnson, Calif.	Powell	Whalley
Johnson, Pa.	Preyer, N.C.	White
Jonas	Price, Ill.	Whitehurst
Jones, Ala.	Price, Tex.	Whitten
Jones, N.C.	Pucinski	Widnall
Karth	Purcell	Wiggins
Kastenmeier	Quile	Williams
Kazen	Quillen	Wilson, Bob
Keating	Railsback	Wilson,
Kee	Randall	Charles H.
Keith	Rangel	Winn
Kemp	Rees	Wolff
King	Reuss	Wright
Kluczynski	Rhodes	Wyatt
Koch	Riegle	Wylder
Kyl	Robinson, Va.	Wylie
Kyros	Robison, N.Y.	Wyman
Landrum	Rodino	Yates
Latta	Roe	Yatron
Leggett	Rogers	Young, Fla.
Lennon	Rooney, Pa.	Young, Tex.
Lent	Rosenthal	Zablocki
Link	Rostenkowski	Zion
Lloyd		Zwach
Long, Md.		

NAYS—6

Ashbrook	Gross	Roncallo
Burleson, Tex.	Hall	Schmitz

NOT VOTING—50

Abernethy	Clay	Ford,
Anderson,	Daniels, N.J.	William D.
Tenn.	Davis, Ga.	Fulton
Blanton	Davis, S.C.	Gallagher
Blatnik	Derwinski	Hagan
Brasco	Dowdy	Hansen, Wash.
Broomfield	Evins, Tenn.	Hébert
Caffery	Flynt	Hillis
Chamberlain	Ford, Gerald R.	Hutchinson

Jarman	Melcher	Roberts
Jones, Tenn.	Miller, Calif.	Rooney, N.Y.
Kuykendall	Minshall	Ruppe
Landgrebe	Myers	Ryan
Long, La.	Nedzi	Stokes
McClure	Pepper	Stuckey
McDonald,	Pryor, Ark.	Teague, Tex.
Mich.	Rarick	Ullman
McMillan	Reid	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.  
Mr. Rooney of New York with Mr. Broomfield.  
Mr. Roberts with Mr. Chamberlain.  
Mr. Blatnik with Mr. Derwinski.  
Mr. Brasco with Mr. Myers.  
Mr. Teague of Texas with Mr. Hutchinson.  
Mrs. Hansen of Washington with Mr. Minshall.  
Mr. Fulton with Mr. Hillis.  
Mr. Blanton with Mr. Davis of Georgia.  
Mr. Anderson of Tennessee with Mr. Miller of California.  
Mr. Jones of Tennessee with Mr. Landgrebe.  
Mr. Nedzi with Mr. Ruppe.  
Mr. Evins of Tennessee with Mr. Kuykendall.  
Mr. Pepper with Mr. McClure.  
Mr. Flynt with Mr. Long of Louisiana.  
Mr. William D. Ford with Mr. McDonald of Michigan.  
Mr. Reid with Mr. Pryor of Arkansas.  
Mr. Daniels of New Jersey with Mr. Dowdy.  
Mr. Gallagher with Mr. Clay.  
Mr. Melcher with Mr. Ullman.  
Mr. Stokes with Mr. Ryan.  
Mr. Davis of South Carolina with Mr. Hagan.  
Mr. Stuckey with Mr. Jarman.  
Mr. Abernethy with Mr. Rarick.

The result of the vote was announced as above received.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1063, the Committee on Merchant Marine and Fisheries is discharged from the further consideration of the bill (S. 3507) To establish a national policy and develop a national policy for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. LENNON

Mr. LENNON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LENNON moves to strike out all after the enacting clause of S. 3507 and to insert in lieu thereof the provisions of H.R. 14146, as passed, as follows:

That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203), as amended (33 U.S.C. 1101-1124), is further amended by adding at the end thereof the following new title:

"TITLE III—MANAGEMENT OF THE COASTAL ZONE

"SHORT TITLE

"Sec. 301. This title may be cited as the 'Coastal Zone Management Act of 1972'.

## "CONGRESSIONAL FINDINGS

"SEC. 302. The Congress finds that—

"(a) There is a national interest in the effective management, beneficial use, protection and development of the coastal zone;

"(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

"(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

"(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

"(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

"(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

"(g) In light of competing demands and the urgent need to protect and give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate; and

"(h) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

## "DECLARATION OF POLICY

"SEC. 303. The Congress declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

## "DEFINITIONS

"SEC. 304. For the purposes of this title—

"(a) 'Coastal zone' means the coastal wa-

ters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control those shorelands, the uses of which have a direct impact on the coastal waters.

"(b) 'Coastal waters' mean (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

"(c) 'Coastal state' means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(d) 'Estuary' means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

"(e) 'Estuarine sanctuary' means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

"(f) 'Secretary' means the Secretary of the Interior.

## "MANAGEMENT PROGRAM DEVELOPMENT GRANTS

"SEC. 305. (a) The Secretary is authorized to make annual grants to any coastal state for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

"(b) Such management program shall include:

"(1) an identification of the boundaries of the portions of the coastal state subject to the management program;

"(2) a definition of what shall constitute permissible land and water uses;

"(3) an inventory and designation of areas of particular concern;

"(4) an identification of the means by which the state proposes to exert control over land and water uses, including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

"(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

"(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationship of local areawide, state, regional, and interstate agencies in the management process.

"(c) The grants shall not exceed 66⅔ per centum of the costs of the program in any one year. Federal funds received from other sources shall not be used to match the grants. In order to qualify for grants under this subsection, the state must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the

requirements set forth in section 306 of this title. Successive grants may be made annually for a period not to exceed two years: *Provided*, That no second grant shall be made under this subsection unless the Secretary finds that the state is satisfactorily developing such management program.

"(d) Upon completion of the development of the state's management program, the state shall submit such program to the Secretary for review and approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such program by the Secretary, the state's eligibility for further grants under this section shall terminate, and the state shall be eligible for grants under section 306 of this title.

"(e) Grants under this section shall be allocated to the states based on rules and regulations promulgated by the Secretary: *Provided, however*, That no management program development grant under this section shall be made in excess of 15 per centum of the total amount appropriated to carry out the purposes of this section.

"(f) Grants or portions thereof not obligated by a state during the fiscal year for which they were first authorized to be obligated by the state, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

"(g) With the approval of the Secretary, the state may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to a regional agency, or to an interstate agency, a portion of the grant under this section, for the purpose of carrying out the provisions of this section.

"(h) The authority to make grants under this section shall expire on June 30, 1975.

## "ADMINISTRATIVE GRANTS

"SEC. 306. (a) The Secretary is authorized to make annual grants to any coastal state for not more than 66⅔ per centum of the costs of administering the state's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the state's share of costs.

"(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary, which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however*, That no annual administrative grant under this section shall be made in excess of 15 per centum of the total amount appropriated to carry out the purposes of this section.

"(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

"(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

"(2) The state has:

"(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development



Act of 1966, a regional agency, or an interstate agency; and

"(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title.

"(3) The state has held public hearings in the development of the management program.

"(4) The management program and any changes thereto have been reviewed and approved by the Governor.

"(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

"(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

"(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

"(8) The management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

"(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values.

"(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

"(1) to administer land and water use regulations, control development in order to insure compliance with the management program, and to resolve conflicts among competing uses; and

"(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

"(e) Prior to granting approval, the Secretary shall also find that the program provides:

"(1) for any one or a combination of the following general techniques for control of land and water uses:

"(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

"(B) Direct state land and water use planning and regulation; or

"(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

"(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

"(f) With the approval of the Secretary, a state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional

agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided*, That such allocation shall not relieve the state of the responsibility for insuring that any funds so allocated are applied in furtherance of such state's approved management program.

"(g) The state shall be authorized to amend the management program. The modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the program must be approved by the Secretary before additional administrative grants are to be made to the state under the program as amended.

"(h) At the discretion of the state and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas of the coastal zone which most urgently need management programs: *Provided*, That the state adequately allows for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

#### "INTERAGENCY COORDINATION AND COOPERATION"

"SEC. 307. (a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

"(b) The Secretary shall not approve the management program submitted by a state pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the state in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

"(c) (1) Each Federal agency conducting or supporting activities in the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

"(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

"(3) After final approval by the Secretary of a State's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that State shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the State's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the State or its designated agency a copy of the certification, with all necessary information and data. Each coastal State shall establish procedures for public notice in the case of all such certification and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the State or its designated agency shall notify the Federal agency concerned that the State concurs with or objects to the applicant's certification. If the State or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the State's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the State or its design-

nated agency has concurred with the applicant's certification or until, by the State's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the State, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

"(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate State or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal State's management program; except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

"(e) Nothing in this section shall be construed—

"(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources and navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

"(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

#### "PUBLIC HEARINGS"

"SEC. 308. All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

#### "REVIEW OF PERFORMANCE"

SEC. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal states and of the performance of each state.

"(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of proposed termination and withdrawal and an opportunity to present evidence of adherence or justification for altering its program.

#### "RECORDS"

"SEC. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or under-

taking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

#### "ADVISORY COMMITTEE

"SEC. 311. (a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than ten persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

"(b) Members of said advisory committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding \$100 per diem; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

#### "ESTUARINE SANCTUARIES

"SEC. 312. (a) The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal state grants of up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed \$2,000,000. No Federal funds received pursuant to section 305 or section 306 shall be used for the purpose of this section.

"(b) When an estuarine sanctuary is established by a coastal state, for the purpose envisioned in subsection (a), whether or not Federal funds have been made available for a part of the costs of acquisition, development, and operation, the Secretary, at the request of the state concerned, and after consultation with interested Federal departments and agencies and other interested parties, may extend the established estuarine sanctuary seaward beyond the coastal zone, to the extent necessary to effectuate the purposes for which the estuarine sanctuary was established.

"(c) The Secretary shall issue necessary and reasonable regulations related to any such estuarine sanctuary extension to assure that the development and operation thereof is coordinated with the development and operation of the estuarine sanctuary of which it forms an extension.

#### "MANAGEMENT PROGRAM FOR THE CONTIGUOUS ZONE OF THE UNITED STATES

"SEC. 313. (a) The Secretary shall develop, in coordination with the Secretary of the Interior, and after appropriate consultation with the Secretary of Defense, the Secretary of Transportation, and other interested parties, Federal and non-Federal, governmental and nongovernmental, a program for the management of the area outside the coastal zone and within twelve miles of the baseline from which the breadth of the ter-

ritorial sea is measured. The program shall be developed for the benefit of industry, commerce, recreation, conservation, transportation, navigation, and the public interest in the protection of the environment and shall include, but not be limited to, provisions for the development, conservation, and utilization of fish and other living marine resources, mineral resources, and fossil fuels, the development of aquaculture, the promotion of recreational opportunities, and the coordination of research.

"(b) To the extent that any part of the management program developed pursuant to this section shall apply to any high seas area, the subjacent seabed and subsoil of which lies within the seaward boundary of a coastal state, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat. 29), the program shall be coordinated with the coastal state involved.

"(c) The Secretary shall, to the maximum extent practicable, apply the program developed pursuant to this section to waters which are adjacent to specific areas in the coastal zone which have been designated by restoring such areas for their conservation, recreational, ecological, or esthetic values.

#### "ANNUAL REPORT

"SEC. 314. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding Federal fiscal year. The report shall include but not be restricted to (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's program and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allotment of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been previewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be appropriate.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

#### "RULES AND REGULATIONS

"SEC. 315. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

#### "PENALTIES

"SEC. 316. (a) Whoever violates any regulation which implements the provisions of section 312(c) or section 313(a) of this title shall be liable to a civil penalty of not more

than \$10,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

"(b) No penalty shall be assessed under this section until the person charged shall have been given notice and an opportunity to be heard. For good cause shown, the Secretary may remit or mitigate any such penalty. Upon failure of the offending party to pay the penalty, as assessed or, when mitigated, as mitigated, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect such penalty and to seek other relief as may be appropriate.

"(c) A vessel used in the violation of any regulation which implements the provisions of section 312(c) or section 313(a) of this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

"(d) The district courts of the United States shall have jurisdiction to restrain violations of the regulations issued pursuant to this title. Actions shall be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the Secretary.

#### "APPROPRIATIONS

"SEC. 317. (a) There are authorized to be appropriated—

"(1) the sum of \$6,000,000 for fiscal year 1973 and fiscal year 1974 and \$4,000,000 for fiscal year 1975 for grants under section 305 to remain available until expended;

"(2) the sum of \$18,000,000 for fiscal year 1974 and for fiscal year 1975 for grants under section 306 to remain available until expended; and

"(3) the sum of \$6,000,000 for fiscal year 1973 for grants under section 312 to remain available until expended."

"(b) There are also authorized to be appropriated such sums, not to exceed \$3,000,000, for fiscal year 1973 and for each of the two succeeding fiscal years, as may be necessary for administrative expenses incident to the administration of this title.

The motion was agreed to.

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

A similar House bill (H.R. 14146) was laid on the table.

#### GENERAL LEAVE

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

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

There was no objection.

#### ELECTION TO COMMITTEE

Mr. BOGGS. Mr. Speaker, I offer a privileged resolution (H. Res. 1074) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1074

*Resolved*, That Brock Adams, of Washington, be, and he is hereby, elected a member of the standing committee of the House of Representatives on the District of Columbia.



The resolution was agreed to.

A motion to reconsider was laid on the table.

# INTRODUCTION OF PUBLIC AND PRIVATE EDUCATION ASSISTANCE ACT OF 1972

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

Mr. CAREY of New York. Mr. Speaker, for myself, and Chairman WILBUR MILLS, and Mrs. GRIFFITHS, Mr. ROSTENKOWSKI, and Mr. KARTH, I am pleased to introduce today the Public and Private Education Assistance Act of 1972.

It is my hope that this legislation will become a bipartisan effort to relieve the great financial crisis we face in both public and nonpublic education.

As a coauthor of the ESEA Act in 1965, when I served on the Education and Labor Committee, I have worked strenuously for the improvement of our educational system.

Something more is now needed to preserve our traditional pluralism and diversity in education. Court decisions have recently challenged the basic pattern of local financing of public education. These decisions have held that this pattern of financing is constitutionally impermissible when it results in differences in the amount of funds spent statewide on the education of public school students.

Hence it would now seem appropriate that Federal funds be made available to assist States in equalizing the educational opportunities of public school students.

Mr. Speaker, in the case of private schools, our data indicate that many private schools are experiencing increasing operating costs. These costs must be passed along to parents, many of whom can no longer afford them. This trend, if continued, could mean the end of our tradition of the right of parents to control the education of their children.

Since private school parents already support education through the payment of taxes and also relieve public schools of the expense of educating their children, a strong case can be made for some governmental assistance to the children of these parents.

Mr. Speaker, our legislation will help to preserve the pluralism of educational alternatives in our society by:

First. Making Federal payments to States to assist in the equalization of educational opportunities of students in public elementary and secondary schools; and

Second. Redressing inequitable distribution of resources for elementary and secondary education among States and among local education agencies within States; and

Third. Granting a maximum \$200 tax credit with respect to each child maintained in a private elementary or secondary school.

Mr. Speaker, I include a summary of the Public and Private Education Assistance Act of 1972 at this point in the

RECORD. Texts of the bill will be available in my office for those Members wishing them.

I hope that this legislation will become the basis for a major effort of the seventies in education, similar to what was accomplished through the ESEA Act in the sixties.

## THE PUBLIC AND PRIVATE EDUCATION ASSISTANCE ACT OF 1972

In 1970, there were 43.5 million students in public elementary and high schools, and 5.1 million students in private elementary and high schools.<sup>1</sup>

Recently, public attention has been directed at the financial problems of both public and private schools. In the case of public schools, court decisions have challenged the basic pattern of local financing of public education. These decisions have held that this pattern of financing is constitutionally impermissible when it results in differences in the amount of funds spent Statewide on the education of public school students. Without passing on the constitutional correctness of these decisions, the effect sought to be achieved by them is desirable and it would seem appropriate that Federal funds be made available to assist States in equalizing the educational opportunities of public school students.

In the case of private schools, data indicate that while many private schools are experiencing increasing operating costs, there has also been a decline in student enrollment in such schools. In many cases, the increased costs must be passed along to parents. Since these parents are already supporting public education through the payment of taxes and are also relieving public schools of the expense of educating their children, a strong case can be made for Governmental assistance to these parents.

It is, therefore, proposed that legislation be enacted which would contain the following two basic provisions: (1) Federal payments to States to assist in the equalization of educational opportunities of students in public elementary and secondary schools; and (2) \$200 tax credit with respect to each child maintained in a private elementary or secondary school.

The Federal payments to States would not exceed \$2.25 billion and would average approximately \$50 per public school student. The tax credit for private school education would result in a revenue loss of approximately \$584 million. The total cost of the proposed legislation would therefore not exceed \$2.834 billion.

The assistance payment to States for the equalization of educational opportunities would be structured to provide a Federal matching payment for State expenditures made for the purpose of equalizing elementary and secondary school educational opportunities. Under this approach minimum Federal standards would be established for determining which State payments are made for the prescribed purpose. The Federal matching payments would then be based on the amount of qualifying State payments. Thus, for example, the Federal Government could pay a State 50¢ for each \$1 spent by the State for the qualified purpose. For this purpose, the amount of the Federal payments would not be included in determining the amount of State payments qualifying for Federal matching. Additionally, the Federal payments would have to be spent by the States in the same program which qualifies the States for matching payments.

In order to prevent a disproportionate benefit from accruing to those States which

have a unitary method of financing education (e.g., where the State totally finances public education by paying an equal amount per pupil to all schools within the State), the Federal matching payments could be limited to those State payments which do not exceed 10 percent of the total non-Federal funds spent in the State for public elementary and secondary education. The total amount of State and local funds spent for public elementary and secondary education is approximately \$45 billion for 1971-1972. Ten percent of this figure would be \$4.5 billion, and accordingly Federal matching payments of 50¢ for each qualified \$1 of State spending could not exceed \$2.25 billion.

In future years, when State and local expenditures may exceed \$45 billion, the \$2.25 billion limit on Federal assistance for this program could be maintained by reducing the matching payment from 50 percent of the State payment. A general maintenance of effort provision should be included to assure that States do not reduce their educational expenditures.

The key feature of this proposal is the formula for determining whether a State educational expenditure program qualifies for Federal matching payments. Two basic standards will be provided. The first standard will apply where a significant portion of public school financing is raised locally. This standard is designed to assure that the State payment program will serve to reduce the impact on school financing of differentials in the capacity of different areas within a State to raise funds. It will be based on the following computations. First, the total State and local expenditures for public elementary and secondary education (excluding the amount to be distributed under the qualified equalization program) is divided by the number of public school students in the State. This yields the average per student expenditure. Second, the total State and local education expenditures is divided by the assessed value of all assessable real estate in the State<sup>2</sup> to determine the property tax rate necessary to yield the required expenditures.

The foregoing computations are designed to determine the average State-wide education expense per student and the average State-wide property tax rate necessary to pay the total expense. Once these figures are computed, they must be applied on a district-by-district basis to determine the allocation of State equalization funds. First, the number of elementary and secondary public school students in each school district in the State is multiplied by the average State per student expenditure to obtain the hypothetical expenditure for each district (as if it were making expenditures at the State average). Second, the State-wide property tax rate necessary to support public education is multiplied by the assessed valuation of property within each school district. The resulting product represents the hypothetical property tax that would be raised by the district if it imposed a property tax at the average State rate necessary to finance public education. This product is subtracted from the hypothetical educational expenditure for the district. The sum is then to be reduced by the State contribution to the district for education (other than contributions under the qualified equalization program). The final figure obtained (if it is greater than 0) represents the gap between the district's presumed ability to raise education revenue and its need for such revenue. If, with respect to a district, there is no gap, no State equalization program payments may be made to that district. State payments to districts with a gap must be allocated among them propor-

<sup>1</sup> During the same period, there were 2.3 million students in public kindergartens and .4 million students in private kindergartens.

<sup>2</sup> It is, of course, necessary for this purpose that the assessed value of all real estate within the State bear an equal ratio to fair market value.

tionally. Thus, if the total of positive figures for districts in the State is \$1 billion and District X has a positive figure of \$100 million, 10 percent of the State qualified equalization program payments must go to District X.

It can be appreciated that the standard described above has no ready application to a State in which the bulk of financing for public education comes from the State government itself, and not, as is the more common pattern, from local revenue-raising bodies. Since a strong case can be made for the efficacy of State-wide financing of public education,<sup>2</sup> the proposed legislation will qualify a State program under a separate standard than the one based on the revenue raising abilities of localities. Under this second standard, a State program will qualify if it is supplying at least 90 percent of the non-Federal funding of public education within each school district in the State. In other words, the localities will be limited to supplementing State funds by 10 percent of the State funds supplied. The funds supplied by the State to each school district may either be: (1) an equal amount per student; or (2) differential amounts per student if the Secretary of Health, Education and Welfare determines that the differentials are consistent with a program of equalizing educational opportunities of public school students within the State.

These formulas are not intended to be the only ones which a State may use if it is to have a qualified equalization program. The Secretary of Health, Education and Welfare will have authority to approve other plans so long as they are at least as effective in equalizing educational opportunities as the plan described above.

The \$200 tax credit will only be available with respect to instruction in a private school which satisfies State requirements for elementary or secondary education, and only if the private school qualifies for exemption from tax under section 501(c)(3) of the Internal Revenue Code. The credit will be fully refundable, and accordingly will be paid to an individual whose tax liability for the year is less than the credit to be made available.

#### UNEMPLOYMENT IN THE EIGHTH CONGRESSIONAL DISTRICT OF MICHIGAN

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. HARVEY) is recognized for 30 minutes.

Mr. HARVEY. Mr. Speaker, statistics can oftentimes be dull; even meaningless. They can even be interpreted a dozen different ways. But the percentages that I have listed below are not mystifying, nor are they dull or meaningless:

[In percent]

Sanilac County (estimated).....	18.5
Huron County (June preliminary).....	21.3
Saginaw County (June preliminary)....	7.5
Bay County (June preliminary).....	14.4
Tuscola County (June preliminary)....	14.9
Lapeer County (estimated).....	7.5
Arenac County (May final).....	14.1

These are disturbing, persistent percentages which have and continue to capture my utmost attention, concern, and effort. They are unemployment rates for our Michigan Eighth Congressional District.

It is incongruous that as unemployment on a national scale declined to 5.5

percent, the lowest rate since September 1970, Michigan's unemployment increased to 9.8 percent, even though there are now more jobs in the American economy than ever before. The number of employed people reached 31,400,000 in May 1972, up 2.3 million from May 1971. This new figure is an alltime high in U.S. economic history and a strong indication of the confidence investors and businessmen have in the economy's vitality.

Yet, in Michigan, particularly our Eighth Congressional District, unemployment, despite millions of dollars, despite special programs, and despite a full commitment by local, State, and Federal governments, remains constantly unacceptable.

We are mindful, of course, that the figures above include thousands of high school and college students who entered the job market in June. We recognize, too, that conversion from a wartime to a peacetime economy has had a tremendous impact. We remember that 2,700,000 GI's and employees of defense-related industries have been released into the civilian labor force. It is significant that if these people in the military and defense-related industries were still employed, the unemployment rate in the United States economy at present would be under 3 percent.

The Michigan Employment Security Commission also tells us that Michigan continues to lose plants and jobs, which are closing down and moving to more lenient tax climates. There is no estimate of the "loss" of industries which bypass Michigan in both new plant developments and expansion moves.

But perhaps one of the principal causes of our unemployment problems rests simply on the fact that America's labor pool has been growing larger and faster than ever before. In May 1971 the size of the civilian labor force reached a level of over 84 million—seasonally adjusted—an increase of nearly 7 million since 1967.

From 1947 to 1970, the labor force rose at an average annual rate of just under 1.5 percent; but during the more recent period, 1970-72, the yearly growth rate has been 2.1 percent.

Whatever the reasons, whatever the causes, the unemployment problem deserves a renewed, concerted effort by Congress to bring about a solution.

In the past, I have supported what I considered "necessity legislation" to alleviate the unemployment problem nagging our country and weighing down our efforts for a sound, solid economy.

I have continually and consistently endorsed progressive manpower training proposals. I well recall back in 1961 writing to then Secretary of Labor Arthur Goldberg calling for the establishment of a "Clearing House of Skills." This was a unique suggestion at the time which would have provided information directing the unemployed to other areas where employment of their trade skills was in demand.

I strongly supported the extension of the Manpower Development and Training Act 4 years ago, and in 1969 endorsed the employment security amendment

which, unfortunately, was not passed by the Senate.

Only last year, I cosponsored and voted for the Public Works Acceleration Act amendments which was later vetoed by the President in lieu of his Emergency Employment Act of 1971. Most recently, I voted to extend the Emergency Unemployment Compensation Act when the House considered it in June.

In recent days, I lent my fullest backing to the Emergency Community Facilities and Public Investment Act of 1972, a \$5 billion measure to help communities finance and construct basic public works and facilities. It was estimated that the measure would have created 1 million jobs. But, it was narrowly defeated in the final House vote.

There were some encouraging developments in recent weeks, with the approval late in July of the rural development bill which I cosponsored. Under this bill, cities with a population of 10,000 or less, will be eligible for loans and grants for water supply projects, sewer and sewer ing and rescue equipment, and development plant construction, firefighting of industrial parks. This legislation could have an immensely fine impact in most of our Eighth Congressional District.

But, while there are some encouraging signs of betterment, I remain convinced that this Congress has an even greater role of responsibility to provide comprehensive employment opportunities and security for every potential American worker.

Because I do not believe that Congress has yet fulfilled its obligation in this regard, I have now introduced legislation to stimulate job opportunities and also provide better pension protection to existing workers.

The first of these legislative proposals, H.R. 15829, is entitled the Comprehensive Manpower Act. It is a far-reaching measure to combat unemployment by providing every American who is seeking work to find it. In addition, the education and training programs in this bill will combat future periods of potentially high unemployment by insuring that all persons will qualify for employment at levels consistent with their highest potentials and capabilities.

My second proposal—H.R. 15830—is the Pension Protection Act. This bill protects workers covered by private pension plans by establishing a Federal insurance program. The program would guard against employee benefit loss and require vesting of employee rights after a reasonable period of employment.

In my judgment, such as legislative effort, one that will provide job opportunities, employment training and pension protection, will benefit all Americans, and it will ease economic uncertainty for millions of American families.

I cannot emphasize too strongly my conviction that this Congress needs to develop effective and comprehensive manpower training programs that will reduce unemployment. The Congress can no longer sit by while so many Americans are unemployed. We must act now, and we must act in a way that will provide proper solutions. If we do not agree

<sup>2</sup> The President's Commission on School Finance, Schools, People and Money, XII (1972).



with administration proposals in this area, we must provide our own. We cannot simply pass legislation that will provide jobs without futures. We must provide local communities with the funds necessary to attack unemployment at the local level. These funds are necessary not only for training the unemployed, but for upgrading the skills of the underemployed.

Before a deeper and more detailed explanation of the Comprehensive Manpower Act legislation, which has attracted solid congressional support and which by my cosponsorship I believe is the best solution, let us review what has taken place in the past.

In recent years, congressional action to combat unemployment can be divided into three basic categories: Unemployment compensation legislation, public service employment legislation, and manpower legislation. At the present time, the first of these categories, unemployment compensation, merely provides the unemployed with funds for subsistence living. Workers now receive up to 52 weeks of unemployment compensation, and while this program provides the unemployed with the basic human necessities of food and shelter, it cannot and does not attack the root of the unemployment problem. Unemployment compensation programs do not provide job training, and because they do not, they cure only the symptoms, not the disease.

The second basic category of congressional action—public service employment legislation—is often no better at solving the problem of chronic unemployment than is unemployment compensation. Too often, public service jobs are make-work projects. While they provide work and limited incomes for the unemployed worker for the duration of their authorization, these job programs do nothing to train the worker or provide him with the needed skills to be economically independent in the future. Although I have supported public service employment in the past, I have preferred those legislative proposals that attempt to provide transitional employment and job training, rather than those that only offer temporary jobs.

Federal manpower programs, finally, are aimed at eliminating unemployment by training workers for positions in the public and private sectors. These programs are, by far, the best of the existing Federal programs. They are currently scattered throughout the executive departments, with most of them concentrated in the Department of Labor. There are, however, programs under the direction of the Departments of Health, Education, and Welfare and Commerce as well. In April of this year, for example, the Labor Department was using more than 93 percent of its budget on manpower training programs that reached more than 663,000 Americans. This training was being conducted in eight major programs and it represented a 40-percent increase over 1971.

One of the first of these major manpower programs was initiated in 1962 when the Congress passed the Manpower Development and Training Act. This leg-

islation, which has been renewed twice, provides on-the-job training and classroom instruction for unemployed individuals who want to gain skills, and for the underemployed who want to upgrade their employment situation. The MDTA provides three basic types of programs: Jobs in the business sector—JOBS; jobs optional programs—JOP; and on-the-job training—OJT; and in my home State of Michigan, for example, they have major contracts with the United Auto Workers, as well as with some of the large auto manufacturers.

By far, the most massive manpower training program currently authorized by Congress is the public employment program instituted by the Emergency Employment Act of 1971. This program has already authorized more than 1 billion dollars for transitional public service employment at the State and local level, and it is making a concerted effort to serve unemployed Vietnam veterans. Other manpower programs include the work incentive program—WIN—which offers job training for employable welfare recipients in order to permit them to become economically independent, the Job Corps, and various Neighborhood Youth Corps programs, all of which are designed to train our Nation's youth and provide them with the skills necessary to become productive members of society.

One of the most important recent advances in manpower training has been the development and widespread use of computerized job banks. A concept that I have been advocating for many years, this program requires that all employers doing business with the Federal Government list their job openings with their State employment service. In this way, jobseekers learn quickly what openings are available in their localities. There are now more than 100 job banks in operation in all 50 States, and experimentation is underway to link these statewide systems into a national network. To strengthen the system, the Government is asking that firms employing more than 500 individuals voluntarily participate in the computerized job banks in an effort to provide as many jobs as possible. Michigan now has three operating banks, one of which, I am pleased to report, is serving the city of Saginaw in our Eighth District.

The Department of HEW has several manpower programs, all more limited in scope and more specialized than the Department of Labor's programs. In my Eighth Congressional District, for example, HEW sponsors two courses in practical nursing in Saginaw and two courses in mechanics and engine repair in Bay City.

Despite all of these efforts of the Congress and the administration to establish effective measures to combat unemployment, the statistics indicate that the existing programs are not producing the necessary results.

I believe existing and past Federal programs have failed because they are designed to produce results on a national level. These national goals, however, do not necessarily suit the needs of every county and community all of the time.

Consequently, funding is often provided for programs that are of little or no use, while potentially advantageous programs that would serve the needs of the individual community often remain unfunded. In other words, the manpower service needs of States and local communities are best understood, administered and rectified by local officials. So long as State and local governments can and are provided the resources, I firmly believe that they can provide the best solutions to our manpower training needs.

After careful study, I have concluded that manpower programs would best be served by the revenue-sharing approach. The Comprehensive Manpower Act that I have cosponsored is based on the revenue-sharing concept that will provide local subdivisions with the necessary resources to permit them to attack their manpower problems effectively and immediately. First, it decentralizes the manpower systems, thereby permitting State and local officials to make the decisions that will best serve their needs. Second, it decategorizes the manpower systems and in doing so eliminates Federal requirements for programs that might not be of use to a given community. In essence, it provides the local political subdivision with flexibility to initiate their own mix of programs. And finally, it consolidates multiple funding authorizations for manpower activities and thereby eliminates some of the waste that has characterized present programs.

This comprehensive manpower proposal provides for phased decentralization. This approach is a compromise between the Nixon administration's manpower revenue sharing and Congressman DOMINICK DANIELS' Employment and Manpower Act of 1972. Under "phased decentralization" the bill provides that "prime sponsors"—political subdivisions with a population of 100,000 or more—may receive financial assistance at first only if they submit a comprehensive manpower plan and if they meet several other conditions, including the "appropriate utilization" of Federal, State, and local services, which are defined as State employment services, and State vocation rehabilitation and vocational education agencies.

Having submitted an approved plan, a prime sponsor may then embark on a comprehensive planning process. After this process has been undertaken for 1 year and has operated for 1 year under the supervision of the Secretary of Labor, the prime sponsor will become eligible for financial assistance without having to file additional plans with the Secretary for approval. Thus, decentralization occurs in steps, with the local communities developing their own capabilities, while the Federal Government maintains some measure of control.

The funds available under this bill are to be apportioned among the States and "prime sponsors" in an equitable manner. The only factors that are to influence this allocation formula are the manpower allocation in the preceding year, the non-agricultural labor force, the proportion of unemployed and the proportion of the population between the ages of 16 to 24. With these four requirements, the bill

guarantees that the money will be given to those areas that need it the most.

H.R. 18529 also provides for transitional employment. It requires that special emphasis be placed on training for jobs not funded by the program. As a result, the bill will not trap the unemployed into "dead-end" public service jobs and thereby necessitate a permanent public employment program. People will be trained to move into permanent positions and the skills learned will provide them with economic independence.

During periods of increased unemployment, the Comprehensive Manpower Act provides for increases in the authorizations for this transitional employment. If, for example, the unemployment rate for 3 consecutive months, the authorization is to increase by 15 percent. The increases are determined by a sliding scale, with a maximum authorization increase of 60 percent, in the event unemployment exceeds 6 percent.

Recognizing that certain categorical manpower programs can be beneficial if administered correctly, H.R. 15829 provides special funds for youth, Indian, bilingual, migrant, and older worker manpower programs. In addition, the Secretary of Labor is permitted to provide up to 90 percent of the training costs to public and private employers to promote the upgrading of employees.

Finally, the bill creates a National Institute for Manpower Policy in the Executive Office of the President. This Institute will formulate recommendations for a coherent national manpower policy and evaluate the existing Federal programs, making the necessary adjustments when appropriate.

The Comprehensive Manpower Act authorizes \$16 billion over a 4-year period. For fiscal year 1973, the total is \$2.5 billion; for fiscal year 1974, \$4 billion; for fiscal year 1975, \$4.5 billion, and for fiscal year 1976, \$5 billion. The bill also stipulates that 75 percent of the authorized funds are to be used for the transitional employment and revenue-sharing titles and at least \$300 million is to be used for the categorical manpower services.

The Comprehensive Manpower Act was initially introduced by Congressmen MARVIN ESCH of Michigan, and WILLIAM STEIGER of Wisconsin. Unfortunately, after 22 days of hearings earlier this year, the subcommittee of the House Committee on Education and Labor considering this vital legislation, has yet to hold substantive executive sessions so that the full committee could take action. It is my hope that present "roadblocks" can be removed and the legislative process resumed.

The second part of my comprehensive employment security package provides protection for private pension plans. A major concern of many of our citizens is financial security in their senior years. To that end, many employers have established private pension plans for their employees. My Pension Protection Act will protect these plans to the benefit of the employees and employers alike and will assure pension security for the future.

Since the early 1950's, private pension plans have been growing rapidly. In 1950, 10 million employees were covered by such plans; now 30 million Americans participate in private pension plans, and estimates point to an increase of 12 million by 1980. Assets of these plans now total more than \$130 billion. With so many people having such a large stake in these programs, I believe that it is time to provide governmental protection for private pension plans. Just as we insure bank depositors against bank failures, so too should we protect participants in private pension plans, which are beginning to play such an important role in the financial security of our older citizens.

H.R. 15830 is aimed at all private pension plans qualifying for favorable tax treatment under section 401 of the Internal Revenue Code. Although it specifically excludes Government operated pension plans, those covering self-employed persons and plans covering less than 15 employees, H.R. 15830 would place 90 percent of all private pension plans under its protection.

The Pension Protection Act would accomplish three main goals. First, it would create a 10-year vesting standard for private pension plans in operation for more than 10 years. Vesting is defined as the right of an employee to share in a pension fund and especially the right to recover his share, including the contributions his employer has made on his behalf, in the event of termination of employment prior to normal retirement. It is important, therefore, that adequate protection be given to vesting.

Under this provision, a certain amount of flexibility is provided. Plans in operation less than 10 years can meet a 15-year vesting standard. Those plans that are at least 10 years old have 5 years to meet the vesting standard and the Secretary of the Treasury has the authority to waive these requirements if they would impose unreasonable burdens on the employer. In addition, this bill sets eligibility requirements for participation in these plans and eliminates the concept of continuous service that is sometimes considered necessary to collect pension benefits.

The second feature of this bill, and perhaps the most important, is that it provides complete employee protection in the event of plan terminations. The bill requires that all employers remain responsible for deficiencies in pension funds. In the event of business failure or financial difficulty, employers would be protected through voluntary participation in a pension benefit insurance corporation. Finally, if a pension plan is terminated voluntarily, the employer would be held responsible for the full amount of the unfunded vested liabilities.

The third important aspect of H.R. 15830 is that it creates the Pension Benefit Insurance Corporation, a Government-owned corporation in the Treasury Department. The sole responsibility of PBIC would be to administer the pension insurance program described above.

In conclusion, Mr. Speaker, I urge the

appropriate committees to consider the two elements of my employment security package. The Comprehensive Manpower Act will serve to train the unemployed and underemployed for productive jobs, and the Pension Protection Act assures pension security for those citizens eligible for private pension plans. Both proposals, Mr. Speaker, will provide millions of our citizens with the economic security that has come to be expected as part of the American dream.

#### EMPLOYER SUPPORT OF THE GUARD AND RESERVES

The SPEAKER. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 15 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, recently the President of the United States established a special national committee to encourage employer support of the National Guard and the Reserve Forces of this Nation, and I rise to applaud that action and to express my personal approval of the President's appointment of the distinguished retired chairman of the board of General Motors, Mr. James M. Roche, as national chairman of this new committee.

By personal participation over the years, many of us in this Chamber are well aware that the National Guard and Reserves have enjoyed great cooperation and understanding from most employers in this country during past decades, and the patriotic accommodation of those companies to the special needs of the citizen-soldiers, sailors, marines, airmen, and coastguardsmen in their employ is recognized and appreciated.

But recent indications point to an increasing reluctance on the part of some employers to make the necessary allowances for the training dates of the guardsmen and reservists on their payrolls, and there have even been reports from several parts of the country of direct and indirect promotion discrimination and other company pressures upon our part-time military personnel to get out or stay out of the Reserve Forces.

Mr. Speaker, this is a situation that must be corrected. We all understand that competition is becoming more difficult for business every year, and that it is particularly hard for a small employer to arrange military training leaves of absence for his key people every year, but if it is thoroughly explained to every American businessman how important our Guard and Reserve Forces are to the security of the Nation and to his own future as a free and independent executive, I am convinced that we will get the full support and assistance that we need from these good citizens.

Also, if it is emphasized that the Guard and Reserve are the biggest bargain we have in national defense, today supplying almost 30 percent of our military strength for less than 5 percent of the defense budget, I know that the point will get across and we will have almost 100 percent employer cooperation with our guardsmen and reservists. After all, nobody wants to pay higher taxes to support a huge standing army, when it only



takes a little cooperation to do the same job for less money with a combination of reserve and Active Forces.

That is why I am so pleased at the action of the President and the Secretary of Defense in creating this new "National Committee for Employer Support of the Guard and Reserve," Mr. Speaker, and so gratified that this important activity has been placed in the hands of such an outstanding citizen as Mr. Roche.

Most of us recall the significant announcement 2 years ago by the Secretary of Defense, Mr. Laird, that in any future emergency buildup of the Army, Navy, Air Force, and Marines, the initial and primary augmentation will be from the National Guard and the Reserve components, not the draft. This represented a welcome change and a very proper return to the concept of the citizen-soldier, the Minuteman at Lexington and Concord, the volunteer forces of the Guard and Reserve that have taken up arms to defend this Nation in every war in our history.

And so today the 1 million members of the Guard and Reserve, in their units and mobilization assignments, have become an even more vital part of the national security system and are being relied upon more heavily than at any time in history of our country—relied upon as nearly one-third of the "total force" of regulars and reservists responsible for deterring aggression and defending the United States at home and abroad.

Mr. Speaker, I believe the President and the Secretary of Defense are on the right track in their efforts to provide a balanced, economical mix of full-time and part-time military forces for the defense of this country. I believe they are right in placing our reliance on the Guard and Reserve rather than the draft if a quick buildup of our Armed Forces ever becomes necessary again. And I believe they are so right to try to achieve an all-volunteer force, both regular and reserve, and do away with the draft except in time of absolute need.

But this broad concept of national defense will not work if we are not able to keep our Guard and Reserve up to strength as a result of job pressures back at the plant or office. If our Reserve Forces become undermanned as a result of this employer resistance, they will be incapable of performing their mission and the defense posture of this Nation will be undermined.

The serious complications which may ensue from a lack of support has been recognized at the White House and in all our Reserve Forces, and now, I am happy to say, the right action has been taken to correct the situation at the source, among the employers, executives, supervisors and foremen in every factory, office building and place of employment in the Nation. This new committee will carry an important message to every person who hires guardsmen or reservists—a message asking his understanding and cooperation, a message stressing the important role his reservist-employees are playing in the national defense, and how this historic militia method holds down the cost of security to him as a taxpayer.

This is a key program which must succeed or defense will cost us billions more. If we are unable as a result of employer resistance to provide the Guard and Reserve manpower we need in our total force, we must obviously provide full-time soldiers at six times the cost. Certainly we will not allow our available strength to fall below the safety zone, so full-time troops are the only alternative if our part-time backup forces become undermanned.

I am convinced that our American employers will cooperate wholeheartedly in this matter, once they understand its importance. I am sure, Mr. Speaker, that just as they have done throughout our history, American businessmen will make the adjustments and accommodations necessary to the schedules of their workers who belong to the Guard and Reserve, and will support these volunteer defenders just as they support their local police and firefighters.

Through the Guard and Reserve, the American businessman has always been a partner in the national defense, and I am convinced that this partnership will soon be renewed and revitalized as this new committee conducts its program. It is my personal opinion, Mr. Speaker, that the slippage in support for the Guard and Reserve among our employers has not been as a result of a drop in patriotism, but has been caused only by a buildup of business pressures and competitive demands over the past decade. When these Americans are reminded of the vital position of the Guard and Reserve in the forces that defend them, I am sure they will respond positively as they have always done in the past.

I encourage employers throughout this great land to establish and adhere to personnel practices that will encourage employee participation in the Guard and Reserve, by assuring sufficient time off for military training annually in addition to normal vacation time; to pay the difference in earnings to the employee-guardsmen/reservist between his civilian income and his military pay during those training periods; to assure that no employee is penalized in job security, promotions or work schedules because of Guard or Reserve affiliation; and to recognize those employees who are a part of this 20th century citizen-military force for their extra contribution to the protection of their Nation, their communities, their neighbors, and their families.

These fine men and women who help defend America and our sacred principles are to be saluted for their unselfish dedication, and they deserve every encouragement we can give them.

#### AGE DISCRIMINATION IN EMPLOYMENT ACT

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. ESCH) is recognized for 5 minutes.

Mr. ESCH. Mr. Speaker, I am introducing today a bill to extend the Age Discrimination in Employment Act of 1967—ADEA—to State and local government employees.

This bill is based upon language suggested by the administration, and transmitted by Secretary of Labor Hodgson to Congress on July 18. I am pleased that 10 of my colleagues on the Education and Labor Committee have cosponsored this legislation with me: ALPHONZO BELL, JOHN DELLENBACK, EDWIN D. ESHLEMAN, WILLIAM A. STEIGER, ORVAL HANSEN, EDWIN B. FORSYTHE, VICTOR V. VEYSEY, JACK F. KEMP, and CLIFFARD CARLSON.

Last March, in his message to Congress on older Americans, the President proposed that the ADEA be amended to accomplish this purpose. As he pointed out then, government at all levels is expanding its work force at a rate that makes public service one of the fastest growing areas of employment in the country today. It is incongruous that we now prohibit private employers from discriminating in hiring and employment practices against people between the ages of 40 and 65, but fail to protect employers in State and local governments against this form of discrimination. Congress recently amended title VII of the Civil Rights Act of 1964 to extend that act to State and local governments. I think it is appropriate that we now extend this parallel antidiscrimination legislation in a similar manner.

The bill I am introducing would redefine the term "employer" to include agencies of States and political subdivisions of States. This would have the effect of extending the coverage of the act to State and local government employees. The term "employee" would be redefined to make it clear that elected officials, political appointees and their staffs would not be subject to the act.

The present limitation in the act, that it does not apply to employers with less than 25 employees, would not apply to State and local government units. It would be administratively impractical, as well as simply unfair to many State government employees, to try to apply such a limitation.

Mr. Speaker, I urge the early consideration and speedy passage of this bill to protect the rights of thousands of American workers.

#### ARTHUR W. FELDMAN RETIRES

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 5 minutes.

Mr. VEYSEY. Mr. Speaker, on July 29, after 30 distinguished and devoted years in the service of his country, Mr. Arthur W. Feldman retired at his last post, the American Consulate in Mexicali, Mexico.

Because the twin cities of Calexico and Mexicali form the major gateway between our sister Republic of Mexico and the United States through my congressional district, I take particular pride in calling Mr. Feldman's accomplishments to my colleagues' attention. He will be sorely missed.

Consul Feldman began his career in 1942 as an Immigration Inspector with the Department of Justice. Two years later he transferred to the Department of State and was posted to Alexandria,

Egypt. Thereafter he served in Cuba, Brazil, Uruguay, and Mexico, with one tour in the Department as an intelligence research specialist and later as the Costa Rican Desk Officer. In 1964 he was put in charge of the Consulate at Mexicali, from which he retired last week.

During the past 7 years, Consul Feldman has gained the esteem, affection, and admiration of citizens on both sides of the border. We shall all be saddened at his loss and that of his wife, Lily, but we wish them both many, many years of happiness in their retirement.

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 10 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, I am most gratified to note that my distinguished colleague, the gentleman from Pennsylvania (Mr. DENT) has taken the time to read my remarks in the RECORD last Thursday regarding the adverse effects of a minimum wage on minority groups.

I am somewhat saddened, however, to be forced to the conclusion that his perusal thereof was apparently so cursory that he missed the entire point of the discussion.

In his statement in yesterday's RECORD, Mr. DENT starts out by turning around the entire thesis of the study I summarized, saying:

It makes the case that only through the imposition of a subminimum wage for teenagers can you bring about the substitution of teenagers for adult workers.

In the first place, neither I nor anyone I know advocates the substitution of teenagers for adult workers; nor have I heard anyone advocate the imposition of a "subminimum wage" on anybody. Second, the actual point of the study, as I emphasized last Thursday, was that the imposition of an artificially high legal minimum wage severely limits the employment opportunities for marginal workers, particularly teenagers who have not yet had the opportunity to develop their work skills. It is the artificially imposed legal minimum wage which prevents the employment of workers who might otherwise be profitably employed to the greater benefit of all.

There is absolutely no evidence in the study to support Mr. DENT's contention that a "youth differential" would lead to the substitution of teenage workers for adults who would otherwise be employed.

The study did not examine or attribute to the minimum wage any effects on aggregate employment. Total employment is determined by monetary and fiscal policy. The minimum wage has the effect of cutting off minority groups and the young from the benefits of economic and employment growth.

The gentleman continues by noting that one finding of the study was that minimum wages contribute to increased stability of employment for adults. I am glad to see that he accepts this conclusion without qualification, because this implies his acceptance of the other part of the same conclusion which he did not mention, to wit, that this increase in stability is concentrated among white,

male adults, and that the cost of this increased stability is borne not by employers but by teenagers, particularly black teenagers. The unemployment rates for male and female black teenagers are 23.1 and 37 percent respectively. These compare with a rate of 3.8 percent for white male adults. A very substantial portion of the difference is attributable to the presence of the minimum wage. I too am in favor of employment stability for white male adults, but I do not believe in preferential treatment for this group over black teenagers.

Mr. Speaker, the economy is presently in the process of recovering from a recession and simultaneously attempting to assimilate into the labor force an unprecedented number of young inexperienced workers, the product of the postwar "baby boom." We could not pick a worse time to construct additional impediments to the entrance of such workers. The adverse effects of so doing would be manifold and extensive.

First, there is the loss to the economy of the potential productive power of those who would be denied employment. Second, there is the increased cost to the taxpayers resulting from the growth of the welfare rolls. Third, there is the restriction of opportunities for the young to acquire the training and experience which would make them more employable and more productive in the future. And last, but by no means least, there is the perpetuation of the ethic of despair resulting from the destruction of confidence and the loss of ambition on the part of those young workers who find themselves trapped in a situation wherein they cannot get a job because they lack skills and experience, and they cannot acquire these skills and experience because they cannot get a job. It is well recognized that this vicious circle is one of the primary causes of disenchantment on the part of the young and minority groups with "the system" or "the establishment."

Mr. Speaker, let us not exacerbate this situation. I implore that the House conferees be instructed to bear these issues in mind and to insist on the House version of the minimum wage bill, rather than accede to the grossly irresponsible measure which has emerged from the Senate.

#### THE FEDERAL EXPERIMENT ON SYPHILITIC VICTIMS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. METCALFE) is recognized for 10 minutes.

Mr. METCALFE. Mr. Speaker, I have already spoken on the floor of the House of Representatives and inserted in the RECORD, two articles pertaining to the Federal experiment on syphilitic victims which began in Tuskegee, Ala., some 40 years ago.

I feel that this experiment has raised so many serious questions—such as how such an experiment was ever allowed to take place from the beginning and why it was not discontinued after penicillin was found to be a cure for syphilis. Even more serious, is the question of what is being done now for those men and their

families who have suffered through this whole ordeal. Because these questions have not been answered and because I feel that the American public must know the answers to these questions in order that this type of human sacrifice will never, even happen again, I am inserting in the RECORD the third article on this subject which appeared in Monday's Washington Post and an editorial which appeared in that paper on the same day.

I feel very strongly that we must seek out the answers to these and other questions regarding this experiment and that we must be assured that this will never happen again.

#### MEDICAL EXPERIMENTS

From the news accounts, Charlie Pollard, a 66-year-old black farmer in Notasulga, Ala., appears to be an easy-going man. No doubt he is, but it is still a wonder. In 1932, Mr. Pollard became part of a Public Health Service study on the effects of untreated syphilis, and the trouble is for 40 years he has gone untreated even though a possible cure—penicillin—has been available for 25 years. Of the 600 black men in Alabama in the study 200 were allowed to suffer the disease untreated; seven died as a direct result of syphilis.

Medical experiments on human beings are ethically sound if the guinea pigs are fully informed of the facts and dangers. The Alabama study is a repugnant revelation and the only comfort is the assurances of current PHS officials that such an experiment would not be tolerated today. There is always a lofty goal in the research work of medicine but too often in the past it has been the bodies of the poor—prisoners are popular, too—on whom the unlofty testing is done.

According to a spokesman for the Senate Health Subcommittee, the style of the Alabama study has been seen before. Three years ago in San Antonio, some 400 Mexican-American women were part of a federally-funded experiment studying the effect of birth control pills. One part of the group received real pills, another received pills that were untested for safety and a final part was given placebos, or fake pills. The women were not told the pills were different. The study ended when, among other findings, the Food and Drug Administration ruled the experimental pills were unfit for human use. Six women taking the fake pills became pregnant.

It is futile to waste outrage on such practices, if only because they are in the past and cannot be changed now. It is more crucial to ensure—with absoluteness—that they are outlawed in the future. Although no federal legislation on medical experimentation exists, Sen. Edward M. Kennedy may hold hearings shortly to see if it is needed. The Alabama and San Antonio experiments appear to be isolated cases; yet, if legislation for a national policy is needed to ensure that even the rare occurrence does not happen, it would be worthwhile.

#### SYPHILIS EXPERIMENT PROBED: EXPERTS ARGUE OVER POSSIBLE REPETITION

(By Victor Cohn)

The case of the "Four Hundred Black Alabamians With Syphilis," it might be called.

It is a new medical mystery in several aspects. A chiller in its effect on any reader. And perhaps a murder story, by some allegations—allegations hotly denied by doctors who were involved.

The 400, as disclosed by the Associated Press Tuesday, were men from their 20s through their 70s assembled in 1932 in the U.S. county with the highest rate of syphilis, a disease for which there was then no good treatment.



The 400 received no treatment as any part of a Public Health Service study—still continuing today, with 78 survivors—of what happens to men with untreated latent or inactive, yet possibly smoldering syphilis.

This fact is not so surprising for the 1930s. For German Paul Ehrlich's "Salvarsan" or "606," though he won a Nobel prize and was immortalized by Edward G. Robinson in an effusive 1940 movie called "Dr. Ehrlich's Magic Bullet," in fact may have harmed as many persons as it cured.

What surprised readers last week—and members of Congress, and even government health officials who had never heard of this study—was that none of the men was given the new wonder drug, penicillin, after it became available in the mid-1940s.

These are the bare bones of the story.

They alone were enough to make Sen. James Allen (D-Ala.) call the study "callous" and Sen. William Proxmire (D-Wis.) call it "a moral and ethical nightmare." They prompted Rep. Ralph H. Metcalfe (D-Ill.), member of the Black Caucus, to brand the project "one of the most frightening forms of genocide practiced upon minorities in this country."

They were also enough to make Assistant Secretary of Health, Education, and Welfare Dr. Merlin K. DuVal say after preliminary inquiry, "I was shocked and horrified. . . I am today launching a full investigation."

But what really happened? And why?

Also, in the question of Rep. Metcalfe, "How many more of these human sacrifices are being made elsewhere in this country?"

"I can say with certainty that such a study could not be launched today, said DuVal, assistant secretary for health and scientific affairs.

"It does happen today," said Dr. Jon Katz, a New Haven psychiatrist, adjunct professor of law at Yale University and author of the new 1,159-page book, "Experimentation With Human Beings," published by the Russell Sage Foundation. "Man's inhumanity against man" is pervasive, states Katz's book, and the medical world is not immune.

But the so-called "Tuskegee Project"—Tuskegee is the seat of Macon County, Ala.—was humane by all its intention in the 1930s. This is something of its story, based on Washington Post and Associated Press interviews.

Syphilis in 1932 was a baffling medical problem. There were indeed "treatments;" usually injection with heavy metals like mercury and bismuth, followed by arsenicals. The "magic bullet" was an arsenic compound.

All helped kill the syphilis organisms. But the treatments had to be continued weekly for many months. The compounds were poisonous, and some patients died.

"The treatment was horrible," said Dr. Donald Printz, today assistant VD chief at Atlanta's Federal Center for Disease Control. "Weighing the effects of the disease against the effects of the treatment was a constant battle."

Doctors habitually asked, "Is the cure worse than the illness?" but did not really know.

A study was certainly needed to seek the answer, especially for that great bulk of syphilitics known as latent cases—people who harbor the germ, respond as "positive" to a blood test, but are showing no symptoms.

Most doctors attacked all syphilis, active or latent, with the dangerous poisons, although a famous 1890-to-1930 Oslo study—a group of patients left untreated for 40 years—had shown that 60 per cent never displayed further symptoms.

Very few latents ever got treatment, however, or were seen by a doctor for any reason in the pretty, rolling cattle and cotton country of Macon County, Alabama.

What better place, thought the Federal doctors, to follow a group of untreated latents and compare their fates with an age-matched group of nonsyphilitic men?

Four hundred latents, then, were sought out by blood tests, and another 200 men as the healthy controls. All were examined yearly.

Anyone with any active illness, syphilis or otherwise, was apparently told to go to a doctor or hospital for treatment. But a figure on the number really cared for will probably have to await DuVal's investigation.

In the early days, at least, there was no check to see if any had been treated, a key early participant, Dr. John R. Heller, told the AP last week.

Treatment was not the study's purpose or responsibility, he explained. "Naturally you'd rather have the study population untreated, but there was no covert attempt to keep these people untreated."

He insisted, too. "There was nothing in the experiment that was unethical or unscientific."

Heller, now 67, was then a young Public Health Service officer. One superior was Dr. Raymond A. Vonderlehr, who almost certainly would have had the approval of the famous, longtime surgeon general, Dr. Thomas Parran. VD was one of Parran's prime concerns.

Parran is dead. Vonderlehr at 75 still lives in Atlanta but is frail and ill. He went on to become a director of the important "CDC," then called the "Center for Communicable Disease."

Talented, well-known Rod Heller became chief of the Public Health Service's VD division from 1943 to 1948, and later director of the National Cancer Institute in Bethesda. Reviewing the anti-cancer battle, Time put him on its July 27, 1959 cover, calling him "a near ideal choice" as a leader, a "diplomat" who could keep peace among "backbiting" scientists.

Although all the patients in the Alabama study were black, Heller adds, "There was absolutely no racial overtone, and this was not an attempt to exploit the Negroes."

They were certainly what scientists call a homogeneous population, and they were concentrated in this area where they could easily be reached.

Also, said Heller: "We told them what they had."

However, "we didn't tell them we were looking for syphilis," said Dr. J. W. Williams, a Tuskegee physician who worked on the project as an intern in the 1930s. "I don't think they would have known what it was."

"They told me I had the bad blood," testifies 66-year-old Charlie Pollard, a young man of 26 when he was enrolled. "Bad blood" was a common phrase for venereal disease. It is still in use today in more than one part of the country.

The project has issued at least 13 valuable reports. A 1952 study, said Printz, showed that the life expectancy of the Tuskegee untreated had been reduced by only 4.17 years, compared with a 7.1-year decrease among treated syphilitics.

"We followed these people very carefully. They were not left to die," said Dr. Sidney Olansky of Emory University Medical School, who joined the project in 1950. "They got excellent medical care, better than the average person in that area. I resent very much this business that we took a bunch of poor people and let them die."

At least seven of the 400 have died of syphilis, however, and some might have lived longer, agreed Dr. Printz and his chief, Dr. J. D. Millar.

For in 1943 penicillin first became available in small amounts. By the mid or late 1940s it was in good supply.

There was for a time sincere medical de-

bate over its value in syphilis, especially late syphilis. Penicillin also sometimes produces its own adverse reactions.

"We did not know enough. We would not have been comfortable about treating this group with penicillin until the mid-1950s," Olansky maintained.

By then was it too late to treat any of these men? "I would think so; he said, "If I had a 50-year-old latent walk into my office right now with no complications, I probably would not give him penicillin."

Printz disagreed. True, he said. "At that time the average man in the study had had the disease at least 20 years. But that was the critical juncture when some could have been helped. I can't tell you how many."

Printz said doctors today would almost universally give penicillin to a latent patient in his 50s who caught the disease two decades before. There is still hope, he maintained, of preventing the late heart and nervous system damage which often makes a patient's last years unbearable.

In 1969, a group was finally convened at Atlanta to review this study in "both its medical and moral aspects," Printz reported. At that late date, the main conclusion was to try to see that the men were given good care by their local doctors for the rest of their lives.

Some of the survivors have themselves engaged a civil rights lawyer in hope of getting compensation.

DuVal, Printz and Olansky—though of different views on the handling of the Alabama 400—agreed that this experiment would never be repeated today.

Most of the nation's medical research is funded by the National Institutes of Health. Its present guidelines, states director Dr. Robert Marston, emphasize a grantee's "basic responsibilities for safeguarding the subjects' rights." They say "an appropriate institutional committee" must insure that all rights are protected, that any risks to an individual "are outweighed by the potential benefits to him or by the importance of the knowledge to be gained, and that informed consent is to be obtained."

#### OIL LEAK ON ALASKA'S NORTH SLOPE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, recently I learned of an oil leak on Alaska's North Slope which bodes ill for the future safety of the trans-Alaska oil pipeline.

I have written to Secretary of Interior Rogers C. B. Morton about this matter. A copy of my letter to the Secretary follows along with two excellent investigative articles which appeared recently in the weekly publication, the Tundra Times:

JULY 29, 1972.

MR. ROGERS C. B. MORTON,  
Secretary of the Interior,  
Department of the Interior,  
Washington, D.C.

DEAR MR. SECRETARY: It has come to my attention that there have been two recent oil leaks at the Happy Valley camp, in the Alyeska-owned pipeline construction camp located on Alaska's north slope, which may have caused environmental damage to the Sagavanirktok River (commonly known as the Sag River), specifically to the arctic char and grayling fish in the river.

I have been informed that one of the Happy Valley leaks has persisted since De-

cember 1970 and still persists. Yet no one knows the precise size of the leaks or the amount of damage that has been inflicted to the Sag River. When this leak was reported in December 1970, I am told, the EPA and Coast Guard failed to provide an inspector to investigate the leak. Moreover, I understand that a second, separate leak occurred in June 1972 but was not reported, as required by law, to the Environmental Protection Agency and the Coast Guard until July 12 by the Alyeska Pipeline Company.

Frankly, I find it incredible that an oil leak going on for more than 8 months has been kept quiet for so long. Even more incredible is the fact that it has still not been corrected. After all, if the Interior Department can't correct a relatively minor spill in one of Alyeska's camp sites before construction has even begun on the Alaska Pipeline, how is it going to prevent much larger, potentially catastrophic spills from occurring?

I certainly hope that the Interior Department has thoroughly looked, is looking or will look into these leaks at the Happy Valley camp and will issue a complete report on the causes of the leaks, the environmental damage resulting from the leaks, what has been done to correct the leaks and what action is being taken to prevent similar leaks in the future.

I look forward to hearing from you on this matter in the near future.

Sincerely,

LES ASPIN,  
Member of Congress.

[From the Tundra Times, July 12, 1972]

#### MINI-LEAK ON NORTH SLOPE

ALYESKA AND BLM SAY MINIMAL LEAK OCCURRED  
(By Jacqueline Glasgow)

Since the discovery of oil on the North Slope, Alaskans have been confronted with two emotions: excitement at the possibilities for development, wealth and employment for the state, and secondly, concern for the preservation of the natural wild beauty and abundant game resources. That the one could be achieved without the cost of the other has been the aim of major efforts from many directions.

A big bugaboo has been the possibility of an oil leak causing extensive damage to the natural environment, a leak either along the pipeline route or at the coastal loading docks.

Various forms of legislation have been sought to cover the eventualities anticipated, scientific studies have been conducted by environmentalist, conservationist, state, federal, and Native interest groups, and by the major oil companies themselves.

The question has been—What would happen if? What would happen if there is a spill?

Last weekend, the Tundra Times uncovered a story of a mini-leak on the Slope. The leakage, according to the Bureau of Land Management and Alyeska officials was "minimal", it is a small story about a small happening. Nevertheless, the significance of the measures taken or not taken, and the attitudes of those ramifications are meaningful in a larger and more critical sense.

The leakage occurred at the Happy Valley Camp, an Alyeska owned pipeline construction camp located on the North Slope about 10 miles downriver from Interior Airways Sag 1 Airport. Adjoining the camp is a fair-sized creek which flows into the Sagavanirktok River which flows north and empties ultimately into Prudhoe Bay.

Various fuels necessary for operation of the camp are stored in rubberized fabric storage "bladders." There is diesel fuel for heavy duty machinery, for heating and stove oil, jet fuel for helicopters and aircraft, and regular aviation gas.

The fuel is brought in by Hercules cargo planes and pumped into the collapsible bladders, which are easily transported and put on site.

An injunction sought by environmentalist and other interests just prior to completion of camps required that sheets of visquene be laid down to line the pit in which the bladders are laid and that earthen dikes be erected around the fields to contain the fuel in the event of a leakage.

A man who spent a month in the Happy Valley camp (from June 6 to July 1) came to the Tundra Times with photographs and a quart container of liquid which he claimed to have taken on the site at a small catch basin near the creek into which oil was draining down from the soil.

Shortly after his arrival at Happy Valley, he noticed darkened soil and seepage below the bladder field. He walked down, put his finger in a small puddle, then a paper towel, which he lit. It flared and burned.

Later he commented to the manager of the camp: "Looks like you have a bad leak in your bladder field."

The camp manager said no, that the leak was just residual oil from filling the tanks which had seeped out after the ground had thawed.

Later, the man reported observing an employee at the camp, assigned to go down to the catch basin two and sometimes three times a day to burn off the oil that accumulated on the surface.

He concluded that there had to be a major leakage to occasion that amount of activity and his curiosity led him to further investigate the amount of oil in the pond and the rate of flow out of the soil, which he estimated by filling a quart container in 15 seconds (or a gallon a minute), and by dropping cracker crumbs on the surface.

He reported that there were apparently two catch basins, an earlier one which appeared to not be in use at the present time and which had been eroded by the stream, and the present one where the burning took place every day.

What alarmed him was that the second basin had a three inch pipe protruding under the water from it which he felt was directly letting oil flow into the stream and polluting it.

When the Bureau of Land Management was contacted by Tundra Times they admitted that there had been a spill, that it occurred about last August or September, not from a bladder but from an underground pipe.

They said that permission had been given to burn off the residue in the manner which was being used. However, upon looking at the photographs, they were unable to give an explanation for the pipe extending into the water.

Alyeska was then contacted and also confirmed the leakage, adding that there had been an even more recent leak within the last four to five weeks. They said corrective measures had been taken, the leak has been located, repaired, and reported.

Dave Nelson, an engineer with the firm, said the spill was about 100 gallons of Arctic Diesel fuel, a clear, water-white product. He said that about a year ago, they detected fuel but he believed the present seepage was from a new leak.

The engineer in charge of Happy Valley was at the camp site on the day Alyeska was questioned and would give details when he could be reached.

Another spokesman for Alyeska said the amount of the spill was not great, but added, "No spills are really justified."

He said that Alyeska was concerned and that their own environmentalist, Dale Brandor, was on the site investigating the situation with the engineer.

He referred Tundra Times to Max Brewer, in charge of the state of Alaska's Environment Protection Agency and to George Van Whye of the Fish and Game Dept. for statistics on whether there had been any damage to fish in the stream and the Sag River.

The Sag River is a transportation route for Arctic char on their way to spawn and is also a grayling stream. Tundra Times will report the effect on fish as soon as statistics are available from those agencies, but indications, according to Alyeska, are that there has been no damage whatsoever.

Dave Nelson, Alyeska engineer, had a theory that the pipe evident in the photograph was placed in the catch basin deliberately to act as an oil separator.

"Oil," he said, "will rise to the top of water. If the pipe is strategically placed, it will function to draw off the water at the bottom, and facilitate the burning process."

He advised that any conclusions be withheld until the engineer at the site be consulted.

When asked if the arrangements were not crudely constructed and dangerously close to the stream where a flood condition could wash out the entire basin, he reiterated that the total amount of the spill was not significant and that even if 100 gallons were allowed to flow into the stream all at once, it would dissipate rapidly and cause no appreciable damage.

He discussed an incident at another camp where a bear had entered the bladder field and clawed three of the storage bladders. In that case he said, the soil of the pit was "impervious" and the fuel had been contained in the pit until they had pumped it into an empty bladder and flown in an extra tank within a matter of hours.

He was, however, critical of the use of visquene to line the fields. He reported that the first winter after installation, it was mostly gone, not having held up in sub-zero weather.

"It just doesn't work," he said.

They are looking for another material with which to replace it, but so far nothing had been found. In spite of the drawbacks, he still felt the rubberized fabric bladders were the best solution to the fuel storage problem.

A Fairbanks representative for the Friends of the Earth, Jim Kowalski, is not as certain that the bladders offer the safest solution. His organization plans to investigate overall effects of the recent spillage.

Alyeska has volunteered a plane to take Tundra Times to the site to investigate conditions first-hand. A Bureau of Land Management engineer will accompany the flight and confirm that no environmental regulations have been violated. A final report will appear in next week's Tundra Times.

The question is one of balance, of development and industry on the one hand and of protection and ecology on the other. Perhaps at no other time or place in the entire world has industry been so cautiously watched and had so many requirements placed upon it.

The man who first reported the Happy Valley leak to the press chose Tundra Times, he said, "because I felt the Natives had the first stake in the environment. They have lived off the land for so long."

"But," he added, "it also concerns all Americans. There are people in the lower 48 who have never seen virgin country. This is one of the last places left."

The preservation of that virgin country, he felt, would long outlast the oil boom.

Balance is a requirement put upon man, just as it is put upon Nature. In the next few years to come, Alaskans will put to test their own resources for achieving a measure of balance between development and protection of the land.



# HAPPY VALLEY SEEPAGE OZZES MELTING TUNDRA RELEASES OIL LEAK FROM PAST SPILL

(By Jacqueline Glasgow)

**HAPPY VALLEY CAMP.**—Whether the amount of oil that entered a tributary stream of the Sagavanirktok River by the Alyeska Happy Valley construction camp during a period from December, 1970 to July 1972 was of a magnitude to damage the delicate Arctic tundra and the stocks of Arctic Char and grayling fish that abound in those waters was still not solved after a visit to the site of the spill on July 12.

Flying north over the Brooks Range to investigate the reported leak on the North Slope, BLM engineer Ed Waszkiewicz pointed out the vastness of the space over which the plane was flying, relating it to the relative smallness of the area set aside for the pipeline route.

"Putting the pipeline in proportion," he said, "is like taking a shoestring in the Chena Building (a modest three story building in Fairbanks) and laying it from end to end."

Tim Wallis, vice-president of the Tanana Chiefs, agreed that "It's a good analogy. But it doesn't go far enough. If the shoestring was made out of some kind of acid and it began to eat into the material around it, the floor and so on, until eventually it spread out into the structure and the Chena Building collapsed, that's more like what you're talking about."

No one was able to give a figure as to the exact amount of the leakages or for that matter, as to the number of actual leaks. The original accident seems to have occurred within a utility building housing the camp's generator in December of 1970. A report from Alyeska's engineer on the site described the accident.

"In December 1970, a 2" fuel line cracked inside the utility building. Oil escaped both inside and outside the building. How much was not known but conservative estimate is 200 gallons. The oil soaked gravel fill was excavated and wasted 100' uphill from the creek."

"This waste area," says the August, 1971 report, "and the original oil soaked leak area is the apparent source of fuel oil showing up in the creek (in 1971). New fuel line installed after the break. No present leaks in evidence."

The problem was persistent. As the ground warmed up with the summer thaw in 1971, oil continued to drain out of the surrounding soil. To Alyeska's embarrassment, a film on the nearby creek was first noticed by some visiting Congressmen.

A corrective measure was designed: "A floating boom, consisting of three 4" x 4" x 6' long timbers connected by 4" wide metal strips, attached along the upstream edge, was strung across the creek about 200 feet downstream from where the oil was entering."

"Several collection cans were attached to the floating boom. Each can had a wick installed to absorb the oil. Oil was also skimmed off the top of the water as it piled up behind the floating boom."

The amount was apparently decreased or stopped. Later in the month, a film was again noticed, and a ditch was dug parallel to the creek to collect oil draining out of the gravel pad.

Harvey Yoshihara, fisheries biologist for the Fish and Game Dept., Division of Sport Fish, said his department made a rough estimate of the amount of oil flowing into the stream based on visual calculation.

They estimated that from one to two gallons per day flowed into the creek last year in August. Whether or not this rate of flow was continual, he could not say. When the temperatures dropped to sub-zero, the ground froze and retained the oil.

When it warmed up again in 1972, the same old problem was there. The log boom used in 1971 was utilized again for a short time and new measures were taken to get rid of it.

Two small catch ponds were excavated right at the creek edge, pipes inserted to drain water from the bottom, and the oil burned off the top. Fires were burned two and sometimes three times a day during June.

Some time early in June, it was suspected that the amount of oil must be coming from a new leak rather than the old problem. The leak was located in a fuel line leading from the bladder field to an upper storage tank, in a buried section of the line.

The line was sealed off immediately and a new one installed above ground, with a portion remaining buried.

Neither BLM nor the federal Environmental Protection Agency had any records of this June 1972 leak being reported as a new leak. BLM considered that the problem was covered as existing before.

Alyeska has a responsibility to report to EPA and the Coast Guard any oil spills wherever navigable waters are involved. Earlier reports were made to both agencies in 1971, but neither sent a representative to review the amount of damage.

The corrective means were approved by BLM's Duane Ferdinand.

BLM explained: "Any professional should be able to make a judgment. You may consult with others but the decision is ultimately yours. It's like a doctor. If you called in ten doctors, you might get ten different opinions, but if you respect his opinion, you go with it."

There is no fail-safe method of cleaning up an oil spill. Ray Morris, oil pollution expert for the Environmental Protection Agency, said, "If you've ever walked into a situation where there's been any sizeable spill, you take one look at it and you have a helpless feeling."

"Once they get away from you, it's a real problem. If you can contain it at the time of spill, if you can anticipate accidents, you have a better chance at corrective measures."

On pollution in general, Morris said, "Once you've got people in an area, you get a stove, you get fuel, you've got a problem."

This was the concern of the North Slope Eskimos from the beginning of the pipeline proposal. John Lear, writing in the Saturday Review in 1970, had said: "Mistakes were bound to happen. They would have to be suffered charitably in the faith that their recurrence would be prevented or at least minimized by ongoing research."

In the Happy Valley incident, it would not seem that there has been any "research."

No scientist took definitive samples of the amount and rate of flow of the oil seepage into the creek.

No one tested the soil contamination around the bladder field. The darkened area was described as being due to natural Arctic vegetation decomposition, yet a handful of it smells strongly of fuel oil.

On Earth Day, 1970, Eben Hopson of Barrow spoke on the subject of the pipeline.

"We must remember that the route north of the Brooks Range is almost 200 miles. The Fish and Game Department of the State of Alaska has officially described that most of that route will be along the Sagavanirktok River 'for many miles.'"

"Then the Fish and Game Department says: 'Six additional rivers crossed or closely approached by the pipeline north of the Brooks Range contain important stocks of sports fish, principally Arctic Char and Grayling.'"

Harvey Yoshihara, fisheries biologist, did not feel the Happy Valley leakage was a major problem. However, he added, "There's an accumulation factor. We don't know where

the oil is being collected, if it is continuing to leak."

"If it's being flushed out," he said, "no problem. If it settles in a pool, on the gravel bottom of a pool, it could cause problems. Any type of spill is going to be a problem. Everything has to be in relative terms."

"I personally feel that Alyeska had done a fairly good job. They're taking action on it."

The spill could have been much more damaging, said Yoshihara if it had occurred at a time when the fish were migrating. Fish and Game does not have abundant figures on the fish population in the stream. Alyeska also has a fish crew and Yoshihara said there was a very free exchange of data between their people and the state's.

In general, there has been very little exploration in the Sag drainage.

"If we are able to get the natural population now, when the road does come through, we'll know what our base was."

He described the stream beside the camp as a rearing stream for Arctic Char and grayling. At times, Fish and Game may advise construction crews to postpone or forestall construction activity that might be damaging to the fish.

Fish and Game was quoted on Earth Day, 1970, as saying, "Predicting the impact of this pipeline on the sport fish resources of waters crossed by it requires much more than educated guesses."

Educated guesses by on-site engineers evaluated the oil leakage at Happy Valley as minimal, although it is a continuing problem that has persisted for well over a year.

During that time, oil has been infiltrating the creek and no one knows where the oil has gone or what the cumulative effect will be.

If there have been as many as three accidents (number three, the dropping of a helicopter fuel tank) at one campsite alone, what is the total of small accidents in all the camps along the route?

A BLM official said, "Oil seeping into the Sag River really isn't much. If you had a tanker leak in Prudhoe Bay, that would be major and the Coast Guard and the EPA people would be there."

The Alaska Native has fought every inch of the way to protect his land from damage. Is it to be protected only when the damage is major, and not when it is minor?

Waszkiewicz described the number of government agencies involved in one way or another with the pipeline activity as a "multiheaded monster like you can't believe."

It is curious and more than a little disturbing that of all those heads, only one BLM engineer investigated the magnitude of the damage at Happy Valley.

If for no other reason, it might have offered positive proof to the public and more especially, to the Alaskan Native, that it was indeed a Mini-Leak, and that reasonable and orderly procedures were followed, resulting in a total, fast, and efficient clean-up.

In August of 1971, Duane Ferdinand wrote a summary of his evaluation of the problem at Happy Valley:

"The cut-off trench below the waste area had only limited success in stopping the subsurface flow of oil to the creek. This flow would be very difficult to stop and I would not recommend that an attempt be made to do so. Containment of the oil in the creek is a feasible and practical way to minimize this problem."

This series on the Happy Valley situation began with the question: What would happen if? What would happen if there is a major oil spill?

The "limited success" of the Happy Valley clean-up is an awesome indicator of the difficulties anticipated in future major oil spills.

# U.S. SOVEREIGNTY OVER CANAL ZONE AND PANAMA CANAL—NOT NEGOTIABLE

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, in a statement to this body on "U.S. Sovereignty Over Canal Zone—Latest Attack" in the CONGRESSIONAL RECORD of July 20, 1972, I quoted an exchange of letters with the Secretary of the Army and commented at some length thereon in protest against allowing the Government of Panama to establish Panamanian electoral districts in the U.S.-owned Panama Canal territory.

The Secretary of the Army replied promptly by making the following significant statements:

First, that the responsibilities of the Canal Zone Government within the zone will not change as a result of the Panamanian decree;

Second, that Panamanian citizens residing in the zone may vote, as in the past, in places outside U.S. jurisdiction;

Third, that the Department of State has sent a diplomatic note to Panama asserting that the U.S. Government does not accept the Panamanian action as one to assert its authority in the canal territory contrary to existing treaty provisions; and

Fourth, that the Secretary of the Army has sent a copy of my July 6, 1972 letter to the Department of State.

Though the indicated letter of the Secretary of the Army does help to clarify some of the interpretations placed upon the Panamanian decree, it is not conclusive. The Ministry of Foreign Relations of Panama, in an official bulletin on May 24, 1972, published its determination in the current treaty negotiations to "insist on unrestricted exercise of its jurisdiction over its entire territory"—Carta de Panama No. 53—May 24, 1972, Information Bulletin, Ministry of Foreign Relations.

Mr. Speaker, in the light of numerous public statements by leaders of the Panama Revolutionary Government, could there be anything more definite as to Panamanian objectives than this declaration? The decree of the Panama Government establishing electoral districts in the Canal territory is interpreted in Panama as an exercise of its sovereignty regardless of what our State Department may say, and such action should not be recognized.

The Canal Zone and Panama Canal are territory and property under the sovereign control of the United States. The zone was acquired for canal purposes by the United States by purchase of the grant in perpetuity from Panama and obtaining title to all privately owned land and property in the zone by purchase from individual owners. Together the zone and canal form a part of the coastline of the United States and as such sovereignty over them is not negotiable.

The Panamanian Government has no more right to establish electoral districts for its citizens in the U.S. canal territory than the United States has to do so

in Panama for our citizens there, or France in the Louisiana Purchase territory. As to the blind attitude of our highest officials on this weighty matter over a period of many years, I ask: Why is it that they have allowed themselves to be brainwashed by Panamanian demagogues?

Mr. Speaker, why is it that some President of the United States has not publicly asserted that our rights, powers, and authority over the Canal Zone and Panama Canal are held in trusteeship for civilization, that they are nonnegotiable, and that they will be held in perpetuity?

In order that the Congress be informed as to the July 26, 1972, letter of the Secretary of the Army, I quote it as part of my remarks:

DEPARTMENT OF THE ARMY,  
Washington, D.C.

HON. DANIEL J. FLOOD,  
House of Representatives,  
Washington, D.C.

DEAR MR. FLOOD. This is in reply to your recent letter expressing your concern over the recent Panamanian action regarding electoral districts for the Canal Zone.

The position taken by our Government in this matter was reached after careful consideration of all aspects of the Panamanian decree establishing the electoral districts. The responsibilities of the Canal Zone Government within the Zone will not change as a result of the Panamanian decree. We do not plan to allow voting to occur in the Canal Zone. Those Panamanian citizens who reside in the Zone and who desire to participate in this election may vote, as in the past, at places outside the jurisdiction of the United States. The diplomatic note presented to Panama, and mentioned by Deputy Under Secretary Koren in his 22 June letter to you, made it clear that we do not accept this action of the Panamanian Government as one to assert authority in the Canal Zone contrary to international agreements in force between our two nations. We also informed the Panamanians that we would endeavor to avoid misinterpretation of the decree on the part of interested persons and authorities in the United States and that we expected them to do likewise in Panama.

I appreciate receiving your views on this matter. In order that the Department of State is aware of your thoughts on this recent Panamanian action, I have taken the liberty of providing the Department a copy of your recent letter.

Sincerely,

ROBERT F. PROHLKE,  
Secretary of the Army.

## THE VOLPE PLAN AND ITS EFFECT IN LARGE-AREA STATES—ANALYSIS OF THE 1972 HIGHWAY NEEDS REPORT

The SPEAKER. Under a previous order of the House, the gentleman from Wyoming (Mr. RONCALIO) is recognized for 15 minutes.

Mr. RONCALIO. Mr. Speaker, recently the Secretary of Transportation presented the 1972 National Highway Needs Report<sup>1</sup> to the Committee on Public Works, U.S. House of Representatives. The report recommends a major reclassification of authorization categories within the highway trust fund for fiscal years 1974 through 1979. The intent of this realignment is to: First, provide increased resources to deal with the prob-

lems of transportation in our major metropolitan areas; second, provide increased flexibility to State and local governments to decide their transportation priorities by abolishing narrow categorical grant problems; and third, provide an assured pattern of program growth by funding both highway and mass transit projects from the highway trust fund.<sup>2</sup>

The ultimate effect of this administrative proposal is to deny Wyoming of much needed Federal aid for the completion of the State's vital Interstate System. In addition Wyoming would be discriminated against in the appropriation of Federal funds for further development of the State's highway system on both urban and rural levels.

W. G. Lucas, superintendent and chief engineer of the Wyoming Highway Department states in "The Future of Wyoming Highway Systems" that Wyoming requires \$194.1 million to complete its Interstate Highway System by 1975.<sup>3</sup> Wyoming interstate apportionments for fiscal year 1972 were \$28,224,000. A similar amount was appropriated from the highway trust fund for fiscal year 1973. However, DOT's needs report would offer Wyoming only \$17,479,000 for fiscal year 1974 and 1975.<sup>4</sup>

The administrative report considers a 1975 completion date unrealistic. "With anticipated delays resulting from controversy over some urban interstate locations and new statutory requirements, it is likely that the presently designated interstate system will not be completed until 1980."<sup>5</sup>

It is at best dubious that Wyoming's interstate system will be totally constructed by 1980. Mr. Lucas' costing estimate is well above the cumulative recommended appropriations for fiscal year 1973 through fiscal year 1979. The 1972 needs report estimates an amount of only \$16,975,000 for each fiscal year from 1976 through 1979. Note that similar estimates within the needs report for fiscal year 1974 and fiscal year 1975 were more than 4 percent above the adjusted figure now cited by DOT.<sup>6</sup> Even without adjusting the 1976-79 figures the total Federal allotments from the present until mid-1980 is \$159.3 million. Reducing Mr. Lucas' estimate by 10 percent to correct the total sum required for completion to correspond with the Federal Government's matching commitment the estimated appropriations would still fall \$15.4 million below that amount needed for final termination of the interstate system by 1980.

In light of the 1972 highway needs report it becomes obvious that the administration does not recommend sufficient funding to complete the interstate system within the too often prolonged termination date. If inflation and anti-inflationary measures are taken into account it is possible that the State will not witness final construction of its interstate system until the mid-1980's. Further investigation, however, reveals even greater inequities which Wyoming would suffer if the administrative program becomes public law.

The difference between fiscal appropriations from the highway trust fund

Footnotes at end of article.



for fiscal year 1973 to fiscal year 1974 is \$794 million for interstate systems on a national level or a decrease of 19.5 percent. Over the same 1-year period Wyoming's allocations would be reduced by \$10.745 million or 37 percent, almost twice the proportionate budgetary cut which the Nation as a whole would undergo. The better interests of Wyoming have been neglected in the present Federal Highway Administration's Needs Report in regard to Federal financing of the Interstate System.

Wyoming is also adversely affected in the other pertinent proposals of the 1972 report which would reallocate the remaining highway trust fund—excluding those amounts for the interstate system and safety, research, and development—into three categories: The single urban fund, the rural Federal aid system, and the rural general transportation fund. No one can deny that urban transportation is in a decrepit state of affairs. Poor logistical planning by large metropolitan areas have produced urban transportation systems which fail to serve the needs of their populations. Automotive pollution is at a critical level with city atmospheres cloaked in shrouds of smog. Daily morning and evening rush hours tell a sad tale about the plight of metropolitan highways, however, Secretary Volpe's recommendations add little equity or logic to the situation.

The 1972 Highway Needs Report, the Volpe plan, would place \$1 billion in the new single urban fund for fiscal year 1974. This would increase to \$1.85 billion for fiscal year 1975 and \$2.25 billion for fiscal year 1976 through fiscal year 1979. Note that 79 percent of the single urban fund in fiscal year 1974 may be accounted for by that year's proposed cut back in interstate highway appropriations. Single urban fund allocations are earmarked solely for those metropolitan areas of 50,000 population or more which are given the characteristically sterile label of standard metropolitan statistical area—SMSA.

The funds would be distributed as follows: First, 40 percent would be allocated to the SMSA's of the Nation according to population; second, 40 percent would be apportioned to the States directly according to SMSA population with no State receiving less than one-third of 1 percent of the total appropriation; and third, 20 percent would be reserved for discretionary use by the Secretary for urban mass transportation projects.<sup>7</sup>

Except for the token one-third of 1 percent under section (2), Wyoming would receive no assistance from the single urban fund—SUF—as no State urban area qualifies as an SMSA. The fact that almost four-fifths of the SUF may be accounted for by cutbacks in the interstate allocations “rubs salt on the open wound” caused by blanket budgetary proposals. In an appearance before the House Subcommittee on Roads, Committee on Public Works, of which I am a member, Mr. John Scott, master of the National Grange made a strong point when he said:

The National Grange opposes the financing of Urban Transit from taxes on highway users. It is not fair to tax rural and small town people to help solve the problems of big city Mass Transit.

Not only will Wyoming fail to reap any meaningful benefit from the SUF, it would also have to carry its share of the fiscal burden brought on by such a program.

If the SUF would significantly promote the national welfare then it would be within the democratic spirit of Wyoming to support the program. But those purporting the SUF would endeavor to advance transportation systems which are fast becoming obsolete. The Volpe plan not only suggests but recommends further expansion of intra-urban highway systems. This would logically result in greater auto congestion of our cities accompanied with the noxious gasses of vehicular pollution.

Admittedly the SUF would be open to modes of transportation other than paved surface for low passenger automobiles. But this is not enough. The necessity for mass transportation of large numbers of people within single mobile units is now a reality. The Nation can no longer rely on highways as their primary means of intra-urban transportation. To expand metropolitan highway systems much further will result in communities surrounded by concrete, steel, asphalt, and poisonous atmospheres. Metropolitan areas will be void of aesthetic and healthy environments which will have a deleterious effect on their populations.

The rural general transportation fund and the rural Federal aid system are the last facets of the Volpe plan to be considered. These would comprise the bulk of Wyoming noninterstate funds for fiscal year 1974—excluding \$583,000 for planning of all systems—if the 1972 highway needs report is passed by Congress. The report provides that no State will receive a smaller Federal noninterstate appropriation for fiscal year 1974 or fiscal year 1975 than that awarded in fiscal year 1973. Noninterstate revenue from the highway trust fund for Wyoming in fiscal year 1973 was \$11,102,260 and in fiscal year 1974 under the Volpe plan would be \$11,685,000 an increase of \$582,740 or plus 5.2 percent.<sup>8</sup> This is well below the proportionate increase in noninterstate funds taken from a national perspective.

Total noninterstate appropriations from the highway trust fund equal \$1.425 billion in fiscal year 1973 and would be \$1.8 billion in fiscal year 1974 excluding for both years the Secretary's discretionary fund and those moneys reserved for research and development.<sup>9</sup>

Thus the comparative national appropriation would increase by \$375 million or 27.7 percent,<sup>10</sup> five times the relative increase for Wyoming. The general reason for this discrepancy may be attributed to the recommended establishment of the SUF.

Wyoming would receive \$9,992,000 from the rural Federal aid system—RFAS—for fiscal year 1974.<sup>11</sup> The apportionment formula for the RFAS in the needs report is: First, one-third in accordance with the square root of State land area; second, one-third in accordance with total State population, and third, one-third in accordance with State highway system mileage.<sup>12</sup> Use of these funds unlike the SUF are narrowly restricted under the Volpe plan. At least 60 percent but not

more than 90 percent must be spent on the select portion of the highway system of each State. Select pertains only to arterioles. The remaining 10 to 40 percent must go toward construction of the supplemental portion of the system which consists of major collectors. The matching formula for the RFAS is 70 to 30 Federal to State.

The amount of \$1,110,000 would be available for Wyoming from the rural general transportation system fund—RGTF—in fiscal year 1974.<sup>13</sup> This revenue would be apportioned in accordance with the non-SMSA population which in Wyoming's case is the entire State. The RGTF appropriation would supposedly compensate for the inability of the RFAS to assist rural counties which rely on minor collector and rural roads. Note that the revenue for the RFAS dwarfs that of the RGTF by an uneven ratio of 10 to 1.

There has been some speculation that the RGTF will include the funds which Wyoming now receives for programs entirely funded by the Federal Government, such as forest highways and Federal land projects.<sup>14</sup> The potential shortcoming of such a proposal lies in the fact that the RGTF matching formula is the same as that for the RFAS: 70 percent Federal versus 30 percent State. While the Department of Transportation dismisses the possibility of this happening, the mere suggestion adds to the ominous results which could occur if the Volpe plan passes Congress.

The 1972 highway needs report offers a battery of statistics to support the administration's proposals for redirecting the priorities which the national highway trust fund must serve. It is all too obvious that Wyoming would suffer under such an inequitable program. In Wyoming the development of the resources of agricultural, industrial, and recreational nature are dependent to a great extent on highway transportation.<sup>15</sup>

The Wyoming highway system is already in dire need of increased Federal aid. Yet the 1972 needs report indicates that Wyoming would receive .58 percent of national highway appropriations for fiscal year 1974, .51 percent for fiscal year 1975 and .48 percent for fiscal year's 1976 through 1979<sup>16</sup> if the Volpe plan becomes a reality.

The United States is at the doorstep of a new era. National sentiment demands a regeneration of laws for future highway development for equitable guidelines which must be adopted to insure that each State, each citizen receives a fair share in this dynamic resurgence. Attention must be directed in a responsible manner to all Americans by all Americans to realize the goals we have set before us.

#### FOOTNOTES

<sup>1</sup> House Document 92-266 part 1 and 2.

<sup>2</sup> House Document 92-266 part 1, page VII.

<sup>3</sup> The Future of Wyoming Highway Systems, page III.

<sup>4</sup> Mr. Kruser, Federal Highway Administration, Department of Transportation.

<sup>5</sup> House Document 92-266, part 1, page 36.

<sup>6</sup> \$18,194,000 was estimated while the present figure cited is \$17,479,000.

<sup>7</sup> House Document 92-266 part 1, page IX.

<sup>8</sup> Mr. Kruser.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.<sup>11</sup> Ibid.<sup>12</sup> House Document 92-266, part 1, page 45.<sup>13</sup> Mr. Kruser.<sup>14</sup> Thermopolis Independent Record, July 6, 1972, page 2.<sup>15</sup> The Future of Wyoming Highway Systems.<sup>16</sup> House Document 92-266, part 2, page VII-54.STATISTICAL ANALYSIS<sup>1</sup>

National authorizations under the 1972 highway needs report for fiscal year 1974 (in millions):	
Interstate.....	\$3,250
Single urban fund.....	1,000
Rural Federal aid system.....	800
Rural G. transportation system.....	200
Safety and other.....	400
Total.....	5,650
National highway (fiscal year 1973).....	\$ 5,469,000,000
Trust fund (fiscal year 1974).....	\$ 5,050,000,000
Difference (-7.7 percent).....	419,000,000
Wyoming highway (fiscal year 1973).....	39,326,260
Trust fund (fiscal year 1974).....	29,164,000
Difference (-25.8 percent).....	10,162,260
Breakdown of Wyoming Highway Trust Fund for fiscal year 1974:	
Interstate.....	17,479,000
RFAS.....	9,992,000
RGTF.....	1,110,000
Highway planning.....	583,000
Total.....	29,164,000
National interstate appropriations:	
Fiscal year 1973.....	4,044,000,000
Fiscal year 1974.....	3,250,000,000
Difference (-19.5 percent).....	794,000,000
Wyoming interstate appropriations:	
Fiscal year 1973.....	28,224,000
Fiscal year 1974.....	17,479,000
Difference (-37 percent).....	10,745,000
National noninterstate appropriations for fiscal year 1973:	
Highway trust fund.....	\$ 5,469,000,000
Interstate appropriations.....	4,004,000,000
Noninterstate appropriations.....	1,425,000,000
National noninterstate appropriations, fiscal year 1974:	
Highway trust fund.....	\$ 5,050,000,000
Interstate appropriations.....	3,250,000,000
Noninterstate appropriations.....	1,800,000,000
Difference between noninterstate appropriations fiscal year 1973 to fiscal year 1974, national:	
Fiscal year 1973.....	1,425,000,000
Fiscal year 1974.....	1,800,000,000
Difference (+27.7 percent).....	375,000,000
Wyoming noninterstate appropriations, fiscal year 1973:	
Highway trust fund.....	39,326,260
Interstate appropriations.....	28,224,000
Noninterstate appropriations.....	11,102,260
Wyoming noninterstate appropriations, fiscal year 1974:	
Highway trust fund.....	29,164,000
Interstate appropriations.....	17,479,000
Noninterstate appropriations.....	11,685,000
Difference noninterstate appropriations, fiscal year 1973 to fiscal year 1974, Wyoming:	
Fiscal year 1973.....	11,102,260
Fiscal year 1974.....	11,685,000
Difference (+5.2 percent).....	582,740

<sup>1</sup> All fiscal year 1974 figures are those estimates from the 1972 highway needs report.<sup>2</sup> Excludes \$200,000,000 reserved for Secretary and \$400 for safety and other.

Note: Wyoming's proportionate share of highway trust fund as forecast by the 1972 highway needs report: Fiscal year 1974, 0.58 percent; fiscal year 1975, 0.51 percent; fiscal year 1976 to fiscal year 1979, 0.48 percent.

## MENTAL HEALTH

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, today I am introducing a bill that would provide all Americans with adequate mental health care. This bill is entitled, the Mental Health Act of 1972. The bill is designed to end the discrimination in health benefits between mental health care and other forms of health care. I testified in November before the Ways and Means Committee on the necessity of equal coverage for mental illness under national health insurance and stated at that time that I would introduce legislation toward that end.

Ten percent of all Americans will eventually suffer from some form of mental illness that will require psychotherapeutic treatment. This means that more than 20 million Americans are directly affected by mental health problems. This figure does not even approach the number of Americans who will have a parent, a child, or a friend affected by mental illness. The fact is that the majority of Americans have direct contact with mental illness.

The majority of those suffering from mental illness are the poor. Those with the least education and the lowest incomes have the highest rates of admission to State and county mental hospitals and to outpatient psychiatric services. Within this group, older citizens have the highest rate of mental illness. But last year more than 150,000 children came to the community mental health centers for assistance, yet only 10 percent of these could be helped.

There is, Mr. Speaker, a mental health crisis in this country, and there is a stigma attached to anyone who receives mental health treatment. The events of the past week concerning Senator EAGLETON have brought this issue to the forefront. I am concerned that these events will have a detrimental effect on those Americans who are contemplating psychiatric assistance. Many may now be ashamed or fearful of asking for the needed treatment. The roots of this discrimination lie in the consciousness of the American people. We too often take a medieval approach to mental illness as an incurable or untreatable affliction. Too many see mental illness as something frightening, incomprehensible, and debilitating.

The truth is that mental illness is a valid form of illness and should be treated as such. People do not plan to have pneumonia, nor do they plan to have a mental breakdown. Yet, in each case, people do take steps to have themselves treated. There should be no distinction. To condemn a person to a lifetime of shame is cruel and senseless, especially when a person chooses the right course.

Until this country fully recognizes the validity of mental illness—until we can accept mental illness as we do physical illness, many Americans will fail to ob-

tain the treatment they need. We in Congress have the opportunity to do the right thing—and the enlightened thing—by passing legislation recognizing the legitimacy of mental illness and providing sufficient financing for all citizens to get the help they want. The Federal Government can lead the fight to eradicate the mark of shame from this illness and we should begin now.

The best approach to any disease is preventive. One purpose of the bill is to give to all Americans a right to obtain adequate preventive care at a price they can afford.

## ANALYSIS OF BILL

Title I includes full payment of:

First, psychiatric hospital care which will include all care to an individual in a qualified psychiatric hospital. This care will be limited to a 90-day period except when the individual's physician requests an additional 30 days subject to the approval of the utilization review board. Further extensions may be granted by the utilization review board but not less often than every 30 days.

Second, psychotherapeutic care which will include visits made by an individual to a psychotherapist for mental health treatment which is of an active preventive, diagnostic, therapeutic, or rehabilitative nature during any benefit period. Payment for these visits shall not exceed 20 unless the physician to whom the visits are being made is participating in a group health program approved by the Secretary.

Third, prescription drugs which will include drugs and biologicals for which a physician's prescription is necessary.

Fourth, psychotherapeutic home care which will include all home visits made to an individual in a qualified institution therapist or by qualified staff members of a mental health clinic or comprehensive mental health center approved by the Secretary of Health, Education, and Welfare.

Fifth, day mental hospital care which will include all care and services provided to an individual in a qualified institution which is primarily engaged in furnishing psychotherapeutic treatment during the daytime hours but does not provide the patients with 24-hour accommodations. This is subject to the same 90-day restriction as in psychiatric hospital care.

Sixth, night mental hospital care which will include all care and services provided to an individual in a qualified institution which is primarily engaged in furnishing psychotherapeutic treatment, sleeping accommodations, and related care and services during the nighttime hours to individuals who work during the day. This is subject to the same 90-day restriction as in psychiatric hospital care.

Seventh, 25 percent of the costs of half-way house care which includes the care provided by those institutions which furnish a transitional residence to those patients who have been released from psychiatric care at the recommendation of their physician and at the approval of the utilization review board. Also includ-



ed is care for those patients who will need long-term living arrangements, who require permanent substitution for hospitalization, and who can be maintained in the community with continuing supporting help.

Eighth, community mental health care center services which include all care in a facility meeting the requirements of the Community Mental Health Act and is making available to a substantial proportion of the residents a comprehensible program of mental health care.

These services will be available to all Americans regardless of their ability to pay and without copayment or deductibles or coinsurance. All mental health care will be made available to all Americans without direct cost.

To maintain the quality of care, title I of the bill sets strict qualification standards for the providers. These include maintenance of adequate clinical records, accreditation by the Joint Commission on Accreditation of Hospitals, bylaws that will prevent discrimination on any grounds unrelated to professional qualifications, every patient under a physician's care and the ratio of physician to patient not exceed 40 to 1, 24-hour nursing service with a registered nurse on duty at all times and the ratio of nurses during the daytime hours never exceeding 10 to 1 and 25 to 1 during the nighttime hours, and the ratio of LPN's to RN's never exceeding 5 to 1, and most importantly, a utilization review board consisting of not more than eight persons. The composition of the board shall include three members of the general public, one physician, one psychotherapist, one paraprofessional, and two additional members appointed from among other persons in these categories with not more than two members of the board being members of the hospital staff.

The program would be administered by the Secretary of Health, Education, and Welfare, with the advice of a Committee on Mental Health which shall be appointed by the Secretary. The Committee will consist of five psychiatrists, five hospital administrators, five former mental patients, five members of the general public and the Secretary, who will act as chairman. Terms of office of the Committee members and any conditions of service will be determined by the Secretary.

Also included in the bill under title I will be a full and complete study over the next 5 years of the costs of providing mental health insurance in order to determine the feasibility of expanding the program. This study would be conducted by the Secretary of Health, Education, and Welfare.

Also under title I, there would be created a Federal mental health trust fund. The fund will result from the mental health taxes that are discussed under title II of this proposal. The mental health trust fund will be administered by a board of trustees of the trust fund. It will be composed by the Secretaries of Health, Education, and Welfare, Treasury, and Labor.

The effective date of the program will be the first day of the first calendar

month which begins 6 months after the date of the enactment of this act.

#### TITLE II

Title II of the bill provides the funding mechanism of the bill through a mental health tax. In this way it would be supplemental to the Kennedy-Griffiths proposal. However, this tax and this program can be instituted without previous national health insurance program.

The mental health tax will be imposed on the income of every individual at a rate equal to 0.16 percent of the wages received by him during the calendar year which exceed the sum of \$6,500, plus one-half of the amount by which the regular contribution base for such year exceeds \$9,000.

There will be imposed on the employer an excise tax, with respect to having individuals in his employ equal to 0.52 percent of the wages paid by him during any calendar year.

For individuals who are self-employed there will be a tax equal to 0.38 percent of the self-employment income for such taxable year as the income exceeds the sum of \$6,500, plus one-half the amount by which the regular contribution base for such year exceeds \$9,000.

There would also be a tax on unearned income equal to 0.16 percent of the amount of such mental health unearned income for such taxable year that exceeds \$400.

Mr. Speaker, there is a new trend in the Nation away from institutionalization and toward continued care and treatment of the mentally ill. The number of inpatients in State and county mental hospitals as of June 1970 was 338,592. This represented a drop of 35,192 patients, or a 9.5-percent decline during the year. Thus for the 15th consecutive year, the population of the institutions has declined; 1970 was the first year that the number of releases from mental hospitals exceeded admissions.

But we are just beginning the fight against mental illness. It should be of the highest priority to effectively treat those who suffer from mental illness.

A nation is only as strong as its physical and mental well-being.

Mr. Speaker, this is the most comprehensive proposal on mental health and care of the mentally ill ever to be introduced in this body. The scope and the methods of treatments covered by this program will effectively fight mental illness in this country. It is time that the Congress recognizes its role in the area of mental health and take appropriate steps.

#### EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, on June 28, I introduced, for myself and 13 other Members of the House, H.R. 15727, the Education for all Handicapped Children Act, a measure aimed at providing special educational services to all hand-

icapped children, including the mentally retarded and emotionally disturbed.

At that time, Mr. Speaker, I observed that only 40 percent of the approximately 7 million handicapped children in America receive the special educational services they need, and that fully 1 million of them are totally excluded from public schooling.

The bill which I introduced would provide Federal grants to help State governments pay at least 75 percent of the excess cost involved in educating a handicapped child.

Mr. Speaker, handicapped children, of all kinds, have for too long been forgotten children of our education system.

And now, I am afraid, the results of our neglect are returning to haunt us.

Here in the Capital City yesterday, a Federal judge concluded that all handicapped children have a constitutional right to a public education and ordered the District of Columbia to offer all such children educational facilities within 30 days.

I ask unanimous consent, Mr. Speaker, to insert in the RECORD the Washington Post story describing the kinds of discrimination practiced against handicapped children in Washington, D.C., and the basis of the decision of U.S. District Court Judge Joseph C. Waddy:

#### JUDGE ORDERS SCHOOLING OF HANDICAPPED CHILDREN

(By Jim Mann)

A federal judge here declared yesterday that handicapped and emotionally disturbed children have a constitutional right to a public education and ordered the District of Columbia to offer all such children educational facilities within 30 days.

In a sweeping opinion, U.S. District Court Judge Joseph C. Waddy also directed the District school system to establish elaborate hearing procedures under which no pupil could be placed in a special education program or be suspended from school for more than two days without a public hearing.

The judge also ordered the District to come up with a written, comprehensive plan for providing special education facilities and identifying those children who need them within 45 days. He threatened to appoint a special master for the school system if his order is not carried out. The 30-day deadline applies to children already known to the system.

The ruling by Wadding comes after a year of litigation and controversy regarding the admitted failure of the District to provide a public education for handicapped, disturbed and retarded children.

According to a 1971 report by the D.C. school system to the Department of Health, Education and Welfare, an estimated 13,340 handicapped children were being deprived of adequate care for the 1971-72 school year.

School authorities have been unable to say how many handicapped or disturbed children have been completely deprived of any education here. The estimates range from a few hundred to several thousand.

Waddy's opinion may also have some national impact. It is the first court decision in the nation stating explicitly that handicapped children have a constitutional right to a public education, according to Stanley Herr, the attorney who represented the children in the case.

During the past year of litigation, the District and the school board had generally conceded that there was an obligation to provide public education for the handicapped, but said they faced a number of obstacles in providing such education.

Waddy said yesterday that none of those obstacles mattered.

For example, the objection was raised that it is impossible to provide special education for the handicapped unless Congress appropriates millions of dollars for that purpose.

But Waddy said yesterday, "The inadequacies of the District of Columbia public school system, whether occasioned by insufficient funding or administrative inefficiency, certainly cannot be permitted to bear more heavily on the 'exceptional' or handicapped child than on the normal child."

The judge also cited what he said was a "lack of communication" among the D.C. school board, School Supt. Hugh J. Scott and his staff, and the D.C. government in developing special education programs. For the future, he clearly placed responsibility for carrying out his orders with the school board.

A spokesman for the corporation counsel's office which represented the District in the court case, said he would have no comment on Waddy's opinion. Scott could not be reached for comment.

Waddy devoted a considerable portion of his ruling to the creation of public hearing procedures within the school system.

The school system, the judge said, "shall not suspend a child from the public schools for disciplinary reasons for any period in excess of two days without affording him a hearing . . . and without providing for his education during the period of any such suspension."

That provision came in response to a claim that emotionally disturbed children, or children thought to be disturbed, were being denied a public education through disciplinary suspensions.

In addition, Waddy wrote, any children thought by school officials or their parents or guardians to be in need of special education "shall neither be placed in, transferred from or to, nor denied placement in such a program unless (the school system) shall have first notified their parents or guardians of such proposed placement, transfer or denial; the reasons therefor; and of the right to a hearing before a hearing officer if there is an objection."

In such public hearing, the children or their guardians have the right to have legal counsel present and to have a tape recording made of the hearing, Waddy said.

In addition, the parents of school children were given access to all school records and tests for purposes of these public hearings.

Waddy did not say how the hearing officer would be appointed, but said he "shall be an employee of the District of Columbia, but shall not be an officer, employee or agent of the public school system."

The judge based his assertion that handicapped children have a constitutional right to public education on the Fifth Amendment guarantees to due process of law. He cited several other famous educational decisions as precedents, including the 1954 Supreme Court decision outlawing segregated schools and the 1967 decision by Judge J. Skelly Wright outlawing the so-called track system here.

The case was brought on behalf of handicapped children by the National Law Office of the National Legal Aid and Defender Association, with attorneys Herr, Julian Tepper and Pat Wald handling the case.

Mr. Speaker, I also draw attention to pages 9495-9501 of the March 22, 1972, CONGRESSIONAL RECORD.

On that date, the distinguished Senator from Minnesota, the Honorable HUBERT H. HUMPHREY, inserted a remarkable series of articles from the Washington Evening Star written by John Mathews.

I believe that this series, entitled "The Expendables," does an excellent job of describing the problems faced by children and families as well as State and local governmental units as they have attempted to meet the needs of handicapped children.

Mr. Speaker, Senator HUMPHREY also inserted on March 22, 1972, editorial comments from the Washington Post and WRC-TV which give us further insight into the problems we face in this area.

Mr. Speaker, I believe this information underlines the urgent need for Congress to act to help alleviate the distress which handicapped children and their families are experiencing.

Passage of the Education for All Handicapped Children Act would mean a genuine stride forward in meeting that objective.

#### HON. FERNAND J. ST GERMAIN INTRODUCES LEGISLATION TO LOWER THE SOCIAL SECURITY RETIREMENT AGE TO 62

The SPEAKER. Under a previous order of the House, the gentleman from Rhode Island (Mr. St GERMAIN) is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, in each session of the Congress since 1968, I have introduced legislation to allow women to retire at age 62 with full social security benefits. I favored a similar provision for men but thought that would follow enactment of the bill for women.

Now that both the Senate and House have approved the Equal Rights Amendment, however, I feel legislation in this area must give equal treatment to both men and women.

Consequently I am introducing legislation today which would allow both men and women to retire at age 62 on full social security benefits with complete medicare coverage. The provisions of this bill apply to anyone who reaches the age of 62 and has paid into the social security fund for at least 30 years or 120 quarters. Although men and women can retire under the present law at age 62, they receive permanently reduced benefit payments amounting to 80 percent of the benefits they would be eligible for if they waited until age 65 to retire. My bill would give them 100 percent.

Moreover, those who retire under the present law at age 62 cannot get medicare coverage until they reach age 65. The legislation I am introducing extends medicare coverage to individuals retiring at 62.

Early retirement would be completely voluntary, but it would be available for anyone eligible who desired it. There are, of course, many older Americans who are eager to continue working, even past the age of 65. The widespread discrimination against these workers with their skills and vast experience is senseless and must end. On the other hand, at age 62, most men and many women have been working for well over 30 years, and if they wish to retire should be able to do so.

Too few people realize that many

countries, both rich and poor, have a lower retirement age than the United States. For example, a man can retire on a pension at age 60 in France, Italy, the U.S.S.R. and Argentina, to name just a few. In India it is 55. Altogether over 65 countries have a lower retirement age for their social security programs than the United States; and these countries have lower income levels than we do.

Lowering the retirement age to 62 would help the young as well as the old. If workers retire earlier, more job opportunities will open up for people just starting on their careers, and it is among these people that unemployment is the highest.

Mr. Speaker, in closing I would like to express my hope that the Congress will recognize the need to lower the retirement age and will take action on my proposal.

#### FEDERAL EMPLOYEES SHOULD BE FIRST-CLASS CITIZENS PROTECTED BY THE FIRST AMENDMENT

The SPEAKER. Under a previous order of the House, the gentleman from Montana (Mr. MELCHER) is recognized for 5 minutes.

Mr. MELCHER. Mr. Speaker, a three-judge Federal panel on Monday took a step which, hopefully, will lead to taking the political shackles off some 2.7 million Federal employees.

To this I say: "Well done."

There is no valid reason for a person to be deprived of the basic right to engage in partisan political activity just because he or she happens to work for the Government.

This 33-year-old law—the Hatch Act—actually has made second-class citizens out of this segment of our society. They deserve freedom to take affirmative action in the Nation's political process.

I hope, Mr. Speaker, that the Supreme Court does not delay in reviewing the ruling made this week by U.S. District Judge Gerhard A. Gesell.

And, I also hope that the Supreme Court agrees with the 2-to-1 decision written by Judge Gesell which found the High Court's 1947 action upholding the constitutionality of the Hatch Act was "outmoded by passage of time" and later decisions involving first amendment rights.

Judge Gesell, in his majority opinion, wrote:

Ours is not a form of government that will prosper if citizens, particularly federal government servants, must live by the mottoes "Better be safe than sorry" and "Don't stick your neck out."

This ruling found the Hatch Act, passed in 1939, was too broad and in violation of Federal employee's first amendment rights.

However, it does not touch the part of the Hatch Act which applies equally to State and local employees who work in federally funded programs because they were not represented in the lawsuit. They were brought under the umbrella of the act in 1940. It also does not touch provisions designed to protect employees from coercion.



It is my understanding, Mr. Speaker, that the Civil Service Commission plans to continue its enforcement of the Hatch Act pending action by the Supreme Court.

This country has functioned since its beginning on a partisan political concept and we cannot sensibly forbid such a large segment of the population from playing an active role.

Democrats as well as Republicans should join in their praise of the court ruling. With all of the liberation movements underway in the Nation, now hopefully we are reaching out to free these millions of employees who are hobbled by existing provisions of the Hatch Act.

#### EXPORT OF COWHIDES

The SPEAKER. Under a previous order of the House, the gentleman from Oklahoma (Mr. EDMONDSON) is recognized for 5 minutes.

Mr. EDMONDSON. Mr. Speaker, I have taken this time to protest, once again, the shortsighted and unfair action recently taken by the Secretary of Commerce to limit exports of cowhides.

Notwithstanding the fact that less than 5 percent of the cost of a pair of men's oxford shoes goes to pay for the rawhide used, the Secretary has stated as a reason for his action the administration's desire to hold down the price of shoes.

While his action has already resulted in some cut in hide prices, there is no evidence of any reduction in the price of shoes.

It is almost certain that the experience of this administration will prove to be the same as the experience of the last administration with this experiment: Hide prices will go down while shoe prices will continue to go up—to the enrichment of the shoe manufacturers and the definite disadvantage of the cattlemen of America.

The Secretary of Commerce, in short, will be favoring the shoe business at the expense of the agricultural producer—and literally taking it out of the hides of our farm and ranch people.

As was pointed out by my colleague in the other body, Senator BELLMON:

It is totally inconsistent for our Government to complain about low farm parity and on the other hand to take action that tends to keep the price from rising to a fair level.

Is there any contention that cattle prices are above parity? I have seen no evidence to that effect. On the contrary, while cattle prices are relatively better than prices on other farm products, the latest figures I have seen place them well below 100 percent of parity—at 93 percent.

The action taken by the Secretary of Commerce is sure to have a depressing effect on that price level, and on the net income of the farmer.

Having appealed to the Secretary of Commerce and to the President to remove this unfair limitation on exports, and having received no sign of favorable response from either, I now appeal to my colleagues to take action legislatively to

right this wrong against the agricultural producer.

There are no export controls, to my knowledge, on any other nonstrategic item produced for export.

There should be none on hides.

Let us take action, by law, to end this unfair treatment of American citizens who are in the business of raising cattle.

The cattlemen of America have asked for no special favors from our Government. They are among the most independent and productive of our citizens, and their contribution to the American economy and the well-being of every family is a significant one.

The least they are entitled to is fair treatment by the Government. If the Secretary of Commerce will not act to correct this injustice against them, the Congress should act to limit the powers of the Secretary.

#### JANE FONDA'S DASTARDLY ACTS AGAINST THE UNITED STATES

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, public attention has once again been focused on the left-wing attacks of Jane Fonda upon the U.S. Government. During her recent visit to Hanoi, her un-American efforts to influence U.S. troops in South Vietnam to defect to the North can only be described as shameful.

We in this country possess a precious privilege in our ability to criticize governmental actions, and this privilege properly exercised can be of immeasurable value. However, overt appeals to U.S. fighting men calling for desertion of their country is a treacherous abuse of free speech which cannot be tolerated.

This great Nation was built upon the citizen's willingness to sacrifice and endure; each generation has done it and herein lies the hope for enduring peace. Peace is our common aim. Miss Fonda's destructive and contemptuous dogma is scorned by her fellow countrymen.

The Maj. Gen. Charles T. Menoher, Post 155, Veterans of Foreign Wars, of Johnstown, Pa., has passed a resolution. It is the conviction of these veterans that appropriate action be initiated to bring about an investigation and condemnation of Jane Fonda's visit to North Vietnam.

#### RESOLUTION

Whereas, The attempts of Jane Fonda to influence our fighting men toward traitorism and desertion cannot go unchallenged;

Whereas, This person is a peddler of communist sympathy, propaganda and influence is a disgrace to herself and more importantly to her country; and

Whereas, The activities of Jane Fonda have leaned heavily towards Communism and its teachings and diametrically opposed to what this country stands for, leave her right to American citizenship open to serious question; now, therefore, be it

Resolved, that Major General Charles T. Menoher Post 155, Veterans of Foreign Wars advocates that the showing of movies and television shows in which Jane Fonda appears be banned from exposure in this country and that she be investigated by the proper authorities to determine whether or not

she should be prosecuted, and if such prosecution be pursued and if found guilty, she should be denied the right of American citizenship and declare her person non grata.

JAMES W. BOTHWELL,  
Commander.  
BERNARD J. KESSLER,  
Adjutant.

#### SECRETARY OF THE INTERIOR SPEAKS AT GROUNDBREAKING CEREMONIES

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, with the groundbreaking of the Homer City coal gasification plant on Thursday, July 27, 1972, I realized the fulfillment of a dream. This project will catapult Indiana County, an area I am proud to represent, into the role of "Energy Junction, U.S.A."

This event marked the beginning of a long-sought project that will benefit the coal industry, the gas industry, their workers, my district, and the Nation; its contributions will become increasingly important as the demand for energy grows. This is the beginning of a governmental effort to head off the fuel calamity which faces our country.

I was honored to be joined at the gasification groundbreaking by the Hon. Rogers C. B. Morton, Secretary of the Interior, whose remarks on this momentous occasion warrant the attention of my colleagues.

REMARKS OF HON. ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR, AT COAL GASIFICATION PLANT GROUNDBREAKING, HOMER CITY, PA., JULY 27, 1972

I am very pleased to be here with Congressman Saylor for the groundbreaking of this coal gasification pilot plant. This facility is an important milestone in President Nixon's Clean Energy Program. Its location in the great State of Pennsylvania is especially appropriate, not only because of your abundant reserves of coal but because the Nation's energy boom began here . . . when in 1859 the first oil well in this country was drilled at Titusville.

Our energy problems are much more complex now than they were in 1859. Today, we are using energy at such a tremendous rate that the adequacy and security of future supplies is doubtful. Today, energy consumption pollutes our air. Today, despite many advances, the production of energy damages the environment and potentially threatens the health and safety of many of its workers.

These problems are beyond the scope of any one company or even a single state. The inevitable result of this situation has been a larger role for the Federal Government. Today, its role is essential. The very future of our way of life depends on a plentiful supply of energy, which we can no longer take for granted. Recognizing this, President Nixon sent a landmark message to Congress on June 4 of last year. His Clean Energy Message set forth a far-sighted program to meet the coming energy problems.

The President proposed these actions:

Completion of a demonstration fast breeder nuclear reactor by 1980

Support for research projects in fusion power, magneto-hydrodynamic power cycles and underground electric transmission

Acceleration of oil and gas lease sales on the Outer Continental Shelf

Development of geothermal steam and oil shale energy sources

A permit system to facilitate long range planning and siting of power plants and transmission lines with adequate consideration of environmental problems. This permit system would avoid the time-consuming delays we now experience because environmental objections are not being raised until construction has begun.

Efforts to conserve energy consumption, including revised FHA standards for home insulation.

An incentive charge to reduce sulfur oxide emissions and support further research.

And last, an expanded program to convert coal into clean, gaseous fuel.

On the subject of coal gasification, the President's Clean Energy Message specifically proposed that Government and industry accelerate the construction of pilot plants to develop the technology for building a large scale commercially feasible plant. Shortly after the President's Message the Department of the Interior and the American Gas Association concluded a formal agreement for implementing the President's program.

This plant is one of the first steps in the implementation of that agreement. The American Gas Association is providing one third of the \$19 million estimated construction cost and one-third of the operating funds which will convert 120 tons of coal a day into several million cubic feet of pipeline quality gas. The gas will be as environmentally clean as the supplies of natural gas it will augment.

Among those who deserve special recognition for the fruition of this project is your own Congressman, John P. Saylor. As ranking minority member of the House Interior Committee, he has given us invaluable assistance again and again in the planning of Interior's programs. His untiring efforts on behalf of this project have been most helpful. Working with representatives of the Indiana County Development Corporation, he was responsible for the acquisition of this site. And, speaking of this site, we must recognize the generosity and civic spirit of the Indiana County Development Corporation which donated this land to the government. Gentlemen, we thank you for your gift.

As our Nation's most abundant resource, coal is a logical source of clean energy fuel for the future, to substitute for other sources of energy which are dwindling, and to provide the additional amounts of energy we need to continue the progress we have made in restoring the environment and improving the quality of life in America. We know we can produce gas from coal. However, we have yet to produce it at a cost which is economically feasible.

The objective of this plant, and others which will follow it, is to develop the technology to reach that objective. I am sure that we will. And in so doing, we will, in the concluding words of President Nixon's Energy Message "continue to know the blessings of both a high-energy civilization and a beautiful and healthy environment."

#### PRICE AND WAGE CONTROLS ARE WORKING

(Mr. GERALD R. FORD was granted permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, of late there has been speculation as to when price and wage controls would end. I submit that such speculation is premature. It will take some time before our control objectives are fully realized.

However, let me emphasize that our price and wage controls are working despite the fact they are limited in nature

and that enforcement does not require a huge bureaucracy.

I say they are working because the facts show that the rate of inflation has greatly slackened during the nearly 12 months that controls have been in effect.

We have experienced a decline of about 30 percent in the rate of increase in consumer prices when we compare the control period with the period in 1971 before the freeze. The rate of increase of consumer prices has declined from 4.7 percent to 2.2 percent from the second quarter of 1971 to the second quarter of 1972. At the same time we have seen a rapid rise in production, employment and productivity. I believe price and wage controls contributed to that marked improvement in the economy.

Most importantly, real spendable weekly wages began to rise in 1971, and the rate of rise has quickened over the past four quarters. For the average production worker in the private nonfarm economy, the increase over a year ago is 4.1 percent. That compares with an average annual increase of 1.3 percent from 1960 to 1968.

Mr. Speaker, the administration's system of price and wage controls is working—and as a result the financial well-being of the American working man is much improved.

#### MIDDLE EAST COOLING?

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, Anwar el-Sadat, Egyptian President, unceremoniously dismissed about 20,000 Soviets from Egypt, ostensibly in retaliation for the Russian failure to provide him with new offensive weapons.

Although not widely publicized, this move might suggest a "cooling" of the Middle East crisis. Whatever reason is attached, I am confident President Nixon's May visit to Moscow and his hard negotiations with the Soviet officials played an important part in the new posture.

The Soviets' refusal now to provide new offensive weapons to Egypt is welcome news in the great State of Israel, and perhaps a ray of sunshine through the clouds of distrust and unrest that have prevailed for so long.

This does not mean differences have been resolved, however, a relaxation of tensions can result, and the President understandably will continue his great work, seeking at least a generation of peace.

#### WYOMING VALLEY STRUGGLES TO RECOVER FROM DEVASTATING FLOOD

(Mr. FLOOD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FLOOD. Mr. Speaker, as the Members of Congress and the Nation know, Hurricane Agnes struck with devastating force and destruction the eastern part of the United States and really

smashed with unbelievable fury the Wyoming Valley in my congressional district in Pennsylvania.

After the initial impact of such a disaster subsides, the tendency for those not directly affected is to dismiss it from their minds. This is a natural human characteristic and I so state the case without rancor or criticism.

I, therefore, was most appreciative to see this past Sunday, July 30, 1972, two front page articles on the recovery efforts now being made in the Wyoming Valley. They were most timely and serve a most worthwhile and humanitarian purpose—detailed reminders of the difficult task that lies ahead.

I thank the New York Times and particularly Homer Bigart for his excellent and penetrating article as well as The Washington Post and Douglas Watson for their fine contribution to the cause.

The aforementioned articles follow:  
[From the New York Times, July 30, 1972]  
WILKES-BARRE DAZED A MONTH AFTER FLOOD  
(By Homer Bigart)

WILKES-BARRE, July 29.—The Wyoming Valley, engulfed by flood waters June 23-24 when the Tropical Storm Agnes swelled the Susquehanna River to record heights, remains prostrate after the most disastrous flood in the nation's history.

More than a month after sirens sounded up and down the valley and 60,000 persons fled to the hills, thousands remain homeless. Some 1,200 persons, mostly elderly, still sleep in hot and steamy schools and churches. The Red Cross continues to feed thousands. Only a handful of business places are open. Until early this week every restaurant and hot dog stand in downtown Wilkes-Barre remained shut.

Property damage is estimated at between half a billion and three-quarters of a billion dollars. There is a growing fear that without massive Federal grants the valley will not recover.

#### "THIS IS THE WORST"

The statistics are numbing. Drownings were few, thanks to adequate warning, but the destruction of factories, homes, possessions, jobs, the hopes and dreams of a lifetime is unparalleled.

"This is the worst I've ever seen," said Francis X. Tobin, the President's Coordinator for the Office of Emergency Preparedness. "People usually rate the severity of a disaster by the number of lives lost. Here only six persons died. But the loss of property was worse than any previous disaster, greater than the Corpus Christi hurricane of 1970 and greater than the San Fernando Valley earthquake of 1971."

Today, the hub of the business district, the Public Square, is surrounded mainly by vacant storefronts. There are a few signs of reviving activity. A newly reopened store advertises a "disaster sale." Around the corner, the Boston Store, the town's biggest department store, has opened its upper floors, but the main floor and the basement stay closed.

Everywhere teams of youths are cleaning the gray slime out of cellars and ground floors. No one in this valley will ever forget the stench. The stale smell pours from every sidewalk grate, from the open doors of the big churches on Franklin Street, from the open windows of mansions on River Street. The marble lobbies of the banks on West Market have been purged but the banks' elevator cages hold the reek.

#### DUST CLOUDS RISE

Clouds of dust from the river's silt rise from the streets. Every day fresh piles of discarded furniture, appliances and mementos line the curbs as housekeepers lose hope of



restoring possessions that have been rotted and warped by the flood.

In South Wilkes-Barre and in Kingston, houses torn from their foundations remain abandoned in streets and fields, one of them impaled on a telephone pole. On Charles Street in Wilkes-Barre, two houses lie flattened and two others repose in a crater cut from beneath them when the river broke through a dike nearby on Riverside Drive.

The tragic impact of the disaster is seen on the faces of the survivors. John Novak's eyes reflect horror as he recalls what he saw when a dike broke at Forty Fort Cemetery on the west bank four miles above Wilkes-Barre.

The cemetery contained more than 6,000 bodies. It had been receiving the dead since the last decade of the 18th Century. Elinor Wylie, the poet, was buried there in the Hoyt family plot near the tomb of her grandfather, Henry Morton Hoyt, a former Governor of Pennsylvania.

John Novak has been caretaker since 1927. His father tended the cemetery before him, and his son works there now. He watched from the gate house as the murky water engulfed the lowest headstones. Suddenly a wide section of the pilings the Army Corps of Engineers built after the 1936 flood was undermined. The floodwaters coursed beneath the pilings with a hydraulic force that tossed gravestones about like match boxes. Three granite mausoleums weighing tons were shattered. Big trees were uprooted. Coffins and vaults were spewed from the ground.

"I saw a wave eight to 10 feet high come across the flats, and on it coffins bobbed like surfboards," Mr. Novak said.

He stared transfixed, he recalled, until the borough siren gave seven blasts, the signal to evacuate the town.

According to Harry B. Schooley Jr., vice president of the United Penn Bank of Wilkes-Barre, who is president of the Forty Fort cemetery, more than 2,000 cadavers were swept out by the flood. As of yesterday, exactly 1,000 had been recovered. They have been reinterred in Memorial Shrine Cemetery in Franklin Township eight miles from Forty Fort. The military police still bar visitors from the Forty Fort graveyard. Elinor Wylie's grave was not disturbed.

#### CULTURAL RESOURCES HURT

The cultural resources of the valley were dealt a crippling blow. Wilkes-Barre's two colleges, Wilkes and King's were \* \* \* Seminary, a preparatory school across the river in Kingston.

At Wilkes College the damage exceeded \$10-million, according to the president, Dr. Francis J. Michelini. The heaviest loss was to the college library, where 53,000 volumes were destroyed, and to the Dorothy Dickson Darte Music Hall.

"We had scrimped and saved to buy two Steinway concert grands at \$12,000 each, and a new \$10,000 organ," Dr. Michelini said. "The pianos collapsed and are a total loss. We hope the organ can be salvaged."

Another heartbreak came, he said, when after weeks of work by students who volunteered to scrape the mud from dormitory walls, it was discovered that the plaster smelled of mildew and had lost its resistance to fire. The plaster will have to be replaced, so all the student labor was lost.

Dr. Michelini was attending a conference in Harrisburg on June 23 when his wife called at 7 a.m. to report that she and their three daughters had been evacuated from their River Street home. He raced back to Wilkes-Barre in time to move the college records to the second floor of the administration building.

There was only about a foot of water in the library basement at 2 p.m., he recalled, and although the city was already under a state of "extreme emergency," the dikes, except at Forty Fort, seemed to be holding. In

late afternoon the river appeared to be receding.

"Oh, boy, we're home free," Dr. Michelini told his staff, but the exultation was short-lived. That night the river began to rise rapidly again, reaching a record crest of 40.6 feet at 6:15 a.m. Saturday.

By daybreak, all of the 58 Wilkes College buildings were flooded with the single exception of the one housing the visiting team's locker rooms. The bleachers went downstream 70 yards but will be restored in time for the football home opener with Lycoming Sept. 30.

King's College, run by the Holy Cross Fathers, counts its loss at \$2.5 million to \$3 million.

"The library is the nerve center of the college," said the college president, the Rev. Lane Kilburn, "and it is gone. We need outright grants to replace the collections with microfilm."

King's also lost equipment for its chemistry department including a \$25,000 Nuclear Magnetic Resonance Spectro Photometer.

Osterhout Free Library, the largest public library in the valley, lost 85,000 books including its reference and circulating library and almost all of its periodicals. Elizabeth Hesser, the librarian, said estimates of damage ranged from \$850,000 to \$900,000.

Nearly 11,000 of those affected by the flood are 65 years old and over. Some 200 of the elderly are still sleeping in classrooms and halls of G. A. R. High School, the only one of three Wilkes-Barre high schools untouched by the flood. Many of them subsist on welfare and Social Security checks.

They sit idle and morose in the central hallway. The Red Cross has tried to keep them happy by showing them movies at night and bingo games are planned. But there is an air of hopelessness. Many of these elderly will never return to their old neighborhoods because their dwellings are damaged beyond repair.

Dr. Edward M. Whalen, staff psychiatrist for the Wilkes-Barre Mental Health Center, said the community was beginning to sense the full impact of the tragedy after an initial period of numbing shock for some and for most a grim but engrossing battle for survival.

He had been quoted as saying that the valley faced "a depressing, frustrating, almost hard hit, and so was Wyoming suicidal period." No increase was reported in suicides or suicide threats, he said, but he added, "We are anticipating a great increase in demand for services."

There has been surprisingly little rancor in the valley. Some anger was expressed over slowness by the Department of Housing and Urban Development in providing mobile homes: There were 9,400 applicants for the 4,000 trailers on order.

Henry Greenwald, a lawyer, said he had heard complaints that the warning of a record flood crest came too late. Had the warning been given a few hours earlier, factories could have saved millions of dollars in inventories and householders could have moved more belongings to upper floors. As it was, people went to bed on the night of June 22 confident that the floodwaters would not surpass the 1936 mark of 34 feet and that the dikes, built to contain a 38-foot crest, would hold.

Joseph F. Collis, managing editor of The Wilkes-Barre Times Leader, said: "I heard that radio stations in New Jersey and Connecticut were predicting a flood peak of 30 to 40 feet for this valley at the same time that the Pennsylvania forecasting service was predicting only 27 feet. When I left the office at 10 P.M. I figured I'd just get a little water in the cellar."

"The flood forecasting service was either wrong or tardy or both," Mr. Collis said.

Despite the enormity of the disaster, storefronts in Wilkes-Barre are plastered with

cheering signs: "The Valley With A Heart. Coming Back Better Than Ever."

"It'll be a year or a year and a half," predicted Brig. Gen. Mitchell Jenkins, a retired Army officer who is a lawyer, "but the valley will come back."

Legislation pending in Congress would raise from \$2,500 to \$5,000 the amount of Small Business Administration loans to be "forgiven" for flood victims and would reduce interest rates on amounts over \$5,000 from 5½ percent to 1 percent.

But almost everyone in the valley, including many of the bankers and business leaders feel this is woefully inadequate. They say most flood victims would go hopelessly in debt trying to finance new homes and re-finance businesses.

Some propose Federal legislation that would treat flood losses as insured fire losses and that the insurance be made retroactive for the victims of Tropical Storm Agnes.

[From the Washington Post, July 30, 1972]

#### HOPE, BITTERNESS VIE IN FLOOD WAKE

(By Douglas Watson)

WILKES-BARRE, PA., July 29.—The flooding caused by tropical storm Agnes is history for most Americans, but in northeastern Pennsylvania's Wyoming Valley, it's still a muddy, dusty reality that keeps thousands homeless.

While the record flood waters receded more than a month ago, the havoc they wrought has left the people here fighting an uphill battle to put their lives and city back together.

The streets here are still littered with piles of rubble that make much of the city appear to be under a bombing siege. Bitter anxiety grows for many of the homeless.

"I've got to house 35,000 people in this valley," says Francis X. Tobin, the man in charge of the U.S. Office of Emergency Preparedness' operation here.

Tobin, a veteran crisis commander who went in to help after Hurricane Camille devastated the Gulf Coast in 1969 and after the San Fernando earthquake shook California in 1971, says he has never seen such great need as here.

Pennsylvania suffered far more destruction from the June flooding than any of the five other states declared disaster areas. For example, \$287.3 million of an estimated \$407.6 million in total road damage was in Pennsylvania.

After 70 per cent of this state's losses occurred here in the narrow Wyoming Valley, where everyone of the 225,000 residents has been in some way seriously affected by the once raging Susquehanna River that now flows quietly again within its banks.

Morale-boosting signs reading "Rebuild We Will!" and "The Valley With a Heart Coming Back Better Than Ever" are posted throughout the flood-stricken region. Many battered homes display American flags as a "thumbs-up" gesture.

But officials and residents agree that, despite the positive symbols, for many flood victims these are the darkest days.

"They're now in what I call the third stage. The first stage was a few days of excitement at the time of the flood. The second was a period of gung-ho hopefulness and brotherly love. Now, they're in a depressed stage, feeling the full impact of the long road ahead," says John Haller, chief of the Small Business Administration offices here.

Several people died here in the flood, some 800 bodies have been recovered in the Wilkes-Barre area. These and hundreds more still undiscovered corpses were washed away from a cemetery by the swollen river.

One family returned home to find a skeleton on the front porch. A man cleaning the mud out of his basement struck a skull. "They're finding them all over," said one woman.

Many people here now bitterly see the few deaths as a mixed blessing that has caused most of the country to forget about Wilkes-Barre. "If there had been wholesale deaths, we would have gotten enough help to rebuild this place by now," says a local broadcaster.

A lot is being done, but it pales beside what the flood did. The flood:

Inflicted heavy damage or totally destroyed 15,493 homes in Luzerne County alone, while doing less serious damage to 5,493 more homes, according to a Red Cross survey. In Kingston, across the river from Wilkes-Barre, only 20 of 6,000 homes were untouched by high water.

Eliminated, at least temporarily, 30,000—a fifth—of the region's jobs, cutting off regular income for thousands of families who desperately need it. Wilkes-Barre's entire central business district was under eight to 10 feet of water, and 112 industrial plants and hundreds of other businesses were in the flood zone that covered 29 per cent of the city.

Left the Red Cross still serving 19,000 meals a day at 25 schools and field kitchens, down from 28,000 meals a day just after the flood. Many families continue to have no place or means to cook. A federal official said 80,236 families have received food stamps.

Kept the U.S. Army Corps of Engineers and other volunteers steadily hauling away more than 125,000 tons of debris a day from the Wilkes-Barre area for the first 2½ weeks following the flood.

"There's a sadness throughout the valley," said the Rev. Alan Hipkiss of Memorial Congregational Church in Edwardsville, across the river from Wilkes-Barre. The church had housed 50 refugees. Of the 300 families in its congregation, 58 were left homeless.

An Englishman who lived through the German bombing of London in World War II, Mr. Hipkiss said that in the Wyoming Valley the flood produced "human nobility you don't find under normal conditions."

But Mr. Hipkiss was only one of several people who warned that frustration with officialdom is now producing an opposite reaction in many homeless, embittered people that could lead to individual, if not organized violence.

One woman waiting at HUD's headquarters here twitches abnormally. Another with a young child in a torso-wrapping cast screams, "We have no place to go tonight, you bastards."

National Guard Cpl. Jim Gillespie says he and other soldiers who served two-week tours in the Wilkes-Barre area were struck by how strangely silent and irrational some flood victims seemed.

Asked whether some flood victims are asking too much, OEP's Tobin says: "They aren't being unreasonable. These people have suffered a great deal. They are tired and frustrated and they can't always see progress."

Tom Edwards stands in the HUD headquarters as he has every day recently and says, "A trailer was OK'd for us two weeks ago but we still can't get it. Everybody you ask tells you to see somebody else. To me, this is ridiculous. It's so unorganized for an organization of this type."

Edwards, his four children, wife, and mother-in-law have been living in their flood-damaged house in Kingston, for a while without sewage service or electricity.

Recently Edwards, an offset printer, and some neighbors blocked their street with debris in an unsuccessful attempt to attract publicity about their plight.

"All my kids have been sick. I've got to get my family out of there. I'm at the point where I'm getting frantic," he says.

Housing is a disaster area's biggest need, officials and victims agree. An official at the emergency command post, housed on the top two floors of a college dormitory, said 12,000

families in the valley have applied for housing and 9,000 have so far been approved for it.

However, by Wednesday, HUD reported that only 903 families had been housed. "Yesterday we placed 57 families. We've got to do a lot better than that, at least 100 families a day," says Walter Pearsons, deputy director of HUD's Eastern Pennsylvania relief operation.

Of the 903 families housed, 545 were in small travel trailers that are being used for the first time in a large-scale disaster housing effort, and 122 were put in larger mobile homes.

There is concern here already that people won't be adequately housed for Pennsylvania's rugged winter, where the first freezing temperatures come in mid-October. But Tobin insists, "We'll have everybody housed here within three months."

Mrs. Joseph Fedorchak, a grandmother, stops shoveling fallen plaster to look sadly around at the home where she had lived for 24 years. "This was all remodeled just nine months ago," she says.

Now, after the flood waters crested 2 feet above the bathtub upstairs, all that is left is a dirty shell. All the furniture is gone. All the doors are warped and won't close properly.

"It was landscaped beautiful," says Mrs. Fedorchak as she stares at a backyard without a single blade of grass.

The day before a long-awaited trailer arrives, Mrs. Fedorchak says "tired is not the word" for how she feels. "You do not know if you're coming or going. We're just in shock."

By far the angriest and most frequent complaints about government aid, or the lack of it, are aimed at HUD. "There's confusion everywhere. They don't know what they're doing," says Mr. Hipkiss after a futile attempt to ascertain who was in charge at HUD's Wilkes-Barre headquarters in the Mackin Elementary School.

During peak period when crowds of homeless applicants swarm to the school seeking a trailer or other housing, confusion reigns. A reported who asked to speak to a supervisor was told by a half dozen employees that they didn't know who their superior was.

Ed Warwick, one of the many recently hired HUD employees, insists, "A lot of people are jumping the gun. There's a lot of exaggeration. We're on a positive course." But Pearson, in HUD's Scranton office, says "We can't even get them (HUD's Wilkes-Barre office) on the phone."

The homeless residents charge favoritism and complain of unclear criteria in distributing the trailers. They point to the fact that a local judge was one of the first to get a new trailer. "There may have been inequities at first, but rest assured there are none now," says Warwick.

The Jackson Street School in Edwardsville has been home to more than 50 flood victims for the past five weeks. Men, women and children sleep together on cots in the classrooms, and eat Red Cross-supplied meals in the school hall.

A visitor there is greeted by a deluge of complaint from the homeless. "Dearest God, don't they have no system?" says one woman. A young immigrant who has to send his family back to Holland, says, "I want no recreation, I want a mobile home."

"If you're not here when they call you on the phone, someone else will get the mobile home," another woman warns. One of the few quiet ones is Martha Posniak, 81, who for the past week has been sleeping on a cot like the others.

Many of the refugees are wearing clothes given them. Men and women take turns every other night taking showers. Two MPs are on hand each night for guard duty. Georgia Smith, a school nurse from Cherry Hill, N.J., is also there as a volunteer aide.

Medical facilities were especially hard hit by the flood. Two of the area's key hospitals

were put out of operation and still aren't ready for the evacuated patients to return.

Tobin says 167 of 300 doctors in the Wyoming Valley lost their clinics and 50 of 57 pharmacies were knocked out by high water.

Navy Corpsman Dennis Kufic, who has been serving at a clinic 12 hours a day, says, "The people are beat, there are no two ways about it."

Kufic has been seeing 150 people a day, most frequently for punctures from nails that litter their yards, and for sore throats and bug bites.

"What they're really looking for is someone to care about them," says Kufic.

Dr. Richard Shoemaker of the Luzerne County Medical Society says Wilkes-Barre is "probably the most frustrated city in the United States" and one result is likely to be a long-term upsurge in chronic illnesses.

There have been four suicides in the past three weeks, which is more than usual for this heavily Catholic area, but much less than many officials feared.

"Who would ever think such a thing could happen? But what can you do? It's life," says Herman Goldberg to a stranger sitting across from him in the motel restaurant.

The Goldbergs left their second-floor apartment in Southwest Wilkes-Barre, the city's hardest-hit section, at 5 a.m. June 23 when warning sirens awoke them. They only took a few pairs of shoes and some pants. Everything else was ruined by the water that reached within five inches of the roof.

The motel has been Goldberg's home since the flood, but now the retired shoe factory worker, a Wilkes-Barre resident for 22 years, is about to leave with his wife for Atlanta, Ga., where their nephew has found them an apartment.

The 164-room motel where the Goldbergs have been staying hasn't had an empty room since the flood, being filled almost entirely by displaced persons and emergency workers. Though many of the guests are now good friends, they aren't really enjoying their stay.

"I can't sleep nights. I get up at 4 and 5 a.m. How do I know what it's going to be like in Georgia?" asks Goldberg.

When the north branch of the Susquehanna, usually only several hundred feet wide, broke through and rose over the levees in the Wilkes-Barre area, the rampaging water spread out a mile and a half wide.

Flood stage at Wilkes-Barre is 22 feet. The notorious 1936 flood reached 33 feet. The levee at Wilkes-Barre was 37 feet, but the June flood reached more than 40 feet. Seldom has the difference between two numbers made such a difference to people.

One-third of Wilkes-Barre's residents lived in flooded sections, including the most prosperous neighborhood that bordered the river. The city's low-income Model Cities area was untouched, but another section of old homes whose residents had just completed an ambitious code-enforcement program of upgrading their homes, was heavily damaged.

The flood knocked out electricity service to 9,277 city homes. Leo Corbett, city public works director, says 3,441 of these homes have had service restored.

Sewage facilities were unavailable in 35 per cent of the city, but now only 18 per cent of the homes' toilets are unusable. Water service was unaffected, Corbett says.

Only 12 of the 50 stores and offices on Public Square, the heart of the city, are open. Two of the city's three department stores are still closed; the third displays a sign reading, "Our second, third and fourth floors are open."

A visitor is likely to see such unusual sights as telephone repairmen using women's hair dryers to dry out telephone circuits, or a bank teller using an iron to take the wrinkles out of financial records.

Carl W. Naessig Jr. lives in one trailer with his family and has his insurance office in



another, having lost both his former home and office to the Susquehanna.

Based on the claims his firm has received, Naessig estimates that 1,500 automobiles in the Wyoming Valley were destroyed by the flood. He says lately there has been an upsurge in claims filed because of apparent looting and pilferage. He also says that to his knowledge, only two people in the entire valley had flood insurance.

It's easier for Naessig to assist others with their problems than to think of his own. "I cried so hard for an hour and a half when I saw my home (after the flood), that I couldn't see what I was doing," he recalls. "When you have to throw out the kids' toys, it hurts."

There are allegations of waste, looting, carelessness. Joseph O'Connell, an aide to Gov. Milton J. Shapp, says some local officials tried to get priority housing for friends. He also says a private airport owner refused to permit emergency crews to use an empty hangar. The state obtained a court order closing his field, and it's now being used for a trailer park.

Some National Guardsmen say many local people whose homes were undamaged collected food earmarked for flood victims. "Some have boasted they have enough food in their basements to last three years," says Mr. Hipkiss.

Part of the problem was that those whose need was greatest often had no working radios, television sets or autos, and so often were the last to learn of available aid or to be able to get it.

Several soldiers say they know of truck loads of food that were allowed to spoil in the first days after the flood, though officials deny this. Some Guardsmen are said to have salvaged television sets and other appliances from abandoned homes.

Greater efforts are being made now to insure that those using the free rooms, free food services and other free disaster aid are in fact, flood victims.

And the residents, despite the suffering they have experienced in the past month, are settling down for the long haul, aiming the time when the flood for them, perhaps will become just another memory.

Says a local journalist: "A lot of these people are just not going to give up."

#### SAMIZDAT AND DISSENT IN THE U.S.S.R.

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I should like to call to the attention of my colleagues one of the most remarkable books on the Soviet Union that I have ever read. It is titled "Uncensored Russia—Protest and Dissent in the Soviet Union." Edited and translated by Peter Reddaway, it is a compilation of the dissenting publications of the increasingly active proponents of the regime in that country.

Circulated in the form of Samizdat, these publications amaze one by the completeness and extent of their information. Their purpose is to make effective the verbal guarantees of the Soviet Constitution and the extent to which they have succeeded in compelling the authorities to conform to civilized norms is remarkable. It is startling to read the actual transcript of an interrogation by police officers with complete questions and answers and it is heartening to discover the manner in which the secret

police can now be compelled to obtain warrants for searches and be required to limit the scope of the property taken in such searches. Also remarkable is the speed with which the Samizdat circulate and the extent of their circulation within this broad country. Many of the pictures are remarkable and show incidents or conditions little known to the West, such as the breaking up of the Tatar Festival in 1968, the marching of prisoners at Oryol, the presence of Titov at the window of a psychiatric hospital in which he was confined and the presence of General Grigorenko at the protest outside the Czech Embassy in 1968.

The elements of change, of sensitivity, of increasing legality, of continuing persecution, of nationalistic ferment and of substantial opposition to the regime contain significant implications for the future. Everyone interested in the U.S.S.R. should read this fascinating and significant book.

#### THE LATE HONORABLE ALLEN J. ELLENDER

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, I was greatly shocked at the passing on Thursday last of Senator Allen Ellender, the distinguished, able, and incomparable chairman of the Senate Committee on Appropriations.

It has been my great privilege to work with Senator Ellender over the years, and especially so during his chairmanship of the Senate committee. He performed magnificently in moving the important appropriations business with skill and dispatch in the Senate. A man of boundless energy and enthusiasm, his unrelenting drive and determination to move bills along and to do an orderly job of handling the public business was outstanding.

I have lost a great personal friend—a man whom I admired tremendously—and I want to pay tribute to the memory of this great American and to express sympathy to his loved ones left behind.

Senator Ellender loved his country, he loved his colleagues, he loved his family, he loved life. He wrought well. And he will be greatly missed.

#### WASHINGTON POST DEBATES ITSELF OVER POLLUTION CONTROL

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, as we all know, competition is lessening among Washington newspapers and the city is now down to two dailies.

Apparently in an effort to make up for the lack of competition—and diversity of editorial comment—the Washington Post has adopted a policy of debating itself. At least this policy is evident insofar as the question of pollution control is concerned.

On Tuesday, July 25, the Washington Post castigated the Democratic leader-

ship for promoting a bill which would have moved \$5 billion into the pipeline for local communities in desperate need of water and sewer facilities. The Post editorial described the bill as unnecessary.

But 3 days later—on July 28—the Post came out strong for pollution control and suggested that the administration—which it had supported in Tuesday's editorial—was not doing enough to push the pollution control bills in the Congress. To support its new position, the Post picked up verbatim many of the arguments which we had pursued during the floor debate in support of the \$5 billion water and sewer package—the legislation which the Post so bitterly opposed in Tuesday's editorial.

Mr. Speaker, I want to place in the RECORD copies of these two editorials: First, the Post propollution editorial of Tuesday, July 25, with the title "One Victory for Sobriety in the House," and second, the Post antipollution editorial of July 28, with the title, "Pollution in a Political Season."

Mr. Speaker, I also want to place in the RECORD a copy of a letter I sent to the Washington Post in answer to their editorial against pollution control.

The items follow:

#### ONE VICTORY FOR SOBRIETY IN THE HOUSE

Last week the House of Representatives, in a flash of good sense, voted down a bill to pump \$5 billion into community water and sewer projects this year. While the decision of the House is heartening, the message for beleaguered taxpayers is somewhat ominous—first, because this unnecessary bill was considered seriously by the House at all, and second, because the margin of decision on the crucial amendment was a slim three votes.

The bill, with the beguiling title of "The Emergency Community Facilities and Public Investment Act of 1972," was devised by Chairman Wright Patman and the House Banking and Currency Committee, aided and abetted by the House Democratic leadership. The gist of the bill was simple: it authorized the Secretary of Housing and Urban Development to commit up to \$5 billion for water and sewer projects in communities with substantial unemployment. This largesse, supporters of the measure claimed with appropriate earnestness, would at one swoop save the environment, put people back to work, give cities and towns essential public works, and lift financial burdens from the budgets of those struggling little towns.

Aside from the detail that HUD's backlog of pending water and sewer grant requests is only about \$2 billion, the major objection to the bill was that it seemed slightly redundant, since the House had already passed several other measures to meet the same needs—including the \$18-billion, three-year water pollution control package now in conference, and the \$29.5-billion revenue-sharing bill now in the Senate. Rep. George H. Mahon, Appropriations Committee chairman, and other procedural purists were also troubled because the bill had received only one short day of hearings, without any administration witnesses, and because the proposed \$5 billion in building blocks was totally unbudgeted. Representative Patman's team seemed to consider these aspects mere technicalities.

After a typical House debate between the champions of generosity, mostly Democrats, and the watchdogs of the treasury, mostly Republicans, the House reached a rather surprising result: the treasury won. By a teller vote of 197 to 194, an amendment was added providing that grants could not be made in any year when the projected federal deficit

exceeds \$20 billion. That amendment, Representative Patman conceded, ensured that the program "would never be used," and indeed the House ended the day by killing the entire proposition, 206 to 189.

Reassuring as the ultimate outcome was, the episode shows that the silly season has opened once again on the Hill. Wildly inflationary and simplistic bills such as this, which would never reach the floor so quickly in March, are likely to pop up on the calendars of both houses quite frequently between now and adjournment. Those 197 members of the House should be commended for recognizing that the Patman ploy served no legitimate "emergency" at all. But as sessions lengthen, tempers shorten and partisan games increase, the cause of sobriety in government may be hard put to maintain its majority.

#### POLLUTION IN A POLITICAL SEASON

For years New York City and the Passaic Valley Sewerage Commission, which serves Newark and 27 other New Jersey communities, have been pouring almost two billion gallons of toxic wastes into New York harbor every day. Last week the Environmental Protection Agency gave those jurisdictions 180 days to submit plans for adequate sewage treatment, and the Justice Department filed suit under the Refuse Act of 1899 to make them accept responsibility for either halting or treating the streams of industrial wastes being funneled through the region's sewer systems by private firms.

While such prodding of the New York area's sewer agencies may be well-deserved, however, only the most credulous will believe that these initiatives alone can restore purity to the dismal waters at the feet of the Statue of Liberty. The sheer volume of filth involved is discouraging: the 350 million gallons of sewage which New York City pours raw into the Hudson every day is about as much as is treated in the entire Washington area, and the outdated Newark plant alone spews out some 8,000 pounds of toxic metals daily, spawned by over 700 separate industrial plants. The laws which the administration invoked are self-evidently too weak to cope with such complex pollution. Among other things, the 180-day-order approach is riddled with delays, and court decisions have rendered the Refuse Act almost unworkable. Finally, any real cleanup program for the harbor must cost billions, including many millions in federal aid—and, as champions of Washington's stalled Blue Plains project know, not a penny in federal funds is available.

Despite these circumstances, it would be wrong to charge, as Mayor Lindsay has, that the New York actions are simply politically inspired. The present water quality laws, however deficient, should be used. The important question is whether the administration is prepared to push Congress to finish up its work on the new legislation needed to clean up New York harbor, the Potomac and the nation's many other endangered waterways.

From all accounts, the water quality bills need rescuing. With billions of dollars in public and private investment and the profit margins of many companies hinging on the final wording of every clause—not to mention the future of pollution control—the Senate and House conferees have met at least 23 times without reaching accord. The dominant outside forces are not propelling them toward compromise. Some environmental groups, originally enthusiastic about the Senate bill, have grown cynical about the entire process, while some influential industries, though ostensibly backing the House approach, would prefer no bill at all this year.

The situation is further complicated by certain ambiguities in the administration's

attitude. President Nixon did recently list water quality legislation as among the 20 environmental bills he hopes "to have the opportunity to sign," and EPA Administrator Ruckelshaus has been earnestly urging action on several bills. Yet White House lobbyists do not give pollution control the same priority as, for instance, revenue-sharing or anti-busing legislation. And environmentalists remember all too well the go-slow, "wait-a-minute" speeches which used to be standard fare for former Commerce Secretary Maurice Stans, who is now a top Republican campaign fund-raiser.

As Congress struggles toward adjournment, the comprehensive water quality bills should not be allowed to founder either on the rocks of rigid principles or of election-year politics. Although we regard the Senate bill as the stronger and more desirable on many points, even the House bill is generally superior to present law, and both would provide the funds and regulatory framework needed to come to grips with such stubborn problems as those of the New York and Washington areas. We hope that the administration will press for results as vigorously on Capitol Hill as in New York, and that the two Public Works Committees will redouble their efforts to shape an acceptable compromise.

JULY 26, 1972.

THE EDITOR,  
*The Washington Post*,  
Washington, D.C.

DEAR SIR: Your editorial in Tuesday's edition, "One Victory For Sobriety In The House," misses not a single Republican cliché against the expenditure of Federal funds for water and sewer facilities.

Your editorial and the Republican's election year charges notwithstanding, the overriding and fully-documented fact is that there is a tremendous need by thousands of communities across the land for these types of facilities. The Washington Post—for reasons best known to its editors—has never bothered to cover any of the hearings and discussions which have taken place about this issue over the past several years and this undoubtedly accounts for the mass of misinformation which appears in your editorial.

Few items have received more attention in the Committee than the effort to provide funds for these facilities and, despite the silence of the news pages of the Washington Post, there has been a running battle between the Congress and the Administration on this issue. In 1970, the President vetoed an appropriations bill which had, among other things, substantially increased the funds for water and sewer plants. This placed the nation even further behind in its efforts against pollution and this year, the President has impounded \$500 million of funds appropriated and earmarked by the Congress for these purposes.

The \$5 billion bill, which your editorial criticizes, was drafted in an attempt to break this impasse with the Administration and to provide help for local communities. The editorial talks about a \$2 billion backlog of applications at H.U.D. despite the fact that the hearing record—fully available to the Washington Post—contained 929 pages of applications involving \$12 billion of water and sewer plants across the nation. In addition, it is a well-known fact that the Administration's opposition to this program has discouraged many local communities from filing applications and has forced the withdrawal of other requests. So the real need is much greater than is documented even in the Committee's hearing record.

The National League of Cities estimates that a total of \$33 billion to \$37 billion will be needed for sewage treatment facilities alone in cities throughout the nation during

the period 1971-1976. This projection does not include the needs of 30 thousand rural communities presently without water systems and the more than 40 thousand without basic sewer facilities.

This tremendous backlog of needs is completely ignored in the Republicans' charges—ably parroted by the Washington Post—that other programs can take care of the problem. The Post refers to the water pollution control package now in conference and ignores the fact that the Chairman of the House Public Works Committee, which originated that bill, stated that the \$5 billion bill of the Banking and Currency Committee was an essential and complementary adjunct to the Public Works package. In addition, the National Association of Counties made the same point in a letter which became part of the record on this bill and I quote from the letter written by Bernard F. Hillenbrand, executive director of the Association:

"Additionally, the House has recently passed a strong and far reaching water pollution control bill authorizing \$18 billion for the construction of badly needed sewage treatment facilities. But this legislative action will have no value unless funds are provided for the other parts of the system—the basic sewer lines. Thus, the need for increased funding, as is proposed in H.R. 13853, is evident."

The Washington Post also ignores the fact that the Banking and Currency Committee's bill provided for the first time the authority for 100% grants for local communities for the construction of these facilities. This is not duplicated in other legislation. This is a necessary addition to the pollution abatement effort because many local communities, particularly smaller towns, have exhausted their base and they have no means of raising funds to pay for these expensive, but essential, health facilities. Grants may be unpopular but I will argue that the health of the nation should have priority in these considerations.

The editorial describes the bill as "wildly inflationary" and expresses deep concern about the expenditure involved in such a program. The Post does not document how the construction of water and sewer facilities would be inflationary, but the delays—which have been promoted by the philosophy enunciated in the editorial—are the very reason that this nation is facing great costs in cleaning up its streams and providing necessary community facilities in all areas of the nation. The procrastination and short-sightedness—which was so evident in the Republican vote against the bill—is raising the cost, not to mention the hazards. It is absurd to think that the nation will be able to ignore these problems much longer or be able to escape the heavy expenditures needed to correct years of neglect.

Spending for community facilities is no more nor less inflationary than funding for other projects. It is more correctly a matter of priority and an overwhelming majority of the Democrats felt that the construction of much-needed water treatment plants had a higher priority than many other items budgeted by the Nixon Administration.

Ironically, the day before the bill was debated on the Floor, the Environmental Protection Agency had filed lawsuits against New York and New Jersey communities because of the pollution of the New York harbor and the tributaries leading into that body of water. On the one hand, we had the Administration filing lawsuits and on the other hand fighting hard to withhold funds which might help these communities solve their pollution problems. It is also ironic that the Washington Post editorializes against funds for local communities when so many problems associated with inadequate water and sewer facilities are being debated in



communities well within the circulation range of the newspaper.

The Post dismisses the employment aspects which would have been a side benefit from the construction of needed community facilities. Not only would the construction of these facilities provide between 500 thousand and one million jobs—when the program was fully utilized—but it also would allow many small towns to construct the water and sewer plants necessary to attract and retain industry. The Post has often supported the need for rural development, but now it opposes a bill which would provide funds for the Number One development need of these smaller towns.

The Washington Post describes this as "the silly season" on Capitol Hill and I fully agree when the Republican leadership and a great metropolitan newspaper can be so flippant about needs which are so thoroughly documented over and over again.

We may honestly disagree about the definition of the term "emergency," but I will argue—strenuously—that it is an emergency of the first order when hundreds of communities continue to pour millions of gallons of raw sewage into streams and when there are millions of people who want to work, but do not have jobs.

Sincerely,

WRIGHT PATMAN,  
Chairman.

#### ADDRESS BY PAUL E. BRAGDON, PRESIDENT, REED COLLEGE

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, I would like to share with my colleagues a courageous speech by the president of one of the colleges in my congressional district. The speaker is Paul Bragdon, president of Reed College. The occasion—his inauguration as president—should have been a happy one for him. But events proved otherwise. The scheduled speaker understandably declined to subject himself to the jeers, taunts, and insults which some in the college community promised to deliver, they having decided before the fact that his words were unacceptable. Consequently President Bragdon himself took the podium and delivered a magnificent defense of freedom of speech.

As Jefferson said long ago:

Eternal vigilance is the price of liberty.

Yet it is astonishing that, as our Nation approaches its 200th anniversary, we still find the guarantees in the Bill of Rights the subject of attack over and over again. Each generation seems to have to learn anew the true meaning of freedom of speech, for each generation breeds—unaccountably—passionate devotees of the "closed mind." Few things demonstrate more clearly the essential affinity between the far left and the far right than their mutual dedication to only hearing one side of an issue. The thought-control they impose on themselves is, of course, their business. But it becomes our business when they presume to tell the rest of us whom we can or cannot hear, whose ideas we may or may not consider.

It is particularly distressing to find these zealots of intellectual tyranny operating successfully on college and uni-

versity campuses. Here above all, at our centers of learning, the freedom to think, to inquire, to discover, to hear, and to decide one's own mind, should be cherished. Understanding this thoroughly, President Bragdon gallantly and eloquently defended intellectual freedom. I am proud to share his remarks with you:

ADDRESS BY PAUL E. BRAGDON

Today is, of course, supposed to be a happy occasion. An occasion when the Reed community—Faculty, students, staff, alumni and trustees—come together with the larger community. An occasion when we mark the best in our past, and affirm a determination to maintain and strengthen the College in the midst of the "new depression" affecting all colleges and universities. And, an occasion, too, when a new President, whose job description calls for an infinite capacity to listen, listen, listen—to faculty, to students, to alumni, to trustees, to *vox populi* and, of course, to wife and children—at last has the opportunity to talk and to savor a momentary intoxication with the sound of his own voice.

Regrettably anticipation of the occasion has been clouded by an anxiety which has continued to hover over us today. As it has elsewhere over the past several years, tension has supplanted exhilaration and precaution has replaced reflection. The cause? A small number, who correctly conclude that our guest, Mr. Moynihan, is not a "revolutionary" and does not subscribe to their particular orthodoxy on the causes and cures of significant social problems, demanded that the invitation by the College be withdrawn, or that Inauguration be cancelled—all in the context of what a concerned student described as "a veiled threat." Yet another small number, properly concerned about a major problem in society, claimed the right to this platform here, now, this afternoon to speak on its cause to this audience. It's of no consequence, apparently, that the audience is assembled under different auspices for a different purpose and program—or that the subject concerning them probably commands more column inches in newspapers and magazines, more hours on television news, "talk" and public affairs programs and more book titles than almost any current public issues! Because of the combination of demands this occasion, in addition to its other aspects, now serves as a renewed reminder, if one were needed, of the vulnerability of the academic community and of the fragility of the structure supporting free inquiry and the free discussion and exchange of ideas. Last April the Faculty of this College adopted a statement:

"The affairs of the College are conducted under constitutional government. The campus is an area of the freest exchange and open discussion of ideas. The use of force or threat of force is intolerable in such a community."

The validity of that statement, or recodification, has been put to the test.

Last September I expressed a hope to the Faculty:

"I hope that the latter-day McCarthyism on the American campus—the assault of the late '60's on academic freedom and civil liberties corresponding to the attack from without of the early '50's—is on the wane. Hopefully, the academic community (particularly faculties and students) is ready to stand together in resisting attempted invasions. Absent community sentiment and determination, no President, whether a resistor, as I would hope to be, or a trimmer of sails, can successfully withstand assaults of the order of the recent past. Let us hope, then, that faculties and students everywhere have learned that the remedy for great social and national problem is not to be found in attacking the vulnerable and generally benevolent institution close at hand. And let us

hope, too, that we have created and will continue to create effective, responsive mechanisms for the consideration and resolution of our own problems on campus."

The legitimacy of the basis of my hope has been challenged.

At the center of this test of principle and challenge to the basis of hope—abstractions both—there's a human being, of course. Mr. Moynihan—not an abstraction at all. To meet my responsibility to our guest I was obliged to advise him of the late curtain rising on "poor theatre" here. Thereafter, the hours were filled with anxiety that Mr. Moynihan, in view of a recent agonizing experience elsewhere, would see wisdom in remaining home, and no reason to cross the country to run the risk of embarrassment, harassment and attempted intimidation. As I lay awake at night, I even imagined the text of a telegram dispatched from Cambridge:

"Regret that Reed College, which has offered its platform to a wide variety of guest speakers with diverse backgrounds, experience and points of view and has a long and unbroken tradition of not denying the platform to any guest, has at last met a test the community cannot pass. I refer, of course, to the unwillingness to receive and hear an American of Irish descent from humble but honest circumstances. I hope that your liberal policies will one day be extended to include me. Cheers,

"PAT MOYNIHAN."

Fantasy was quickly followed by hard fact—a real telegram from Cambridge signed by the real Pat Moynihan expressing his "disappointment and discouragement" that some were using his appearance "to threaten to spoil" my Inauguration. And the wire went on to say:

"I must tell you under the circumstances I cannot come. I have had only one such encounter and do not want to disrupt my peace of mind now that I am returned to scholarly pursuits."

Mr. Moynihan quickly reconsidered when apprised of the strong sentiments of the Reed community that Inauguration proceed as planned. He was sympathetic, too, to the determination of a new President that the first public occasion of his Administration not be marked by an abdication of the principles of free speech and free discussion and exchange of ideas.

I mention Mr. Moynihan's temporary withdrawal for just one reason: to illustrate what I fear has been a fearful price paid for the campus disruptions of the past several years. Speakers have been hounded, harassed, intimidated, sometimes assaulted and sometimes denied a platform, yes, but that is but a small part of the price paid. The more significant toll lies in the invitations not extended for fear of the consequences, and in the invitations rejected out of a justifiable fear of embarrassment, harassment and intimidation. If we want the "freest exchange and open discussion of ideas"—if we want speakers at all other than the bland and boring or those who bear testimony to the majority, or aggressive minority, sentiment of the moment—then we must make the campus once again a congenial place to visit, for not everyone must come to us and some who are not obliged to come have views and opinions not commonly heard within the academic community. Today we in the audience can be pleased that we did not pay a price here for earlier transgressions elsewhere.

Now, in upholding the value of free speech, free inquiry, free expression and free teaching, implicit support is being given to a concept of a college or a university. The vision is of a provider of a liberal education and a protector of knowledge, speculation and criticism. The opportunity is presented to distance oneself, if one wishes, from the world or immediate crises. Encouragement is given

to individuality, warts and all. The concern is with the heritage of culture and science. And there's an appreciation of the public and private support of scholars to pursue research and teaching, in freedom, with little constraint or interference.

Obvious? Obvious. But yet this concept is compatible with just one of the two dominant, but often commingled, strains in activism on campus in the past several years. Those who've been concerned with such issues as faculty-student relations, the impact of research and government grants on teaching, the relevance of curriculum, free political activity on campus, the parental role of the college and university, the involvement of colleges with the state, and the excrescences on the academic process—those thus concerned may be primarily interested in changing institutions still devoted to their original purposes of teaching and research. The other strain of activism in its strongest and purest form has nothing to do with educational reform, but would convert the college or university to partisanship as an engine for revolution. Neutrality is a bogus boast, and claims of objectivity pious fraud. Therefore enlist the institution in the cause of radical social change. What's lost in joining the crusaders' ranks, of course, are the distinctive features of colleges and universities—the commitment to free inquiry, free discussion and free teaching, characteristics which would seem to have merit whatever the general state of society and public policy. Gone, too, of course, is the basis of the claim for broad societal support.

If our society loses institutions committed to free inquiry, free expression and free teaching it loses an irreplaceable resource of inestimable value. Do we want our colleges and universities to go the way of the German universities in the '20's and '30's, or the way of universities in some other totalitarian countries? At home, haven't we had enough recent evidence of the consequences of following foreign and domestic policies dictated by orthodoxies or habits of mind without reference to fresh evidence and fresh views? And, besides, who are the Elect claiming infallibility who dare substitute their views for a variety of opinions, ideas and points of view from a large number of admittedly fallible men and women?

Returning to Reed and Mr. Moynihan, my own biggest disappointment is not with the small number with "demands"—although I do remain perplexed at the profession of compassion for far away humanity combined with inhumanity to the very human human beings close at hand. The greater disappointment is with the larger number of students of good will and progressive cast who accepted labels without examining content. If the Reed experience stands for anything, it is for a spirit of skeptical inquiry, applied ruthlessly even to one's own premises and cherished beliefs. And I'm rather disappointed in the students who go beyond concern and interest in social problems to an insistence that a particular description and prescription be applied. Many of our greatest contemporary problems appear to have been created or compounded by the very linkage of concern with particular description and prescription converted to doctrine and orthodoxy. The Reed experience should develop the capacity to make distinctions, establish relationships, weigh alternatives and their likely consequences—and to ask the question: Will what I'm doing or proposing help or hurt the cause I'm ostensibly supporting?

But, on the whole, I'm pleased, pleased with the general recognition in the community of the issues involved and pleased with the determination to put our principles into practice. Taking advantage of this opportunity to talk, my subject was to have been

"Beyond Buttons, Bumper Stickers and Bombast," or "Good Intentions Are not Enough." Perhaps after a further apprenticeship in listening, someone will give me another opportunity to give that talk!

#### HIGHER EDUCATION LEGISLATION FALLS SHORT

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, at the time I voted against acceptance of the conference report on the higher education legislation, I stated that many high expectations would not be met by the legislation—that in too many instances, it did not offer substance, but false promises—that our institutions and our students would be sadly advised to chart their education course on the basis of its provisions. The events of recent weeks, since the legislation was signed into law, have not served to alter my thinking.

The student assistance provisions offer an excellent case in point. Proponents of the bill claimed that every college student would be "entitled" to \$1,400 per year in Federal aid under the new basic grant program. The truth, of course, was, and is, that the \$1,400 would be less the expected family contribution—a contribution determined by the Office of Education—and no grant could exceed 50 percent of the student's costs. More importantly, no funds can be appropriated for the new basic grant program until a minimum of \$653,493,000 is appropriated for existing programs—\$237,400,000 in college work-study, \$286,000,000 in national defense loans, and \$130,093,000 in the existing educational opportunity grant program.

Furthermore, it is estimated that for fiscal year 1973 we will be expending \$1,328,124,000 in veterans' education benefits—and this estimate does not reflect the recent increase in those benefits—an additional \$65,719,700 in education benefits for war orphans and widows, and \$537 million in undergraduate student benefits under the Social Security Act. With the Federal budget billions of dollars out of balance, it hardly seemed reasonable to expect that the additional \$1 billion that it is anticipated would be necessary to fully fund BOG's would be forthcoming for student financial aid—it seemed readily apparent that students and their parents would find this new grant program an empty promise.

Recently I received a letter from Secretary Richardson in which he concedes this promise will not soon be a reality. He states in part:

The most significant portion of PL 92-318, as far as millions of students are concerned, is that which authorizes Basic Educational Opportunity Grants. . . . I should like to share with you our current thinking on this matter . . . we will be unable to begin operation of the Basic Grant program before the 1973-1974 academic year.

His letter in its entirety reads as follows:

THE SECRETARY OF HEALTH,  
EDUCATION, AND WELFARE,  
Washington, D.C., July 14, 1972.

HON. EDITH GREEN,  
Chairman, Special Subcommittee on Education,  
House of Representatives, Washington, D.C.

DEAR MRS. GREEN: Since the President signed the Education Amendments of 1972 into public law on June 23, we have been examining all the provisions of the measure in terms of a possible timetable for implementation of each.

The most significant portion of P.L. 92-318, as far as millions of students are concerned, is that which authorizes Basic Educational Opportunity Grants. Your office has undoubtedly already received numerous requests for information concerning this program. In order to aid you in your responses, I should like to share with you our current thinking on this matter.

Section 411(a)(3)(A)(i) of the Higher Education Act of 1965, as amended, requires that the Commissioner of Education publish in the Federal Register a schedule of expected family contributions for the succeeding academic year not later than February 1. Thus, in order to operate the program this fall we would have to have published the schedule five months ago.

Besides publishing the schedule in the Federal Register, the Commissioner is also required to submit it to both houses of Congress. The Congress then has until May 1 to approve or disapprove the schedule.

In addition to the family contribution schedule, the Office of Education will, of course, be faced with an extremely difficult task of establishing new administrative procedures, putting a payment mechanism into place, educating financial aid officers, and conducting a public information effort before the Basic Grant program can begin operation.

Because of the magnitude of these tasks, as well as the fact that P.L. 92-318 was enacted too late in the year to allow us to meet the statutory requirement that the family contribution schedule be published by February 1, we will be unable to begin operation of the Basic Grant program before the 1973-1974 academic year.

During the 1972-1973 academic year, students will continue to receive assistance under the Supplemental Grant, College-Work Study, and Direct Student Loan (formerly NDEA) programs. Institutions have already been notified of their 1972-1973 funds from these programs.

I trust that you will understand the necessity for this decision on our part and that this explanation will aid you in your responses to constituent inquiries.

Sincerely,

ELLIOT L. RICHARDSON,  
Secretary.

Another area of deep concern to me was the false promise of general institutional assistance to our hard-pressed institutions of higher education. Throughout the extensive hearings that were conducted on the higher education legislation, numerous college presidents and other educators testified as to the severe financial crisis facing many of our colleges and universities. The recent studies of higher education have offered dramatic documentation of the truth of that testimony. Proponents of the conference bill put out press releases that \$1 billion would be provided annually to higher education institutions. There are few, however, so naive as to anticipate more than a token appropriation for the program.



In truth, 45 percent of the formula cannot be funded at all unless the new basic grant program is funded at at least 50 percent of its full funding level. As we have already noted that no basic educational opportunity grants will be awarded this next school year, it follows that that portion of the institutional aid formula will not be operable. In any event, the requirement of prior funding of the basic grant program, makes the prospects for funding of most of the institutional assistance portion exceedingly remote in the foreseeable future.

The sad fact remains that the only direct unrestricted general institutional aid would go to graduate schools. This at a time when 100 large graduate universities—less than 5 percent of the total higher education institutions—are already receiving approximately 69 percent of all Federal funds for higher education. Because of the complicated formula and limited dollars, the 4-year colleges that educate millions of our youth will receive little if any direct assistance under this legislation.

At the time the bill was debated on the House floor, and the desegregation and busing provisions were added, I stated I was opposed to those additions as needlessly cumbersome to the bill itself. But having made those additions, I felt Members owed it to themselves and the public to be honest about their implications. I stated that as the provisions came out of conference committee, they offered only the illusion of relief from busing—that the many school districts operating under court orders to conduct extensive and many times oppressively expensive busing programs, would find little relief in the provisions despite assurance from proponents of the bill that relief was there. The simple fact that the Education and Labor Committee is now in the midst of heated debate on new or additional antibusing legislation offers irrefutable proof of the uselessness of those previous provisions. The higher education bill offered little more than rhetoric and \$100 million for the controversial metropolitan school district.

#### POW RESOLUTION COSPONSORED BY 93 HOUSE MEMBERS

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, last week I was joined by 40 of our colleagues in introducing House Concurrent Resolution 653 and House Concurrent Resolution 654, identical resolutions for insisting that all U.S. prisoners of war be identified and released as part of any settlement of the war in Indochina.

This afternoon I am reintroducing the resolution, with 52 additional cosponsors, drawn as before from both sides of the aisle, all sections of the Nation, and every shade of opinion on the propriety of the war itself.

Signatories so far include 55 Democrats and 38 Republicans, from a total of 33 States. With this kind of support, it is my hope that we can bring about

positive action on the resolution even as this Congress enters its waning days.

Listings of the original cosponsors may be found on pages 25857 and 25859 of the Record for last Thursday, July 27.

Those sponsoring the resolution being offered today include:

JOSEPH P. ADDABBO, GLENN M. ANDERSON, BILL ARCHER, WALTER S. BARING, BOB BERGLAND, EDWARD P. BOLAND, CLARENCE J. BROWN, JAMES T. BROYHILL, JOHN BUCHANAN, FRANK M. CLARK, DEL CLAWSON, JOHN DELLENBACK, JOHN D. DINGELL, JACK EDWARDS, EDWIN D. ESHLEMAN, DON FUQUA, CHARLES H. GRIFFIN, JAMES R. GROVER, JR., SEYMOUR HALPERN, and JOHN PAUL HAMMERSCHMIDT.

Also, JAMES HARVEY, WILLIAM J. KEATING, JACK F. KEMP, ALTON LENNON, ROBERT MCCLORY, WILLIAM M. MCCULLOCH, RAY J. MADDEN, ROBERT H. MICHEL, PARREN J. MITCHELL, JOHN M. MURPHY, RICHARDSON PREYER, MELVIN PRICE, ROBERT PRICE, FERNAND ST GERMAIN, PAUL S. SARBANES, JAMES H. SCHEUER, ROY A. TAYLOR, CHARLES M. TEAGUE, JEROME R. WALDIE, LESTER L. WOLFF, JAMES J. DELANEY, and JAMES W. SYMINGTON.

Also, JAMES F. HASTINGS, TENO RONCALIO, JOHN P. SAYLOR, RICHARD G. SHOUP, GARNER E. SHRIVER, JOE SKUBITZ, FLOYD SPENCE, LARRY WINN, JR., H. JOHN HEINZ III, and ROBERT H. MOLLOHAN.

In the interest of precision, I have made some changes in the preamble portion of the resolution as introduced last week. For example, the figure of "339" as the total number of Americans identified as POW's by the North Vietnamese has been revised upward to "398" in the resolution we are offering today, in line with the facts as they are presently understood.

Other changes are essentially semantic and intended only for clarification. The basic thrust of the original resolution, a demand for first an accounting of the missing and second for return of all the prisoners has in no way been altered or compromised.

The text of the resolution, as revised, follows:

#### CONCURRENT RESOLUTION

Expressing the sense of the Congress with respect to the accounting and return of all American prisoners in Southeast Asia

Whereas the nearly one thousand eight hundred American servicemen and civilians known to be prisoners of war and missing in North Vietnam, South Vietnam, and Laos, only three hundred and ninety-eight have been publicly acknowledged at one time or another by the North Vietnamese as having been captured in North Vietnam, and no list of U.S. prisoners held by the National Liberation Front or Pathet Lao has been received by the United States Government; and

Whereas the Geneva Convention Relative to the Treatment of Prisoners of War, which the North Vietnamese signed in 1957, mandates the publishing of a complete list of prisoners captured and the neutral inspection of detention camps to verify such list: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should use every means at his disposal to secure the most accurate and fullest possible accounting of the American personnel missing throughout North Vietnam, South Vietnam, and Laos.

SEC. 2. It is further the sense of the Congress that any agreement with regard to ending the present conflict in Southeast Asia would be incomplete and inadequate without tangible assurance of the identification and return of all American prisoners.

#### THE AMERICAN REVOLUTION BICENTENNIAL

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, a recent article in the Reader's Digest by Robert O'Brien outlines in brief the extent of preparations now underway to celebrate this Nation's bicentennial. Although still 4 years away, the commemoration of our 200th anniversary has been under discussion for several years and promises to reach a climax with festivities possibly unmatched anywhere in the world. The decentralization of the program to allow activities in various parts of the country would seem to enhance the participation and awareness of this event on the part of a greater number of citizens.

For a preview of the vast planning which will eventually culminate in the commemoration of this historic event, I insert at this point the article, "Ring Out, Liberty Bell," by Robert O'Brien as it appeared in the Reader's Digest.

#### RING OUT, LIBERTY BELL

(By Robert O'Brien)

Thousands of Americans are already involved in planning what may be the biggest, best and most festive party the world has ever seen: this nation's Bicentennial.

Ever since the Continental Congress adopted the Declaration of Independence that fateful July 4, 1776, we Americans have celebrated Independence Day as the official birthday of the United States of America.

Forty-niners, hell-bent for the California gold fields, halted their covered wagons beside the overland trails to commemorate the Fourth. Ships at sea broke out their flags and blasted salutes. In cities and villages across the nation, bands played, rockets burst in mid-air and orators thrilled cheering throngs with tales of the sharpshooting patriots of Lexington and Concord, King's Mountain and Cowpens. In pageant and recitation, schoolchildren kept alive legends and folklore of America's past.

For most of the country, it was a one-day, Yankee Doodle jamboree—a time when Americans kicked up their heels, sang, shot off cannon and, when it was all over, said a heartfelt prayer of gratitude for what those men in Philadelphia had had the bold, soaring spirit to say and do on that day so long ago.

This kind of naive, exuberant Fourth of July has slipped somewhat out of style in recent years. For all our incredible growth since 1776, for all the blessings and the richness of our priceless heritage, we seldom any longer seem to thrill to the memory and meaning of that historic Fourth on which it all began. The bugles are muted. The old magic is subdued.

But these days, this year, something exciting stirs the air—a distant tune of glory, faint and far-off, but growing louder as the months roll on. It seems to sing of a renewed national awareness of the American Revolution—not as a battle cry and bayonet charge but as an immortal idea, embodied in the Declaration of Independence; the idea that men were born to govern themselves.

## SWEET LAND OF LIBERTY

What quickens this awareness is the approaching American Revolution Bicentennial of July 4, 1976—the 200th Anniversary of the proclamation of that idea, America's gift to the world, and of the proud, bloody, agonizing struggle for liberty that followed.

Though this anniversary is still four years away, thousands of Americans are already deeply involved in planning not only a Bicentennial Day, but a Bicentennial Year and Era as well. They are keying the observances to a theme that looks both backward and forward: "A Past to Remember—a Future to Mold." And to bring this theme to life, to expand it from a one-day event to a vital and vivid national experience, President Richard Nixon has called upon all Americans, everywhere, to come together—to unite in an exciting and soul-stirring cause of peace, to ring up the curtain on the nation's third century with the promise of a better, healthier, happier life for all.

"We must put our minds to it, we must put our hearts to it," the President has said. "America is 50 states. America is big cities, small cities and small towns. It is all the homes and all the hopes of 208 million people. That is why we want this celebration to be national. It must go directly to the people, and derive its strength from the people."

Invoking "that splendid spirit" which thrilled and inspired the freedom-hungry peoples of the world 200 years ago, the President has urged us to seize the Bicentennial as an opportunity to forge a new Spirit of '76. "We want people all over this land to sense the greatness of this moment, to participate in it and help us all discover what that great spirit is."

## OF THESE WE SING

Thus the master plan for the Bicentennial calls upon all of us, and all our states and communities, to participate in three interrelated programs. The first—Heritage '76—is an on-going commemoration of great moments and lasting legacies from the nation's past. A second program—Festival USA—encourages us to travel, to discover America for ourselves, and to open our hearts and homes to people of other lands. The third, and most important—Horizons '76—challenges us, in the President's words, "to dedicated effort for the fulfillment of national goals yet to be attained." This is a call for action to improve the quality of American life, cleaner skies and waters, renewed cities, equal opportunities and equal education for all, better health and health care for all, black and white alike, young and old alike.

Preparations began in 1966, when Congress established an American Revolution Bicentennial Commission (ARBC) of 37 members; four U.S. Senators, four Representatives, 12 *ex officio* members, most of whom would be Cabinet Secretaries, and 17 "public" members—leading historians, educators, businessmen, etc.—appointed by the President.

Four years later, the ARBC delivered to President Nixon a 44-page report outlining a positive, imaginative plan for the Bicentennial, and on July 3, 1971, the President formally proclaimed the opening of the Bicentennial Era. It will extend past the Bicentennial Year 1976 to 1983, the 200th anniversary of the Peace of Paris, which formally ended the war with Britain.

The Bicentennial cause has been gathering momentum ever since. In a move to tap high-level assistance in its planning, the ARBC, recently increased to 50 members, has created nine advisory panels. They comprise more than 120 national leaders in the arts, advertising and public relations, transportation and communications, as well as rep-

resentative spokesmen for youth, ethnic relations and other key groups.

All 50 states, the District of Columbia and many cities and counties, as well as Puerto Rico, the Virgin Islands, Guam and American Samoa, have active Bicentennial commissions formulating programs with administrative and financial help from the ARBC. And, to date, 94 national organizations, encompassing 125 million Americans, are on record with plans for full-scale Bicentennial participation.

## PEOPLE'S PRIDE

For all this directed activity, the Bicentennial still belongs, first of all, to the people. The ARBC's basic guideline. Don't impose a Bicentennial upon the nation; instead, encourage one—help Americans express their feelings about their country in ways that seem appropriate to them. The Commission urges all citizens to climb aboard any of its three major programs—to join now in a neighborhood, community, state or national project already under way, or to start one of their own. Bicentennial projects suggested by the general public to the Commission have increased from 15 in 1970 to upward of 1200 in mid-1972. They range from the building of a mini-park by third-graders in Riceville, Iowa, to historical TV programs to be beamed by satellite around the world. (If you wish to forward a Bicentennial idea to the Commission, put it in a brief note to the ARBC, P.O. Box 1976, Washington, D.C. 20276.)

What kinds of ideas is the ARBC looking for? Almost any kind, so long as your proposal reflects what your country means to you, and has enduring value for your community or state, or for the nation at large. Says David J. Mahoney, ARBC chairman (and president and chairman of the board of Norton Simon Inc.): "Yes, we'll have commemorative medals, and parades, and fireworks, and historical pageants. But if we do our jobs well, that sort of activity will constitute less than one percent of our Bicentennial commemoration."

## LET FREEDOM RING

Already, across the nation, specific programs are well past the planning stage. Denver, Colo., is preparing to host the 1976 Winter Olympics as a major international event of the Bicentennial Year. Iowa is planning a World Food Exposition at Des Moines, to develop and spread technology that will help underdeveloped countries feed their hungry millions. Dallas, Texas, is deep into a Bicentennial "Goals for Dallas" program, whose objectives range from inner-city rebuilding and more active police involvement in neighborhood affairs to construction of the huge Dallas-Fort Worth Regional Airport. Niagara Falls, N.Y., has won designation as an official Bicentennial City for its far-sighted program to rebuild and revitalize its 85-acre Rainbow Center in "reaffirmation of the Spirit of '76." Permanent Center buildings will include a Hall of Four Freedoms convention center, a Center for Environmental Studies, a Museum of Black History and Culture.

Washington, D.C., expecting some 40 million visitors in 1976, is pushing ahead with a new Metro subway system and its own urban-renewal program—to make the nation's capital an example of inspiring excellence for other American cities. New York is drafting extensive improvements to the historic South Street Seaport along its East River waterfront (and has invited to New York harbor in July 1976 a fleet of 35 square-riggers from all over the world). Meanwhile, two cities, steeped in history, are seeking financial backing for even more ambitious Bicentennial projects: Boston, for its proposed \$100-million urban restoration and rehabilitation plan; Philadelphia, for either a \$780-million world's fair—doubtful of approval at

this writing—or for some suitable alternate commemoration. And Miami is proceeding with plans to develop its 1700-acre Interama tract on Biscayne Bay. Included are a second campus for Florida International University and an inter-American trade and cultural center.

For its part, the ARBC, its advisory panels and staff have advanced as an official program a multi-level attack on sickle-cell anemia by the National Medical Association, composed of 6000 black physicians. They are about to launch Bicentennial essay and poster contests in the nation's schools, and to commission official Bicentennial works ranging from a seven-volume history of the Revolutionary Era to an all-American opera.

In its most exciting and appealing move to date, the ARBC has endorsed a bold, \$1.2-billion concept calling for construction of 50 permanent State Bicentennial Parks, ranging from 100 to 500 acres in area. The parks would be built on surplus federal land in each state at a cost of about \$22 million apiece, to be paid by the federal government. (The parks would be operated by the states during and after the Bicentennial.) Landscaping and architecture would reflect each state's heritage and culture. If feasibility studies now in progress lead to final Commission and Congressional approval, procurement of park sites will begin in September. Chairman Mahoney sums up the potential of the parks: "A lasting residual to each state—a 200th-anniversary gift of a cultural, recreational and educational center for all 208 million citizens of these United States."

## NEW SPIRIT OF '76

Our burgeoning Bicentennial efforts would have pleased John Adams. On July 3, 1776, he wrote to his wife, Abigail: "I am well aware of the toil, and blood, and treasure, that it will cost us to maintain this declaration, and support and defend these States. Yet, through all the gloom, I can see rays of ravishing light and glory. I can see that the end is worth more than all the means, and that posterity will triumph in that day's transaction."

Today we are that posterity, approaching the 200th anniversary of that day of deliverance. Whether the toil, and blood, and treasure, have all been worthwhile—this, now, in these Bicentennial years, is in our hands.

Perhaps before the Bicentennial is over, it will help us draw inspiration from the words and deeds of the men who made it possible. Perhaps it will unite us in achievement, so that our future will be worthy of the best of our past. Perhaps it will help us move forward together in a new Spirit of '76 toward the mountaintop of a more perfect union.

## NAPCO'S OUTRAGEOUS SETTLEMENT

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, 5 years ago I called attention to the corrupt activities of certain officials of Napco Industries, Inc., a Minneapolis company that had bilked the Agency for International Development out of almost \$4 million.

Napco accomplished this by pawing off a broken down automobile gear manufacturing plant on a subsidiary plant in India and getting the foreign aiders to pay for the transfer with the public's money.

As a result of this, the Justice Department in 1969 filed suit against Napco, charging it with deceit, false claims, and



breach of contract. It asked that the company be made to repay the AID loan and to pay double damages to the Government—or a minimum of \$4.6 million.

I have just learned, Mr. Speaker, that the Government on Friday will announce it has settled this suit for a mere \$3 million which—thanks to preposterous ruling by the Internal Revenue Service—will be deductible from Napco's taxable income.

In other words, Mr. Speaker, those who plotted to swindle the United States will be—in effect—rewarded by the Government for their efforts.

Napco—as was clearly established—had powerful political friends in Washington at the time it was deceiving the Government. If an ordinary citizen had done what the officials of Napco did, you can bet your bottom dollar he would not be let off the hook with a tax deductible fine.

I appeal to Attorney General Kleindienst to stop this outrageous settlement while he still has the chance.

#### CONFERENCE REPORT ON H.R. 15690, AGRICULTURE - ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1973

Mr. WHITTEN submitted the following conference report on the bill (H.R. 15690) making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes:

#### CONFERENCE REPORT (H. REPT. NO. 92-1283)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15690) "making appropriations for the Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1973, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 9, 10, 11, 14, 15, 28, 29, 33, 34, 37, 38, and 44.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 19, 20, 23, 25, 26, 27, 39, 43, and 47, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$188,036,600"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$11,578,900"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$3,460,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amend-

ment insert "\$289,304,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$6,444,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$91,438,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$120,858,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$182,168,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$22,834,200"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$17,829,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$2,055,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$25,805,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$400,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$3,750,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$160,069,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$7,622,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "\$133,549,500"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$1,075,500"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$365,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 30, 31, 35, 36, and 48.

JAMIE L. WHITTEN,  
WILLIAM H. NATCHER,  
W. R. HULL, Jr.,  
FRANK E. EVANS,  
GEORGE MAHON,  
MARK ANDREWS,  
ROBERT H. MICHEL,  
BILL SCHERLE,

*Managers on the Part of the House.*

GALE W. MCGEE,  
JOHN C. STENNIS,  
WILLIAM PROXMIER,  
ROBERT C. BYRD,  
HERMAN E. TALMADGE,  
ROMAN L. HRUSKA,  
MILTON R. YOUNG,  
HIRAM L. FONG,

*Manager on the Part of the Senate.*

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15690) making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

#### TITLE I—AGRICULTURAL PROGRAMS

##### Department of Agriculture Office of the Secretary

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate \$11,112,000 for the Office of the Secretary as proposed by the House to which language has been added to make clear that \$3,464,000 shall be available for the Office of Information. This amendment is in lieu of \$10,312,000 including \$2,464,000 for the Office of Information as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

##### Office of Management Services

Amendment No. 2: Appropriates \$4,147,000 as proposed by the Senate instead of \$4,110,000 as proposed by the House.

##### Agricultural Research Service

Amendment No. 3: Appropriates \$188,036,600 instead of \$181,922,000 as proposed by the House and \$201,018,400 as proposed by the Senate. The following lists the changes from the House Bill agreed to by the Conferees:

Research on peanut insect control	+ \$100,000
Research on non-lethal methods of predator control	+ \$375,000
Research on alternatives to field burning of grass seed straw	+ \$23,100

Soybean production research....	+168,000
Research on mosaic resistant and cold tolerant sugarcane....	+125,000
Research on smut disease, seri- ous in Hawaii and to the sugar industry .....	+200,000
Research on saline seepage in Northern Plains Soil and Wa- ter Research Center, Sidney, Mont .....	+40,000
Research on estrogens at South- ern Illinois University.....	+100,000
Establishing Tropical Agricul- ture and Training Centers....	+500,000
Planning Northeastern Appala- chian Region Fruit Crop Laboratory .....	+200,000
Planning—Plum Island facili- ties .....	+250,000
Construction, Beckley, W. Va., soil and water conservation....	+700,000
North Central Soil and Water Conservation Research Lab- oratory, Morris, Minn. (staff- ing) .....	+100,000
Columbia Plateau Conservation Research Center, Pendleton, Oreg. (staffing) .....	+58,200
Richard B. Russell Laboratory, Athens, Ga. (staffing).....	+1,200,000
Grain Marketing Research Cen- ter, Manhattan, Kans. (staff- ing) .....	+400,000
Human Nutrition Laboratory, Grand Forks, N. Dak. (staff- ing) .....	+450,000
Meat Animal Research Center, Clay Center, Nebr. (staffing) ..	+1,125,300
Net Change over House Bill .....	+6,114,600

In connection with the added emphasis on non-lethal methods of predator control, the Conferees agree that there should be a complete review of the present executive decisions which prohibit dealing with predators in their sanctuaries on Federal lands.

The Conferees further agree that where laboratories have been built but unused that these laboratories should be staffed as rapidly as essential work becomes available; however, such work should not be taken from other laboratories.

Research on wild rice shall be conducted within available funds.

Amendment No. 4: Provides \$11,578,900 for marketing research instead of \$11,178,900 as proposed by the House and \$11,968,700 as proposed by the Senate.

Amendment No. 5: Provides \$3,460,000 for planning and construction of new research facilities instead of \$2,310,000 proposed by the House and \$10,705,000 proposed by the Senate. In addition to construction of facilities at Akron, Colorado; Temple, Texas; and the Plum Island Animal Disease Laboratory, the Conferees recommend funds for planning the Northeastern Appalachian Region Fruit Crop Laboratory and for additional facilities at the Plum Island Animal Disease Laboratory. Construction funds have also been included for the soil and water conservation research facility at Beckley, West Virginia.

Amendment No. 6: Appropriates \$10,000,000 for agricultural research with foreign currencies as proposed by the House instead of \$20,000,000 as proposed by the Senate.

Animal and Plant Health Inspection Service

Amendment No. 7: Appropriates \$289,304,000 for the Animal and Plant Health Inspection Service instead of \$287,404,000 as proposed by the House and \$295,454,000 as proposed by the Senate. This total includes a total of \$4,453,200 for veterinary biologics program; \$5,603,700 for the hog cholera eradication program; \$9,794,600 for screw-worm eradication; and \$160,877,000 for meat and poultry inspection. The bill also includes

an additional \$300,000 for a continued Salmonella program, an additional \$1,400,000 for the tuberculosis indemnity program and an additional \$500,000 for the gypsy moth control program.

#### Cooperative State Research Service

Amendment No. 8: Provides \$6,444,000 for cooperative forestry research instead of \$6,944,000 as proposed by the Senate and \$4,944,000 as proposed by the House.

Amendments Nos. 9 and 10: Provide \$15,400,000 for research by contract and grant as proposed by the House instead of \$15,600,000 as proposed by the Senate. This total includes \$400,000 for research on soybeans.

Amendment No. 11: Deletes the item of \$2,000,000 for facility construction as proposed by the Senate.

Amendment No. 12: Adjusts the total appropriation for the Cooperative State Research Service to \$91,438,000 instead of \$89,938,000 proposed by the House and \$94,138,000 proposed by the Senate.

#### Extension Service

Amendment No. 13: Provides \$120,858,000 for payments for cooperative agricultural extension work instead of \$118,358,000 proposed by the House and \$123,358,000 proposed by the Senate.

Amendment No. 14: Provides \$2,000,000 for rural development work proposed by the House instead of \$5,000,000 proposed by the Senate.

Amendment No. 15: Deletes \$500,000 for special cotton cost cutting education as proposed by the Senate.

Amendment No. 16: Appropriates a total of \$182,168,000 for Extension payments instead of \$179,668,000 as proposed by the House and \$185,168,000 as proposed by the Senate.

#### Agricultural economics

##### Statistical Reporting Service

Amendment No. 17: Appropriates \$22,834,200 for the Statistical Reporting Service instead of \$22,800,000 proposed by the House and \$22,936,000 proposed by the Senate. This total includes \$598,100 for improved data collection and dissemination and \$50,000 for floriculture statistics.

##### Economic Research Services

Amendment No. 18: Appropriates \$17,829,000 for the Economic Research Service instead of \$17,086,000 as proposed by the House and \$18,572,000 proposed by the Senate. This amount provides an additional \$200,000 for rural development research; \$200,000 for research on foreign economic conditions; not more than \$275,000 on the economics of predator control; and \$68,000 for paycasts.

#### Marketing Services

##### Agricultural Marketing Service

Amendment No. 19: Appropriates \$34,210,000 for marketing services as proposed by the Senate instead of \$34,174,000 proposed by the House.

Amendment No. 20: Appropriates \$2,500,000 for payments to States and possessions under the Agricultural Marketing Act as proposed by the Senate instead of \$1,750,000 proposed by the House.

#### Farmer Cooperative Service

Amendment No. 21: Appropriates \$2,055,000 for the Farmer Cooperative Service instead of \$1,955,000 proposed by the House and \$2,155,000 proposed by the Senate.

#### International Programs

##### Foreign Agricultural Service

Amendment No. 22: Appropriates \$25,805,000 for the Foreign Agricultural Service instead of \$25,536,000 as proposed by the House and \$26,074,000 proposed by the Senate.

#### Commodity Programs

##### Commodity Credit Corporation

Amendment No. 23: Appropriates \$4,057,952,000 for the full reimbursement of the Commodity Credit Corporation as proposed

by the Senate instead of \$3,832,952,000 as proposed by the House. The Conferees agree that the addition of this amount should in no way curtail the other activities of the Department of Agriculture.

#### TITLE II—RURAL DEVELOPMENT PROGRAMS

##### Department of Agriculture

##### Rural Development Service

Amendment No. 24: Appropriates \$400,000 for the Rural Development Service instead of \$250,000 as proposed by the House and \$500,000 proposed by the Senate.

##### Resource Conservation and Development

Amendment No. 25: Appropriates \$26,600,000 for Resource Conservation and Development projects as proposed by the Senate instead of \$20,867,000 proposed by the House.

##### Rural Electrification Administration

Amendment No. 26: Provides a total loan authorization for rural electrification of \$595,000,000 as proposed by the Senate instead of \$545,000,000 as proposed by the House. The House recedes on this amendment in the expectation that the funds made available in the House bill shall be used and that the additional \$50,000,000 will be made available when needed.

Amendment No. 27: Provides a rural telephone loan authorization of \$145,000,000 proposed by the Senate instead of \$125,000,000 as proposed by the House. The House recedes on this amendment with the expectation that these funds shall be used.

##### Farmers Home Administration

Amendments Nos. 28 and 29: Provide a farm ownership loan authorization of \$350,000,000 as proposed by the House instead of \$450,000,000 as proposed by the Senate.

Amendments Nos. 30 and 31: Reported in technical disagreement. The managers on the part of the House will offer motions to make available a total of \$150,000,000 for grants for basic water and sewer facilities instead of \$200,000,000 as proposed by the Senate and \$100,000,000 as proposed by the House, and the managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The amendment makes the addition subject to further authorization. The Conferees agree with the House Report stating that the Department should set up not less than 20 percent of the funds to strengthen existing systems to assure that they are expanding to take in unserved customers and to improve service in their designated service area. The Conferees further agree that where full area coverage is not presently feasible a program of individual or small group loans shall be stressed with a view to full coverage in the future.

Amendment No. 32: Appropriates \$3,750,000 for farm labor housing grants instead of \$2,500,000 proposed by the House and \$7,000,000 proposed by the Senate. The Conferees agree that FHA should make a study of this program to determine whether landowners are using this program to provide housing for their own labor.

Amendment No. 33: Appropriates \$112,743,000 for salaries and expenses as proposed by the House instead of \$117,743,000 proposed by the Senate. The Conferees agree that in view of increasing volumes of loans, guarantees, and problems coming from this big agency, a critical need for additional personnel for administration of the growing responsibilities of the Farmers Home Administration is necessary and such personnel should be allowed as an addition to any ceiling or limitation currently or hereafter imposed on the Department of Agriculture.

#### TITLE III—ENVIRONMENTAL PROGRAMS

##### Environmental Protection Agency

Amendment Nos. 34, 35, 36, 37, and 38: These amendments involve all funds in the bill for the Environmental Protection Agency



except grants for construction of waste treatment works and overseas research.

The House total for the various activities involved was \$497,014,000.

The Senate total was \$491,514,000.

The total agreed upon by the Conferees is \$467,014,000, which is \$30,000,000 below the House and \$24,500,000 below the Senate.

With respect to the \$30,000,000 below the House total, the House bill included that amount for transfer to the Rural Environmental Assistance Program (REAP) of the Department of Agriculture. The House managers have agreed that in the announcement of the 1973 REAP program of the Department of Agriculture not more than \$30,000,000 shall be identified for the new pollution abatement practices and such amount as is used shall be paid from funds available to the Environmental Protection Agency. The remainder of the \$225,500,000 program announcement shall be for the practices, including all those available under the 1970 program. Therefore, the House managers yielded to the Senate on this position for this year.

With respect to the \$24,500,000 below the Senate total, the conference agreement omits funds added by the Senate, as follows: (1) \$7,500,000 for section 104 of the Clean Air Act; (2) \$15,000,000 for section 208 of the Resource Recovery Act; and (3) \$2,000,000 for facilities. With respect to the latter item, \$1,000,000 was for repair and improvement projects which had been deleted by the House and \$1,000,000 was for construction of a laboratory at Manchester, Washington. However, the House report on the 1972 appropriation bill directed that "no further construction be undertaken without a full and thorough review of existing research efforts and their locations with a view toward consolidation of the diverse programs so recently acquired."

This review has not yet been submitted to the House and Senate Committees, even though it was requested well over a year ago. Therefore, since the study is still underway, the Conferees agree to defer action on this item at this time. However, funds previously appropriated for the construction of this laboratory shall remain available until the completion of this study and shall not be diverted to other purposes.

Aside from the question of funding levels and objects, these amendments also involve the appropriation structure for the EPA. The House, in order to provide better congressional visibility and control, separated the Agency's single lump-sum operational appropriation into four separate appropriations. The Senate disagreed; struck out the four appropriations; and substituted a single lump-sum appropriation similar to last year's.

The Conferees have agreed to the separated structure of the House bill, but with the addition of limited authority—7 percent—to transfer between the four appropriations.

As to Amendments Nos. 35 and 36, relating to Research and Development and Abatement and Control, respectively, the House bill contained provisions limiting the availability of the two appropriations to amounts authorized by law for fiscal year 1973. Legislation authorizing portions of each of these two appropriations is still pending in conference (S. 2770, Federal Water Pollution Control Act Amendments). In order to avoid complete stoppage of Agency operations on July 1, these provisions were suspended by a special provision in the continuing resolution, pending finalization of the legislative authorizations. In view of the uncertainties of the moment and to avoid possible stoppage of all operations of the Agency in the near future, the Conferees have agreed that this suspension must be continued pending further development, and have accordingly agreed to modify the two contingency provisions referred to. This can be done by hitching the

effective date of the provisos to the revised terminal date of the continuing resolution (which will, undoubtedly, be extended beyond its present expiration date of August 18).

To effectuate these conference agreements, the amendments would be disposed of as follows:

Amendment No. 34: Appropriates \$41,960,400 for agency and regional management as proposed by the House.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment, the effect of which will be to restore the House appropriations of \$182,723,700 for research and development and \$2,500,000 for advisory committees, and modifying the contingent availability provision as discussed above. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment, the effect of which will be (1) to restore the House appropriation of \$208,935,700 for abatement and control and \$2,000,000 for advisory committees; (2) to delete the \$30,000,000 proposed by the House for transfer to the REAP program in the Department of Agriculture; (3) to modify the contingent availability proviso as discussed above; and (4) to insert the agreed upon 7 percent transfer authority discussed above. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 37: Appropriates \$28,894,200 for enforcement activities as proposed by the House.

Amendment No. 38: Strikes out the separate lump-sum appropriation of \$491,514,000 which the Senate had proposed for Agency operations, research, and facilities.

#### Department of Commerce

##### National Industrial Pollution Control Council

Amendment No. 39: Provides \$323,000 as proposed by the Senate instead of \$310,000 proposed by the House.

#### Department of Agriculture

##### Soil Conservation Service

Amendment No. 40: Appropriates \$160,069,000 for conservation operations instead of \$155,069,000 proposed by the House and \$165,069,000 proposed by the Senate. This increase over the House bill includes \$1,000,000 to install automatic telemetry systems for measurement of snow and prediction of run-off.

Amendment No. 41: Appropriates \$7,622,000 for watershed planning instead of \$7,122,000 proposed by the House and \$8,122,000 proposed by the Senate.

Amendment No. 42: Appropriates \$133,549,500 for watershed and flood prevention instead of \$132,099,000 as proposed by the House and \$135,000,000 proposed by the Senate.

Amendment No. 43: Makes a technical change proposed by the Senate.

Amendment No. 44: Appropriates \$18,113,500 proposed by the House for the Great Plains Program instead of \$20,000,000 proposed by the Senate.

#### TITLE IV—CONSUMER PROGRAMS

##### Office of Consumer Affairs

Amendment No. 45: Appropriates \$1,075,500 for salaries and expenses instead of \$1,033,000 as proposed by the House and \$1,118,000 as proposed by the Senate. The Conferees are concerned about the apparent lack of adequate fiscal controls in the Office of Consumer Affairs and will expect closer supervision and full disclosure in the future.

#### National Commission on Consumer Finance

Amendment No. 46: Appropriates \$365,000 to complete the work of the National Commission on Consumer Finance instead of \$320,000 as proposed by the House and \$413,000 as proposed by the Senate. The Conferees agreed that this is the final amount which will be appropriated for this purpose.

#### Department of Agriculture

##### Food and Nutrition Service

Amendment No. 47: Appropriates \$97,123,000 for the special milk program as proposed by the Senate instead of \$92,123,000 as proposed by the House.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate \$2,500,000,000 for the Food Stamp Program as proposed by the Senate instead of \$2,341,146,000 as proposed by the House. Language has been added to place the \$158,854,000 added by the Senate in reserve pending determination of need. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

#### CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1973 recommended by the Committee of Conference, with comparisons to the fiscal year 1972 total, the 1973 budget estimate total, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year 1972	\$13,965,498,427
Budget estimates of new (obligational) authority, fiscal year 1973	12,952,190,400
House bill, fiscal year 1973	12,897,010,900
Senate bill, fiscal year 1973	13,561,055,800
Conference agreement	13,434,032,700
Conference agreement compared with—	
New budget (obligational) authority, fiscal year 1972	—531,465,727
Budget estimates of new (obligational) authority (as amended), fiscal year 1973	+481,842,300
House bill, fiscal year 1973	+537,021,800
Senate bill, fiscal year 1973	—127,023,100

The Conferees agree that any additional expenditures which result from new obligational authority authorized in this bill should be in addition to any outlay limitation currently or hereafter imposed on the Department of Agriculture and under no conditions should reduce current levels of expenditures for authorized programs.

JAMIE L. WHITTEN,  
WILLIAM H. NATCHER,  
W. R. HULL, JR.,  
FRANK E. EVANS,  
GEORGE MAHON,  
MARK ANDREWS,  
ROBERT H. MICHEL,  
BILL SCHERLE,

#### Managers on the Part of the House.

GALE W. MCGEE,  
JOHN STENNIS,  
WILLIAM PROXMIER,  
ROBERT C. BYRD,  
HERMAN E. TALMADGE,  
ROMAN L. HRUSKA,  
MILTON R. YOUNG,  
HIRAM L. FONG,

#### Managers on the Part of the Senate.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BRASCO (at the request of Mr. CAREY of New York), for August 2, on account of death in family.

Mrs. HANSEN of Washington, for August 3, on account of official business in district.

Mr. PEPPER (at the request of Mr. ROGERS) after 4:30 today, 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. EDMONDSON, for 5 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. TERRY) to revise and extend their remarks and include extraneous matter:)

Mr. HARVEY, for 30 minutes, today.

Mr. HANSEN of Idaho, for 15 minutes, today.

Mr. ESCH, for 5 minutes, today.

Mr. VEYSEY, for 5 minutes, today.

Mr. ANDERSON of Illinois, for 10 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. METCALFE, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. ASPIN, for 5 minutes, today.

Mr. FLOOD, for 10 minutes, today.

Mr. RONCALIO, for 15 minutes, today.

Mr. HARRINGTON, for 5 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. MELCHER, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FLOOD, notwithstanding an estimated 2¾ pages of the CONGRESSIONAL RECORD, and an estimated cost of \$467.50.

Mr. MIZELL, notwithstanding the fact that it exceeds 2 pages of the RECORD, and the cost thereof is estimated by the Public Printer to be \$850.

(The following Members (at the request of Mr. TERRY) and to include extraneous matter:)

Mr. CONABLE.

Mr. GERALD R. FORD.

Mr. WYMAN in two instances.

Mr. BROYHILL of North Carolina.

Mr. SPENCE.

Mr. YOUNG of Florida in five instances.

Mr. THONE.

Mr. STEIGER of Wisconsin.

Mr. RUPPE.

Mr. VEYSEY.

Mr. DUNCAN.

Mr. WHITEHURST.

Mr. MCCLOSKEY.

Mr. BROZMAN.

Mr. SPRINGER.

Mr. SCHWENGEL.

Mr. ASHBROOK in three instances.

Mr. BROWN of Michigan.

Mr. GUBE in two instances.

Mr. ZWACH.

Mr. SCHMITZ in five instances.

Mr. SNYDER.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous material:)

Mr. GALIFIANAKIS.

Mr. LONG of Maryland.

Mr. PURCELL.

Mr. FISHER in two instances.

Mr. RARICK in three instances.

Mr. GONZALEZ in three instances.

Mr. PUCINSKI in four instances.

Mr. DE LA GARZA in 10 instances.

Mr. MACDONALD of Massachusetts in three instances.

Mr. PODELL.

Mr. BINGHAM in two instances.

Mr. STUBBLEFIELD.

Mr. BARRETT.

Mr. ROE in three instances.

Mr. WOLFF.

Mr. THOMPSON of New Jersey.

Mr. FUQUA.

Mr. RYAN in three instances.

Mr. WALDIE in two instances.

Mr. REUSS.

Mr. VAN DEERLIN.

Mr. HARRINGTON in two instances.

Mr. REID.

Mr. TEAGUE of Texas in six instances.

Mr. EDWARDS of California.

Mr. CORMAN in five instances.

Mr. EDMONDSON in three instances.

Mr. LEGGETT in three instances.

Mrs. SULLIVAN in two instances.

Mr. FOUNTAIN in three instances.

Mr. McFALL in two instances.

#### SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1217. An act to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

S.J. Res. 193. Joint Resolution to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral; to the Committee on Science and Astronautics.

#### ENROLLED BILLS SIGNED

Mr. HAYS, 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. 5721. An act pertaining to the inheritance of enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon;

H.R. 11350. An act to increase the limit on dues for United States membership in the International Criminal Police Organization.

H.R. 14108. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes; and

H.R. 15635. An act to assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency and for other purposes.

#### SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 916. An act to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations;

S. 2227. An act to amend title 44, United States Code, to authorize the Public Printer to designate the library of the highest appellate court in each State as a depository library;

S. 2684. An act to amend section 509 of the Merchant Marine Act, 1936, as amended; and S. 3463. An act to amend section 906, of title 44, United States Code, to provide copies of the daily and semimonthly CONGRESSIONAL RECORD to libraries of certain United States courts.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on August 1, 1972, present to the President, for his approval bills of the House of the following titles:

H.R. 1682. An act to provide for deferment of construction charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, Calif., included in said district, and for other purposes; and

H.R. 13435. An act to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior.

#### ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to: accordingly (at 5 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Thursday, August 3, 1972, 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:

2205. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to amend titles 10, 18, and 37, United States Code, to revise the laws pertaining to conflicts of interest and related matters as they apply to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

2206. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2207. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2208. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a copy of the order suspending deportation in the case of Yankel Benjamin Turansky, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

#### RECEIVED FROM THE COMPTROLLER GENERAL

2209. A letter from the Comptroller General of the United States, transmitting a report on the need for improved coordination of federally assisted student aid programs in



institutions of higher education, administered by the Office of Education, 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. ASPINALL: Committee of conference. Conference report on H.R. 6957. (Rept. No. 92-1276). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 9128. A bill to confer exclusive jurisdiction on the Federal Maritime Commission over certain movements of merchandise by barge in foreign commerce; with an amendment (Rept. No. 92-1277). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 10486. A bill to make the basic pay of the master chief petty officer of the Coast Guard comparable to the basic pay of the senior enlisted advisers of the other Armed Forces, and for other purposes; with amendments (Rept. No. 92-1278). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 14847. A bill to amend the Airport and Airway Development Act of 1970 to increase from 50 to 75 percent the U.S. share of allowable project costs payable under such act; to amend the Federal Aviation Act of 1958 to prohibit State taxation of the carriage of persons in air transportation; and for other purposes; with amendments (Rept. No. 92-1279). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLOOD: Committee of conference. Conference report on H.R. 15417. (Rept. No. 92-1280). Ordered to be printed.

Mr. POAGE: Committee on Agriculture. H.R. 13514. A bill to enable wheat producers, processors, and end-product manufacturers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States with amendments (Rept. No. 92-1281). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 2374. A bill to amend title 18 of the United States Code to permit the mailing of lottery tickets and related matter, the broadcasting or televising of lottery information, and the transportation and advertising of lottery tickets in interstate commerce, but only where the lottery is conducted by a State agency; with amendments (Rept. No. 92-1282). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee of conference. Conference report on H.R. 15690 (Rept. No. 92-1283). Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAREY of New York (for himself and Mr. MILLS of Arkansas):

H.R. 16141. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for

the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. ABOUREZK:

H.R. 16142. A bill to amend the Export Administration Act of 1969 to require approval of the Secretary of Agriculture with respect to controls on agricultural commodities, and for other purposes; to the Committee on Banking and Currency.

By Mr. BEGICH:

H.R. 16143. A bill to amend the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

By Mr. BENNETT:

H.R. 16144. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. BROTZMAN (for himself, Mr. SYMINGTON, Mr. HECHLER of West Virginia, and Mr. ROE):

H.R. 16145. A bill to establish an Environmental Quality Corps; to the Committee on Education and Labor.

By Mr. CAREY of New York (for himself, Mrs. GRIFFITHS, Mr. ROSENTEKOWSKI, Mr. KARTH, Mr. HALPERN, Mr. PODELL, and Mr. ROONEY of Pennsylvania):

H.R. 16146. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 16147. A bill to provide Federal support to enable the Cooperative Extension Service to carry on a national voluntary educational and self-help program for the elderly; to the Committee on Education and Labor.

By Mr. CARTER (for himself and Mr. NELSEN):

H.R. 16148. A bill to direct the Secretary of Health, Education, and Welfare to make requests for appropriations for programs respecting a specific disease or category of diseases on the basis of the relative mortality and morbidity rates of the disease or category of diseases and its relative impact on the health of persons in the United States and on the economy; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK:

H.R. 16149. A bill to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE (for himself and Mr. BOLAND):

H.R. 16150. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

By Mr. DOW:

H.R. 16151. A bill to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH:

H.R. 16152. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ESCH (for himself, Mr. BELL, DELLENBACK, Mr. ESHLEMAN, Mr. STEIGER of Wisconsin, Mr. HANSEN of Idaho, Mr. FORSYTHE, Mr. VEYSEY, Mr. KEMP, and Mr. CARLSON):

H.R. 16153. A bill to amend the Age Discrimination in Employment Act of 1967 to extend the act to State and local governments; to the Committee on Education and Labor.

By Mr. HARRINGTON:

H.R. 16154. A bill to provide adequate mental health care and psychiatric care to all Americans; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 16155. A bill to provide for a study and investigation to assess the extent of the damage done to the environment of South Vietnam, Laos, and Cambodia as the result of the operations of the Armed Forces of the United States in such countries, and to consider plans for effectively rectifying such damage; to the Committee on Foreign Affairs.

By Mr. HILLIS:

H.R. 16156. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. KEMP:

H.R. 16157. A bill to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972; to the Committee on Interstate and Foreign Commerce.

By Mr. KING:

H.R. 16158. A bill to amend title III of the act of March 3, 1933, commonly referred to as the Buy American Act, with respect to determining when the cost of certain articles, materials, or supplies is unreasonable, and for other purposes; to the Committee on Public Works.

By Mr. MACDONALD of Massachusetts:

H.R. 16159. A bill to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of non-commercial educational television or radio broadcasting facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIS of Georgia:

H.R. 16160. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MURPHY of New York:

H.R. 16161. A bill to amend chapter 34 of title 38 of the United States Code to provide for the payment of tuition costs in the case of certain eligible veterans directly to the educational institutions concerned; to provide for overall increases in education benefits under such chapter; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MURPHY of New York (for himself, Mr. BELL, Mr. STOKES, Mr. MITCHELL, Mr. STRATTON, Mr. HILLIS, and Mr. HASTINGS):

H.R. 16162. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PURCELL:

H.R. 16163. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise cer-

tain requirements for approval of new animal drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. REID:

H.R. 16164. A bill to insure international cooperation in the prosecution or extradition to the United States of persons alleged to have committed aircraft piracy against the laws of the United States or international law; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBISON of New York (for himself, Mr. McEwen, Mr. Conable, Mr. Smith of New York, Mr. Hastings, Mr. Fish, Mr. Horton, Mr. Terry, Mr. Dulski, Mr. Hanley, and Mr. King):

H.R. 16165. A bill to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 16166. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 16167. A bill to provide for disciplined and responsible action in the consideration and execution of the Federal budget; to the Committee on Government Operations.

By Mr. ST GERMAIN:

H.R. 16168. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in the amount of any old-age insurance benefit to which an individual is entitled if such individual has 120 quarters of coverage, and to provide that an individual with 120 quarters of coverage may become entitled to medicare benefits at age 62; to the Committee on Ways and Means.

By Mr. SCHERLE (for himself, Mr. Poage, Mr. Steiger of Arizona, Mr. Thone, and Mr. Mayne):

H.R. 16169. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise certain requirements for approval of new animal drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK (for himself and Mr. Mathias of California):

H.R. 16170. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the initial phase of the East Side division; initial phase of the Cosumnes River division; the Allen Camp unit, Pit River division; and the peripheral canal, Delta divisions; Central Valley project, California; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TALCOTT:

H.R. 16171. A bill to designate certain lands in San Luis Obispo County as the "Lopez Canyon Wilderness"; to the Committee on Interior and Insular Affairs.

By Mr. WHALLEY:

H.R. 16172. A bill to amend the Higher Education Act of 1965; to the Committee on Education and Labor.

H.R. 16173. A bill to provide additional relief to victims of major disasters, to provide for early designation of major disaster areas, and for other purposes; to the Committee on Public Works.

By Mr. WYMAN:

H.R. 16174. A bill to provide for the reporting by Members of the Senate and House of Representatives of individual assets subject to Government control or regulation, in excess of \$25,000 in fair market value; to the Joint Committee on Standards of Official Conduct.

H.R. 16175. A bill to provide reduced retirement benefits for Members of Congress who remain in office after attaining 70 years of

age; to the Committee on Post Office and Civil Service.

By Mr. ZWACH:

H.R. 16176. A bill to amend the Railroad Retirement Act of 1937 to provide a temporary 20 percent increase in annuities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ADDABBO (for himself, Mrs. ABZUG, Mr. Biaggi, Mr. Bingham, Mr. BRASCO, Mr. HALPERN, Mr. LENT, Mr. MURPHY of New York, Mr. RANGEL, Mr. ROSENTHAL, Mr. SCHEUER, and Mr. WOLFF):

H. Con. Res. 657. Concurrent resolution requesting the President to proclaim September 24, 1972, as "National Recognition of Jamaica Bay Day"; to the Committee on the Judiciary.

By Mr. DOW:

H. Con. Res. 658. Concurrent resolution expressing the sense of the Congress with respect to international aircraft piracy; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER:

H. Con. Res. 659. Concurrent resolution calling on the President to seek an international agreement prohibiting environmental warfare; to the Committee on Foreign Affairs.

By Mr. KEMP:

H. Con. Res. 660. Concurrent resolution designating October 6 of each year as "German-American Day"; to the Committee on the Judiciary.

By Mr. SYMINGTON (for himself, Mr. FREY, and Mr. ZABLOCKI):

H. Con. Res. 661. Concurrent resolution expressing the sense of the Congress with respect to the cooperative agreements on science and technology, medical science and public health, the environment, and space which were recently entered into in Moscow by the United States and the Soviet Union; to the Committee on Foreign Affairs.

By Mr. VAN DEERLIN (for himself, Mr. ADDABBO, Mr. ANDERSON of California, Mr. ARCHER, Mr. BARING, Mr. BERGLAND, Mr. BOLAND, Mr. BROWN of Ohio, Mr. BROYHILL of North Carolina, Mr. BUCHANAN, Mr. CLARK, Mr. DEL CLAWSON, Mr. DELLENBACK, Mr. DINGELL, Mr. EDWARDS of Alabama, Mr. ESHELEMAN, Mr. FUQUA, Mr. GRIFFIN, Mr. GROVER, Mr. HALPERN, Mr. HAMMERSCHMIDT, Mr. HARVEY, Mr. KEATING, Mr. KEMP, and Mr. LENNON):

H. Con. Res. 662. Concurrent resolution expressing the sense of the Congress with respect to the accounting and return of all American prisoners in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. VAN DEERLIN (for himself, Mr. MCCLORY, Mr. MCCULLOCH, Mr. MADDEN, Mr. MICHEL, Mr. MITCHELL, Mr. MURPHY of New York, Mr. PREYER of North Carolina, Mr. PRICE of Illinois, Mr. PRICE of Texas, Mr. ST GERMAIN, Mr. SARBANES, Mr. SCHEUER, Mr. TAYLOR, Mr. TEAGUE of California, Mr. WALDIE, Mr. WOLFF, Mr. DELANEY, and Mr. SYMINGTON):

H. Con. Res. 663. Concurrent resolution expressing the sense of the Congress with respect to the accounting and return of all American prisoners in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. VAN DEERLIN (for himself, Mr. HASTINGS, Mr. HEINZ, Mr. MOLLOHAN, Mr. RONCALIO, Mr. SAYLOR, Mr. SHOUP, Mr. SHRIVER, Mr. SKUBITZ, Mr. SPENCE, and Mr. WINN):

H. Con. Res. 664. Concurrent resolution expressing the sense of the Congress with respect to the accounting and return of all American prisoners in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. WOLFF (for himself, Mr. ABUREK, Mrs. ABZUG, Mr. ADDABBO, Mr. ALEXANDER, Mrs. ANDREWS of Ala-

bama, Mr. ASPINALL, Mr. BARRETT, Mr. BEGICH, Mr. BERGLAND, Mr. BEVILL, Mr. BIAGGI, Mr. BLANTON, Mr. BRASCO, Mr. BRAY, Mr. BUCHANAN, Mr. BURKE of Massachusetts, Mr. CARNEY, Mr. CARTER, Mr. CHAPPELL, Mr. COLLINS of Texas, Mr. COLLINS of Illinois, Mr. DANIELS of New Jersey, and Mr. DANIELSON):

H. Con. Res. 665. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. ANNUNZIO, Mr. ARCHER, Mr. BARING, Mr. BENNETT, Mr. BLACKBURN, Mr. BOLAND, Mr. BRADEMANS, Mr. BRINKLEY, Mr. BROWN of Michigan, Mr. CASEY of Texas, Mr. CELLER, Mrs. CHISHOLM, Mr. CLEVELAND, Mr. COLLIER, Mr. COTTER, Mr. DANIEL of Virginia, Mr. DONOHUE, Mr. DORN, Mr. DOW, Mr. DRINAN, Mr. DULSKI, Mr. DUNCAN, and Mr. EVANS of Colorado):

H. Con. Res. 666. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. DELANEY, Mr. DENHOLM, Mr. DERWINSKI, Mr. DOWNING, Mr. EILBERG, Mr. FOUNTAIN, Mr. FULTON, Mr. GALLIFIANAKIS, Mr. GAYDOS, Mr. GETTYS, Mrs. GREEN of Oregon, Mr. GRIFFIN, Mr. GROSS, Mrs. GRASSO, Mr. HAMMERSCHMIDT, Mr. HANLEY, Mrs. HANSEN of Washington, Mr. HAWKINS, Mr. HELSTOSKI, Mr. HENDERSON, Mrs. HICKS of Massachusetts, Mr. HOWARD, Mr. HUNT, and Mr. ICHORD):

H. Con. Res. 667. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. FASCELL, Mr. FISH, Mr. FLYNT, Mr. FORSYTHE, Mr. FRENZEL, Mr. FUQUA, Mr. GARMATZ, Mr. GOLDWATER, Mr. HAMILTON, Mr. HECHLER of West Virginia, Mr. HOGAN, Mr. HOLLIFIELD, Mr. LONG of Maryland, Mr. MCCORMACK, Mr. MCKINNEY, Mr. MANN, Mr. MELCHER, Mr. METCALFE, Mr. O'HARA, Mr. PICKLE, Mr. RANGEL, Mr. PRICE of Illinois, Mr. PRYOR of Arkansas, and Mr. RIEGLE):

H. Con. Res. 668. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. JARMAN, Mr. JOHNSON of Pennsylvania, Mr. JONES of North Carolina, Mr. KAZEN, Mr. KEMP, Mr. KOCH, Mr. KYL, Mr. KYROS, Mr. LENT, Mr. MADSEN, Mr. MANN, Mr. MATHIS of Georgia, Mr. MAZZOLI, Mr. MIKVA, Mr. MINISH, Mrs. MNK, Mr. MITCHELL, Mr. MIZELL, Mr. MONAGAN, Mr. MONTGOMERY, Mr. MURPHY of New York, Mr. MURPHY of Illinois, Mr. MYERS, and Mr. NEDZI):

H. Con. Res. 669. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. NIX, Mr. PASSMAN, Mr. DAVIS of Georgia, Mr. PATTEN, Mr. PEPPER, Mr. PODELL, Mr. PUCINSKI, Mr. RANDALL, Mr. REID, Mr. ROE, Mr. RONCALIO, Mr. ROSENTHAL, Mr. ROUSH, Mr. RUNNELS, Mr. SATTERFIELD, Mr. SCHEUER, Mr. SCHERLE, Mr. JAMES V. STANTON, Mr. STEED, Mr. STOKES, Mr. STRATTON, Mr. STUCKEY, Mrs. SULLIVAN, and Mr. TEAGUE of Texas):

H. Con. Res. 670. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. SARBANES, Mr. SCOTT, Mr. SIKES, Mr. SISK, Mr. SLACK, Mr. SNYDER, Mr. TAYLOR, Mr. TERRY, Mr. THIERNAN, Mr. THOMSON of Wisconsin, Mr.



UDALL, Mr. VANDER JAGT, Mr. VEYSEY, Mr. CHARLES H. WILSON, Mr. WINN, Mr. WYMAN, Mr. YATRON, Mr. VANIK, Mr. WAGGONER, Mr. YATES, and Mr. ZABLOCKI):

H. Con. Res. 671. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. FISH:

H. J. Res. 1269. Joint resolution authorizing the President to proclaim a "Vietnam Veterans Day," after the United States has concluded its participation in hostilities in Southeast Asia; to the Committee on the Judiciary.

By Mr. ROYBAL:

H. J. Res. 1270. Joint resolution authorizing the President to proclaim September 8 of each year as "National Cancer Day"; to the Committee on the Judiciary.

By Mr. WYMAN:

H. J. Res. 1271. Joint resolution providing for annual health examinations for Members of Congress and publication of the results thereof, and for other purposes; to the Committee on Rules.

H. J. Res. 1272. Joint resolution proposing an amendment to the Constitution of the United States to provide an age limit for Senators and Representatives; to the Committee on the Judiciary.

By Mr. BROTZMAN (for himself, Mr.

BELL, Mr. DEL CLAWSON, Mr. CONOVER, Mr. CURLIN, Mr. FRASER, Mr. HUNGATE, Mr. LANDGREHE, Mr. MITCHELL, Mr. RIEGLE, and Mr. WOLFF):

H. Res. 1075. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Com-

mittee on the Environment; to the Committee on Rules.

By Mr. COLMER:

H. Res. 1076. Resolution providing for the consideration of the bill (H.R. 13916) to impose a moratorium on new and additional student transportation; to the Committee on Rules.

By Mr. HELSTOSKI:

H. Res. 1077. Resolution expressing the sense of the House that the U.S. Government should seek the agreement of other governments to a proposed treaty prohibiting the use of any environmental or geophysical modification activity as a weapon of war, or the carrying out of any research or experimentation with respect thereto; to the Committee on Foreign Affairs.

By Mr. McCLOSKEY:

H. Res. 1078. Resolution directing the Secretary of Defense to furnish to the House certain information respecting U.S. operations in North Vietnam; to the Committee on Armed Services.

H. Res. 1079. Resolution directing the Secretary of Defense to furnish to the House certain information respecting U.S. operations in North Vietnam; to the Committee on Armed Services.

By Mr. ROYBAL:

H. Res. 1080. Resolution to create a Select Committee on Aging; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLLIER:

H.R. 16177. A bill for the relief of Evangelia Manedake; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 16178. A bill for the relief of Edna Eda Aluag; to the Committee on the Judiciary.

By Mr. RODINO (by request):

H.R. 16179. A bill for the relief of certain former employees of the Securities and Exchange Commission; to the Committee on the Judiciary.

By Mr. GOODLING:

H. Con. Res. 672. Concurrent resolution commemorating the 200th anniversary of Dickinson College; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

264. By the SPEAKER: Petition of Stanley Gaines, et al., Dallas, Tex., relative to a report of the Office of Economic Opportunity on the Dallas County Community Action Committee, Inc.; to the Committee on Education and Labor.

265. Also, petition of the Board of Supervisors, Tuolumne County, Calif., relative to the service of Congressman HAROLD T. "Bizz" JOHNSON; to the Committee on House Administration.

266. Also, petition of Ralph Boryszewski, Rochester, N.Y., relative to Federal grand juries; to the Committee on the Judiciary.

267. Also, petition of S. J. Oppong, Accra, Ghana, relative to redress of grievances; to the Committee on the Judiciary.

## EXTENSIONS OF REMARKS

### NEW ENGLAND ECONOMY

#### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1972

Mr. HARRINGTON. Mr. Speaker, the following is part II of a four-part series done by the Associated Press on the problems of the New England economy.

This segment deals with New England's declining industries. Among these are the leather, textile, and fishing industries.

Yet, these industries remain vitally important to the region's economy, employing thousands of workers. Special attention must be paid to the particular problems confronting New England's oldest industries.

I commend the following article to the attention of my fellow Members:

[From the Salem (Mass.) Evening News, July 25, 1972]

#### DECLINING INDUSTRIES SYMBOLIZE AREA'S MANUFACTURING PROBLEMS

(By Daniel Q. Haney)

BOSTON.—In the eyes of the businessman, New England's economy is shadowed by creaking old leather and textile mills whose layoffs eat up new jobs created by bright, expanding industries.

Although textiles and leather are not the region's only declining industries, they symbolize the problems of manufacturing in New England.

Since 1940, manufacturing in New England has been virtually stagnant, while nationally

it has grown about 70 per cent. There were 1.3 million New England manufacturing workers in 1940, and now there are 1.4 million.

During that time, according to the Federal Reserve Bank, employment growth in New England has been maintained by the service industries—the insurance companies, universities, hospitals, consulting firms and other businesses that export assistance and knowledge, not gadgets.

Over the past decade, the number of New England jobs in leather and textiles has slid from 228,600 to 165,500. Plant closings are not uncommon; a Webster, Mass., shoe plant employing 300 will close in six weeks.

For much of the heavy industry that once thrived here, New England's location now makes it unappealing.

"The problem," according to Frederick Glantz, a Federal Reserve Bank economist, "is that New England is stuck way the hell up in the northeastern corner of the country, while the nation's center of population is moving westward." When the population was concentrated along the East Coast, shipping costs were minimal. Now, moving bulky, heavy merchandise to far-away customers makes up a big part of the item's final price.

New England has few natural resources, and it costs to bring raw materials in. High fuel prices, another product of the location, make it expensive to keep a plant running. And, compared to the South and foreign countries, labor costs here are high.

The evolution of New England's economy, spurred by the growing locational worries, has been interrupted twice over the past 40 years by military spending.

As the leather and textile industries began to weaken following the depression in the 1930s, World War II produced a demand for their products and halted the slip.

When that effect wore off in the 1950s,

many textile mills moved to other areas or folded, and the leather industry—mainly shoes—began to feel the bite of foreign competition.

Again, the military stepped in and provided a new industry, the high technology firms that settled mostly in the two most populous states, Massachusetts and Connecticut.

Their primary customer was the government—sophisticated weapons for the Pentagon and space ships for the National Aeronautics and Space Administration.

However, with a federal economy drive, a general economic downturn and shifting government values, defense and space spending have slowed, and New England and its high technology industries have suffered.

Other industries are also having their problems, among them fishing and farming.

A decade ago 21 companies lined Boston fish pier to process 115 million pounds of fish a year; now there are 14 companies which handle about 32 million pounds of fish a year. Heavy rains in Massachusetts and Connecticut this year have left dairy and tobacco farmers expecting their worst year in a long while.

Besides its location and reliance on defense spending, New England faces the problem of having a mature economy.

In a mature economy, says James Howell, chief economist at the First National Bank of Boston, "there is no inherent growth momentum. Economic vitality can be maintained only by carefully nurturing the industrial base."

Instead of that, some businessmen complain of a hostile business climate in New England.

"The result of our government process in this state," complains Richard D. Hill, president of the First National Bank of Boston, "has been to deeply divide the two essential partners, the owners and managers of capital